

**LICENSING PANEL**  
**(Licensing Act 2003 Functions)**

**Agenda Item 40**  
Brighton & Hove City Council

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

**Date of Meeting:** **18 August 2009**

**Report of:** *Assistant Director Public Safety*

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**Wards Affected:** Queen's Park

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

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

**2. RECOMMENDATIONS:**

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

2.2.1 The application is for:

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

The application proposes:

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

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

2.3 Summary table of existing and proposed activities:

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

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

2.4 Existing licence attached at Appendix C.

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

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

#### 3.2.1 Representations received

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

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

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

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

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

#### **4. CONSULTATION**

Commentary on licensing policy

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

##### **General**

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

### **In respect of the prevention of public nuisance**

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

### **Strategic Integration**

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

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### **5.1 Financial Implications:**

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

*Finance Officer Consulted: Karen Brookshaw      Date: 28.07.2009*

### **5.2 Legal Implications:**

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

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

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

*Lawyer Consulted: Rebecca Sidell                      Date: 28.07.2009*

### **5.3 Equalities Implications:**

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

### **5.4 Sustainability Implications:**

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

### **5.5 Crime & Disorder Implications:**

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

### **5.6 Risk and Opportunity Management Implications:**

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

## 5.7 Corporate / Citywide Implications:

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

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

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

### **Documents in Members' Rooms**

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

### **Background Documents**

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

