

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 18 July 2005

Report of: Assistant Director – Public Safety

Subject: Application for a variation under transitional arrangements of the Licensing Act 2003 – Hove Place, 35-37 First Avenue, Hove

Ward(s) affected: Brunswick & Adelaide, Central Hove

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

- 2.1 The application is for:

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

The variations proposed:

- To permit regulated entertainments throughout opening hours.
- To permit the sale of alcohol on bank holiday weekends (Friday to Monday), Christmas Eve and Boxing Day until 01.30 the following morning. Also to open up to 30 other event days.
- On all days except the above to sell alcohol from 10.00 to 01.00.
- To remain open for 30 minutes after the end of permitted hours for the sale of alcohol.
- To remove all embedded restrictions inherent in the Licensing Act 1964, Cinematograph (Safety) Regulations 1955 and Children and Young Persons Act 1933

- 2.2 Summary table of existing and proposed activities

Existing	Proposed
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Films shown		<p>Video entertainment on TV screens and amusement machines.</p> <p>Monday - Sunday: 10.00 - 01.00 PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p> <p>Remove all embedded restrictions inherent in the Cinematograph (Safety) Regulations 1955</p>
Sale of alcohol	<p>Monday to Saturday 10:00 hrs to 23:00 hrs</p> <p>Sunday and Good Friday 12:00 hrs to 22:30 hrs</p> <p>Christmas Day : 12:00 hrs to 15:00 hrs, and 19:00 hrs to 22:30 hrs</p> <p>10.00 on New Years Eve to 23.00 on New Years day</p>	<p>On and Off the premises</p> <p>Monday - Sunday: 10.00 - 01.00 PLUS</p> <p>10.00 New Years eve - 01.30 on 2nd January</p> <p>10.00 - 01.30 on Friday, Saturday, Sunday and Monday on Bank Holidays, Christmas Eve and Boxing Day.</p> <p>10.00 - 01.30 on up to (30) other Event Days per annum, at my discretion ("Occasionals").</p> <p>Remove all embedded restrictions inherent in the Licensing Act 1964 and the Children and Young Persons Act 1933.</p>
Indoor Sporting Events		<p>To permit pub games that attract an audience, whether by advertisement or spontaneously.</p> <p>Monday - Sunday: 10.00 - 01.00 PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p>
Live music		<p>Indoors.</p> <p>Live (Acoustic/Amplified) music and amplified voice. All performances will be limited to end at 23.00 hours to minimise public nuisance.</p> <p>Monday - Sunday: 10.00 - 23.00</p>
Recorded music	<p>Mon – Sat: 10.00 to 23.00</p> <p>Sun: 12.00 to 22.30</p>	<p>Indoors.</p> <p>Recorded music via jukebox or any other music system, including DJ and/or karaoke, during normal business or as part of functions and including audience participation.</p> <p>Monday - Sunday: 10.00 - 01.00 PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p>

Performance of dance		Indoors. Dance events for adults and children, with or without audience participation, within the function hall. Monday - Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.
Entertainment similar to music and dance		Indoors and Outdoors. Comperes for quiz and similar events, comedians and similar performances in any case using voice amplification. Monday - Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.
Provision of music making facilities		Indoors. A stage area, microphone and sound system, including amplifiers and speakers. Used as and when required, at any time during opening hours. Monday - Sunday: 10.00 - 01.00 PLUS When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.

3. Representations received

- 3.1 Details of the representations made are on form L57a (Appendix) and a summary appears below:

Two objections from residents anticipating a negative impact from extended opening hours by way of noise from the beer garden and people leaving the premises.

Environmental health records reveal no history of noise problems at this premises.

4. Commentary on licensing policy

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

General

- 1.2 The licensing objectives are:-

- (a) prevention of crime and disorder;
- (b) public safety;
- (c) prevention of public nuisance;
- (d) protection of children from harm.

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

1.14 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of public nuisance

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

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

4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.6 Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.

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.

Strategic Integration

6.5 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, 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.

6.7 This policy avoids duplication with other regulatory regimes wherever possible.

In respect of Live music, Dancing and Theatre

7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

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

necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

COMMITTEE REPORT APPENDIX

REPRESENTATION NOTIFICATION

ADDRESS OF PREMISES AND TRADE NAME	Hove Place, 35-37 First Avenue, Hove
TYPE OF APPLICATION	Variation of a Premises licence
APPLICANT(S)	Golden Lion Taverns Ltd
APPLICANT'S ADDRESS	1 The Upper Drive, Hove BN3 6GR

DETAILS OF APPLICATION

SUMMARY OF EXISTING CONDITIONS	Licensed for the sale and consumption of alcohol Mon – Sat: 10.00 to 23.00 Sun and Good Friday: 12.00 to 22.30 Except: New Year's Eve: 10.00 to 24.00 New Year's Day: 00.00 to 23.00 Christmas Day: 12.00 to 15.00 and 19.00 to 22.30 Performance of recorded music Mon – Sat: 10.00 to 23.00 Sun: 12.00 to 22.30
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DETAILS OF REPRESENTATIONS RECEIVED

NO. OF OBJECTIONS:	Two
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SUBSTANCE OF OBJECTIONS:	1s Negative impact from extended opening hours by way of noise from the beer garden and people leaving the premises.
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CONTACT OFFICER: Keith Mitchell

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Any representation(s) will automatically be heard by a Licensing sub-committee and all interested parties may be heard. Dates and times of such committees will be notified to you in due course. Should the parties involved resolve the issues and the representation(s) is/are withdrawn there will be no need for a hearing.

L57a