

## Brighton & Hove City Council

For general release

**Meeting:** Licensing Sub-Committee  
**Date:** 26<sup>th</sup> September 2005  
**Report of:** Assistant Director – Public Safety  
**Subject:** Application for a variation under transitional arrangements of the Licensing Act 2003 –

**Applicant:** The Sussex Pub Company Limited  
Demar House  
14 Church Road  
East Wittering  
West Sussex  
PO20 8PS

**Premises:** Zoot Street  
8 Queens Road  
Brighton  
East Sussex  
BN1 3WA

**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 variation for the premises licence already granted under 'grandfather rights'.

The variations proposed:

- To permit the performance of live music, recorded music, dancing.
- To extend the hours the premises sell alcohol and are open to the public.

Case Officer: Jackie Chambers

2.2 Summary table of existing and proposed activities

2.3

	<b>Existing</b>	<b>Proposed</b>
<b>E Live music</b>	Licensing Act 1964 Sec 182 Two performers	To provide live music. We would like to use single or multi-piece bands. All entertainment would be restricted to the basement only. Monday - Sunday: 10.00 - 23.59. Finish time of 01.00 hours the following morning on Christmas Eve, New Years Eve and every Thursday, Friday, Saturday and Sunday preceding bank holidays.
<b>F Recorded Music</b>	Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales	For example, to allow disc-jockeys to play amplified music recordings, or to simply provide amplified music from a hi-fi system. Monday - Sunday: 10.00 - 23.59. Finish time of 01.00 hours the following morning on Christmas Eve, New Years Eve and every Thursday, Friday, Saturday and Sunday preceding bank holidays.
<b>G Performance of Dance</b>	None	Such dance as may be undertaken by persons accompanying any live or recorded music as detailed elsewhere in this application, or by customers of the premises. Monday - Sunday: 10.00 - 23.59. Finish time of 01.00 hours the following morning on Christmas Eve, New Years Eve and every Thursday, Friday and Saturday and Sunday preceding bank holidays.

<b>J Provision of facilities for dancing</b>	None	Dancing by guests to music provided by live performers and recorded music provided by disc-jockeys or other means. Monday - Sunday: 10.00 - 23.59 Finish time of 01.00 hours the following morning on Christmas Eve, New Years Eve and every Thursday, Friday, Saturday and Sunday preceding bank holidays.
<b>M Supply of Alcohol</b>	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.	Monday - Thursday: 10.00 - 02.00, Friday and Saturday: 10.00 - 03.00, Sunday: 10.00 - 02.00.  As regards New Years Eve, to maintain the position as existing under the Licensing Act 1964 ie. on New Years Eve alcohol supply may continue until the start of trading hours on New Years Day.
<b>O Hours premises are open to public</b>	As above plus 20 mins drinking up time	Monday - Thursday: 10.00 - 02.30, Friday and Saturday: 10.00 - 03.30, Sunday: 10.00 - 02.30. As regards New Years Eve, to maintain the position as existing under the Licensing Act 1964 ie. on New Years Eve alcohol supply may continue until the start of trading hours on New Years Day. The finish times reflect the proposed times for the supply of alcohol plus 30 minutes drinking up time.

<b>P Conditions removed as a consequence of the proposed Variation</b>	None
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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:
- a) There have been two representations.
  - b) One from a local neighbour who states that they presently experience noise intrusion from the premises, and are concerned that the situation will worsen if the application is granted.
  - c) The Council's Pollution Control Team have also made a representation due to no mention made in the applicant's Operating Schedule of the use of the noise limiter installed at the premises.

### **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.