

# Brighton & Hove City Council

For general release

**Meeting:** Licensing Sub-Committee

**Date:** 8<sup>th</sup> August 2005

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

**Subject:** Application for a variation under transitional arrangements of the Licensing Act 2003 – The Rottingdean Club, 89 High Street Brighton

**Ward affected:** Rottingdean Coastal

## 1. Purpose of the report

- 1.1 To determine an application for a premise licence and, if the decision is to grant the licence, to attach suitable conditions to ensure the licensing objectives are met.

## 2. Summary of application

- 2.1 The application is for:

A variation for the premises licence already granted under 'grandfather rights'.

The variations proposed:

- Extension of hours for the provision of alcohol
- Extension of the hours of opening
- The provision of live music.

- 2.2 Summary table of existing and proposed activities

Existing		Proposed
Sale of alcohol	Monday to Saturday 11:00 hrs to 23:00 hrs Sunday and Good Friday 12:00 hrs to 22:30 hrs Christmas Day : 12:00 hrs to 15:00 hrs, and 19:00 hrs to 22:30 hrs New Year's Eve 10:00 to 00:00 New Year's Day 00:00 to 23:00	Monday to Sunday 10:00 hrs to 00:00 hrs <u>PLUS</u> - To reflect existing New Year's Eve/Day hours
Live music	none	Saturday 19:30 – 23:00 <u>PLUS</u> Occasional functions 15:00 – 18:00 in marquee.

Recorded music	during normal operating hours as existing	Monday – Sunday 10:00 to 00:00 PLUS - To reflect existing New Year's Eve/Day hours
Hours premises open to the public	as existing ie hours of provision of alcohol plus 20 minutes.	Monday to Sunday 10:00 – 00:30 PLUS - To reflect existing New Year's Eve/Day hours

### **3. Representations received**

- 3.1 Details of the representations made are on form L57a (Appx.1) and a summary appears below:

I (one) petition received signed by 5 (five) local residents anticipating negative impact of extended opening hours, noise levels and smells from deep fat frying.

Police and ESFRS – no representations.

Environmental Health, Pollution team – no representations

### **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
  - (e) from harm.

1.4 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

1.14 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

4.2 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.

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.

## **COMMITTEE REPORT APPENDIX 1**

### **REPRESENTATION NOTIFICATION**

ADDRESS OF PREMISES AND TRADE NAME	<b>The Rottingdean Club, 89 High Street Brighton</b>
TYPE OF APPLICATION	Variation of a Premises licence
APPLICANT(S)	Miss Joanna Louise Pratt
APPLICANT'S ADDRESS	The Rottingdean Club, 89 High Street, Rottingdean, Brighton BN2 7HE

### **DETAILS OF APPLICATION**

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**SUMMARY OF EXISTING  
CONDITIONS**

Licensed for the sale and consumption of  
alcohol  
Mon – Sat : 10:00 to 23:00  
Sun and Good Friday : 12:00 to 22:30  
Except :  
New Year's Eve : 10:00 to 24:00  
New Year's Day : 00:00 to 23:00  
Christmas Day 12:00 to 15:00 and 19:00 to 22:30

**DETAILS OF REPRESENTATIONS RECEIVED**

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**NO. OF OBJECTIONS:**

1 (one) petition of 5 (five) signatures

**SUBSTANCE OF  
OBJECTIONS:**

Anticipating negative impact of extended  
opening hours, noise levels and smells from  
deep fat frying.

**CONTACT OFFICER:** Stuart Harley

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Any representation(s) will automatically be heard by a Licensing sub-committee and all interested parties may be heard. Dates and times of such committees will be notified to you in due course. Should the parties involved resolve the issues and the representation(s) is/are withdrawn there will be no need for a hearing.

**L57a**