

# Brighton & Hove City Council

For general release

**Meeting:** Licensing Sub-Committee

**Date:** 25<sup>th</sup> November 2005 – 09:30 hrs Brighton Town Hall

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

**Subject:** Application for a premises licence under \*the Licensing Act 2003

**Premises:** Brighton Marina, commercial open spaces, namely :

- Marina Square
- Palm Drive
- Mermaid Walk
- Boardwalk
- Park Square
- Level 9, Multi-Storey Car-Park

**Applicant:** X-Leisure Limited Partnership, 10 Lower Grosvenor Place  
London, SW1W 0EN

**Ward affected:** Rottingdean Coastal

## 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 premises licence.

The proposed licensable activities

- The provision of all forms of permitted, regulated entertainment, and facilities, together with the supply of alcohol

Case Officer: Stuart Harley

2.2 Summary table of existing and proposed activities

	Existing	Proposed
<b>A Plays</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>B Films</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>C Indoor sporting Events</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs

<b>D Boxing or Wrestling</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>E Live music</b>	none	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>F Recorded Music</b>	none	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>G Performance of Dance</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>H Anything of a similar description within e, f ,or g</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>I Provision of facilities for making music</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>J Provision of facilities for dancing</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>K Provision of facilities for entertainment of a similar description to that falling with in i or J</b>	None	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>L Late Night Refreshment</b>	None	
<b>M Supply of Alcohol</b>	none	Monday to Sunday 10:00 - 22:30 hrs PLUS New Year's Eve : 10:00 - 01:00 hrs
<b>O Hours premises are open to public</b>	none	Premises is a public, open-access space, so is 'open' 24 hrs a day.
<b>P Conditions removed as a consequence of the proposed Variation</b>	none	

### **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) One (1) representation was received from the chair of the local residents' association
- b) The representations relate to concerns over the anticipated negative impact of the proposed activities on noise levels and possible public nuisance, together with matters of public safety.

### **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 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 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.

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.

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

3.4 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

3.5 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**

4.2 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.

#### 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.