

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 13th June 2006

Report of: Assistant Director – Public Safety

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

Applicant: Splendid Property Company Limited
4 Cadogan Square
Cadogan Street
Glasgow
G2 9PH

Premises: Hilton Brighton Metropole Hotel
106 - 121 Kings Road
Brighton
East Sussex
BN1 2FU

Ward(s) affected: Regency

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:

2.2 Summary table of existing and proposed activities

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	Every day 10.00 – 02.00 in accordance with retained PEL conditions.	Every day 10.00 – 02.00 in accordance with retained PEL conditions. New Year's Eve from 10.00 – 2 nd January 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00
F Recorded Music	Every day 10.00 – 02.00 in accordance with retained PEL conditions. Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales.	Every day 10.00 – 02.00 in accordance with retained PEL conditions. Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales.
G Performance of Dance	Every day 10.00 – 02.00 in accordance with retained PEL conditions.	Every day 10.00 – 02.00 in accordance with retained PEL conditions. New Year's Eve from 10.00 – 2 nd January 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00
H Anything of a similar description within e, f ,or g	Every day 10.00 – 02.00 in accordance with retained PEL conditions.	Every day 10.00 – 02.00 in accordance with retained PEL conditions. New Year's Eve from 10.00 – 2 nd January 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00
I Provision of facilities for making music	Every day 10.00 – 02.00 in accordance with retained PEL conditions.	Every day 10.00 – 02.00 in accordance with retained PEL conditions. New Year's Eve from 10.00 – 2 nd January 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00

J Provision of facilities for dancing	Every day 10.00 – 02.00 in accordance with retained PEL conditions.	Every day 10.00 – 02.00 in accordance with retained PEL conditions. New Year's Eve from 10.00 – 2 nd January 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00
K Provision of facilities for entertainment of a similar description to that falling with in i or J	Every day 10.00 – 02.00 in accordance with retained PEL conditions.	Every day 10.00 – 02.00 in accordance with retained PEL conditions. New Year's Eve from 10.00 – 2 nd January 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00
Late Night Refreshment	Everyday 23.00 – 02.00 New Year's Eve from 10.00 – 2 nd January 02.00	Everyday 23.00 – 02.00 New Year's Eve from 10.00 – 2 nd January 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00

<p>M Supply of Alcohol</p>	<p>Private guests & hotel residents Every Day 00:00 – 00 :00 - At any time alcohol may be sold to or consumed by any person who is resident at the premises and may be consumed by any private friend of the resident, bona fide entertained by him at his own expense.</p> <p>General Public Monday – Saturday 10:00 - 23.00 Sunday 12.00 - 22.30 Christmas Day 12:00 - 15.00 Christmas Day 19.00 – 22.30 Good Friday 12.00 – 22.30 New Years Eve 10.00 (12.00 if a Sunday) – 00.00 New Years Day 00.00 – 23.00 (22.30 if a Sunday)</p> <p>Special Hours Certificate - Includes the nightclub, the Ambassador room, Regency and Duke suites, Viscount room, Clarence and Lancaster rooms, and Osborne room, Oxford room, Norfolk room and Chartwell room, Hall 7 and Hall 8, extending hours on Mondays to Saturdays until 02.00 hours the following morning and on Sundays, including Easter Sunday until 00.30 the morning following and on other Sundays before Bank Holiday Mondays until 02.00 hours the morning following.</p> <p>Supper Hours Certificate Monday – Saturday 10:00 - 00.00 Sunday 12.00 - 23.30 Christmas Day 12:00 - 23.30</p> <p>Good Friday 12.00 – 23.30 New Years Eve 10.00 (12.00 if a Sunday) – 00.00 New Years Day 00.00 – 00.00 (23.30 if a Sunday)</p>	<p>General Public Everyday 10.00 – 00.00 New Year's Eve from 10.00 – 2nd January 02.00 In the Ambassador room, Regency and Duke suites, Viscount room, Clarence and Lancaster rooms, and Osborne room, Oxford room, Norfolk room and Chartwell room, Hall 7 and Hall 8: 10.00 – 02.00 Basement nightclub (Lo Lounge): 10.00 – 03.00</p> <p>Private guests & hotel residents Every Day 00:00 – 00:00- At any time alcohol may be sold to or consumed by any person who is resident at the premises and may be consumed by any private friend of the resident, bona fide entertained by him at his own expense.</p>
<p>O Hours premises are open to public</p>		<p>00.00 – 00.00</p>

P Conditions removed as a consequence of the proposed Variation	Embedded restrictions numbered 1 and 2 (relating to permitted hours and premises with no childrens certificate) and the conditions headed Special Hours Certificates and Supper hour Certificates.
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3. Representations received

- 3.1 One representation has been received from Sussex Police relating to prevention of crime and disorder, public safety and protection of children from harm.

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

3.1 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 children from harm

5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be the following:

- Driving Licence
- Passport
- Citizens Card
- Connexions Card
- Validate Card
- Portman Card

It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

5.3 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances

this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided.
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

5.5 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm.

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.

Case Officer: Jackie Chambers