





Brighton & Hove
City Council

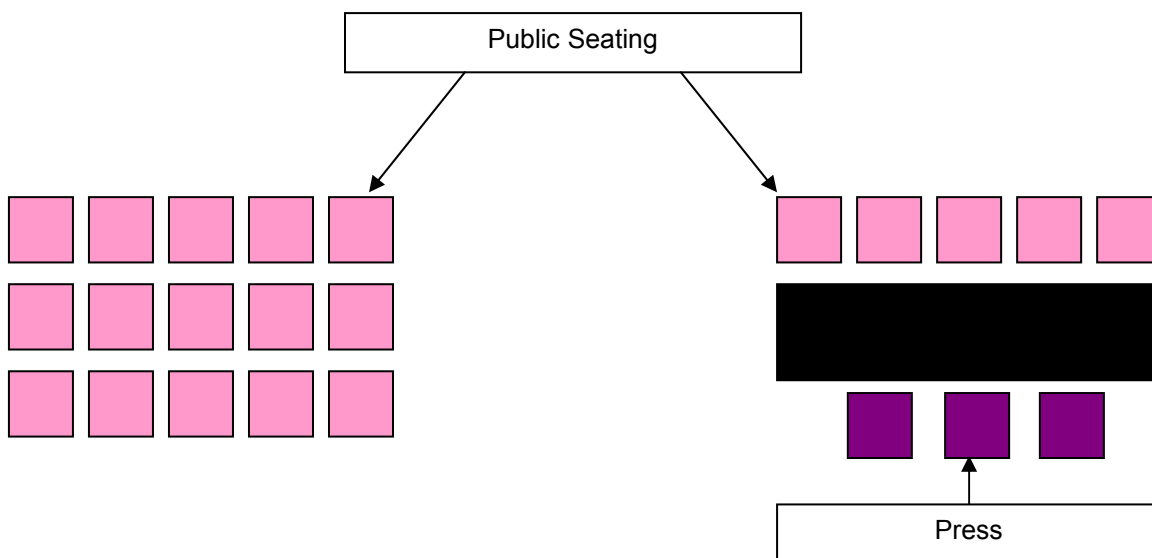
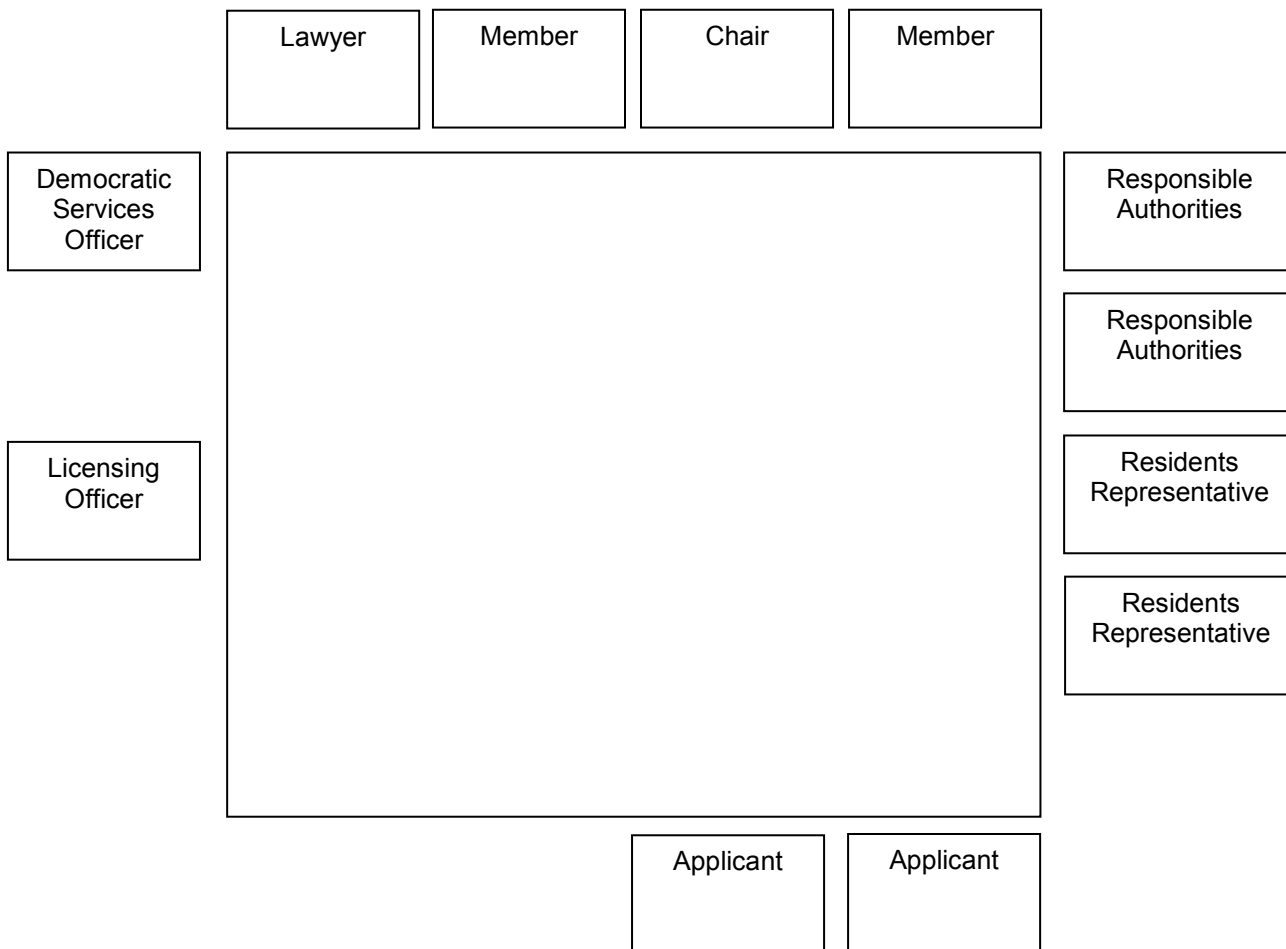
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	26 October 2009
Time:	10.00am
Venue	Committee Rooms 2/3, Brighton Town Hall
Members:	Councillors: Lepper, Pidgeon and C Theobald
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

76. TO APPOINT A CHAIRMAN FOR THE MEETING

77. 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.

78. GO LOCAL, 93 NORTH ROAD, BRIGHTON

1 - 36

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

Contact Officer: *Becky Keely* Tel: 29-2100
Ward Affected: *St Peter's & North Laine*

79. ENTOURAGE, 1 MIDDLE STREET, BRIGHTON

37 - 144

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

Note: Item 79 - Appendix E is exempt under paragraph 7 of Section 100A of the Local Government Act 1972 (as amended), and as such pages 99 - 144 do not appear in the public version of the agenda.

Contact Officer: *Emma Bricknell* Tel: 29-4431
Ward Affected: *Regency*

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.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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 - Friday, 16 October 2009

LICENSING PANEL
(Licensing Act 2003 Functions)

Agenda Item 78

Brighton & Hove City Council

Subject: *Application for a New Premises Licence under the Licensing Act 2003 for Go Local
93 North Road, Brighton, BN1 1YE*

Applicant (s): **Monnette Catering Ltd**

Date of Meeting **26 October 2009**

Report of: *Assistant Director Public Safety*

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

Wards Affected: St Peter's And North Laine

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Go Local.

2. RECOMMENDATIONS:

2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Go Local.

2.2.1 The application is for:

A New Premises Licence under the Licensing Act 2003.

The application proposes:

A General store and newspaper shop situated in a busy main thoroughfare of the City centre.

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

2.3 Summary table of proposed activities -

	<i>Proposed</i>
M Supply of Alcohol	Off The Premises Monday to Sunday 0600 - 2300
O Hours premises are open to public	Monday to Sunday 0600 - 2300

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Special Stress Area: The premises falls within one of the Special Stress Areas. These areas are deemed areas of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them (See Prevention of Crime and Disorder 2.4.10 – 2.4.14 and Appendices C and D).

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 Five representations were received. They were received from local residents, a local Resident Association and Sussex Police.

3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm.

3.2.4 A representation was received from Sussex Police which included conditions relating to Crime and Disorder, Public Nuisance and Protection of Children from Harm. Their representation was withdrawn as the applicant agreed to the conditions and amended the operating schedule accordingly.

3.2.5 Full details of the representations and agreement is attached at Appendix E. A map detailing the addresses of the persons who have submitted the representations and their location in relation to the premises is attached at Appendix F. (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 crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.4.10 Special Stress Areas – **Appendix C** of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.
- 2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.
- 2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. **Appendix D** of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in **Appendix D**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

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).

- 4.3 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.
- 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.

In respect of the protection of children from harm

- 5.1 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 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.
- 5.2 It is the committee'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 or psychological harm to them.

5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

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: 08.10.2009

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: 08.10.2009

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 – Plan of Premises
3. Appendix C – Brighton & Hove City Council – Special Stress Areas
4. Appendix D – Measures to be considered in SSA's
5. Appendix E – Representations and agreements
6. Appendix F – 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 the steps you intend to take to promote the four licensing objectives:

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

Premises will be run as a family business with strong staff training in the Law and conditions of the licence, records will be kept of all training which will be signed by the trainer and the person receiving it and will be made available for inspection by Licensing Authority Officers and the police

b) The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally & internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends.

c) Public safety

A full risk assessment will be carried out and implemented with training for all staff, records will be kept of certificates, maintenance and test records

d) The prevention of public nuisance

Alcohol is not sold in other than sealed containers for consumption Off the premise.

e) The protection of children from harm

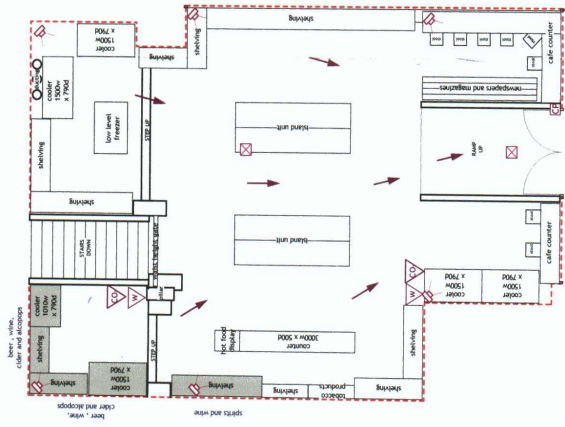
The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are passports and UK driving licences with a photograph or Portman group proof of age cards bearing the 'PASS' mark hologram. The list of approved 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.
A REFUSAL Register will be maintained by all staff and this will be kept available for inspection by Licensing Officers and the police.

APPENDIX B

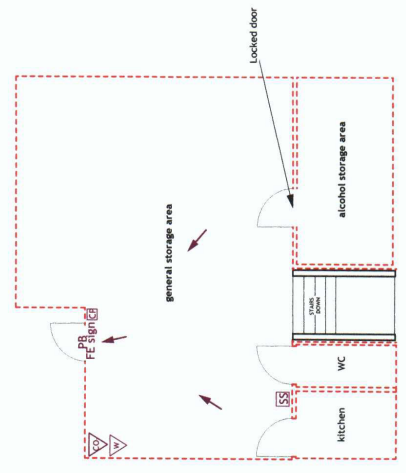
- KEY**
- Premises boundary - INTERIOR
 - Escape route
 - Security camera (indicative position)
 - FE sign Fire exit sign
 - PB Emergency push bar
 - S Smoke detector
 - CO Fire extinguisher - Carbon Dioxide
 - V Fire extinguisher - Water
 - Non-maintained emergency lighting. (BS 5266)
 - Maintained emergency lighting. (BS 5266)
 - SS Smoke sounder
 - CF Call point

Fire risk assessment to be carried out by client.
Fire alarm system is installed which conforms to BS 5839 part 6.

- SALES FLOOR
119.65 sq m (1288 sq ft)
- ALCOHOL DISPLAY - shown in grey areas
4.46 sq m (48.08 sq ft)
- ALCOHOL STORAGE AREA
11.33 sq m (122 sq ft)



Ground floor layout



Lower ground floor layout

04-08-09 scale 1:100 @ A3
93 North Road, Brighton

APPENDIX C

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX D

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a "Challenge 21" policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'nightsafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

Document is Restricted

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 79

Brighton & Hove City Council

Subject: *Review of a Premises Licence under the Licensing Act 2003*

Premises: Entourage
1 Middle Street
Brighton
East Sussex
BN1 1AL

Licence Holder: Jeremy Nargi

Date of Meeting: 26 October 2009

Report of: *Assistant Director Public Safety*

Contact Officer: Name: Emma Bricknell Tel: 29-4431
E-mail: emma.bricknell@brighton-hove.gov.uk

Wards Affected: Regency

FOR GENERAL RELEASE

1. PURPOSE OF REPORT:

- 1.1 To review a Premises Licence for Entourage under the Licensing Act 2003.

2. SUMMARY OF REVIEW PROCESS:

- 2.1 Existing licence attached at Appendix A.
- 2.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 2.3 An application was received by the Licensing Authority from the Environmental Protection Team, to review the licence granted to the premises known as Entourage, 1 Middle Street, Brighton, East Sussex, BN1 1AL.

2.4 The grounds for the review relates to the following Licensing objectives:

- Prevention of Public Nuisance.

Full details of the grounds for the review and a copy of the supporting evidence are attached in Appendix B.

2.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are:
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

3. REPRESENTATIONS RECEIVED:

3.1 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 Six representations have been received from local residents and one has been received from Sussex Police on the grounds of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance supporting the application submitted by The Environmental Protection Team seeking the amendment of opening hours and conditions.

3.3 Full details of the representations are attached at Appendix C. A map detailing the addresses of the persons who have submitted the representations and their location in relation to the premises is attached at Appendix D.

4. 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 crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.5.1 Diversity of premises
This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.
- 2.5.4 Geographical spread
Spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the problems of dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder.

- 2.5.5 Care, control and supervision of premises
The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.
- 2.7 High volume vertical drinking establishments (HVVD's) may, where necessary and appropriate, have conditions attached relating to: a prescribed capacity, the ratio of chairs and tables to be provided for customers based on capacity and the presence of SIA registered security teams.
- 2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of Public Safety

- 3.1 Club owners and promoters will be expected to have regard to "Safer Clubbing: guidance for licensing authorities, club managers and promoters". The licensing authority will seek to ensure that licensed premises are designed and run in a way which maximises the safety of customers and staff. In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.
- 3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-
- (a) provision of close circuit television and panic buttons.
 - (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
 - (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).

- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
 - (e) occupant capacity conditions will be applied where appropriate.
 - (f) the provision of designated and suitably trained first aiders.
- 3.3 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 as recognised by the Community Safety Strategy and Policing Strategy. Applicants may be required to consult local transport operators and are encouraged to support the use of public transport through the provision of advice, contact details etc.
- 3.4 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by , for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.
- 3.5 Control of public safety at high profile commercial or sporting events or other large scale events may be supported by police powers of closure of licensed premises.
- 3.6 Where, appropriate, licence holders, or their authorised representatives will attend Safety Advisory Group and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including for example, HSE publications “Event Safety Guide” and “Managing Crowds Safely”; LACORS publication “Managing Large Events”.
- 3.7 Prior consent will be required for: performance of stage hypnotism, fireworks and lasers. Applications should contain details prescribed by the licensing authority. Conditions may be applied to any consent.

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).

- 4.3 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.
- 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 new regime.

Finance Officer Consulted: Karen Brookshaw Date: 07.10.09

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: 07.10.09

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 A of Premises Licence.
2. Appendix B – Review Application and supporting evidence.
3. Appendix C – Representations.
4. Appendix D – 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

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2008/01015/LAPREV

Part 1 – Premises Details

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

Entourage
1 Middle Street
Brighton
East Sussex
BN1 1AL

Telephone number 01273 711651

Where the licence is time limited the dates

Licensable activities authorised by the licence

Exhibition of a Film	Making music
Performance of Recorded Music	Late Night Refreshment
Sale by Retail of Alcohol	Dancing

Times the licence authorises the carrying out of licensable activities:-

Exhibition of a Film – Indoors. To permit the playing of recorded films whether by video or DVD throughout the opening hours.

Every Day 00:00 - 00:00

Making music – Indoors. A hi-fi system with speakers will be used. It is noted that low volume background incidental music is exempt from the regulations.

Every Day 00:00 - 00:00

Performance of Recorded Music – Indoors. To permit recorded music with or without a DJ. It is noted that background incidental music is not a licensable activity.

Every Day 00:00 - 00:00

Dancing – Indoors. Floor of premises for impromptu dancing. It is not intended to promote use of the premises for dancing.

Every Day 00:00 - 00:00

Late Night Refreshment – Indoors.

Every Day 23:00 - 05:00

Sale by Retail of Alcohol

Every Day 00:00 - 00:00

The opening hours of the premises

Every Day 00:00 - 00:00

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**

Mr Jeremy Nargi
Flat 31Avalon Apartments
West Street
Brighton
BN1 2RP

Telephone: 07957 555667

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Anthony Smith

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

Party Reference:
Council

Licensing Authority: Brighton & Hove City

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

S 20; mandatory condition: exhibition of films:

- the admission of children is to be restricted in accordance with the following;
-
- (a) where the film classification body is specified in the licence, unless subsection (3)(b) of S 20 applies, admission of children must be restricted in accordance with any recommendation made by that body
- (b) where the film classification body is not specified, or [(S20 (3)(b))] the relevant licensing authority has notified the holder of the licence that this subsections applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority

S 21; mandatory condition: door supervision:

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs).

Annex 2 - Conditions consistent with the Operating Schedule:

1. Alcohol will only be sold in the first floor area, to persons who are seated at table, by waiter or waitress service.

For the prevention of crime and disorder:

2. SIA Registered door supervisors must operate from the premises on Friday and Saturday from 21.00 until 06.00. After 06.00 management will risk assess the premises with a view to extending these hours.
3. On Friday and Saturday there must be a minimum of two door supervisors operating from the premises which will increase at a ratio of 1:100 patrons thereafter.
4. At all other times the premises is open to the public, the management will employ the use of a mobile support unit whereby all persons carrying out security duties will be registered with the Security Industry Authority.

5. Licensees and staff will monitor customer behaviour for breaches of policy and undertake regular walks around the premises not visible to the bar area.
6. Staff and management will conduct regular toilet checks.
7. An incident book will be kept at the premises in which all incidents of crime and disorder will be recorded.
8. The premises will become a member of the Business Crime Reduction Partnership or similar scheme accredited by Sussex Police.
9. The premises will adopt the use of Shopwatch / Nightsafe Radio or similar scheme accredited by Sussex Police.
10. The premises will adopt a Challenge 21 policy whereby any person attempting to buy alcohol, or any person attempting to gain entry to the premises who appears to be under 18 will be asked for photographic ID to prove age. The only ID that will be accepted are: a photographic driving licence, a passport, an accredited proof of age card bearing the 'Pass' mark hologram. No other form of ID will be accepted unless by prior written agreement jointly by the Council Licensing Authority and Police Licensing. All staff and management at the premises will be trained and undertake to physically check and examine all proof of age documentation presented to them, to confirm their authenticity and that the date of birth shown on the ID confirms that the person is genuinely over 18 years of age.
11. CCTV and appropriate recording equipment to be installed operated and maintained throughout the premises internally and externally to a standard specification following consultation with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The system will be capable of downloading selected CCTV footage onto a DVE disc. The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to down load selected footage onto a disc for the police without difficulty of delay. An easy to use instruction manual will be kept with the CCTV system unit providing clear written step by step instructions on how to select and record CCTV footage onto a DVD disc. The CCTV system must provide coverage of both the entrance to the premises and the area of pavement outside the premises.
12. The CCTV system will record dates and times.

Door Supervisors, Ancillary Provisions:

13. All personnel carrying out security (Door Supervisors) shall be licensed by the security industry authority.
14. Records shall be maintained at the premises containing the full name, date of birth, and home address of every door supervisor.
15. On initial employment of the door supervisor, authentic proof of identity shall be obtained in the form of a passport, driver's licence, or a birth certificate.

16. The record shall include all dates and times when a door supervisor is employed.
17. If staff are employed through an agency, the name and address of the agency are to be included in the entry referring to the person employed by the agency.
18. Any such record must be in a form approved by the Licensing Authority. (In any event where no form is either issued or approved by the Licensing Authority), the management may draft their own form, but this must contain all the information stipulated in this section).
19. The DPS (or in the absence of the DPS, the person with delegated authority) will ensure door supervisors display their SIA badges at all time they are on duty.

*For public safety: **None***

For the prevention of public nuisance:

20. There will be no live music on the premises.
21. Windows are to remain closed from 23.00 to 08.00. The main door is to be kept closed from 23.00 to 08.00 save for access and egress (variation application 04/06/2008).

*For the protection of children from harm: **None***

Annex 3 - Conditions Attached after a hearing of a Licensing Panel

1. Licensee to undertake routine monitoring to ensure levels of music are not excessive and take appropriate action where necessary.
2. The disposal of waste, including bottles, in external refuse bins will be limited between 09.30 and 22.30.
3. The collection of waste, including bottles, from external refuse bins will be limited between 07.00 and 19.00.
4. A noise limiter/compressor shall be installed by a competent person to the satisfaction of the Director of Environment. The noise limiter/compressor must be set at a level agreed by the Director of the Environment.
5. Amplified music or other entertainment noise within the premises shall be inaudible in the nearest noise sensitive premises.
6. The main door is to be kept closed after 23.00.
7. The licensee shall ensure that 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.

Annex 4 – Plans

basement plan

Female WC, Male WC, kitchen, food preparation area to be removed.

ground floor plan

downstairs bar, lobby, kitchen, disabled WC, stairs.

first floor plan

residential landing, upstairs bar, lobby, stairs.

Location plan @ 1:1250

MIDDLE STREET, SOUTH STREET, DRYDEN STREET, SPUR STREET.

C	Final floor updates	06/04/17
B	Layout amended as a bar	27/01/17
A	Final outline submit	07/05/16

Client	REEFSOUTH LTD
Project Name	ENTOUILLAGE 1, MIDDLE STREET 7, SAUGHTON
Project No.	PUBLIC HOUSE CONVEYANCE PLAN
Reference No.	ADC 100 / 16 C
Date	05/09/16
Scale	1:1000/1250
Drawing No.	A3
Author	ADC/graylock
Drawn	AD
Checked	

All dimensions to be checked on site and do not scale from this drawing. This drawing should be approved by Local Authority Building Control or other appropriate authority prior to commencement of work. This drawing should not be reproduced without the prior consent of the author.

ADC **Alister David Consulting Ltd**
 Architectural Services
 Construction Drawing Packages
 CAD Drafting

The Executive Centre Building, Tower Palace 41, South Street, Brighton, BN1 1TB
 Tel: 01253 666666, Fax: 01253 666667
 Email: info@adcgroup.co.uk

APPENDIX B

2009/01733/LAPREV

EB

R-08.09.09
C-01.10.09

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Edward Bulger
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, Ordnance Survey map reference or description Entourage 1 Middle Street Brighton		03 SEP 2009
Post town Brighton & Hove	Post code (if known) BN1 1AL	

Name of premises licence holder or club holding club premises certificate (if known)
Mr Jeremy Nargi
Flat 3 | Avalon Apartments
West Street
Brighton
BN1 2RP

Number of premises licence or club premises certificate (if known)
1445/3/2008/01015/LAPREV

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Edward Bulger Environmental Protection Officer Environmental Protection Team Brighton and Hove City Council Bartholomew House Bartholomew Square Brighton BN1 1JP
Telephone number (if any) 01273 292167
E-mail address (optional) Edward.bulger@brighton-hove.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

I am calling for a review, under the prevention of public nuisance licensing objective, of the premises licence of Entourage 1 Middle Street Brighton BN1 1AL

As a result of an investigation following complaints, a noise abatement notice dated 2 July 2009 was served on Mr Anthony Smith the Designated Premises Supervisor of Entourage for noise arising from recorded music.

A breach of that notice was witnessed by Annie Sparks, Environmental Health Manager at and around 5.41am on the 7th August 2009 and at and around 5.27am on the 14th August 2009. I attach Ms Sparks' statement of witness dated 27 August 2009 as part of this submission.

Further, as a result of a number of complaints received about noise from customers of Entourage outside the premises in the early hours of the morning, a series of visits were made.

These visits were undertaken by myself and Annie Sparks.

The visits took place on Tuesday 14 July 2009 at 6.00am when the premises were found to be closed; Friday 17 July 2009 at about 6.00am when the premises were open and the noise from customers outside was at an unacceptable level; 7 August 2009 at about 5.30am when the noise was unacceptable both from music from within the premises and customers on the street; 14 August 2009 at about 5.00am when again the noise from music from within the premises and customers in the street was at a level which was judged to be excessive for the location and likely to disturb anyone sleeping in the immediate neighbourhood. I attach my own statement of

witness dated 28 August 2009 as part of this submission.

The grounds for requesting the review of the licence are therefore breach of a statutory noise nuisance notice establishing a public nuisance and lack of reasonable control of customers outside the premises, giving rise to a public nuisance.

I would ask that the panel consider amending the opening hours of the premises by omitting the following section of the premises licence and adding the amended section below:

OMIT:

Times the licence authorises the carrying out of licensable activities:-

Exhibition of a Film – Indoors. To permit the playing of recorded films whether by video or DVD throughout the opening hours.

Every Day 00:00 - 00:00

Making music – Indoors. A hi-fi system with speakers will be used. It is noted that low volume background incidental music is exempt from the regulations.

Every Day 00:00 - 00:00

Performance of Recorded Music – Indoors. To permit recorded music with or without a DJ. It is noted that background incidental music is not a licensable activity.

Every Day 00:00 - 00:00

Dancing – Indoors. Floor of premises for impromptu dancing. It is not intended to promote use of the premises for dancing.

Every Day 00:00 - 00:00

Late Night Refreshment – Indoors.

Every Day 23:00 - 05:00

Sale by Retail of Alcohol

Every Day 00:00 - 00:00

The opening hours of the premises

Every Day 00:00 - 00:00

ADD:

Times the licence authorises the carrying out of licensable activities:-

Exhibition of a Film – Indoors. To permit the playing of recorded films whether by video or DVD throughout the opening hours.

Every Day 10:00 - 03:00

Making music – Indoors. A hi-fi system with speakers will be used. It is noted that low volume background incidental music is exempt from the regulations.

Every Day 10:00-03:00

Performance of Recorded Music – Indoors. To permit recorded music with or without a DJ. It is noted that background incidental music is not a licensable activity.

Every Day 10:00 - 03:00

Dancing – Indoors. Floor of premises for impromptu dancing. It is not intended to promote use of the premises for dancing.

Every Day 10:00 - 03:00

Late Night Refreshment – Indoors.

Every Day 23:00 - 03:00

Sale by Retail of Alcohol

Every Day 10:00 - 03:00

The opening hours of the premises

Every Day 09:30 - 03:30

The above changes are necessary to allow the License Holder to meet the licensing objective of the prevention of public nuisance.

The following changes are required to avoid doubt in relation to operating hours:

Annex 2

OMIT:

For the prevention of crime and disorder:

2. SIA Registered door supervisors must operate from the premises on Friday and Saturday from 21.00 until 06.00. After 06.00 management will risk assess the premises with a view to extending these hours.

ADD:

For the prevention of crime and disorder:

2. SIA Registered door supervisors must operate from the premises on Friday and Saturday from 21.00 until closing.

OMIT:

For the prevention of public nuisance:

17. Windows are to remain closed from 23.00 to 08.00. The main door is to be kept closed from 23.00 to 08.00 save for access and egress (variation application 04/06/2008)

ADD:

For the prevention of public nuisance:

17. Windows are to remain closed from 23.00 until closing. The main door is to be kept closed from 23.00 till closing save for access and egress (variation application 04/06/2008)

Please provide as much information as possible to support the application
(please read guidance note 2)

Please see Witness Statement of Annie Sparks and Edward Bulger attached hereto.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *EM Bulger*
.....
Date *3 September 2009*
.....
Capacity *Responsible Authority*
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

BRIGHTON & HOVE CITY COUNCIL

WITNESS STATEMENT
(CRIMINAL PROCEDURE RULES, PART 27)

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STATEMENT OF: Edward Bulger

03 SEP 2009

AGE OF WITNESS Over 18

OCCUPATION OF WITNESS: Environmental Protection Officer

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed: *EMBulger*

Dated the 28th day of August 2009.

(_____ being unable to read the above statement, I,
of _____ read it to him/her before he/she signed it.

Dated the day of200

I am Edward Bulger an Environmental Protection Officer employed by Brighton & Hove City Council.

Following complaints to the council about noise in the early hours of the morning allegedly arising from Entourage, 1 Middle Street Brighton BN1 1AL, I decided to investigate by visiting the location at a time when the premises would be open and others in the vicinity were not so that there would be no confusion with customers of other licensed premises.

I first visited at 6.00am on Tuesday 14th July 2009 and found the premises to be closed. I could see no activity from any of the other licensed premises in the area.

I visited again at 6.00am on the following Friday morning, 17th July 2009. The weather was dry with moderate wind.

As I arrived in Middle Street from Kings Road I noticed a commercial refuse collection taking place and noted that the collection process was very loud in the narrow street. When the lorry went off, my attention was directed to about eight customers, some of whom were smoking, talking loudly outside Entourage. There were two door supervisors on duty and they were closing the door as customers exited the premises. They made no effort to quieten the customers outside. A SASSCO marked vehicle arrived and a male got out and talked loudly to the door supervisors who were a distance of about 5m away. This exchange seemed unnecessarily loud.

I could not hear any music from inside the venue.

I entered the premises and spoke to the deputy duty manager who gave his name as David Mil. I noticed an unattended DJ consol to the left as I entered and asked if it was wired through the limiter and was assured that it was. The music inside the venue was playing and I judged it to be quite loud though it was not breaking out to the street to any great extent.

I mentioned the noise from the group outside and the need to control the noise as there are residential neighbours who may well be disturbed by the loud voices. After a general discussion I left and drove around the block and parked a little way up Middle Street from the premises

At 6.21am a female in a group of five sitting on the window sill on the Middle Street side of the premises shouted 'don't let me get scissors out'. A male walking from the premises up the middle of the street shouted back to the group 'Rachael Rachael you scouser'. At 6.25am door staff appeared to ask the group to move on. Moments later a boisterous group of males emerged, shouting as they left; a mock fight took place in the street accompanied by shouting and swearing. At 6.32 the duty manager emerged from the premises and successfully moved the group away. I left shortly after as the premises appeared to be closing.

I judged that if neighbours had windows open the noise from outside the premises would have disturbed sleep.

I later discussed my findings with Annie Sparks who agreed to undertake a second and subsequently third visit to establish whether there were grounds to review the licence.

E M Bulger
28/8/09

Home Address: 90 B+HOC

Home Telephone No.: _____ Business Telephone No.: _____

Maiden Name: _____

Dates to be avoided. Delete dates of non-availability of witness.

Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

STATEMENT TAKEN BY (print name) _____

SIGNED: _____ Page _____

BRIGHTON & HOVE CITY COUNCIL

03 SEP 2009

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1); Health
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1990, s5B)

STATEMENT OF ANNIE SPARKS

AGE OF WITNESS: Over 18

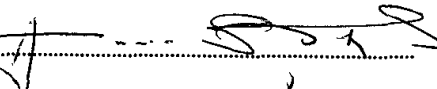
(if over 18 insert "over 18")

Occupation of Witness:

Environmental Health Manager

(WITNESS TO SIGN AT THE END OF THE STATEMENT AND AT THE COMPLETION OF THE FOLLOWING DECLARATION)

THIS STATEMENT (CONSISTING OF 5 PAGE(S) EACH SIGNED BY ME) IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND I MAKE IT KNOWING THAT, IF IT IS TENDERED IN EVIDENCE, I SHALL BE LIABLE TO PROSECUTION IF I HAVE WILFULLY STATED IN IT ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

SIGNATURE 

I Annie Sparks am employed by Brighton and Hove City Council. I am an Environmental Health Manager and I manage the Environmental Protection Team at Brighton and Hove City Council. I have been investigating noise nuisance cases under the provisions of the Environmental Protection Act 1990 for over 17 years. I have a Diploma in Acoustics and I am a Chartered member of the Chartered Institute of Environmental Health Officers. I manage the Council's out of hours Noise Patrol Service. I am an authorised officer under the provisions of the Environmental Protection Act 1990, and the Noise Act 1996.

Entourage is a bar at 1 Middle Street. The Environmental Protection Team had received complaints about noise from amplified music and noise from people congregating on the pavement outside the premises. On 2nd July 2009 a noise abatement notice was served on the designated premises supervisor of the premises concerning noise nuisance arising from amplified music played at the premises. The Environmental Protection Team continued to receive complaint about noise from music and noise from people congregating outside the premises. The complaints also related to noise at 5.00am and 6.00am, when other licensed premises were closed.

The case officer, Edward Bulger, asked me to visit one of the complaints, Paul Eastman of Leona House, 74 Middle Street. It was a dry, still, warm morning. I arrived at 5.30 am on the 7th August 2009. When I drove past Entourage I noted approximately 10 people congregating on the pavement directly outside. As I got out of the car I could clearly hear Michael Jackson's song 'Billie Jean' being played and coming from Entourage. I noted there were two door supervisors stood by the doors to Entourage, and these were closed. I noted the door supervisors were wearing black and their green identification armbands. I also noted that there were no other opened licensed premises in the street. Churchill Place Hotel and The Globe were closed. Paul Eastman confirmed that all the guest rooms were occupied so I sat and assessed the noise from the ground floor front sitting room and

dining area. I sat in a chair adjacent to the windows overlooking Middle Street. These sash windows could not be opened. 5.40am I noted a man dancing around in the street. He then lit a cigarette. At 5.41am a man wearing a red shirt came out of Entourage and seemed to be a member of staff, I assume he was the manager. The door was never left open and when closed I could clearly hear a base beat. I also noted a woman wearing black leggings using a mobile phone and a door supervisor walking around the pavement adjacent to the doors. 5.45am a man wearing a T shirt with 72 on it came out of the bar and stood on the pavement while he lit a cigarette. He leant against the front of the bar and spoke to another woman. Another woman came out of the bar while one of the women who had been stood on the pavement went back into the bar. I noted that there was a continued babble of conversation coming from the customers stood on the pavement. 5.49am I noted three women speaking to one of the door supervisors. One of the women then went back into the bar and the remaining two carried on with the conversation. At 5.50am the man with the 72 T shirt returned into the bar. Each time the door was opened the music beat got louder. I noted there was no lobby to the entrance door. Another man came out of the bar and lit a cigarette. I note the door supervisor was still speaking to the same two women. 5.52am the base beat was getting stronger but I could not define the song. I also noted the ongoing babble of conversation, and laughter. Two men arrive from the seafront and lit up cigarettes and stood outside the bar. There was very little traffic passing up the street, and the noise from the customers talking in the street was reverberating against the hard surfaces of the surrounding buildings. Noise from the people talking was intrusive. I noted there were 8 people (including door supervisors) stood on the pavement in front of the bar. I then note a SASSCO door security van pull up in front of the bar and quickly drive off. Two people come out of the bar and get into a taxi. The same door supervisors were still speaking happily to the same two women. One of the women then put her arm around the door supervisor. Two women then left the bar and sit on the wall outside the Churchill Palace Hotel. Both are were in conversation. Two more people leave the bar and come and sit outside the Churchill Palace Hotel. Both were talking and laughing loudly. I then counted six people outside the Churchill Palace Hotel and they were talking loudly. When I looked back at the bar I noted the same door supervisor and the same two women still in conversation. There were 8 people outside Entourage stood on the pavement. I noted 4 people outside the Churchill Palace Hotel shouting. 2 of these people went and stood on the pavement outside Entourage and the other 2 left. At 6.04am there were 15 people (including door supervisors) on the pavement outside Entourage. The continual noise of their conversation was intrusive. The doors to the bar remained closed. 2 of the customers went and stood in the road. The same door supervisor then picked up one of the same women he had been talking to and kissed her. 6.10am there were 13 customers outside on the pavement in front of the bar and the same door supervisor was joking with the same two women and kissed one of them again. 6.12am there are no door supervisors outside but 11 customers stood on the pavement outside the bar. 3 customers then stood in the road and a door supervisor came back outside. 6.16am there are no door supervisors although one then came outside with the man in the red shirt, who I believed to be the manager. The man in the red shirt then started talking to a group of customers on the pavement. I then noted a door supervisor hugging a women. I count 10 customers on the pavement and in the road. 6.21am the door supervisor goes back into the bar. 6.22am there were no door supervisors outside the bar. 6.24am the man in red short and a door supervisor came out into street and moved customers away from the bar. These customers were shouting as they moved away. 6.27am 2 door supervisors and the man in red shirt shout down the road towards the customers. I could not hear the words. It appeared the bar was closing. The intermittent and changing character of conversation had been very

intrusive. I agreed with Paul Eastman to revisit the following week and assess from a bedroom.

On 14th August 2009 I returned to Leona House 74 Middle Street. It was 5.08am when I drove past Entourage and I noted people stood on the pavement outside the bar. I noted amplified music was coming from the bar. Paul Eastman showed me into bedroom 3 which is the guest bedroom on the first floor, overlooking Middle Street. It was a warm, still, dry morning and the sash window was open. I would not want to sleep in the bedroom with the window closed as it was so warm. No other licensed premises in Middle Street were open. I sat on the chair adjacent to the window so I had a clear line of vision of the bar. There was a babble of voices from people stood on the pavement outside the bar. The beat of the music was also audible. 5.21am there were 4 people outside the bar on the pavement. This included two men smoking, a man in a red shirt (who I had seen on my previous visit), and one other person. A door supervisor then appeared. He was wearing the green armband worn by SASSCO staff. Four customers came out of the bar and one of them lifted up a traffic cone and shouted through it like a horn. One of the women started clapping and dancing. As the doors to the bar open and closed blasts of music were clearly audible. 5.27am there were 17 people outside on the pavement in front of Entourage. I could hear the voices of the people talking in the street. 5.27am there were 16 people on the pavement in front of the bar. I could hear a steady beat of music coming from Entourage and observed people inside dancing. 5.29am 4 people went back into the bar and as they opened the door there was a blast of music. 2 more customers then went back into the bar. I then noted a man in a white shirt speaking to one of the door supervisors. He then got into a car parked in the street and drove off. I noted one of the door supervisors writing in a book and at the same time there was a waste collection of glass. At 5.33am there were two door supervisors stood outside and two women smoking. There was a continual beat of music coming from the premises. More people came out of the bar and I noted there were now 5 people out on the pavement. There was a man in a blue T shirt speaking to one of the door supervisors. The man in the red shirt, who I believed to be the manager, also came out of the bar. There was continual noise from people talking. 5.36am it appeared to be 3 door supervisors out in the street, the man in the red shirt and 5 customers. The noise from their voices was very intrusive. The door was opening and closing as people left and entered the bar and the music would then blast out through the door. There were then 2 door supervisors and 6 customers. Even with the door closed the base beat of the music was still audible and was intrusive. The changing character in the noise from people stood on the pavement outside the bar, and from the music being played in the bar, would make it difficult to sleep. Two women then come out of the bar and sat on the ledge outside the bar. The noise I was hearing was very intrusive. 5.42am the base beat was still very intrusive even with the doors closed and would prevent sleep. 5.43am the bar door was opening and closing as customers were going in and out and I could hear the words of the music being played 'I love you'. The music was getting louder and I could hear the words of the vocals 'imagine what I could do'. Another couple came outside and sat on the ledge in front of the bar and started talking to another customer. I then heard more vocals from the music 'no matter what I do' The words from the music track being played were clearly audible. The man in the red shirt came out of the bar and as he opened the door I heard the vocals again 'no matter what I do' I noted 7 people sat on the ledge in front of the bar. The music track then changed and the music was clearly coming from Entourage. The base beat was getting louder as the door opened when people were entering and leaving. 5.48am beat still audible even with the bar door closed. 5.49am Team Waste lorry drives into street and collects glass. Even with this activity a base beat could still be heard. 5.52am 6 customers and 2 door supervisors on pavement outside bar

and the babble of their voices was audible. The customers were smoking and talking to each other. The base beat continued. 5.56am the man in the red shirt came out and as the door opened I heard the blast of a Michael Jackson song and I heard the words 'love me' and 'I love her' 5.59am the track stops and there is a constant babble of voices from customers outside. For approximately 5 minutes the door supervisors were trying to persuade 3 men to leave. 6.02am the door supervisors are still talking to them. 6.03am I recognised another Michael Jackson song and I hear the words 'she's mine'. The conversation with the door supervisors and the three men is still going on. Again I would find it difficult to sleep with this noise from voices and music. I then hear the vocals again 'She's mine'. 6.07am I noted 7 customers and 2 door supervisors stood on the pavement and the music was not audible. However, there was a continual babble of voices. 6.09am there was still no music noise but noise from customers smoking on the pavement in front of the bar. 6.11am still no music noise and more customers leaving. 6.13am 3 women who have been stood on the pavement go back into the bar. There were no people left on the pavement. 6.16 2 door supervisors and the man in the red shirt come out of the bar and then go back inside. I then leave at 6.30am. The music noise I had witnessed was a noise nuisance under the provisions of the Environmental Protection Act 1990 and a breach of the noise abatement notice. The noise from the music would prevent sleep. The noise from customers was intrusive and would prevent sleep and having regard to the licensing objective 'prevention of public nuisance' I suggest the premises licence be reviewed.

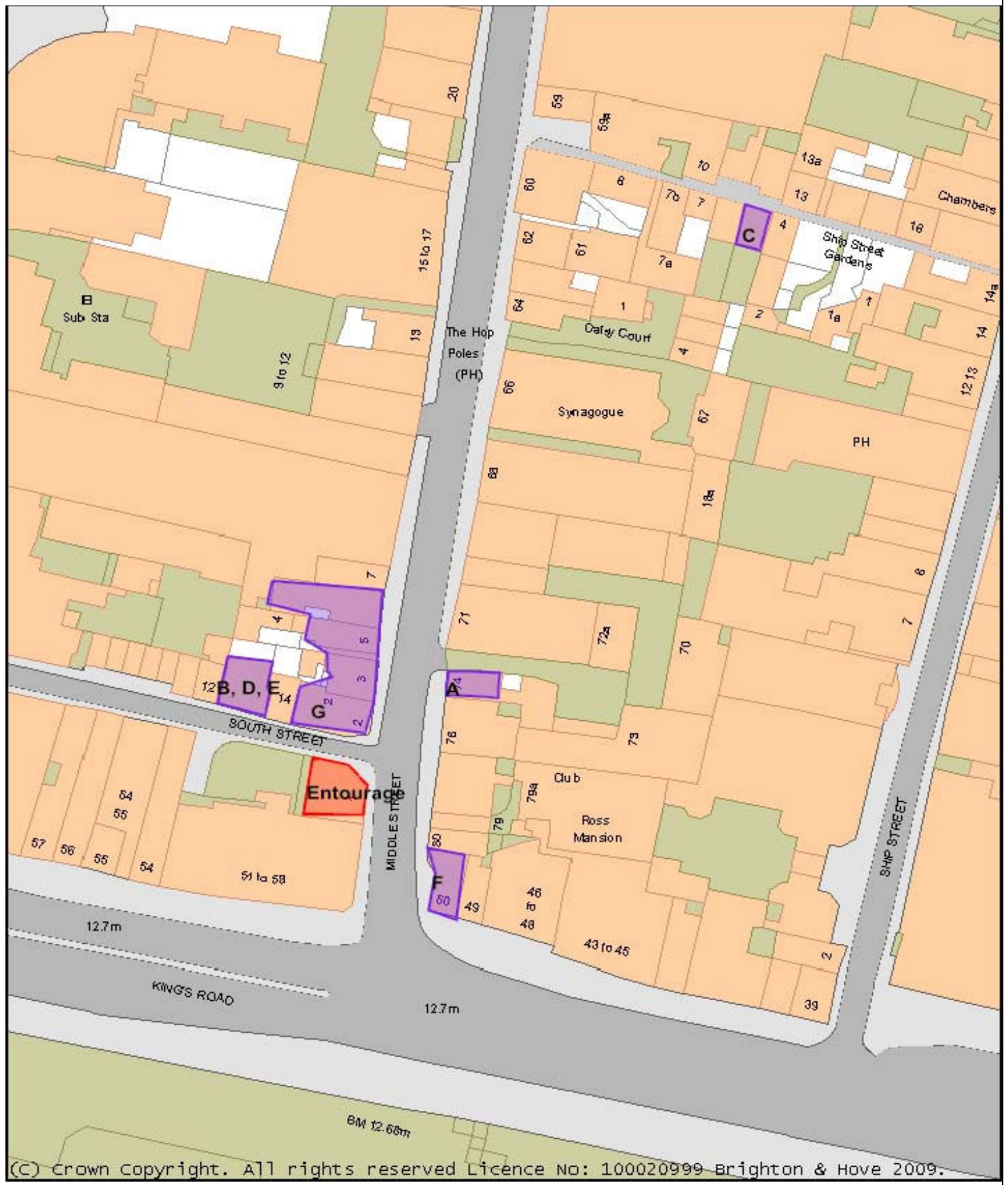
SIGNATURE

DATED THE 27 DAY OF August 2009

Dates to be avoided. Delete dates of non-availability of witness.

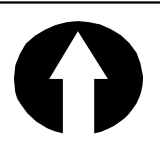
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