

## Brighton & Hove City Council

For general release

**Meeting:** Licensing Sub-Committee

**Date:** 22 November 2005

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

**Subject:** Application for a variation under the Licensing Act 2003 –

**Applicant:** Golden Lion Inns Limited  
1 The Upper Drive  
Hove  
BN3 6GR

**Premises:** The Ladies Mile 2 Mackie Avenue, Brighton BN1 8RA

**Ward(s) affected:** Patcham

### 1. Purpose of the report

- 1.1 To determine an application for a premises licence further to an appeal to the magistrates court and referral of the matter to the licensing authority for a hearing.

### 2. Summary of application

- 2.1 The application is for:

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

The variations proposed:

- Extended opening times and alcohol sales
- Provision of regulated entertainment
- Removal of embedded restrictions

2.2 Summary table of existing and proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>A Plays</b>	None	None
<b>B Films</b>	None	Video entertainment on TV screens and amusement machines. Monday to Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "event days", then these hours are also extended.
<b>C Indoor sporting Events</b>	None	To permit pub games that attract an audience, whether by advertisement or spontaneously. Monday to Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "event days", then these hours are also extended.
<b>D Boxing or Wrestling</b>	None	None
<b>E Live music</b>	Licensing Act 1964 Sec 182 Two performers	Monday - Sunday: 10.00 - 23.00 Live (Acoustic/Amplified) music and amplified voice. All performances will be limited to end at 23.00 hours to minimise public nuisance.
<b>F Recorded Music</b>	Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales	Monday to Sunday: 10.00 - 01.00 Recorded music via jukebox or any other music system, including DJ and/or karaoke, during normal business or as part of functions, and including audience participation. PLUS When hours for sale of alcohol are extended on bank holidays and "event days", then these hours are also extended.

<p><b>G</b> Performance of Dance</p>	<p>None</p>	<p>Monday to Sunday: 10.00 - 01.00 Dance events for adults and children, with or without audience participation, within the function hall. PLUS When hours for sale of alcohol are extended on bank holidays and "event days", then these hours are also extended.</p>
<p><b>H</b> Anything of a similar description within e, f, or g</p>	<p>None</p>	<p>Comperes for quiz and similar events, comedians and similar performances in any case using voice amplification. Monday to Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "event days", then these hours are also extended.</p>
<p><b>I</b> Provision of facilities for making music</p>	<p>None</p>	<p>A stage area, microphone and sound system, including amplifiers and speakers, in both bar and function hall. Used as and when required, at any time during opening hours. Monday to Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "event days", then these hours are also extended.</p>
<p><b>J</b> Provision of facilities for dancing</p>	<p>None</p>	<p>Function room, which can be booked for events which include dancing. Monday to Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "event days", then these hours are also extended.</p>
<p><b>K</b> Provision of facilities for entertainment of a similar description to that falling with in i or J</p>	<p>None</p>	<p>None</p>

<b>L Late Night Refreshment</b>	None	None
<b>M Supply of Alcohol</b>	<p><b>1. Permitted Hours</b></p> <p>Alcohol shall not be sold or supplied except during permitted hours. 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>Monday to Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>10.00 New Years eve - 01.30 on the 2nd January</p> <p>10.00 - 01.30 on Friday, Saturday, Sunday and Monday on Bank Holidays, Christmas Eve and Boxing Day.</p> <p>10.00 - 01.30 on up to (30) other Event Days per annum, at my discretion ("Occasionals")</p>
<b>O Hours premises are open to public</b>	<p>As above plus 20 mins drinking up time</p> <p style="text-align: center;">1</p>	<p>Monday – Sunday 08.00 – 01.30</p> <p>Plus</p> <p>02.00 closing on the non standard days listed in M</p>
<b>P Conditions removed as a consequence of the proposed Variation</b>	<p>Remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933.</p>	

### 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) A representation has been received relating to anticipated negative impact of extended opening hours on noise levels, prevention of crime and disorder and prevention of public nuisance.
- b) Comments from pollution team There are no on-going complaints relating to this premises. Our records show that we have received six noise complaints since the year 2000, the most recent being made in July 2004. These all appeared to be one off events and no nuisance was identified or follow up complaints received. The committee may wish to consider imposing conditions relating to noise such as amplified music/voices being inaudible at the nearest residential 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 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.

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.

4.7 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.