

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 13th December 2005

Report of: Assistant Director – Public Safety

Subject: Application for a premises Licence under the Licensing Act 2003

Applicant: Mr Reza Danestehpour

Premises: Ace Pizza 36 Preston road Brighton BN1 4QF

Ward(s) affected: Preston Park

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 for a Late Night Take Away.

Case Officer: Martin New

2.2 Summary table of existing and proposed activities

	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	None	None
F Recorded Music	None	None
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	None
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	Monday – Sunday 23.00 – 01.30
M Supply of Alcohol	None	None
O Hours premises are open to public	None	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) Two representations have been received relating to public nuisance.
 - b) Comments from pollution team :- There is no history of noise complaints for this premises.

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.

2.5(a) Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

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.

4.7 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.