

Brighton & Hove City Council

For general release

Meeting: **Licensing Sub-Committee**

Date: **26th July 2005**

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

**Subject: Application for a variation under transitional
arrangements of the Licensing Act 2003**

‘Event II’, Kingswest, West Street, Brighton

Ward(s) affected: Regency

1. Purpose of the report

- 1.1 To determine an application for a premise 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 extend the hours and permit regulated entertainment, late night refreshment and the sale of alcohol throughout the whole of the premises from 10:00 to 04:00 the following morning on Mondays to Sundays and outside those hours on the screening of international sporting events
- To remove any embedded restrictions which are placed on the licence by virtue of Schedule 8 paragraph 6 (8) of the Licensing Act 2003 save as otherwise indicated.
- To amend the condition relating to the minimum number of door supervisors
- To remove conditions attached to the Public Entertainment Licence relating to :
 - closely seated audiences
 - safety curtains

2.2 Summary table of existing and proposed activities

	Existing	Proposed
A Plays	none	none
B Films	none	<p>Monday – Sunday 10:00 – 04:00</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>
C Indoor sporting Events	none	none

D Boxing or Wrestling	none	<p>Monday – Sunday 10:00 – 04:00 Boxing, kickboxing, karate, wrestling and other forms of martial arts.</p> <p><u>Plus</u> An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u> New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u> In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>
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E Live music	none	<p>Monday – Sunday 10:00 – 04:00</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>
F Recorded Music	'The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964'	'The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964'
G Performance of Dance	none	<p>Monday – Sunday 10:00 – 04:00</p> <p>Dancing by staff throughout the premises.</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>

Anything of a similar description within e, f or g	none	<p>Monday – Sunday 10:00 – 04:00</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>
I Provision of facilities for making music	'The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964'	<p>Monday – Sunday 10:00 – 04:00</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>

J Provision of facilities for dancing	Monday to Saturday and Bank Holiday Sunday :10:00 – 02:00 Sunday 10:00 – 00:30	<p>Monday – Sunday 10:00 – 04:00</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>
K Provision of facilities for entertainment of a similar description to that falling with in i or J	none	none
L Late Night Refreshment	none	<p>Monday to Sunday 23:00 – 04:00</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified</p>

M Supply of Alcohol	Monday to Saturday and Bank Holiday Sunday :10:00 – 02:00 Sunday 10:00 – 00:30	<p>Monday – Sunday 10:00 – 04:00</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>
O Hours premises are open to public	Monday to Saturday and Bank Holiday Sunday :10:00 – 02:30 Sunday 10:00 – 01:00	<p>Monday – Sunday 10:00 – 04:30</p> <p><u>Plus</u></p> <p>An additional hour to the standard and non-standard times on the day when British Summer Time commences</p> <p><u>Plus</u></p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years' Day</p> <p><u>Plus</u></p> <p>In the event of a screening of any international sporting event involving any countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the showing of films commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.</p>

<p>Conditions requested for removal</p>		<p>'1. Any condition limiting the times alcohol can be sold, late night refreshment provided or regulated entertainment provided</p> <p>2. Any restrictions which are placed on the Licence by virtue of Schedule 8 paragraph 6(8) of the Licensing Act 2003, except :</p> <p>a) The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Year's Eve/Day</p> <p>b) On commencement of British Summer Time, the benefit of the clock going forward at 02:00, instead of 01:00 GMT</p> <p>c) The requirement that the sale of alcohol is ancillary to music and dancing</p> <p>3. The restriction on drinking up time is to be replaced with the finish time in Box O (see above)</p> <p>4. To remove conditions 92-96 and the whole of condition 98 of the standard conditions which are attached to the Public Entertainment Licence</p> <p>5. To amend condition 17.4 to read 'a risk assessment will be carried out to determine the number of door staff who will be on duty for each public opening.'</p>
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3. Representations received

- 3.1 Details of the representations made are on form L57a (Appx.1) and a summary appears below:

Sussex Police : Concerns on the grounds of crime and disorder and public safety.

4. Commentary on licensing policy

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

General

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

1.4 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy

shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

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

In respect of the prevention of crime and disorder

2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.

2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.

2.4 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. 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.

The licensing authority may receive representations from either a responsible authority or an interested party, (both of which are defined in the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the

issue of cumulative impact can be taken into account when considering the individual merits of an application.

Any objection to a licence application on the grounds of cumulative impact must be supported by clear evidence that one or more of the Licensing Objectives are likely to be undermined.

The licensing authority will not operate a quota of any kind, which would predetermine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres and other clubs may all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they are likely to have on the local community.

2.5(a) Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may 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 encourages mixed use venues, varying hours of business and a wider age balance.

Café Bars

The licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter /waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times.

Licensees should be aware that breach of these conditions is likely to lead to proceedings for revocation of the licence.

Restaurants with outside service

The licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for café bars, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition will also apply: - The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

2.5(b) Geographical spread

Spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the problems of dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder.

2.5(c) Care, control and supervision of premises

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 will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

2.7 High volume vertical drinking establishments (HVVD's) may, where necessary and appropriate, have conditions attached relating to: a prescribed capacity, the ratio of chairs and tables to be provided for customers based on capacity and the presence of SIA registered security teams.

2.8 Enforcement of legal requirements to prohibit sales of alcohol to those intoxicated will be supported.

In respect of Public Safety

3.1 Club owners and promoters will be expected to have regard to "Safer Clubbing: guidance for licensing authorities, club managers and promoters". The licensing authority will seek to ensure that licensed premises are designed and run in a way which maximises the safety of customers and staff.

3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-

- (a) provision of close circuit television and panic buttons.
- (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
- (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).

(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

In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.

3.3 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 as recognised by the Community Safety Strategy and Policing Strategy.

Applicants may be required to consult local transport operators

3.4 Control of public safety at high profile commercial or sporting events or other large scale events may be supported by police powers of closure of licensed premises

3.5 Prior consent will be required for: performance of stage hypnotism, fireworks and lasers. Applications should contain details prescribed by the licensing authority. Conditions may be applied to any consent

REPRESENTATION NOTIFICATION

ADDRESS OF PREMISES AND TRADE NAME	Event II, Kingswest, West Street, Brighton, BN1 2RE
TYPE OF APPLICATION	Variation of a Premises licence
APPLICANT(S)	Luminar South and East Limited
APPLICANT'S ADDRESS	41 King Street, Luton, Bedfordshire, LU1 2DW

DETAILS OF APPLICATION

SUMMARY OF EXISTING CONDITIONS Licensed for the sale and consumption of alcohol
Monday-Saturday and Bank Holiday Sunday :
10.00 to 02.00
Sunday and Easter Sunday : 12:00 to 00:30
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
Public Entertainment :
Monday to Sunday 10:00 – 02:00

DETAILS OF REPRESENTATIONS RECEIVED

NO. OF OBJECTIONS: One

SUBSTANCE OF OBJECTIONS: Concerns on the grounds of crime and
disorder and public safety

CONTACT OFFICER: Stuart Harley

Office Use Only
Checked EHM

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