

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 7th September 2006

Report of: Assistant Director – Public Safety

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

Applicant: Komedia Ltd.

Premises: Komedia
44 - 47 Gardner Street
Brighton
East Sussex
BN1 1UN

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

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 to sell alcohol and to provide regulated entertainment. This new application is for an existing premises already licensed and encompasses an extension to the rear over 3 floors.

2.2 Summary table of existing and proposed activities

2.3 Summary table of existing and proposed activities

2.4

	Existing	Proposed
A Plays	Monday - Saturday: 11.00 - 00.00 and Sunday: 11.00 - 23.00.	Monday – Sunday 11.00 – 00.00
B Films	Monday - Saturday: 14.00 - 01.30 and Sunday: 14.00 - 23.00.	Monday – Wednesday 11.00 – 1.30. Friday & Saturday 11.00 – 3.00. Sunday 11.00 – 00.00
C Indoor sporting Events	None	None
D Boxing or Wrestling	None	None
E Live music	Monday - Saturday: 12.00 - 01.30 and Sunday: 12.00 - 23.00.	Monday – Wednesday 11.00 – 1.30. Friday & Saturday 11.00 – 3.00. Sunday 11.00 – 00.00
F Recorded Music	Monday - Saturday: 07.30 - 01.45 and Sunday: 07.30 - 23.00.	Monday – Wednesday 7.30 – 1.45. Friday & Saturday 7.30 – 3.00. Sunday 7.30 – 00.00
G Performance of Dance	Monday - Saturday: 14.00 - 00.00 and Sunday: 14.00 - 23.00.	Monday – Sunday 11.00 – 00.00
H Anything of a similar description within e, f ,or g	Comedy, spoken word and cabaret performances (including the occasional burlesque performance), with amplified live and recorded music. Monday - Saturday: 12.00 - 01.30 and Sunday: 12.00 - 23.00.	Monday – Wednesday 7.00 – 1.30. Friday & Saturday 7.00 – 3.00. Sunday 7.00 – 00.00
I Provision of facilities for making music	Monday - Saturday: 11.00 - 00.00 and Sunday: 11.00 - 23.00.	Monday – Wednesday 10.00 – 1.30. Friday & Saturday 10.00 – 3.00. Sunday 10.00 – 00.00
J Provision of facilities for dancing	Monday - Saturday: 19.00 - 01.30 and Sunday: 19.00 - 23.00.	Monday – Wednesday 10.00 – 1.30. Friday & Saturday 10.00 – 3.00. Sunday 10.00 – 00.00

K Provision of facilities for entertainment of a similar description to that falling with in i or J	Radio recordings, private functions, panel discussions, press conferences, charity raising events and workshops. Monday - Saturday: 07.30 - 01.30 and Sunday: 07.30 - 23.00.	Monday – Wednesday 7.00 – 1.30. Friday & Saturday 7.00 – 3.00. Sunday 7.00 – 00.00
L Late Night Refreshment	Monday - Saturday: 23.00 - 01.30.	Monday – Wednesday 23.00 – 1.30. Friday & Saturday 23.00 – 3.00. Sunday 23.00 – 00.00
M Supply of Alcohol	Monday - Saturday: 11.00 - 01.30 and Sunday: 11.00 - 23.00.	Monday – Wednesday 10.00 – 1.30. Friday & Saturday 10.00 – 3.00. Sunday 10.00 – 00.00
O Hours premises are open to public	Monday - Saturday: 07.30 - 02.30, Sunday: 07.30 - 23.30 From 07.30 - 02.30 on Christmas Eve or New Years Eve if they fall on a Sunday PLUS for all licensable activities listed above: Christmas Eve and New Years Eve until 01.30 hrs if falling on a Sunday.	Monday – Wednesday 7.00 – 2.00. Friday & Saturday 7.00 – 3.30. Sunday 7.00 – 03.30

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 two representations, one from the Council's Pollution control team which has been resolved. The other is from a local community group.
 - b) The representation concerns an anticipated negative impact of extended opening hours, noise levels and prevention of 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
- (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.

4.7 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.