

## **Brighton & Hove City Council**

**For general release**

**Meeting:**                      **Licensing Sub-Committee**

**Date:**                        1<sup>st</sup> June 2006

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

**Subject:**                **Application for a Variation of a Premises License under the  
Licensing Act 2003 –**

**Applicant:**    **Provincial Grand Lodge Of Sussex Freemasons**

**Premises:**    **Sussex Masonic Temple  
25 Queens Road  
Brighton  
East Sussex  
BN1 3XA**

**Ward(s) affected:** St Peter's And North Laine

### **1.     Purpose of the report**

- 1.1     To determine an application to vary a premises licence already granted under "grandfather rights".

### **2.     Summary of application**

- 2.1     The application is for:

A variation of the existing premises licence to increase the hours for sale of alcohol and to have the provision for regulated entertainment and late night refreshments. The applicant also wishes to impose various controls on the admission of persons to the premises so as to maintain its status as a private club.

The variations proposed:

2.2 Summary table of existing and proposed activities :

2.3

	Existing	Proposed
<b>A Plays</b>	None	None
<b>B Films</b>	None	None
<b>C Indoor sporting Events</b>	None	None
<b>D Boxing or Wrestling</b>	None	None
<b>E Live music</b>	Licensing Act 1964 Sec 182 Two performers	Everyday 12.00 – 01.00 New Years Eve Live music consisting of small bands may be a feature at some functions held for members in one of the function rooms but especially the main dining room on the first floor and would generally occur in the evening along with a meal and dance, it will not be a long continuous performance through all these hours.
<b>F Recorded Music</b>	Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales	Everyday 12.00 – 01.00 New Years Eve Recorded music played as background music could be played in any of the bars or function rooms, When a specific function is occurring then it would be considered on occasions to be more than background music say the main dining room on the first floor when a dinner dance is taking place.
<b>G Performance of Dance</b>	None	Everyday 12.00 – 01.00 New Years Eve Most rare but could occur for short periods of time in accompaniment to a band playing at a particular function.

<b>H Anything of a similar description within e, f ,or g</b>	None	None
<b>I Provision of facilities for making music</b>	None	<p>Everyday 12.00 – 01.00 New Years Eve</p> <p>Music does not feature in the premises generally except possibly as low key background music in the bar unless arranged to occur at a specific function such as a dinner dance or the like in one of the function rooms but especially the main dining room.</p>
<b>J Provision of facilities for dancing</b>	None	<p>Everyday 12.00 – 01.00 New Years Eve</p> <p>When the dining room is laid up for dinner, tables and chairs can be cleared for after dinner dancing, there is no specific area designated except that if it was a performance of dance then it would more likely occur on the stage.</p>
<b>K Provision of facilities for entertainment of a similar description to that falling with in i or J</b>	None	None
<b>L Late Night Refreshment</b>	None	<p>Everyday 23.00 – 01.30 New Years Eve</p>

<b>M Supply of Alcohol</b>	<b>1. Permitted Hours</b>  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.	Everyday 10.00 – 01.00 New Years Eve
<b>O Hours premises are open to public</b>	As above plus 20 mins drinking up time	Everyday 09.00 – 01.30 New Years Eve
<b>P Conditions removed as a consequence of the proposed Variation</b>	Remove all the embedded restrictions carried over the transition of the grandfather rights. Referred to in Annex 1 of the current licence including those conditions specified as Justices conditions controlling the 'Club' aspect of the licence but see comments under section 'P a' below General Licensing Objectives.	

### 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) There have been three representations made from nearby residents each expressing concern about the potential increased noise from extended hours and regulated entertainments.

### 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.

#### 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.

Case Officer: Jackie Chambers