




Brighton & Hove  
City Council

# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>10 July 2018</b>
Time:	<b>1.00pm</b>
Venue	<b>Hove Town Hall, Room G91</b>
Members:	<b>Councillors:</b> Gilbey, Hyde and Wares
Contact:	<b>Caroline De Marco</b> Democratic Services Officer 01273 29-1063 caroline.demarco@brighton-hove.gov.uk

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## AGENDA

**5 TO APPOINT A CHAIR FOR THE MEETING**

**6 WELCOME AND INTRODUCTIONS**

**7 PROCEDURAL BUSINESS**

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**8 BRIGHTON E CASINO, 9 GRAND JUNCTION ROAD, BRIGHTON - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003**

**5 - 36**

Report of Executive Director of Neighbourhoods, Communities & Housing

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

(copy attached).

Contact Officer: Sarah Cornell  
Ward Affected: Regency

Tel: 01273 295801

**NOTES:** *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

*There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chair reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

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For further details and general enquiries about this meeting contact Caroline De Marco (01273 29-1063, email [caroline.demarco@brighton-hove.gov.uk](mailto:caroline.demarco@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Monday, 2 July 2018



# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 8**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Brighton E Casino 9 Grand Junction Road Brighton BN1 1PP</b>		
<b>Applicant:</b>	<b>Grosvenor Casinos Limited</b>		
<b>Date of Meeting:</b>	<b>10 July 2018</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801</b>
	<b>Email:</b>	<b>sarah.cornell@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Regency</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Brighton E Casino.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Brighton E Casino.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes an Electronic Casino.
- 3.2 Part M (operating schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

### 3.3 Summary table of proposed activities

	<b>Proposed</b>
<b>B) Films</b>	Every Day 00:00 to 00:00 (24 Hours)
<b>E) Live music</b>	Every Day 00:00 to 00:00 (24 Hours)
<b>F) Recorded Music</b>	Every Day 00:00 to 00:00 (24 Hours)
<b>G) Performance of Dance</b>	Every Day 00:00 to 00:00 (24 Hours)
<b>H) Anything of a similar description within e, f ,or g</b>	Every Day 00:00 to 00:00 (24 Hours)
<b>L) Late Night Refreshment</b>	Every Day 23:00 to 05:00
<b>M) Supply of Alcohol</b>	Mon–Sat: 10:00 – 06:00 Sun: 12:00 – 06:00 On & Off Premises
<b>O) Hours premises are open to public</b>	Every Day 00:00 to 00:00 (24 Hours)

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.8).

#### **Representations received**

- 3.5 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.6 Four representations were received. They were received from a local resident, Sussex Police, The Licensing Authority and a Local Action Team.
- 3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.
- 3.8 Full details of the representations are attached at Appendix C. A map of the location of the premises and showing those representations within the locality is at Appendix D. Please note that Responsible Authorities, Residents Associations and reps further afield are not shown on the map but can be found at Appendix C.

## **4. COMMENTARY ON THE LICENSING POLICY**

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

### **1. Introduction**

**1.1** This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

### **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.

### **1.3 Scope**

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. 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.

### **3 Special Policies and Initiatives**

#### **3.1 Cumulative impact**

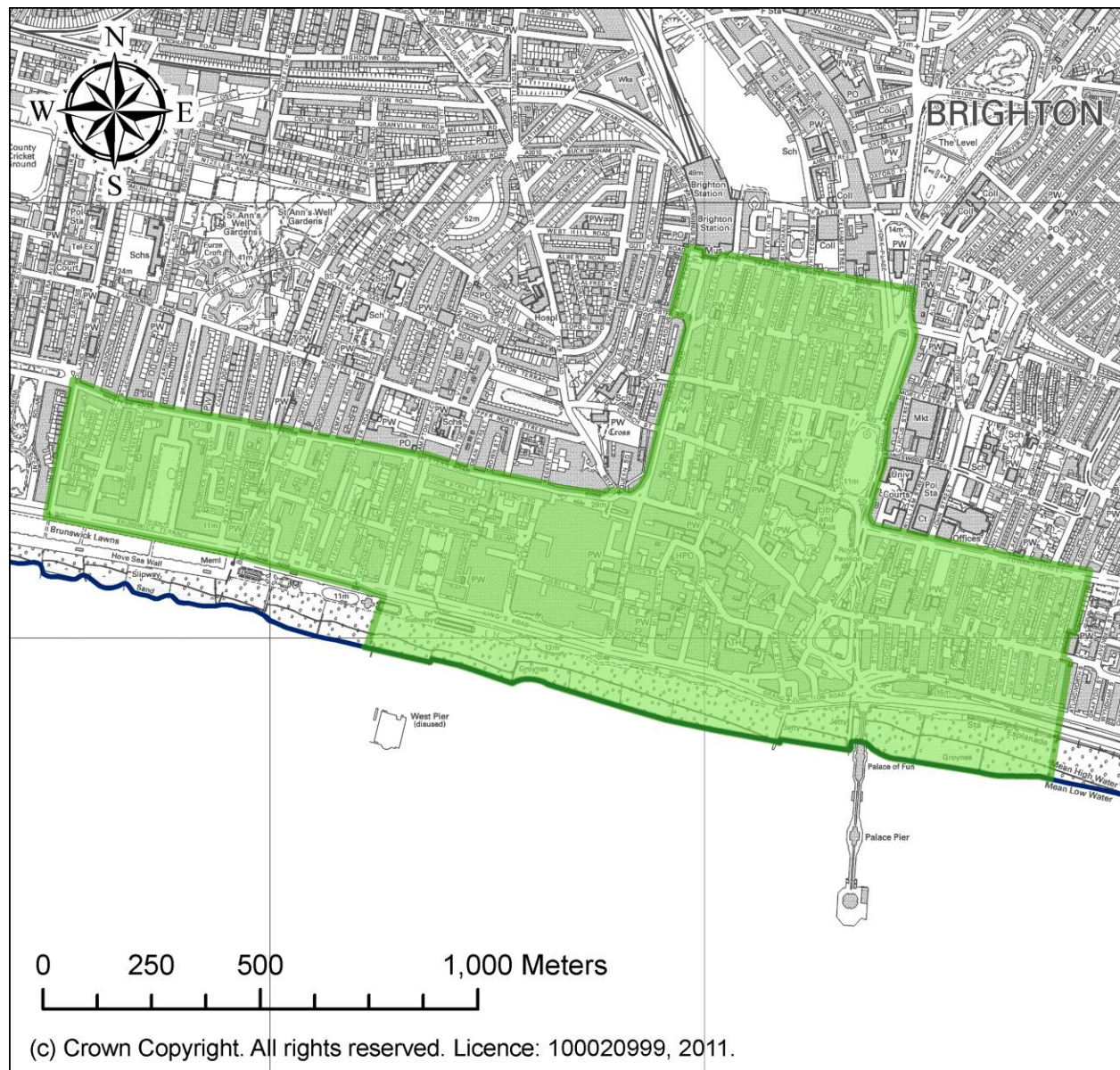
- 3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
- 3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy.



3.1.3 This special policy will refer to a Cumulative Impact Zone (“the CIZ”) in the Brighton city centre, a detailed plan of which is shown below.

### Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

- 3.1.4 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 3.1.5 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 3.1.6 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 3.1.7 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.
- 3.1.8 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

### **3.3 The Matrix Approach**

#### **The Licensing Authority will support:**

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Marina</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
<b>Café bar</b>	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes	Yes (midnight)
<b>Night Club</b>	No	No	Yes	No
<b>Pub</b>	No	Yes (11pm)	Yes	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
<b>Off-licence</b>	No	No	Yes	Yes ( Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances

- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

#### **4 Prevention of Crime and Disorder**

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects 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 supervisors 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. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

- 4.1.3 It is expected that the 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 and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.5 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## **4.2 Sussex Police**

- 4.2.1 The Police have experienced a shift in peak times during the policing of the night time economy with an increasing demand for resources further into the early hours of the morning. This may be indicative of individuals coming out later into the night time economy due to changes in disposable income. This is coupled with the increases in 'pre-loading,' when individuals coming into the night time economy have already consumed alcohol purchased at home. There has also been a noticeable increase in licensing activity mid-week. This has been partly due to the large student population taking advantage of a more affordable week night economy. Likewise, licensed venues have encouraged a wider customer base by hosting regular themed nights and offering discounted alcohol and entry. These trends provide obvious challenges to both the licensed on-trade and the police when assessing and responding to levels of drunkenness.
- 4.2.2 Dispersal from the city centre during the late evening and early morning continues to provide policing challenges. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.
- 4.2.3 Sussex Police have a growing concern that, despite staff training in age-restricted sales, under age individuals are still being served alcohol in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted. Between December 2013 and July 2014, 21 off-licences and 13 on-licences were tested. 38% of the off-licences failed in contrast with a 85% failure rate with the on-licences; indicating a considerable risk in this area of the trade. It is anticipated that initiatives, including the introduction of identification scanning machines at premises throughout the city, will go some way to mitigate this risk. Sussex Police also continue to work alongside the Business Crime Reduction Partnership to tackle the problem of

those who use false identification to enter licensed premises and purchase alcohol.

- 4.2.4 Brighton and Hove Police are working closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. This includes such measures as offering vulnerability training and supporting initiatives such as mobile teams of volunteers actively checking peoples well-being.
- 4.2.5 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the Council's Special Policy which defines cumulative impact and special stress. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton and Hove a safe and enjoyable city

### **4.3 Care, control and supervision of premises**

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 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 may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

## **5 Public Safety**

- 5.1 The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.
- 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.
- 5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- 5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:
- (a) provision of closed-circuit television and panic buttons.
  - (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
  - (c) use of door supervisors, licensed by the Security Industry Authority.
  - (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
  - (e) occupant capacity conditions will be applied where appropriate.

(f) the provision of designated and suitably trained first aiders.

## **6 Prevention of Public Nuisance**

- 6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.
- 6.1.1 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, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).
- 6.1.2 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. Noise emanating from within licensed premises should not normally be audible outside.
- 6.1.3 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.
- 6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.
- 6.1.5 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.
- 6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

## **7 Protection of Children from Harm**

- 7.1 The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting



conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

- 7.2 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (e.g. passport, photo driving licence or pass card).
- 7.3 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 5.3 below.
- 7.4 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-
- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
  - b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
  - c) Further take-up of proof of age schemes will be promoted
  - d) In-house, mystery shopper type schemes operated by local businesses will be supported
  - e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.5 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

7.6 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authorities procedures for dealing with unclassified films are appended at **Appendix E of the Statement of Licensing Policy**.

7.8 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.9 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

## **8 Integration of Strategies**

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
  - Liaising and consulting with Public and Alcohol Programme Board
  - Liaising and consulting with the East Sussex Fire & Rescue Service
  - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
  - Liaising and consulting with the Planning authority
  - Liaising and consulting with the Highways authority
  - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
  - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 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, use of the NightSafe radio system or accredited scheme, 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. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted Michael Bentley*

*Date: 21/06/18*

### Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

*Lawyer Consulted: Rebecca Sidell*

*Date: 20/06/18*

### Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

### Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Part M (operating schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 3rd edition. Public Health Intelligence. October 2017

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.



## **APPENDIX A**

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

1. The sale of alcohol must be ancillary to the use of the premises for gaming facilities and substantial refreshment.

2. The currency of this licence shall last for as long as the applicant operates the premises; thereafter it is intended that Premises Licence 1445/3/2009/0131/LAPREV shall be reinstated and apply (subject to payment of the requisite annual fees in respect of that licence). 2012/02782/LAPRMV

**b) The prevention of crime and disorder**

1. On Fridays and Saturdays, SIA registered door supervisors will operate on the premises from 21.00 until 2 hours after the bar has closed (or the closing time of the premises, if this is sooner), with a minimum of 2 door supervisors from 22.00 until 1 hour after the bar has closed (or the closing time of the premises, if this is sooner).
2. On all other days at least one SIA registered door supervisor will operate on the premises from 21.00 until 1 hour after the bar has closed (or the closing time of the premises, if this is sooner).
3. No alcoholic drinks promotions will be operated at the premises from 03.00 until 06.00.
4. Records shall be maintained at the premises containing the full name, date of birth and home address of every door supervisor. The records shall include all times and dates when a door supervisor is employed.
5. If not employed through an agency, authentic proof of identity of door staff shall be obtained in the form of a passport, drivers licence or a birth certificate. Copies of these documents will be held at the premises and made available to the Police and/or Council Licensing Authority immediately upon request (subject to the Data Protection Act 1998 or any successor or amending legislation).
6. The name and address of the agency through which door staff are employed must be included in the entry referring to the person concerned.
7. The management shall ensure door supervisors display a name badge and carry proof of licence.
8. CCTV and appropriate recording equipment shall be installed, operated and maintained to adequately cover the whole of the area designated for licensable activities including the public entrance/exit (both internally and externally), to the reasonable standard required by the Sussex Police. CCTV footage will be stored for a minimum of 28 days and made available to a Police Officer of the rank of Inspector or above (subject to the Data Protection Act 1998 or successor or any amending legislation) on request. A copy of the footage will be provided and returned to the premises within a reasonable time.
9. The CCTV system will record dates and times.
10. The management and premises will have an absolute Zero Tolerance Policy in respect of drugs, with notices advising customers of this clearly displayed at the entrance. Any illegal drugs seized will be documented as required by the Police and stored in a secure "drugs box", and periodically the management will request the Police to come and remove all such drugs for destruction.
11. Crime prevention and security measures shall be instigated throughout the premises following consultation with Sussex Police, as reasonably required.

12. The management of the premises will meet with the Police to discuss the safe and proper management of the premises on minimum three monthly basis, unless the Police confirm in any one quarter that such a meeting is not necessary.
13. The premises will continue to be a member of NIGHT SAFE or any other similar organisation set up to replace this. The premises will also sign up to the BCRP Yellow Card scheme.
14. Save for sales of bottled beers and bottles of wine and champagne, shatterproof drinking receptacles will be provided where practicable.

**c) Public safety**

1. No table dancing performance will be permitted unless the performers comply with the Table Dancing Rules deposited with the Council and Police and such Rules will not be altered without their consent.
2. When the DPS is not on site, there will be a control document held and maintained on site, which will state who is in effective control and management of the premises in the absence of the DPS. Other persons in control and management of the premises will ideally be Personal Licence Holders, and will be fully competent in licensing matters, health and safety and emergency evacuation measures.

**d) The prevention of public nuisance**

1. Any sound limiting device installed at the premises (at the discretion of the operator depending on the nature of the entertainment provided) shall be maintained in good working order at the level set by the Council Officers.
2. Prominent and clear notices will be displayed at the exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

**e) The protection of children from harm**

1. The only identification that will be accepted will be that approved by PASS, photo driving licences or passports.
2. Under 18s will not be permitted on the premises. A clear notice shall be displayed at the entrance to the premises stating that Under 18s are not permitted.
3. The premises will operate a "Challenge 21" scheme, whereby anyone who appears to be aged 21 or younger is asked for identification to prove their age.
4. The operators shall not permit the display outside the premises, in any promotional literature or on the premises' website, photographs or other images which may reasonably be construed as offensive.
5. The Licensee shall operate a policy that no more than 20 customers be permitted to smoke outside the premises at any one time.
6. The Licensee shall ensure that the placing of refuse, such as bottles, into receptacles outside the premises does not take place between the hours of midnight and 07.00.







## **APPENDIX C**

**Miss S Cornell**  
**Licensing Team, BHCC**  
**Bartholomew House**  
**Bartholomew Square**  
**Brighton BN1 1JP**  
**SC CON ENDS 12.06.18 VALID PNN, PCD & CIZ (A)**

Date: 8 June 2018  
Our Ref: 2018/03856/LICREP/EH

Dear Miss Cornell,

### **Licensing Act 2003**

**RE: Representation in regard to the application for a new Premises Licence (Ref. 2018/02828/LAPREN) for Brighton E Casino, 9 Grand Junction Road, Brighton, BN1 1PP**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a Responsible Authority, in relation to the above application for a new Premises Licence to be issued for Brighton E Casino, submitted by Grosvenor Casinos Limited.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of prevention of crime and disorder and public nuisance, due to the premises' location within the Cumulative Impact Area, which is covered by a Special Policy within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area which is covered by a special policy in the SoLP and was adopted to give greater power to control the number of licensed premises within the city's centre. The Special Policy on Cumulative Impact was introduced because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance.

The effect of the Special Policy is that applications for new premises licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including prevention of crime and disorder and public nuisance.

The Licensing Team make this representation to uphold our Statement of Licensing Policy, which we believe this application contradicts. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

Yours sincerely

**Mark Savage-Brookes**

**Licensing Officer**

Regulatory Services

**From:** Caroline Brennan

**Sent:** 11 June 2018 15:34

**To:** EHL Safety

**Subject:** Licensing application for Grosvenor Casino, Grand Junction Rd, Brighton

**SC CON ENDS 12.06.18 VALID PCD & PNN (B)**

Good afternoon,

I have been unable to access the Public Register to respond to a licensing application that I understand has been submitted by the Casino.

As a neighbouring property owner I have a strong interest in this application - I understand that the deadline for response is tomorrow 12 June.

There is a fault with the website of which you are aware. I'm not sure if you will extend the deadline for response. If that is the case then I would like this email to signal my objection to any alterations to the licence that would generate increased night time noise and anti-social behaviour for residents.

I can't currently provide you with the reference number, but trust that you are able to locate the application.

Many thanks in advance,

Caroline Brennan

Flat 6 Clarendon Mansions,  
80 East St,  
BN1 1NF

**From:** Debbie Leigh  
**Sent:** 11 June 2018 16:31  
**To:** EHL Safety  
**Cc:** Tom Druitt; Alex Phillips  
**Subject:** License number: 1445/3/2018/02828/LAPREN - OBJECTION

**SC CON ENDS 12.06.18 VALID PS, PCD, PNN, PCH & CIZ (C)**

Good afternoon,

I want to register an objection regarding this license application from the Grosvenor Casino, on behalf of the residents of Clarendon Mansions and Brighton Old Town LAT.

The objection relates to the following licence objectives:

Prevention of Crime and Disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from harm

Grosvenor Casino have offered very little information as to why it has submitted an application for a new license. The premises already has a 24 hour license, so LAT members are unsure why another license is needed. We understand that the Casino had applied for planning permission to expand into the premises currently occupied by THE HAUNT, in Pool Valley, and that subsequently planning permission for this has not been granted. LAT members and councillors have met with the new manager of THE HAUNT, who has advised us of his intention to move THE HAUNT into DIRTY BLONDE, on East Street. However, this application does not make any mention of this.

The activities applied for seem appropriate for that of a night club, with the license requesting the sale of alcohol from 10AM until 6AM on Monday to Saturday and from 12:00 until 6AM on a Sunday. If this is indeed the intention, to turn the

premises which is currently the HAUNT into a 24 hour drinking establishment, rather than a live music venue, with license restrictions, then nearby residents would want to strongly object.

The Casino lies within the cumulative impact zone and should be subject to the special Statement of Licensing Policy. This states that applications for new premises licences or club premises certificates within the Cumulative Impact Area, will be refused. The Casino needs to show that their application will have no negative Cumulative Impact and I cannot see evidence of this in their application. In addition, if applying the Statement of Licensing Policy Matrix approach, none of the requested licensable activities should be granted.

Of particular concern to residents is the application to serve alcohol off the premises and the application for performance of live music 24 hours a day. Residents in Clarendon Mansions already suffer noise nuisance from the Haunt, with the loading/unloading of stage equipment late in the evening in Brills Lane, the tendency for bands to practice late afternoons with the club's rear doors open so noise leaks out into Brills Lane, and the gathering of music fans outside the rear doors of the premises waiting for band members to emerge. This is tolerable currently, because the noise very seldom continues after 10pm. It would become intolerable if the premises was to have a 24 hour license.

Residents would also suffer noise from customers leaving the establishment late at night, from the disposal and collection of glass waste and the potential for increased anti-social behaviour and alcohol related crime and disorder.

Brighton and Hove's Public Health Framework for Assessing Alcohol Licensing 2017 clearly shows that Regency Ward in which the Casino is situated, is rated "worst" for alcohol related Crime and Disorder. The Casino is directly within the hotspot area of police recorded alcohol related incidents.

The casino has not provided sufficient evidence to prove that there are exceptional circumstances for granting a new license to this premises.

Regards,

Debbie Gibson-Leigh – Chair Brighton Old Town LAT  
Flat 1 Clarendon Mansions  
80 East Street  
BN1 1NF

12<sup>th</sup> June 2018

The Licensing Technical Support Officers  
Environmental Health, Brighton & Hove City Council  
Bartholomew House, Bartholomew Square  
Brighton, East Sussex  
BN1 1JP

**SC CON ENDS 12.06.18 VALID PS, PCD & CIZ (D)**

Dear Mark Savage-Brookes,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR BRIGHTON E CASINO, 9 GRAND JUNCTION ROAD, BRIGHTON, EAST SUSSEX, BN1 1PP UNDER THE LICENSING ACT 2003. 1445/3/2018/02828/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder, public nuisance and public safety. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy.

This is a proposed new licence application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the Cumulative Impact Zone (CIZ) (as defined in the BHCC Statement of Licensing Policy) and seeks the following hours and licensable activities:

Films (Indoors), Live Music (Indoors), Recorded Music (Indoors), Performances of dance (Indoors), Anything of a similar description (Indoors)

**Everyday:** 00:00 – 00:00 (24 hours)

Late Night Refreshment (Indoors)

**Everyday:** 23:00 – 05:00

Supply of Alcohol (On and Off the Premises)

**Monday – Saturday:** 10:00 – 06:00

**Sunday:** 12:00 – 06:00

## Opening hours

**Everyday:** 00:00 – 00:00 (24 hours)

Paragraph 3.1.4 of the Brighton and Hove City Council 2016 Statement of Licensing Policy states:

*“The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licenses or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact”.*

The licensing decision matrix on page 16 of the Council Statement of Licensing Policy (SoLP) states that no new premises or premises licence variations asking for these licensable activities and hours will be granted in the CIZ, except in exceptional circumstances.

Paragraph 14.40 of the Secretary of State’s Guidance to the Licensing Act 2003 (April 2018) provides:

*‘In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described....Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.’*

The applicant has not referred to the Cumulative Impact Zone or the BHCC Statement of Licensing Policy (SoLP) in their application. Although the applicant met with Sussex Police prior to making this application, there is no mention of any measures they will take to promote the licensing objectives or deal with potential cumulative impact within the application received. Therefore, Sussex Police do not believe that the applicant has offered any reasoning as to why this would be an exception to policy or why the SoLP should be departed from.

Further, although the applicant has offered a number of conditions Sussex Police do not believe these go far enough to help mitigate any potential risk in a busy and central area of the City. The conditions offered fall short of the current city



wide expected standard and there is no mention of any staff training around the Licensing Act or underage sales. Sussex Police contend that the carrying on of additional licensable activity and the hours applied for at these premises will add to the existing negative cumulative effect in an area already saturated with late opening licensed premises.

Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

Insp Di Lewis  
Licensing & Response Inspector  
Local Policing Support Team  
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, Police Station, John Street, Brighton, BN2 0LA.



**APPENDIX D**

