

Brighton & Hove City Council

For general release

Meeting: **Licensing Sub-Committee**

Date: **30th August 2005**

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

Subject: **Application for a variation under transitional arrangements of the
Licensing Act 2003 – The Office, 8-9 Sydney Street, Brighton, BN1
4EN**

Ward(s) affected: St Peter's and North Laines

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 permit regulated entertainments, comprising:
 - Live Acoustic/Amplified music, and amplified voice
 - Recorded music, including jukebox and karaoke
 - Compere for functions, quizzes etc with amplified voice
 - Pub games in front of an audience
 - Video entertainment on TV screens and amusement machines
 - Facilities for music
- To permit sale of alcohol Friday, Saturday, Sunday and Monday of bank holiday weekends, Christmas Eve, and Boxing Day at anytime between 09.00am and 01.00am the following morning.
- To open to the same hours on up to 12 other event days per annum at their discretion ("Occasional Licenses").
- To open on any day from 09.00am for the sale of food, non alcoholic beverages and to provide entertainments.

- On all days except as above to sell alcohol from 09.00am to 00.00 the following morning.
- To permit regulated entertainment throughout opening hours.
- To open premises 30 mins after cessation of alcohol sales as a “wind down” period
- To provide refreshment after 23.00hrs.
- Remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations and the Children & Young Persons Act 1933.

2.2 Summary table of existing and proposed activities

	Existing	Proposed
A Plays	None	None
B Films	None	<p>Video entertainment on TV screens and amusement machines</p> <p>Monday-Thursday 09.00-00.00 Friday-Saturday 09.00-01.00 Sunday 09.00-00.00</p> <p>When hours for sale of alcohol are extended on Bank Holidays and “Event Days” these hours are also extended.</p>
C Indoor sporting Events	None	<p>To permit pub games that attract an audience, whether by advertisement or spontaneously</p> <p>Monday-Thursday 09.00-00.00 Friday-Saturday 09.00-01.00 Sunday 09.00-00.00</p> <p>When hours for sale of alcohol are extended on Bank Holidays and “Event Days” these hours are also extended.</p>
D Boxing or Wrestling	None	None

E Live music	Licensing Act 1964 Sec182 (two performers)	Live Acoustic/Amplified music and amplified voice. Monday-Sunday 09.00-23.30 (All performances will be limited to end at 23.30 to minimise nuisance)
F Recorded Music	Ancillary to alcohol sales	<p>Playing of recorded music including jukebox and karaoke, with or without a DJ, during normal business and including audience participation. Noise limiter will be used as previously agreed with the Environmental Health Officer</p> <p>Monday - Thursday 09.00-00.00 Friday-Saturday 09.00-01.00 Sunday 09.00-00.00</p> <p>When hours for sale of alcohol are extended on Bank Holidays and "Event Days" these hours are also extended.</p>
G Performance of Dance	None	None
H Anything of a similar description within e, f ,or g	None	<p>Comperes for quiz and similar events comedians and similar performances in any case using voice amplification. Monday-Thursday 09.00-00.00 Friday-Saturday 09.00-01.00 Sunday 09.00-00.00</p> <p>When hours for sale of alcohol are extended on Bank Holidays and "Event Days" these hours are also extended.</p>
I Provision of facilities for making music	None	None
J Provision of facilities for dancing	None	None

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>Provision of hot drinks and bar snacks, particularly during the "Wind Down" period.</p> <p>Monday-Thursday 23.00-00.00 Friday-Saturday 23.00-01.00 Sundays 23.00-00.00</p> <p>When hours for sale of alcohol are extended on Bank Holidays and "Event Days" these hours are also</p>
M Supply of Alcohol	<p>Permitted Hours</p> <p>On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.</p> <p>b) On Sundays, other than Christmas Day or New Year's Eve, noon to 10.30 p.m.</p> <p>c) On Good Friday, noon to 10.30 p.m.</p> <p>d) On Christmas Day, noon to 3 p.m. and 7 p.m. to 10.30 p.m.</p> <p>e) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.</p> <p>f) On New Year's Eve on a Sunday, noon to 10.30 p.m.</p> <p>g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day</p>	<p>Alcohol sales on & Off the premises</p> <p>Monday – Thursday 09.00-00.00</p> <p>Friday & Saturday 09.00-01.00</p> <p>Sunday 09.00-00.00</p> <p>09.00 New Years Eve – 23.30 New Years Day</p> <p>09.00-01.00 the following morning on Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Chirstmas Eve and Boxing Day</p> <p>09.00-01.00 the following morning on up to 12 other "Event Days" per annum, at any time at their discretion ("Occassional")</p>
O Hours premises are open to public	As above plus 20 mins drinking up time	<p>Monday – Thursday 09.00-00.30</p> <p>Friday & Saturday 09.00-01.30</p> <p>Sunday 09.00-00.30</p> <p>30 minutes later than closing on the non-standard days listed in section M</p>

P Conditions removed as a consequence of the proposed Variation		Remove all embedded restrictions within the Licensing Act 1964, the Cinematograph (Safety) regulations 1955 & The Children and Young persons Act 1933
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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:

- a) Representations have been received from the local community association in the vicinity relating to the anticipated negative impact of extended opening hours. Anticipated potential for increase in noise from the premises and persons leaving the premises.
- b) Comments from Pollution Team, Environmental :- No current involvement with this premises. Should problems in relation to noise be experienced by local residents, investigations can be made under the Environmental Protection Act 1990 in relation to statutory noise nuisance.

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.

4.3 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.

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.