

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 7th July 2005

Report of: Assistant Director – Public Safety

Subject: Application for a variation to a Premises Licence at
The Prince of Wales,
47 Clarence Square
Brighton
BN1 2ED

Ward(s) affected: Regency Ward

1. Purpose of the report

- 1.1 To determine an application for a premises licence and, if the decision is to grant the licence, to attach suitable conditions to ensure the licensing objectives are met.

2. Summary of application

The application is for: A variation for the premises licence already granted under 'grandfather rights'.

The variation(s) proposed are:

For the sale of alcohol, playing of live music limited to 2 performers, exhibition of film (including videos/DVDs), playing of recorded music, disco's and Karaoke, performances of dance and the provision of late night refreshment and to vary the hours the premises are open to the public as follows;

Monday to Saturday 10.00am to 2.00am, Sunday 10.00am to 00.30am,

except for hours 10.00am to 02.30 am for Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday and Halloween.

Summary table of existing and proposed activities

	Existing	Proposed
Films shown	None	Playing of video recordings of events which have taken place at the premises and playing of videos for Charity Race nights and karaoke, music videos/DVDs, showing of advertisements. Monday - Saturday: 10.00 - 01.45 Sunday: 10.00 - 00.30 PLUS 10.00 - 02.15: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday, Halloween and New Years Eve until close (karaoke).
Sale of alcohol	Monday to Saturday 10:00 hrs to 23:00 hrs Sunday and Good Friday 12:00 hrs to 22:30 hrs Christmas Day : 12:00 hrs to 15:00 hrs, and 19:00 hrs to 22:30 hrs	Monday - Saturday: 10.00 - 01.30 Sunday: 10.00 - 00.00 PLUS 10.00 - 02.00: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday and Halloween.

Live music	Up to 2 performers only	<p>No more than 2 performers, amplified and un-amplified music, to be held occasionally. Monday - Saturday: 10.00 - 00.30 Sunday: 10.00 - 23.30 PLUS 10.00 - 01.30: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday, Halloween and New Years Eve until close.</p>
Making Music	None	<p>Disco's and Karaoke provided by third party or licensee. Monday - Saturday: 10.00 - 01.45 Sunday: 10.00 - 00.30 PLUS 10.00 - 02.15: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday, Halloween and New Years Eve until close.</p>
Recorded Music	None	<p>CDs, Radio Juke Box incidental to other activities Disco Karaoke. Monday - Saturday: 10.00 - 01.45 Sunday: 10.00 - 00.15 PLUS 10.00 - 02.45: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday, Halloween and New Years Eve until close.</p>

Dance	None	Monday - Saturday: 10.00 - 01.45 Sunday: 10.00 - 00.15 PLUS 10.00 - 02.15: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday, Halloween and New Years Eve until close.
Late Night Refreshment	None	Monday - Saturday: 23.00 - 01.30 Sunday: 23.00 - 00.00 PLUS 10.00 - 02.00: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday, Halloween and New Years Eve until close.
Film	None	Playing of video recordings of events which have taken place at the premises and playing of videos for Charity Race nights and karaoke, music videos/DVDs, showing of advertisements. Monday - Saturday: 10.00 - 01.45 Sunday: 10.00 - 00.30 PLUS 10.00 - 02.15: Christmas Eve, Boxing Day, Valentines Day, St Patricks Day, St Georges Day, Easter Friday, Saturday, Sunday and Monday, May Bank Holiday Saturday, Sunday and Monday, Spring Bank Holiday Saturday, Sunday and Monday, August Bank Holiday Saturday, Sunday and Monday, Halloween and New Years Eve until close (karaoke).

3. Representations received

- 3.1 Details of the representations made are on form L57a (Appx.1) and a summary appears below:
- a) Anticipated negative impact of extended opening hours,
 - b) Concern over noise levels from live music, music for dancing and karaoke,
 - c) Concern over noise from customers leaving the premises,
 - d) Concern over the potential for increase in crime and disorder.
- 3.2 Written submissions have been made by the Regency Square Area Society, the Directors of Chartwell Court Residents Ltd and a local resident (Appx. 2) for consideration by this sub-committee.
- 3.3 Comments from Pollution Team, Environmental Health: no records of noise disturbance arising from the premises appear on departmental database since March 2001.

4. Commentary on licensing policy

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

- 1.2 The licensing objectives are:-
- (a) prevention of crime and disorder;
 - (b) public safety;
 - (c) prevention of public nuisance;
 - (d) protection of children from harm.

1.4 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

1.14 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to

licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises.

4.3 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

4.4 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the

income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.