

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 26th September 2005

Report of: Assistant Director – Public Safety

Subject: **Application for a variation under transitional arrangements of the Licensing Act 2003** – Exchange, 8 Goldstone Street, Hove
Applicant: C-Side Ltd, Global House, High Street, Crawley, West Sussex

Ward(s) affected: Goldsmid

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:

- To extend the hours for the sale of alcohol
- To permit regulated entertainment and late night refreshment
- To keep the premises open for 30 minutes after the cessation of the sale of alcohol

2.2 Summary table of existing and proposed activities

	Existing	Proposed
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Live music	Licensing Act 1964 Sec 182 Two performers	Indoors. Sunday - Thursday: 10.00 - 01.00 and Friday - Saturday: 10.00 - 02.00. Provision of both amplified and non amplified live music at the management's discretion without 14 days prior notice to the police. PLUS: On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for the sale of alcohol on Saturdays at the latest.
Recorded Music	Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales	Indoors. Sunday - Thursday: 10.00 - 01.00 and Friday - Saturday: 10.00 - 02.00. Provision of pre-recorded music at the management's discretion without 14 days prior notice to the police. PLUS: On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for the sale of alcohol on Saturdays at the latest.
Anything of a similar description		Indoors. Sunday - Thursday: 10.00 - 01.00 and Friday - Saturday: 10.00 - 02.00. Compered events. The provision of compered charity and other events, comedy and other acts using amplified equipment at the management's discretion without 14 days prior notice to the police. PLUS: On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for the sale of alcohol on Saturdays at the latest.

<p>Provision of facilities for dancing</p>		<p>Indoors. Sunday - Thursday: 10.00 - 01.00 and Friday - Saturday: 10.00 - 02.00. Permitting customers to dance to amplified and unamplified live and pre-recorded music at the management's discretion without 14 day's prior notice to the police. PLUS: On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for the sale of alcohol on Saturdays at the latest.</p>
<p>Provision of facilities for entertainment of a similar description</p>		<p>Indoors. Sunday - Thursday: 10.00 - 01.00 and Friday - Saturday: 10.00 - 02.00. Karaoke. Karaoke with the use of amplified music at the management's discretion without 14 days prior notice to the police. PLUS: On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for the sale of alcohol on Saturdays at the latest.</p>
<p>Late Night Refreshment</p>		<p>Indoors. Monday - Thursday: 23.00 - 01.00, Friday - Saturday: 23.00 - 02.00 and Sunday: 22.30 - 01.00. Service of prepared hot and cold food, snacks and beverages at the management's discretion without 14 day's prior notice to the police. PLUS: On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for Saturdays at the latest.</p>

Supply of Alcohol	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.	On and off the premises. Sunday - Thursday: 10.00 - 01.00 and Friday - Saturday: 10.00 - 02.00. PLUS: On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for the sale of alcohol on Saturdays at the latest.
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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:

Over thirty relevant representations have been received by local residents expressing concern about the perceived adverse affect of extended hours by way of increased noise and disturbance.

- 3.2 Environmental health records show 3 complaints about noise from the premises between 2000 and 2002, although nuisance was not substantiated.

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

2.3 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.

2.8 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 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.

4.7 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