

Brighton & Hove City Council

For general release

Meeting: **Licensing Sub-Committee**

Date: To be set

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

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

Applicant: Mr Sadegh Ali Al-Hilaly
 Flat 7, 46 Hove Park Villas,
 Hove, BN3 6HG

Premises: More
 98 Trafalgar Street
 Brighton BN1 4ER

Ward(s) affected: St Peters and North Laines

1. Purpose of the report

- 1.1 To determine an application for a premises 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:

- To permit the performance of live and recorded music and dancing
- To permit sales of alcohol until 24.00hrs on all 7 days per week with 30 minutes drinking up time and upon not more than 12 occasions in each year until 02.00am with 30 minutes drinking up time – upon notice to police.
- To allow accompanied children under the age of 16 in the premises
- The provision of late night refreshment until 24.00 on each day of the week.

- 2.2 Summary table of existing and proposed

2.3

	Existing	Proposed
A Plays	None	None
B Films	None	None
C Indoor sporting Events	None	None
D Boxing or Wrestling	None	None
E Live music	Licensing Act 1964 Sec 182 Two performers	<p>(Indoors) Mon - Sun: 10.00 - 00.00.</p> <p>The applicant seeks a variation to their current hours for the supply of alcohol - so that they may so supply until 02.00 - with 30 minutes drinking up time - and accordingly for provision of live music - on not more than 12 occasions per year - in addition to New Year - upon giving not less than 7 days written notice to the Police of their intention to do so.</p>
F Recorded Music	Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales	<p>(Indoors) Mon - Sun: 10.00 - 00.00.</p> <p>The applicant seeks a variation to their current hours for the supply of alcohol - so that they may so supply until 02.00 - with 30 minutes drinking up time - and accordingly for provision of recorded music - on not more than 12 occasions per year - in addition to New Year - upon giving not less than 7 days written notice to the Police of their intention to do so.</p>

G Performance of Dance	None	None
H Anything of a similar description within e, f ,or g	None	None
I Provision of facilities for making music	None	None
J Provision of facilities for dancing	None	<p>(Indoors) Mon - Sun: 10.00 - 00.00.</p> <p>The applicant seeks a variation to their current hours for the supply of alcohol - so that they may so supply until 02.00 - with 30 minutes drinking up time - and so for dancing facilities - on not more than 12 occasions per year - in addition to New Year - upon giving not less than 7 days written notice to the Police of their intention to do so.</p>
K Provision of facilities for entertainment of a similar description to that falling with in i or J	None	None
L Late Night Refreshment	None	Mon - Sun: 23.00 - 00.00.

M Supply of Alcohol	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.	(Indoors & Outdoors) Mon - Sun: 11.00 - 00.00. The applicant seeks a variation to their current hours for the supply of alcohol - so that they may so supply until 02.00 - with 30 minutes drinking up time - on not more than 12 occasions per year - in addition to New Year - upon giving not less than 7 days written notice to the Police of their intention to do so.
O Hours premises are open to public	As above plus 20 mins drinking up time	Monday – Sunday 10.00 – 00.30 The applicant seeks a variation to their current hours for the supply of alcohol - so that they may so supply until 02.00 - with 30 minutes drinking up time - on not more than 12 occasions per year - in addition to New Year - upon giving not less than 7 days written notice to the Police of their intention to do so.
P Conditions removed as a consequence of the proposed Variation	Remove all embedded restrictions contained within the Licensing Act 1964 relating to permitted hours (save for the permitted hours on New Year's Eve), Credit Sales and Children in Bars.	

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) Several representations have been received from local residents. They are concerned about an anticipated negative impact of extended opening hours, noise levels and prevention of public nuisance,

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:

- 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.

2.5(c) 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.

2.8 Enforcement of legal requirements to prohibit sales of alcohol to those intoxicated will be supported.

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.

4.7 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.

CASE OFFICER: ANITA AGNIHOTRI