




Brighton & Hove  
City Council

# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>31 July 2018</b>
Time:	<b>10.00am</b>
Venue	<b>Hove Town Hall, Room G90 - Hove Town Hall</b>
Members:	<b>Councillors:</b> Deane, Marsh and O'Quinn
Contact:	<b>Thomas McColgan</b> Democratic Services Officer 01273 29-0569 tom.mccolgan@brighton-hove.gov.uk

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AGENDA

18 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

19 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.*

20 HANGLETON MANOR LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Report of: **Executive Director of Neighbourhoods, Communities & Housing**

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

### Copy attached

Contact Officer: Donna Lynsdale  
Ward Affected: Hangleton & Knoll

Tel: 01273 292494

**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 Thomas McColgan, (01273 29-0569) email [tom.mccolgan@brighton-hove.gov.uk](mailto:tom.mccolgan@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Monday, 23 July 2018



# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item 20**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a Variation of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Hangleton Manor Hangleton Valley Drive Hove BN3 8AN</b>		
<b>Applicant:</b>	<b>Hall &amp; Woodhouse Ltd</b>		
<b>Date of Meeting:</b>	<b>31 July 2018</b>		
<b>Report of:</b>	<b>Executive Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Donna Lynsdale</b>	<b>Tel: (01273) 292494</b>
	<b>Email:</b>	<b>Donna.lynsdale@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Hangleton And Knoll</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Hangleton Manor.

### 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Hangleton Manor.

### 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes to include the rear beer garden in the licensable area and to remove the condition relating to maximum capacities in different parts of the premises and to include the provision of Late Night Refreshment whenever the premises are open.
- 3.2 Part M (operating schedule) of the application is detailed at Appendix A and the proposed plan of the premises is attached at Appendix B.

3.3 Summary table of **existing and** proposed activities

	<b>Existing</b>	<b>Proposed</b>
<b>E) Live music</b>	Every Day 11:00 – 00:00 Outdoor music would stop at 9pm and would be very occasional, maybe five times a year	No change
<b>F) Recorded Music</b>	Monday to Saturday 11:00 – 01:00 Sunday 11:00 – 00:00	No change
<b>H) Anything of a similar description within e, f ,or g</b>	Every Day 11:00 – 00:00	No change
<b>L) Late Night Refreshment</b>	N/A	Monday to Saturday 23:00 – 01:30 Sunday 23:00 – 00:30
<b>M) Supply of Alcohol</b>	Monday to Saturday 11:00 – 01:00 Sunday 11:00 – 00:00 On and off premises	No change
<b>O) Hours premises are open to public</b>	Monday to Saturday 11:00 – 01:30 Sunday 11:00 – 00:30	No change
<b>P) Conditions removed as a consequence of the proposed Variation</b>	<b>Public Entertainment Licence</b> <ul style="list-style-type: none"> <li>The number of persons permitted on the licensed premises at any one time shall not exceed:- <b>50 in the lounge/diner (Tudor Room) or 100 in the bar area (Garden Room) and no more than 100 in total on the premises at any one time.</b></li> </ul>	

3.4 Existing licence attached at Appendix C

3.5 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

**Representations received**

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 Four representations were received. They were received from local residents

- 3.8 Representations received had concerns relating to Public Safety & Prevention of Public Nuisance.
- 3.9 Full details of the representations are attached at Appendix D. A map of the location of the premises and showing those representations within the locality is at Appendix E.

#### **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

### 3.3 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 off set 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.

### **3.9 Promoters and irresponsible drinks promotions**

- 3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Area regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.
- 3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

### **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.

5.1.3 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).

## 6.2 Smoking Advice

### 6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

## **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.

## **APPENDIX A – Licensing Best Practice Measures**

Best Practice Measures to be included for consideration, in particular in SSA:

Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators



- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

## 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: 10/07/18*

### 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: 08/07/18*

### 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 – Proposed Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Representations
5. Appendix E – 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 any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

*Note for information purposes only. The primary purpose of this application is to include the Beer garden within the licensed area. This would allow for the installation of a temporary bar in the garden without the need to give Temporary Event Notices as has been done hitherto. The inclusion of late night refreshment is simply to allow the provision of principally tea and coffee whenever the premises are open to the public and the reason for seeking the removal of the “capacity condition” is set out in section L above.*

*No other changes to licensable activities, to permitted hours nor the conditions that currently apply to the licence are proposed.*

*Against that background and having in mind that the premises have operated without licensing issues arising for many years, the applicant does not consider it to be either necessary or appropriate to offer any additional conditions as a result of this application.*

*PLEASE NOTE THAT THE PLAN ATTACHED TO THE EXISTING LICENCE IS THE CORRECT INTERNAL LAYOUT PLAN. THE ELECTRONIC SUBMISSION INCLUDES ONLY THE PLAN OF THE EXTERNAL AREA TO BE LICENSED. IF A FURTHER COPY OF THE INTERNAL PLAN IS REQUIRED, PLEASE ADVISE AND WE CAN SEND BY POST.*

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

Please refer to section M(a) above.

**c) Public safety**

Please refer to section M(a) above.

**d) The prevention of public nuisance**

Please refer to section M(a) above.

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

Please refer to section M(a) above.



**APPENDIX B**





Premises Licence  
Brighton and Hove City Council

Premises Licence Number

1445/3/2005/04215/LAPRET

## Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Hangleton Manor  
 Hangleton Valley Drive  
 Hove  
 BN3 8AN

**Telephone number** 01273 413266**Licensable activities authorised by the licence**

Performance of Live Music and Recorded Music  
 Anything of a similar description to live music, recorded music or performance of dance  
 Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities****Performance of Live Music** - Indoors and outdoors

Monday - Sunday: 11.00 - 00.00. Outdoor music would stop at 9pm and would be very occasional, maybe five times a year)

**Performance of Recorded Music** - Indoors

Monday - Saturday: 11.00 - 01.00, Sunday: 11.00 - 00.00. Music quieter towards closing.

**Anything of a similar description to live music, recorded music or performance of dance**  
- Indoors

Monday - Sunday: 11.00 - 00.00. Karaoke.

**Sale by Retail of Alcohol**

Monday - Saturday: 11.00 - 01.00, Sunday: 11.00 - 00.00.

**The opening hours of the premises**

Monday - Saturday: 11.00 - 01.30, Sunday: 11.00 - 00.30.

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Hall & Woodhouse Ltd  
The Brewery  
Blandford St Mary  
Dorset  
DT11 9LS

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number            57696

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Iain Richard Giles

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**



## Annex I - Mandatory conditions

### S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
  - a) at a time when there is no designated premises supervisor in respect of the premises, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
6. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula—
 
$$P=D+(D \times V)$$
 where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Embedded Conditions:**

### **On Licence**

#### **Permitted Hours**

Alcohol may be sold or supplied from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

All other restrictions removed.

### **Public Entertainment Licence**

- The number of persons permitted on the licensed premises at any one time shall not exceed:- **50 in the lounge/diner (Tudor Room) or 100 in the bar area (Garden Room) and no more than 100 in total on the premises at any one time.**
- Standard Conditions removed.

### **Variations to Embedded Conditions:**

#### **Annex 2 – Conditions consistent with the Operating Schedule**

**For the Prevention of Crime and Disorder:** None.

#### **For Public Safety:**

- A personal licence holder will always be on the premises when a licensable event is taking place.

#### **For the Prevention of Public Nuisance:**

- Outdoor music will cease at 21.00.

#### **For the Protection of Children from Harm:**

- Any person seeking to purchase alcohol who appears to staff to be under 18 will be asked to produce suitable proof of age such as a passport or photographic driving licence.
- All children on the premises must be accompanied by, and under the control of, an adult.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority – N/A**

# Annex 4 – Plans



## **APPENDIX D**

-----Original Message-----


From: Jo

Sent: 11 June 2018 16:59

To: EHL Safety

Subject: Variation in premises licence at Hangleton Manor

### **DML CON ENDS 04.07.18 VALID PNN (A)**

  
To: Licensing department, Brighton and Hove Council, Bartholomew Square, Brighton, BN1  
IJP

We wish to object to the proposal to alter the Premises Licence at Hangleton Manor Public House.

Our concern is regarding the increased noise and disturbance that would result as our property backs on to the pub garden. At present, the noise is until after 11pm and we are concerned that the proposals listed would increase both the amount of noise and the time that it goes onto in what is primarily a residential area.

We look to hearing from you in the near future.

Joanne and Lynn Wells

Donna

2018/03332/LIAPREV

REP CAN BE VALIDATED FOR  
PUBLIC NUISANCE

DML CON ENDS 4/7/18 PNN VALID

ⓑ

11/06/2018.

To: Licensing Dept.  
Brighton and Hove Council  
Bartholomew Square  
Brighton.  
BN11JP.

Dear Sir/Madam,

Re: Variation in Premises Licence at Hangleton Manor.

We wish to object to the proposal to alter the Premises Licence at Hangleton Manor Public House.

As you can see from our address our house backs directly on to the Pub Garden.

At present this residential neighbourhood is very often disturbed by noise from the pub. We are often unable to go to bed before the Pub closes because of the noise in the Pub garden. In fine weather, when windows are open, the noise does not finish before about 11.30pm. This is the normal time for the noise to stop throughout the year. Hence the disturbance continues into the colder months.

All three proposals listed would increase the noise in intensity and time. Hence we object to the proposals. Surely local residents should have a voice.

I look forward to hearing from you.

Yours Sincerely,

Peter and Susan Grist.

**From:** B DONAGHY

**Sent:** 18 June 2018 15:20

**To:** EHL Safety

**Subject:** PREVENTION OF A PUBLIC NUISANCE - RE APPLICATION NO. HA1155/559  
HANGLETON MANOR PUB, HANGLETON VALLEY DRIVE., HOVE BN3 8AN

**DML CON ENDS 04.07.18 VALID PPN (C)**

Dear Sir / Madam

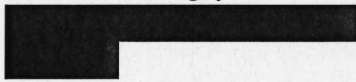
With regard to the proposed above application I would like to raise very serious concerns as to the proposal to increase the number of customers allowed on the premises both inside the pub and outside the pub in the garden.

The local residents are very tolerant of the pub and appreciate that they have a business to run and a profit to make. We on the whole put up with considerable noise from the pub garden especially in the summer months where there does not appear to be any control or supervision. But increasing the numbers allowed on the premises will have a huge impact of our quality of life. More noise in general, excessive crowds, more alcohol consumption, more cars parked in local roads and more noise from customers vacating the premises especially late at night.

Hangleton Manor Pub is situated in a lovely green part of Hangleton and surrounded by houses. Although the pub is a business I think they should consider the local residents and help retain the area as it is, encouraging more customers would be disastrous for the local residents and the area in general.

Many thanks for taking the time to read my email and would ask that you please consider my objections.

Mrs Pat Donaghy



From: Vernon Hardman

Sent: 02 July 2018 09:26

To: EHL Safety

Subject: Licence No. I445/3/2018/03332/LAPREV

## **DML CON ENDS 04.07.18 VALID PS & PNN (D)**

My property is one of the thirteen houses plus cottages immediately adjacent to Hangleton Manor. I do not believe the above application should be granted for the following reasons.

### **1. Public Safety**

The above licence application calls for removal of the condition imposed by the current licence which limits the number of persons to 100 in total on the premises at any one time (50 in the Lounge/Diner or 100 in the bar area Garden Room). The proposed ground floor plan accompanying the original application in 2005 (DRWI867/02 dated 28/07/05) shows seating for approximately 80 persons. It is assumed that this restriction was placed as a matter of public safety which is confirmed by the applicant's admission that it "probably refers to matters of fire safety". The declared purpose of the application is "to include within the licensed area the beer garden...." and that it should have no impact on the existing requirements in respect of public safety within the building is not valid, and certainly is not "...of no effect".

### **2. Prevention of a Public Nuisance**

In good weather large numbers of people are in the garden during the afternoon and evening; often in excess of 80 adults plus children. This is quite understandable. However, I understand that whilst last orders are normally at 2300hrs, there are occasions when the noise from the assembled masses becomes unacceptable. (Alcohol does tend to increase noise levels significantly.) This is exacerbated by the failure of the management on occasions to request that the patrons leave the garden a.s.a.p and quietly. The latest occurrence was on Friday 29th June when there was an unacceptable level of noise until after 2330hrs.

A facility to order beer and late night refreshments in the garden, which I understand, from the manager, is the prime purpose of this application, will only aggravate the situation, as I assume the purpose is to increase footfall in the garden, and is likely to prolong the duration of drinking time.

V P Hardman



**APPENDIX E**



