

Brighton & Hove City Council

For general release

Meeting: **Licensing Sub-Committee**

Date: **31st August 2005 2pm**

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

Subject: **Application for a variation under transitional arrangements of the Licensing Act 2003**

Premises: **The Pull & Pump
Clarence Gardens
Brighton
East Sussex
BN1 2EG**

Applicant: **Pleisure Ltd
46 Great Peter Street
Victoria
SW1P 2HA**

Ward affected: Regency

1. Purpose of the report

- 1.1 To determine an application for a premise licence.

2. Summary of application

- 2.1 The application is for:

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

The variations proposed:

1. To permit regulated live (acoustic/amplified) music, and amplified voice, recorded music, including jukebox and karaoke, compere for functions, quizzes etc with amplified voice, pubgames in front of an audience, video entertainment on TV screens and amusement machines, facilities for music and dancing.
2. To permit sale of alcohol on Friday, Saturday, Sunday and Monday of bank holiday weekends, Christmas Eve and Boxing Day between 09.00 and 01.00 the following morning. Also to open the same hours on up to 12 other event days per annum at the licensee's discretion.

3. Permit sale of alcohol from 09.00 to 00.00 the following morning.

Case Officer: Jackie Chambers

4. Permit regulated entertainments throughout opening hours.
5. To remain open for 30 minutes at the end of permitted hours as a 'wind down' period.
6. To remove all embedded restriction inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children & Young Persons Act 1933.
7. To provide refreshment after 23.00 hours.

2.2 Summary table of existing and proposed

	Existing	Proposed
E Live music	Up to 2 performers only	Monday – Sunday 09:00 to 23.30
F Recorded Music	Ancillary to sale of alcohol	Sunday – Thursday 09:00 – 00:00 Friday – Saturday 09:00 – 01:00 and extended to match hours for sale of alcohol on Bank Holidays and 'Event Days'
H Anything of a similar description within e, f ,or g		Sunday – Thursday 09:00 – 00:00 Friday – Saturday 09:00 – 01:00 and extended to match hours for sale of alcohol on Bank Holidays and 'Event Days'
I Provision of facilities for making music		Monday – Sunday 09:00 to 23.30 and extended to match hours for sale of alcohol on Bank Holidays and 'Event Days'
L Late Night Refreshment	None	Hot drinks and bar snacks from Sunday – Thursday 23:00 – 00:30 Friday – Saturday 23:00 – 01:30 and extended to match hours for sale of alcohol on Bank Holidays and 'Event Days'

M Supply of Alcohol	Monday to Saturday 10:00 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 Years Eve 10.00am to 00.00 New Years Day 00.00am to 11.00pm	Sunday – Thursday 09:00 – 00:00 Friday – Saturday 09:00 – 01:00 New Years Eve 09.00am to 23.30 New Years Day. From 09:00 – 01:00 the following morning on Friday, Saturday, Sunday and Monday on Bank Holiday Weekends, Christmas Eve and Boxing Day and 'Event Days' (up to 12 per annum).
O Hours premises are open to public	Monday to Saturday 10:00 hrs to 23:20 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	Sunday – Thursday 09:00 – 00:30 Friday – Saturday 09:00 – 01:30 and 30 minutes later than closing on the non-standard days listed in M above.

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:
- a) Thirty six representations have been made from nearby residents and a local neighbourhood group.
 - b) They concern an anticipated negative impact of extended opening hours, noise levels and prevention of public nuisance.
 - c) The applicant has written to residents with suggested conditions to help allay their concerns. See copy at end of report.

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 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.

In respect of Public Safety

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

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.

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.

4.7 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 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.

Letter sent by applicants to 34 local residents.

To Whom It May Concern:

Cc: HR - Manager

Jackie Chambers

Environmental Health & Licensing

Brighton Council

12th August 2005

Dear Sir/Madam,

Re: Pull & Pump, Clarence Gardens, Brighton

In an effort to calm any fears residents may have regarding the application of The Pull & Pump to vary its licence hours and in the spirit of mediation and progressing the matter as amicably as is possible I would like to make the following commitments which I would be happy to see as conditions placed on the licence (some of which are already contained within the part B application to vary).

- Live music will be limited to that currently allowed and as contained in the “small premises” provision within the Licensing Act 2003. This will ensure that we abide by the old 2 in a bar rule and no more. We will also ensure that all live performance stops at 11pm. This was initially the basis of a representation by the Fire Brigade that has been withdrawn following the above commitment.
- The Terrace will not be used after 11.15pm ensuring that no outside drinking takes place at the venue beyond that currently allowed for under the old act. We will also ensure that signage is prominently displayed requesting our customers respect our neighbours when leaving the premises and whilst sitting outside and clearly stating the area will be shut from 11.15pm.
- At 11.30pm we will ensure the doors and windows are all shut.
- The 30 minute drinking up time will allow for a spread out of people leaving from the venue.
- We will ensure that “bottling up” into our recycling bins does not occur after 11pm.
- All bottles/containers leaving the premises as off sales will be sold sealed.

I hope the above measures will allay the concerns you have expressed. If I can be of any further assistance please feel free to contact me (enquiries@plesiure.com)

Yours faithfully,

Nick Griffin FBII
Managing Director