





**Brighton & Hove  
City Council**

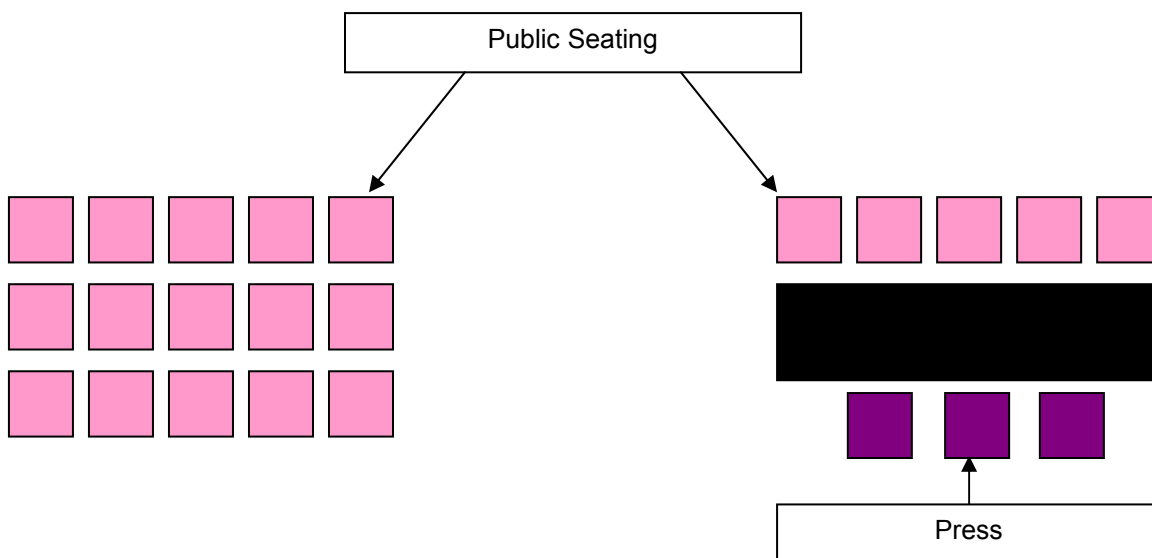
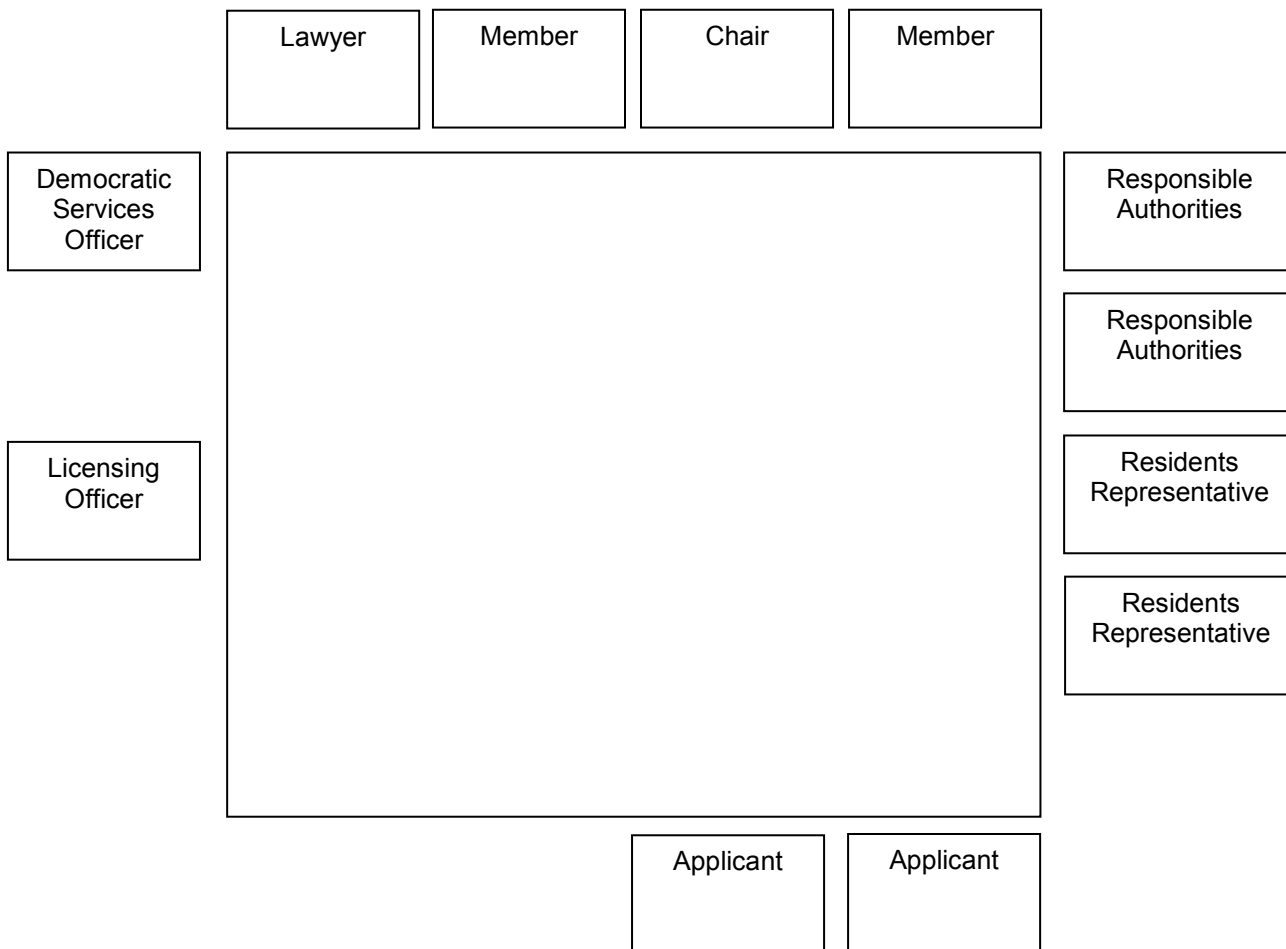
# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>16 August 2010</b>
Time:	<b>10.00am</b>
Venue	<b>Council Chamber, Brighton Town Hall</b>
Members:	<b>Councillors:</b> Lepper, Marsh and Simson
Contact:	<b>Penny Jennings</b> Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



**AGENDA**

**35. 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.*

**36. TO APPOINT A CHAIRMAN FOR THE MEETING**

**37. APPLICATION FOR VARIATION OF PREMISES LICENCE: HOLIDAY INN, 137 KING'S ROAD, BRIGHTON** **1 - 56**

Report of Head of Environmental Health and Licensing (copy attached)

Contact Officer: Sarah McNaught                      Tel: 01273 294431  
Ward Affected: Regency;

**NOTE:** *There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chairman reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065), email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Friday, 6 August 2010

**Licensing Panel  
(Licensing Act 2003 Functions)**

**Agenda Item 37**

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Holiday Inn Brighton Sea Front 137 Kings Road Brighton BN1 2JF</b>		
<b>Applicant:</b>	<b>Stardon (Brighton West Pier) Ltd Albert Chambers 13 Bath Street Glasgow G2 1HY</b>		
<b>Date of Meeting:</b>	<b>16 August 2010</b>		
<b>Report of:</b>	<b>Head of Environmental Health and Licensing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah-Jane McNaught</b>	<b>Tel: (01273) 294431.</b>
	<b>E-mail:</b>	<b><a href="mailto:Sarah.Mcnaught@brighton-hove.gov.uk">Sarah.Mcnaught@brighton-hove.gov.uk</a></b>	
<b>Wards Affected:</b>	<b>Regency</b>		

**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 Holiday Inn.

**2. RECOMMENDATIONS:**

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Holiday Inn.

- 2.2.1 The application is for:

**A Variation of a Premises Licence under the Licensing Act 2003.**

The application proposes:

(1) Change various room designations on licence

Room Designations

<b>Name on licence</b>	<b>Current name</b>
Garden Room	Garden Room Restaurant
Arundel	Arundel Suite( this is Arundel 1 and Arundel 2 opened up as one big room)
Fontwell	Arundel 2
Petworth	Arundel 1
Washington Room	Lancing 2
Steyning Room	Lancing 1
Lancing Room	Lancing suite (This is Lancing 1,2 and 3 together)  Lancing 3 (This is not mentioned on the previous licence – capacities – 45 for closely seated audience, 45 for dancing, 45 for tables and max people is 45)
Glyndebourne suite	Glyndebourne suite (this is Glyndebourne 1 and 2 together)
Berwick Room	Glyndebourne 1
Alfriston Room	Glyndebourne 2
Ashdowne Suite	Ashdown Suite (this is Ashdown 1 and 2 together)
Ardingly Room	Ashdown 1
Ashurst Room	Ashdown 2

(2) to add these activities: exhibitions of film, indoor sporting events, boxing or wrestling entertainment.

This is in addition to those activities which already in the act covered by the licensing act but it is intended by this variation that "other entertainment falling within the act" should be deleted as an imprecise licensable activity.

(3) The current premises licence appears to represent a straight conversion. For clarity and consistency, it is proposed that the licensable hours for all licensable activities should be until 2:00am (save for indoor sporting events, boxing and wrestling where the terminal hour should be 00:00) as part of the premises are already licensed for administrative management convenience (although it is not intended that all parts of the premises operate to this terminal hour as part of normal operational procedures. The premises will remain open for the sale of alcohol to residents 24 hours a day.

Given that this licence does represent a straight conversion (as above) it is proposed that all embedded conditions on the licence be removed along with the conditions relating to Special Hours Certificate, Supper Hours Certificate and Public Entertainment and that in place the conditions set out in Section P of this application apply.

To include within the ambit of the licence for the purposes of the sale of alcohol, the hotel bedrooms. A number of these are fitted with mini bars and it is open to argument that the mini bar is a point of sale.

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

2.3 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>B Films</b>	<p>Mon Sat: 10:00 – 02:00</p> <p>Sunday: 12:00 – 02:00-</p>	<p>Indoors</p> <p>Every Day 10:00 – 02:00</p> <p>Occasional exhibition of a film or non-live TV on screens and TV screens. This will not be part of normal operating procedure when hours for sale of alcohol are extended here.</p>

<p><b>C Indoor sporting Events</b></p>		<p>Indoors</p> <p>Every Day: 10:00 – 24:00</p> <p>Occasional sporting events in the presence of an audience. This will not be part of normal operating procedure.</p> <p>When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>
<p><b>D Boxing or Wrestling</b></p>		<p>Indoors</p> <p>Every Day: 10:00 – 24:00</p> <p>Occasional promoted boxing nights.</p> <p>When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>
<p><b>E Live music</b></p>	<p>Mon Sat: 10:00 – 02:00</p> <p>Sunday: 12:00 – 02:00-</p>	<p>Indoors</p> <p>Every Day 10:00 – 02:00</p> <p>Live music –as already licensed.</p> <p>When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>
<p><b>F Recorded Music</b></p>	<p>Mon Sat: 10:00 – 02:00</p> <p>Sunday: 12:00 – 02:00-</p>	<p>Indoors</p> <p>Every Day 10:00 – 02:00</p> <p>Background music will normally be provided by a management music system – as already licensed.</p> <p>When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>



<p><b>G</b> <b>Performance of Dance</b></p>	<p>Mon Sat: 10:00 – 02:00 Sunday: 12:00 – 02:00-</p>	<p>Indoors Every Day 10:00 – 02:00 Performance of dance or similar activities – as existing. When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>
<p><b>H Anything of a similar description within e, f ,or g</b></p>	<p>Mon Sat: 10:00 – 02:00 Sunday: 12:00 – 02:00-</p>	<p>Indoors Every Day 10:00 – 02:00 Any combination of recorded or recorded music, live music or performance of dance not covered by Sections e, f or g as may particularly be required. When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>
<p><b>I Provision of facilities for making music</b></p>	<p>Mon Sat: 10:00 – 02:00 Sunday: 12:00 – 02:00-</p>	<p>Indoors Every Day 10:00 – 02:00 The normal facilities for making music will be on offer as conveniently available and as appropriate for this type of venue. When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>

<p><b>J Provision of facilities for dancing</b></p>	<p>Mon Sat: 10:00 – 02:00 Sunday: 12:00 – 02:00</p>	<p>Indoors Every Day 10:00 – 02:00 Facilities will be available at the discretion of the management. When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>
<p><b>L Late Night Refreshment</b></p>	<p>The sale of hot food and drink is permitted during all the hours permitted for the sale of alcohol and 30 minutes thereafter.</p>	<p>Both Every Day 23:00-02:00 To allow the provision of hot food and drinks for consumption on and off the premises at the manager's discretion and in the areas identified. When hours for sale of alcohol are extended hereunder these hours are also extended. (See M)</p>

<p><b>M Supply of Alcohol</b></p>	<p>Every Day (00:00-00:00)</p> <p>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>Monday – Saturday 10:00 - 23.00</p> <p>Sunday 12.00 - 22.30</p> <p>Christmas Day 12:00 - 15.00 &amp; 19.00 – 22.30</p> <p>Good Friday 12.00 – 22.30</p> <p>New Years Eve 10.00 (12.00 if a Sunday) – 00.00</p> <p>New Years Day 00.00 – 23.00 (22.30 if a Sunday)</p>	<p>Both</p> <p>Everyday 10:00-02:00</p> <p>To the extent that the proposed hours as identified are not grant to permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 (if not otherwise granted) on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, New Years Day and all major national Saint’s Days.</p> <p>New Years Eve: 10:00 to New Years Day – terminal hour as proposed.</p> <p>The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.</p>
<p><b>O Hours premises are open to public</b></p>		<p>Every Day</p> <p>00:00 – 24:00</p> <p>For non residents, the premises will open at 06:00 and close 30 minutes after the end of timings for licensable activities identified above.</p>

2.4 Existing licence attached at Appendix C –

**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 D -F).

### 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 Three representations were received. They were received from a local resident and Resident Associations.

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

- 3.2.5 Full details of the representations are attached at Appendix G. A map detailing the address of the person who have submitted the representation and their location in relation to the premises is attached at Appendix H

## 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 Cumulative impact – the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with ‘need’ which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
- 2.4.1 Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.4.2 The licensing authority after careful consideration has determined that the concentration of licensed premises in a small area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to Cumulative Impact is necessary as part of its statement of licensing policy. This special policy was adopted for inclusion within the statement of licensing policy by Council on 13 March 2008.
- 2.4.3 This special policy will refer to a Cumulative Impact area (“the Area”) in the Brighton city centre, a detailed plan of which is attached at **Appendix D** of the Statement of Licensing Policy (SoLP)
- 2.4.4 The effect of this special policy is that applications for new premises licences or club premises certificates within the Area, or variations which are likely to add to the existing Cumulative Impact, will normally be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 2.4.5 Any variation application will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse effect on Cumulative Impact.

- 2.4.6 This special policy also applies to all new premises licences and club premises certificates, for example pubs, off-licences, restaurants and take-away establishments.
- 2.4.7 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 2.4.8 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether it is justified in departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The Impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant or theatre may not.
- 2.4.9 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.
- 2.4.10 Special Stress Areas – Appendix E of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at Appendix D 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 F 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 F. 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.

#### 2.5.4 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.
- 4.6 Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.
- 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.

5.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates

have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification.

- 5.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm.

### **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.

### **In respect of Live music, Dancing and Theatre**

- 7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.
- 7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached

to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

## **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:  
23.07.2010

### **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: 23.07.2010

### **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 the Application
2. Appendix B – Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Brighton & Hove City Council – Cumulative Impact Area
5. Appendix E – Brighton & Hove City Council – Special Stress Area
6. Appendix F – Measures to be considered in SSA's
7. Appendix G – Representations
8. Appendix H – 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)**

We have undertaken our own risk assessment to propose the following steps:-

The steps which we have identified in relation to the four licensing objectives are listed below

#### **b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed, save as below

1. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose or for consumption in the hotel.
3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.
7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
8. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

#### **c) Public safety**

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

#### **d) The prevention of public nuisance**

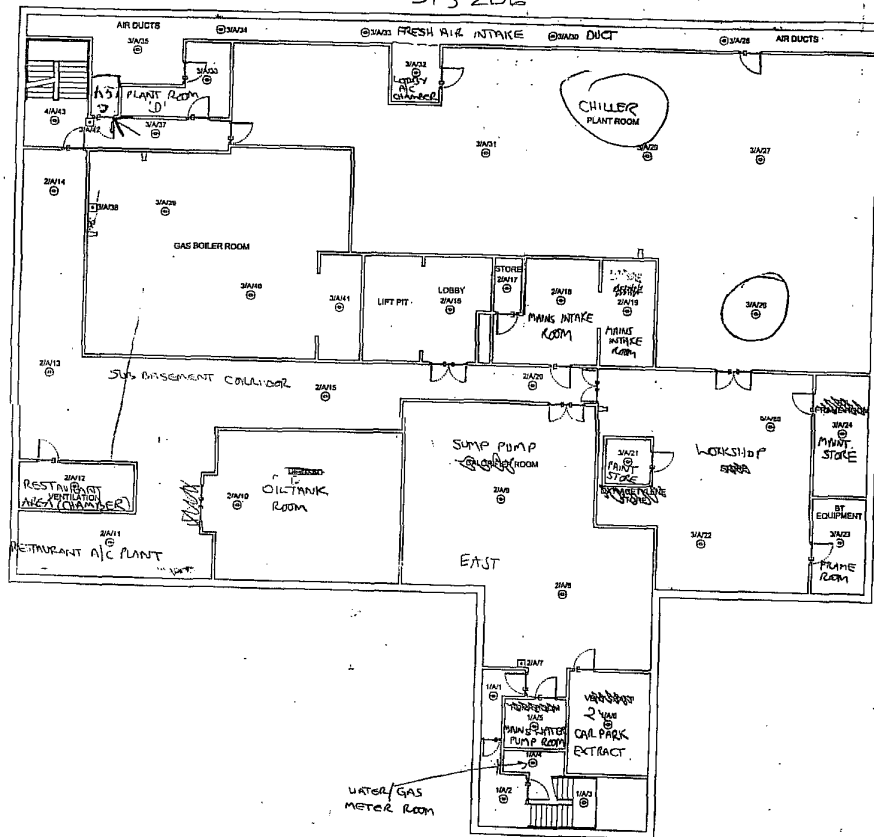
No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
4. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.



APPENDIX B

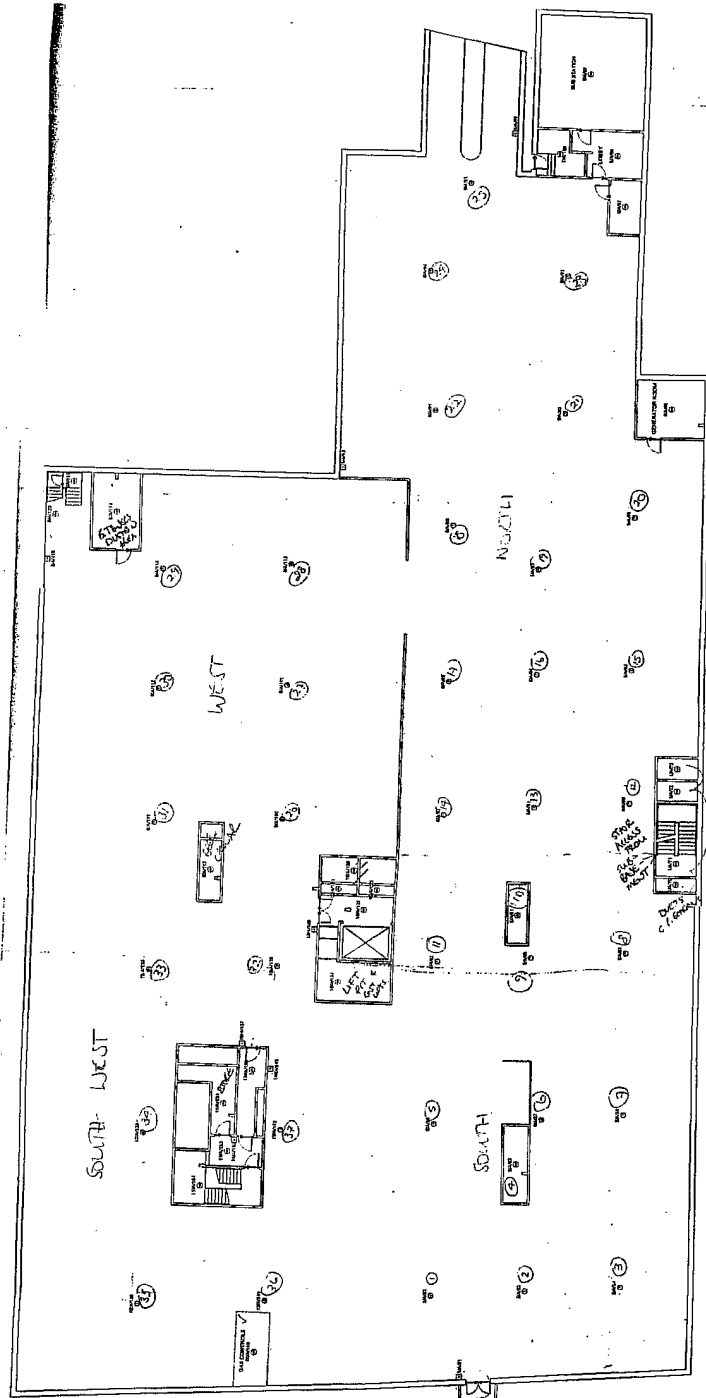
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315206



SUB BASEMENT

Holiday Inn,  
Brighton Sea Front,  
137 Kings Road,  
BRIGHTON

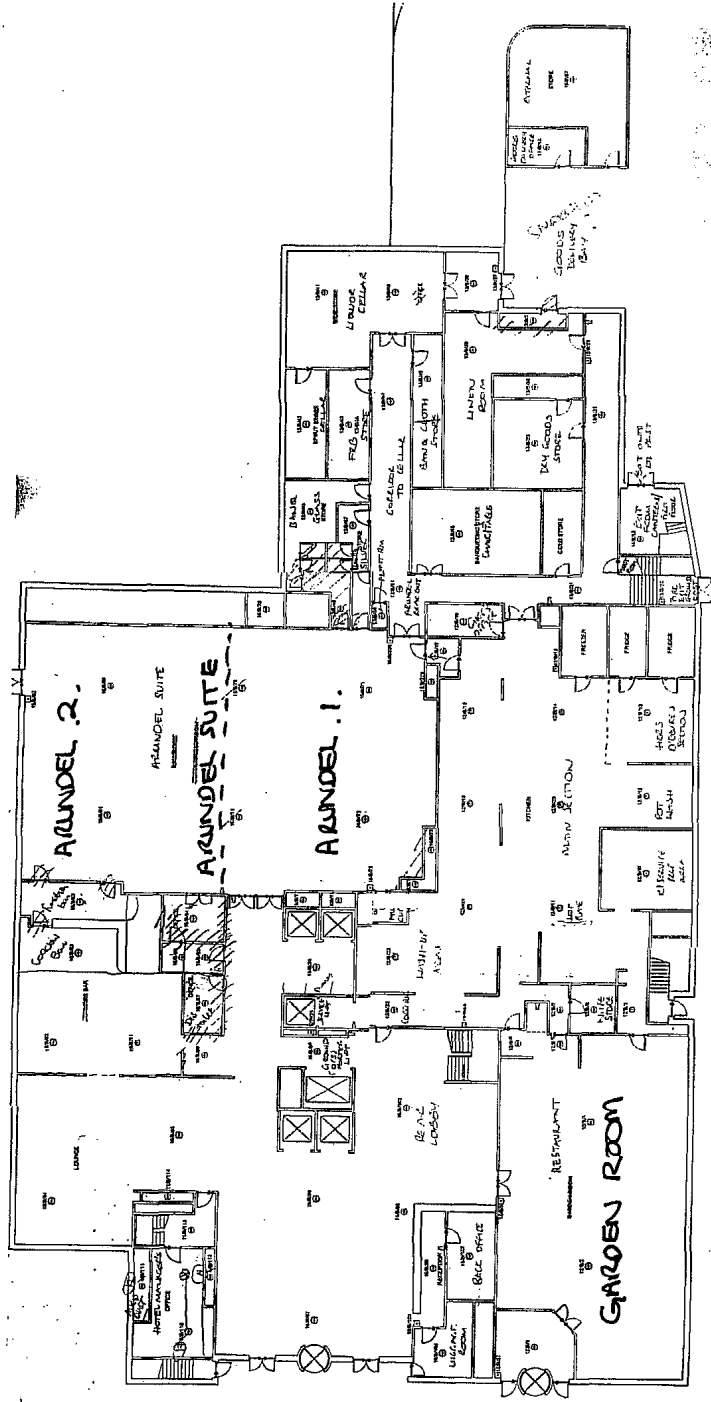
LICENSING DRAWINGS



BASEMENT

Holiday Inn,  
Brighton Sea Front,  
137 Kings Road,  
BRIGHTON

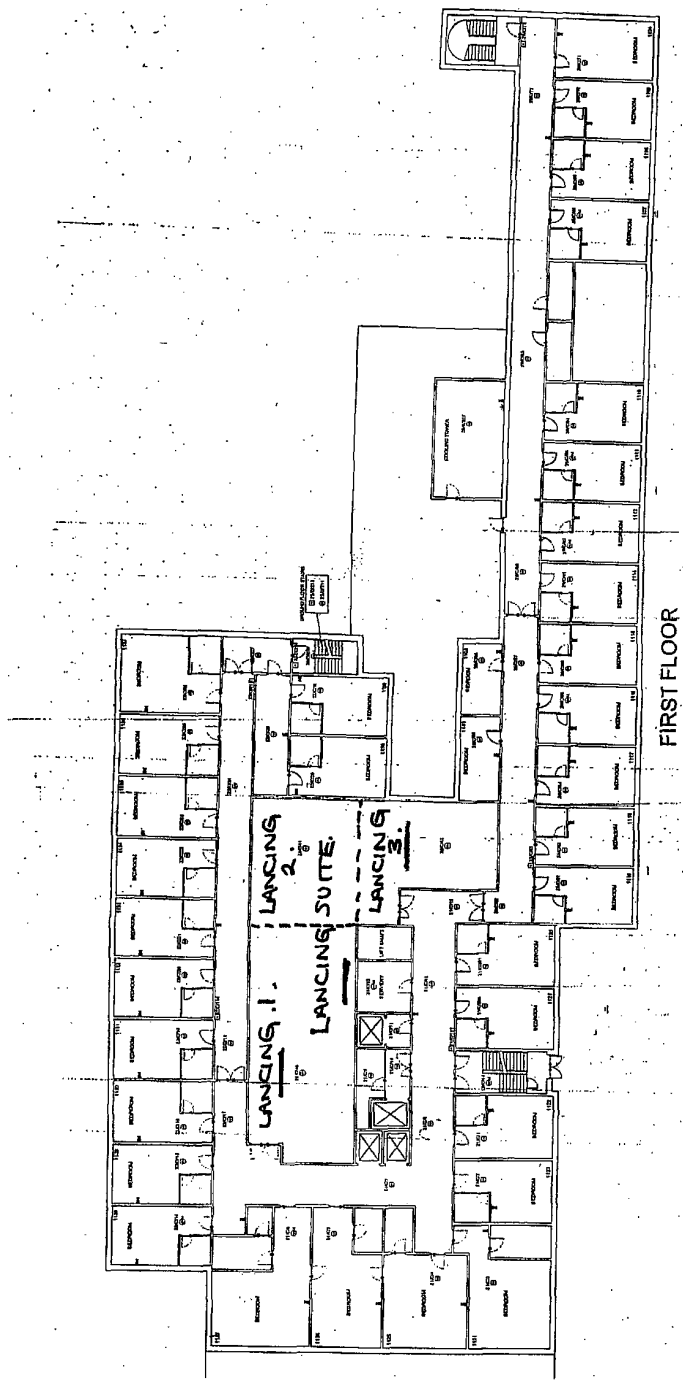
LICENSING DRAWINGS



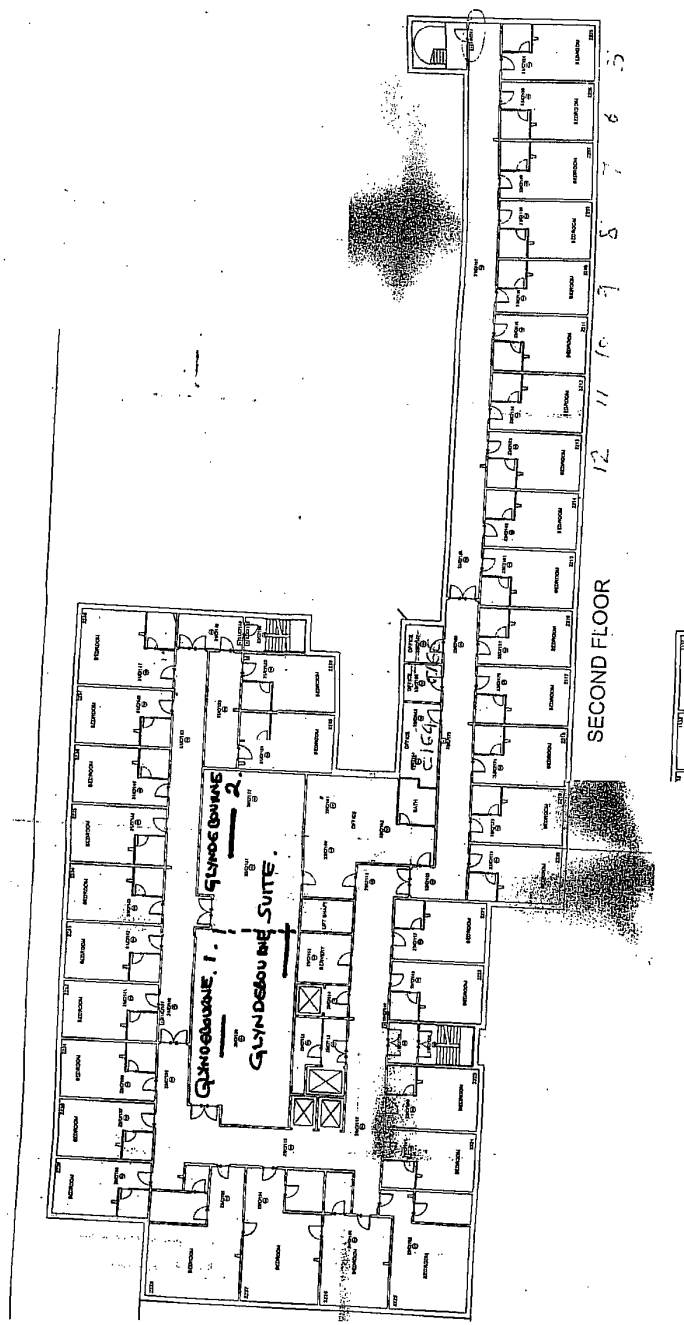
GROUND FLOOR

Holiday Inn,  
Brighton Sea Front,  
137 Kings Road,  
BRIGHTON

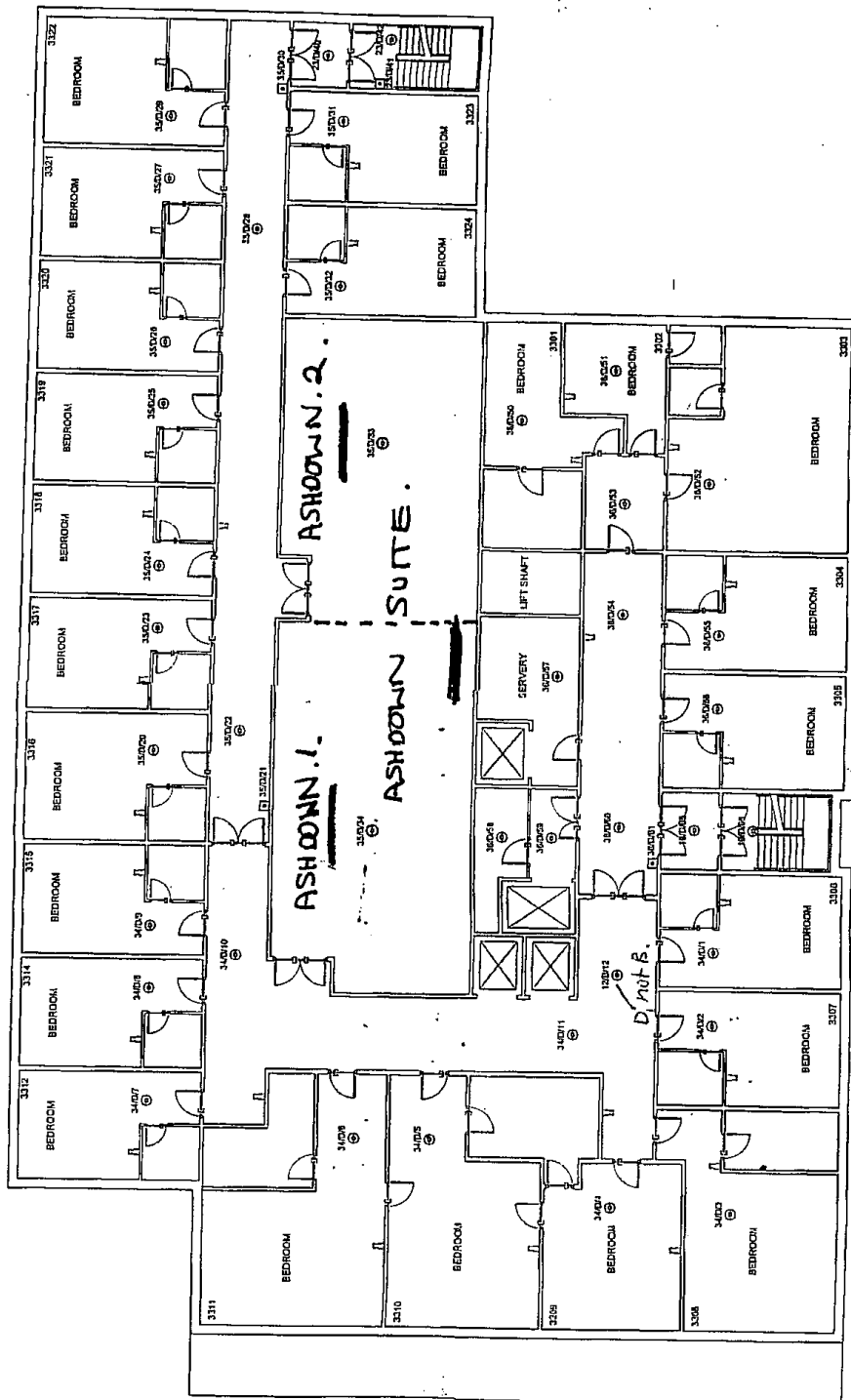
LICENSING DRAWINGS



Holiday Inn,  
 Brighton Sea Front,  
 137 Kings Road,  
 BRIGHTON  
 LICENSING DRAWINGS



Holiday Inn,  
 Brighton Sea Front,  
 137 Kings Road,  
 BRIGHTON  
 LICENSING DRAWINGS



THIRD FLOOR



APPENDIX C



Brighton & Hove  
Schedule 12  
Part A

Regulation 33, 34

Premises Licence  
Brighton and Hove City Council

Premises Licence Number

1445/3/2005/03390/LAPRE

Part I – Premises Details

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

Holiday Inn - Brighton Seafront  
137 Kings Road  
Brighton  
East Sussex  
BN1 2JF

Telephone number 01273 329744

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

Licensable activities authorised by the licence

Performance of Dance	Dancing
Making music	Entertainment of a similar description
Performance of Live Music	Performance of Recorded Music
Other Entertainment falling within Act	Late Night Refreshment
Sale by Retail of Alcohol	

Times the licence authorises the carrying out of licensable activities:-  
~~Performance of Dance, Dancing, Making music, Entertainment of a similar description,~~  
~~Performance of Live Music, Performance of Recorded Music, Other Entertainment~~  
~~falling within Act:~~

Monday – Saturday: 10.00 – 02.00 & Sunday 12:00 - 02:00

**Late Night Refreshment:** The sale of hot food and drink is permitted during all the hours permitted for the sale of alcohol and 30 minutes thereafter.

**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	12.00 - 22.30
Christmas Day	12:00 - 15.00 & 19.00 – 22.30
Good Friday	12.00 – 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)





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City Council**

**Sale by Retail of Alcohol (Special Hours Certificate area)** – In respect of the Arundel Suite and Ashdown Suites from Monday to Saturday until 02.00 and Sunday until 00.30 or until 02.00 when followed by a Bank Holiday except Easter Monday when will cease at 00.30.

**Sale by Retail of Alcohol (Supper Hours Certificate area)**

Monday - Saturday	10:00 - 00.00
Sunday	12.00 - 23.30
Christmas Day	12:00 - 23.30
Good Friday	12.00 – 23.30
New Years Eve	10.00 (12.00 if a Sunday) – 00.00
New Years Day	00.00 – 00.00 (23.30 if a Sunday)

**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 both on and off the Premises.

**Part 2**

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

Stardon (Brighton West Pier) Limited  
142 West Nile Street  
Glasgow  
G1 2RQ  
Tel: 0141 333 0545

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

Registered Business Number 281949

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

Samantha Whitelock  
70 Chesil Walk  
Corby  
NN18 0DN

**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: 047994

Licensing Authority: Manchester City Council

## **Annex I – 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 licence, or
- b) At a time when the designated premises supervisor does not hold a personal licence or his/her 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 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)

## **Embedded Conditions**

### **On Licences**

#### **1. Permitted Hours**

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

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day or New Year's Eve, noon to 10.30 p.m.
- c) On Good Friday, noon to 10.30 p.m.
- d) On Christmas Day, noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- f) On New Year's Eve on a Sunday, noon to 10.30 p.m.
- g) 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;



**Brighton & Hove  
City Council**

- 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.
- k) Intoxicating liquor shall not be sold or supplied in the portions of the premises not identified as an alcohol sales area on the submitted plans.

**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*

**Special Hours Certificates**

**Schedule:-** In respect of the Arundel Suite & Ashdown Suites. To apply on the following days and times: Monday to Saturday until 2.00am and Sunday s until 12.30am or until 2.00am when followed by a Bank Holiday except Easter Monday when will cease at 12.30am.



## Brighton & Hove City Council

Where a special hours certificate is in force on all or certain days, replace the permitted hours condition for those days with the following:

1. Subject to the following paragraphs, the permitted hours on Monday to Saturday shall extend until two o'clock in the morning.

a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and

b) on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end or, as the case may be;

2. In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect—

a) with the substitution of references to three o'clock in the morning for references to two o'clock in the morning

3. Except on Sundays immediately before bank holidays, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following, except that—

a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;

b) where music and dancing between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end.

4. On Sundays immediately before bank holidays, the permitted hours shall extend until 2 a.m. in the morning following, except that—

a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;

b) where music and dancing end between midnight on any Sunday and 2 a.m., the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.

### **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.

*Source Section 68 Licensing Act 1964*

### **Public Entertainment**

Public music, dancing and any other public entertainment of a like kind is subject to the conditions and restrictions applied herein:

- 1) Times: Monday to Saturday 10.00am – 2.00am and Sunday: 12.00 noon – 2.00am
- 2) The number of persons permitted on the licensed premises at any one time shall not exceed:  
**(See table below). The total occupancy of the premises shall not exceed 875 for the purpose of public entertainment.**
- 3) Standard Conditions as detailed in the attached document.



**Brighton & Hove  
City Council**

Local Government (Miscellaneous Provisions) Act 1982 Schedule to Public Entertainment Licence				
	Garden Room	Arundel Suite	Fontwell	Petworth
When used for closely seated audience	150		300	300
When used for dancing	150	600	300	300
When used for functions utilising seating at table	150	350	150	180
Maximum total number of persons permitted at any one time	150	600	300	300

First Floor			
	Washington Room	Steining Room	Lancing Suite
When used for closely seated audience	60	100	130
When used for dancing	60	100	220
When used for utilising seating at tables	60	75	150
Maximum total number of persons permitted at any one time	60	100	220

LS -> 120

4 -> 60

2 -> 30

3 -> 45



**Brighton & Hove  
City Council**

Second Floor			
	Glyndebourne Suite	Berwick Room	Alfriston Room
When used for closely seated audience	150	100	60
When used for dancing	150	100	60
When used for functions utilising seating at tables	150	55	60
Maximum total of persons permitted at any one time	150	100	60

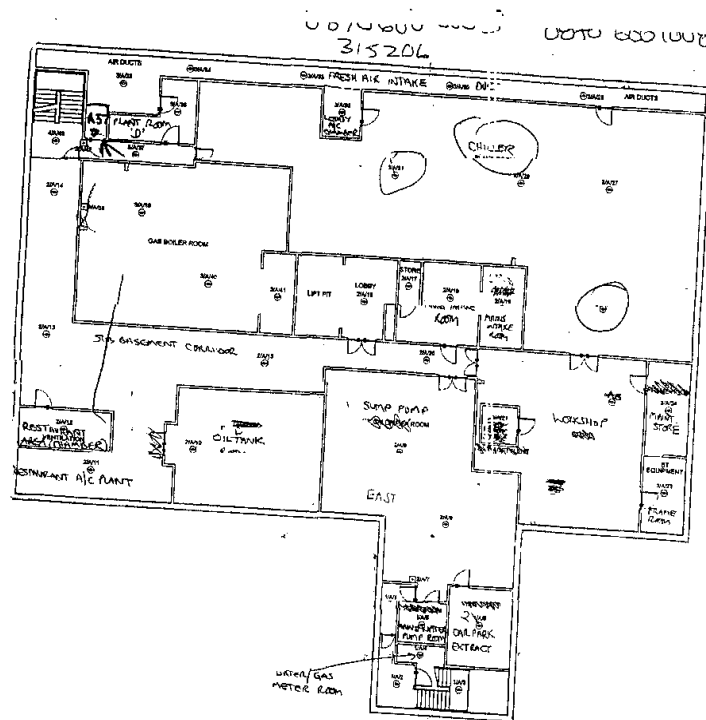
Third Floor			
	Ashdowne Suite	Ardingly Room	Ashurst Room
When used for closely seated audience	150	60	100
When used for dancing	150	60	100
When used for utilising seating at tables	100	60	60
Maximum total number of persons permitted at any one time	150	60	100



**Brighton & Hove**  
**Annex 2 - Conditions consistent with the Operating Schedule**  
**City Council**  
None

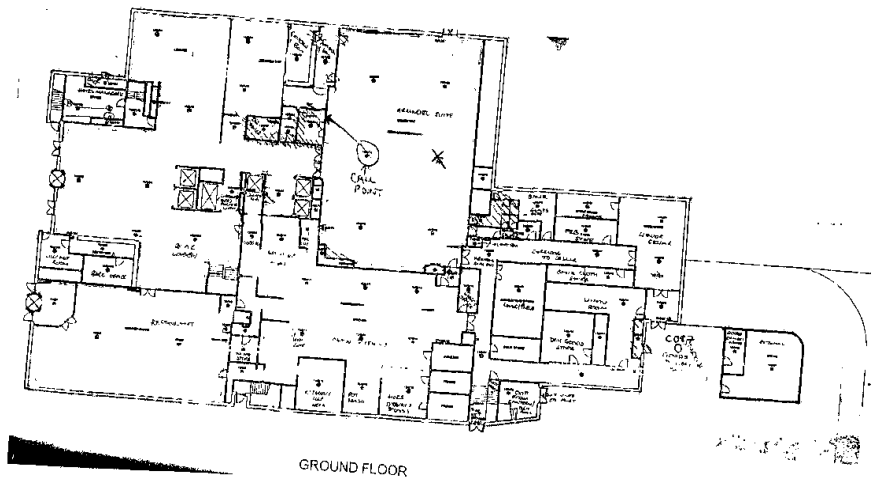
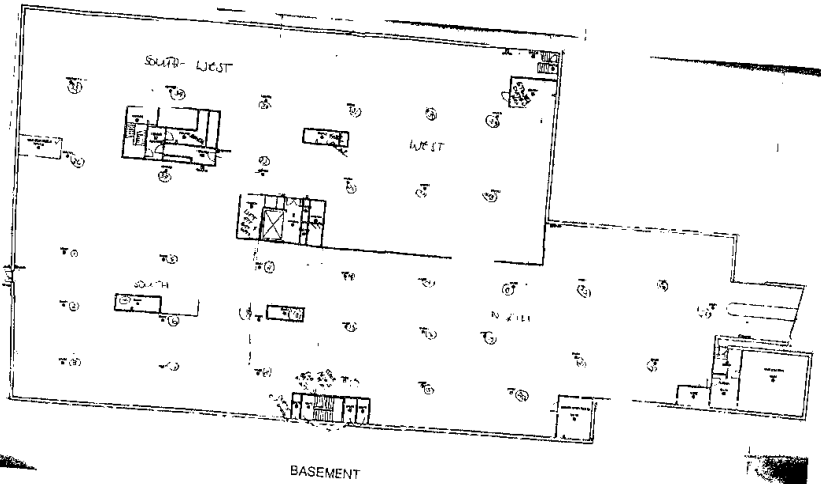
**Annex 3 - Conditions attached after a hearing by the licensing authority**  
N/A

**Annex 4 - Plans**



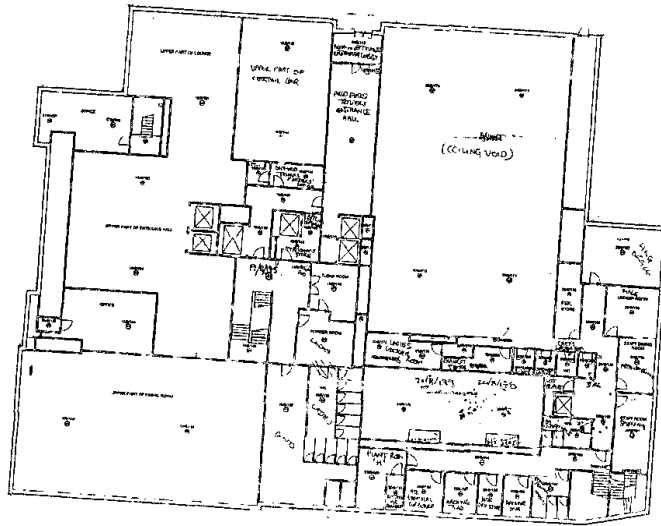
SUB BASEMENT



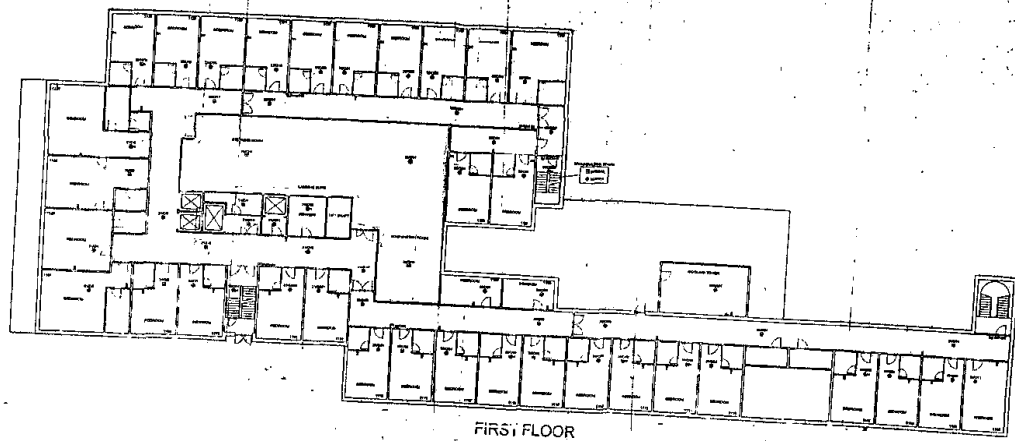


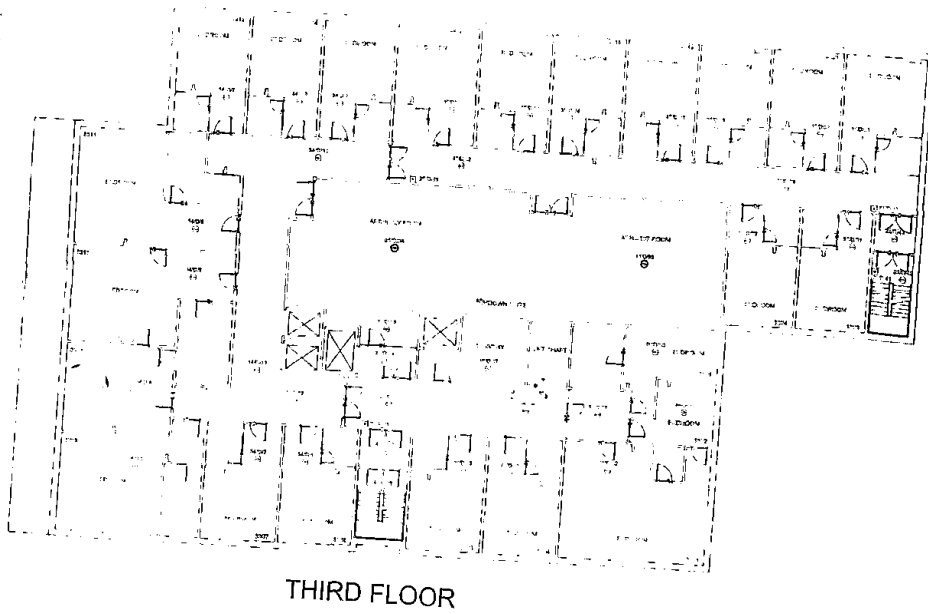
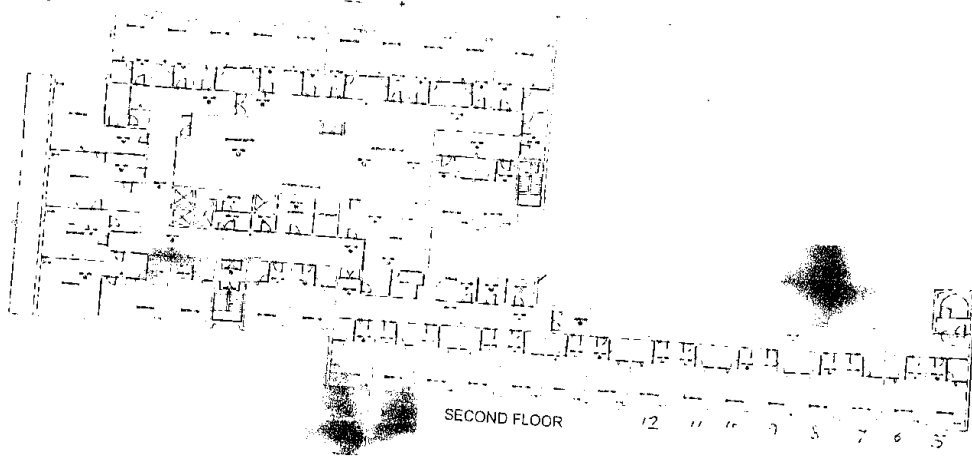


Brighton & Hove  
City Council



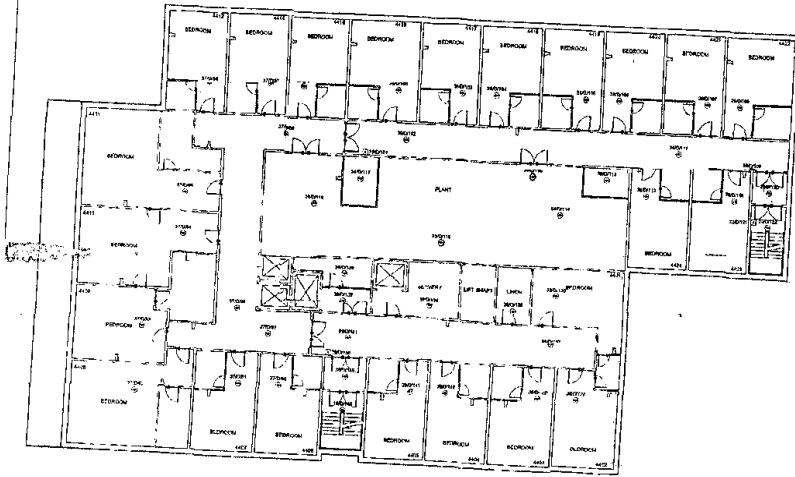
MEZZANINE BETWEEN GROUND AND FIRST FLOORS







Brighton & Hove  
City Council



FOURTH FLOOR



FIFTH FLOOR

## APPENDIX D

### Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street





## APPENDIX E

### 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 F

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 -

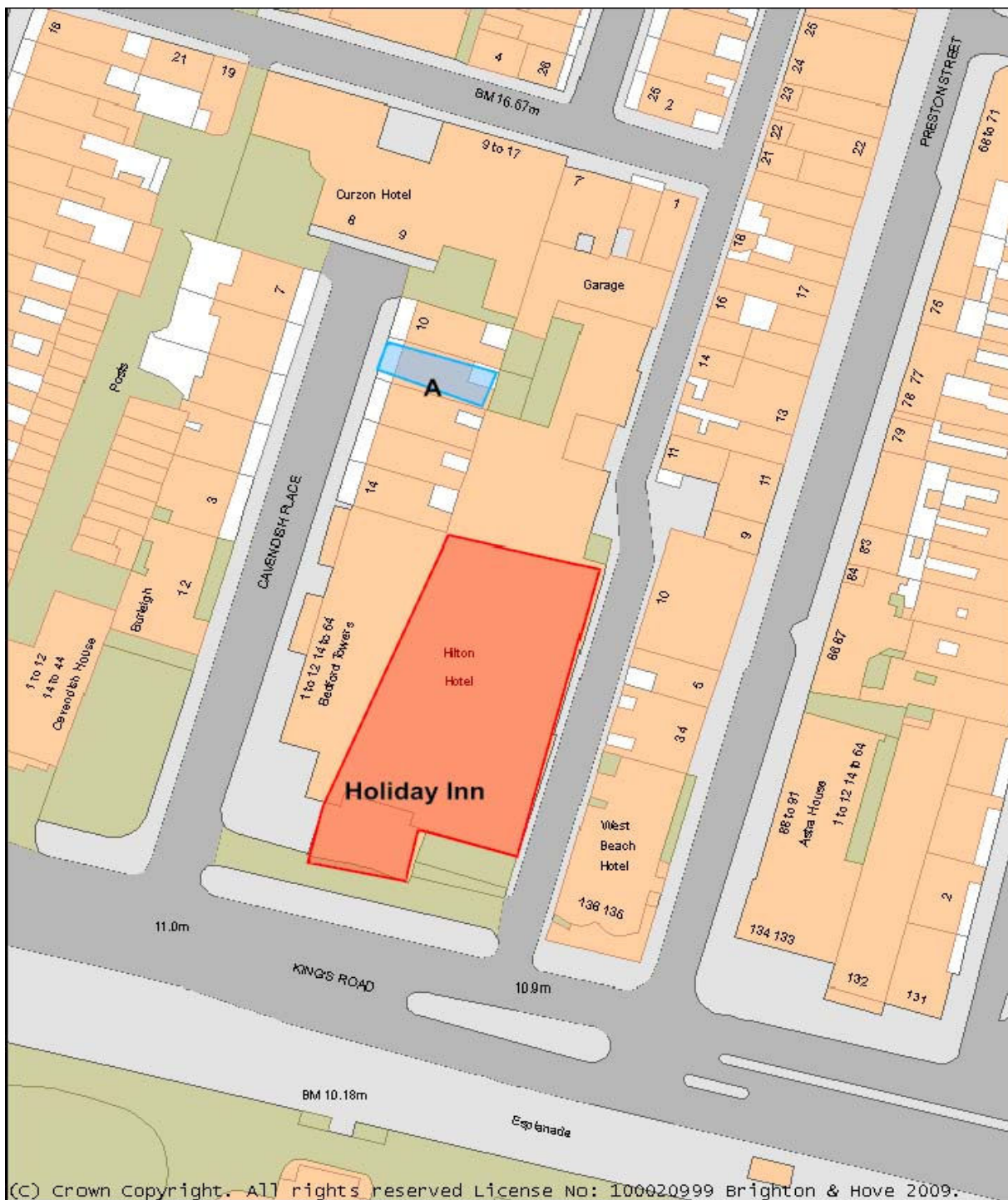
- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times



Document is Restricted



**APPENDIX H**



**Date: 23/07/2010 02:38:32 Scale 1:802**



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