

## Brighton & Hove City Council

For general release

**Meeting:** Licensing Sub-Committee

**Date:** 27<sup>th</sup> June 2006, Brighton Town Hall 09:30hrs

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

**Subject:** Application for a variation to a premises licence issued under the Licensing Act 2003

**Premises:** 'Rehab' (formerly known as 'Ebony Room')  
Unit 1b, Waterfront, Brighton Marina Village, Brighton BN2 5WA

**Applicant:** Mr Paul Craig, 82 High Street, Shoreham, BN43 5DE

**Ward affected:** Rottingdean Coastal

### 1. Purpose of the report

- 1.1 To determine an application for a variation to a premises licence.

### 2. Summary of application

- 2.1 The application is for: A variation to the premises licence
- 2.2 The variations proposed:
- Extension of the hours for the provision of alcohol until 03:00hrs Thursday, Friday and Saturday
  - Extension of the hours for the playing of recorded music until 03:30hrs Thursday, Friday and Saturday
  - Extension of the hours for dancing until 03:30hrs Thursday, Friday and Saturday
  - Extension of the hours of operation at the premises until 03:30hrs Thursday, Friday and Saturday
  - The provision of late night refreshment 23:00 – 03:00hrs on Thursday, Friday and Saturday

## 2.3 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>A Plays</b>	None	none
<b>B Films</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	No variation to existing
<b>C Indoor sporting Events</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	No variation to existing
<b>D Boxing or Wrestling</b>	None	none
<b>E Live music</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	No variation to existing
<b>F Recorded Music</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	Sunday to Wednesday 10:00 – 01:00hrs <b>Thursday – Saturday 10:00 – 03:30 hrs</b> PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended
<b>G Performance of Dance</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	No variation to existing
<b>H Anything of a similar description within e, f ,or g</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	No variation to existing

<b>I Provision of facilities for making music</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	No variation to existing
<b>J Provision of facilities for dancing</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended	Sunday to Wednesday 10:00 – 01:00hrs <b>Thursday – Saturday 10:00 – 03:30 hrs</b> PLUS When hours for sale of alcohol are extended on Bank Holidays and 'Events Days', then these hours are also extended
<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	<b>Thursday – Saturday 23:00 – 03:00 hrs</b>
<b>M Supply of Alcohol</b>	Sunday to Wednesday 10:00 – 01:00hrs Thursday – Saturday 10:00 – 02:00 hrs PLUS 10:00 New Year's Eve – 02:00 on 2 <sup>nd</sup> January 10:00 – 02:00 hours on Sunday and Monday of Bank Holidays, Christmas Eve and Boxing Day 10:00 – 02:00 on up to 20 other 'Event Days' per annum, at my discretion ('occasions')	Sunday to Wednesday 10:00 – 01:00hrs <b>Thursday – Saturday 10:00 – 03:00 hrs</b> PLUS <b>10:00 New Year's Eve – 03:00 on 2<sup>nd</sup> January</b> <b>10:00 – 03:00 hours on Sunday and Monday of Bank Holidays, Christmas Eve and Boxing Day</b> 10:00 – 02:00 on up to 20 other 'Event Days' per annum, at my discretion ('occasions')
<b>O Hours premises are open to public</b>	Sunday to Wednesday 10:00 – 01:30hrs Thursday – Saturday 10:00 – 02:30 hrs PLUS 10:00 New Year's Eve – 02:30 on 2 <sup>nd</sup> January 10:00 – 02:30 hours on Sunday and Monday of Bank Holidays, Christmas Eve and Boxing Day 10:00 – 02:30 on up to 20 other 'Event Days' per annum, at my discretion ('occasions')	Sunday to Wednesday 10:00 – 01:30hrs <b>Thursday – Saturday 10:00 – 03:30 hrs</b> PLUS <b>10:00 New Year's Eve – 03:30 on 2<sup>nd</sup> January</b> <b>10:00 – 03:30 hours on Sunday and Monday of Bank Holidays, Christmas Eve and Boxing Day</b> 10:00 – 02:30 on up to 20 other 'Event Days' per annum, at my discretion ('occasions')
<b>P Conditions removed as a consequence of the proposed Variation</b>	Restrictions on times for permitted regulated entertainment set-out on existing premises licence	

### 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) Representations were received from a local business and from the

managing company of the marina on behalf of businesses and residents.

- b) The representations relate to concerns over the anticipated negative impact of extended opening hours, noise levels and possible 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:

##### **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 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.