

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 17th August 2006

Report of: Assistant Director – Public Safety

Subject: Application for a premises licence variation under the Licensing Act 2003 – The Brunswick, 1 Holland Road, Hove

Applicant: Tres Inns Limited, 1 Holland Road, Hove

Ward(s) affected: Brunswick & Adelaide

1. Purpose of the report

1.1 To determine an application for the variation of 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:

- To permit regulated entertainments
- To extend the hours during which alcohol can be sold
- To removed embedded restrictions contained in the existing licence

2.2 Summary table of existing and proposed

	Existing	Proposed
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A Plays	None	Indoors and outdoors. The scale of these plays would be determined and restricted by the size of the performance space in the premises. Outdoor performances would be in the garden and would conclude no later than 21.00. Sunday to Thursday 10.00 – 23.00 Friday and Saturday 10.00 – 00.00
B Films	None	Indoors. Films and video entertainment on TV and projection screens. Appropriate VCL licences to be obtained in these instances. Sunday to Thursday 10.00 – 23.00 Friday and Saturday 10.00 – 00.00
C Indoor sporting Events	None	Sunday to Thursday 10.00 – 00.30 Friday and Saturday 10.00 – 02.00
E Live music	None	Indoors and outdoors. Live acoustic/amplified music and voice indoors. All performances will be limited to end at 00.00 or before to minimize nuisance. Live acoustic music and voice, morris dancing etc in the garden concluding no later than 21.00. Monday to Saturday 10.00 – 00.00 Sunday 10.00 – 23.30 New Years evening music to go on until 01.00 on New Years Day

F Recorded Music	Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales	Indoors. Recorded music via a sound system, jukebox or karaoke with or without a DJ during normal trading or as part of special events days. Volume will be reduced after 23.00. Sunday to Thursday 09.00 – 01.15 Friday and Saturday 09.00 – 02.45 Recorded music would continue to 01.15 on non-standard days listed in Section M, except New Years Eve where recorded music will go on until 03.15 unless deregulated by central government order.
G Performance of Dance	None	Indoors and outdoors. Performances will include: ballet, modern dance, morris dancing, flamenco etc. Outdoor performances will take place in the garden and conclude no later than 21.00. Sunday to Thursday 10.00 – 23.00 Friday and Saturday 10.00 – 00.00
H Anything of a similar description within e, f ,or g	None	Indoors and outdoors. Comperes for quiz and similar events; comedians and similar performers using voice amplifiers; jugglers, magicians, children's' entertainers etc Sunday to Thursday 10.00 – 23.00 Friday and Saturday 10.00 – 00.00 New Years evening music to go on until 01.00 on New Years Day
I Provision of facilities for making music	None	Indoors. A stage area and PA system. Monday to Saturday 10.00 – 00.00 Sunday 10.00 – 23.30 New Years Eve to 01.00 on New Years Day

J Provision of facilities for dancing	None	Indoors and outdoors. Dancing may be permitted in such areas of the premises as may be set aside for dancing from time to time. Dancing may be permitted at the discretion of the DPS or shift supervisor when deemed safe to do so. Sunday to Thursday 10.00 – 00.00 Friday and Saturday 10.00 – 01.30 Dancing would continue to 01.15 on non-standard days listed in Section M, except New Years Eve where recorded music will go on until 03.15 unless deregulated by central government order.
L Late Night Refreshment	None	Indoors and outdoors. The provision of late night hot and cold snacks and hot and cold non-alcoholic beverages. Sunday to Thursday 23.00 – 01.00 Friday and Saturday 23.00 – 02.30 Late night refreshment would continue to 01.15 on non-standard days listed in Section M, except New Years Eve where recorded music will go on until 03.15 unless deregulated by central government order.

M Supply of Alcohol	<p>Alcohol shall not be sold or supplied except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.</p> <p>b) On Sundays, other than Christmas Day or New Year's Eve, noon to 10.30 p.m.</p> <p>c) On Good Friday, noon to 10.30 p.m.</p> <p>d) On Christmas Day, noon to 3 p.m. and 7 p.m. to 10.30 p.m.</p> <p>e) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.</p> <p>f) On New Year's Eve on a Sunday, noon to 10.30 p.m.</p> <p>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.</p>	<p>On and off the premises.</p> <p>Sunday to Thursday 10.00 – 00.30</p> <p>Friday and Saturday 10.00 – 02.00</p> <p>10.00 – 02.00 throughout Sat, Sun and Mon on Bank Holiday weekends, Christmas Eve and Boxing Day.</p> <p>10.00 – 02.00 on up to 12 other events days per annum at my discretion.</p> <p>10.00 – 03.00 on New Years Eve unless deregulated by central government order.</p>
O Hours premises are open to public	As above plus 20 mins drinking up time	<p>Sunday to Thursday 08.00 – 01.15</p> <p>Friday and Saturday 08.00 – 02.45</p> <p>02.45 closing on the non-standard days listed in section M. New Years Eve to close at 03.45 on New Years Day unless deregulated by central government order</p>
P Conditions removed as a consequence of the proposed Variation	Embedded restrictions	

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) Four relevant representations have been received from residents on the

ground of perceived increase in the level and duration of noise from the premises.

- b) A relevant representation has been received from the police on the ground of crime and disorder.

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 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.

2.5(b) Geographical spread

Spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the problems of dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder.

2.5(c) Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.7 High volume vertical drinking establishments (HVVD's) may, where necessary and appropriate, have conditions attached relating to: a prescribed capacity, the ratio of chairs and tables to be provided for customers based on capacity and the presence of SIA registered security teams.

2.8 Enforcement of legal requirements to prohibit sales of alcohol to those intoxicated will be supported.

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.

4.4 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.

Case Officer : Keith Mitchell