

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 16th May 2006

Report of: Assistant Director – Public Safety

Subject: Application to vary a Premises Licence under the Licensing Act 2003

Applicant: Max Hotels (Dudley) Limited, 11 Gough Square, London EC4

Premises: Lansdowne Place Hotel, Lansdowne Place, Hove

Ward(s) affected: Brunswick & Adelaide

1. Purpose of the report

- 1.1 To determine an application to vary a premises licence already granted under "grandfather rights".

2. Summary of application

- 2.1 The application is for:

A variation of the existing premises licence to increase the hours for sale of alcohol and to have the facility for regulated entertainment throughout the week.

- 2.2 Summary table of existing and proposed activities

- 2.3

	Existing	Proposed
Live music		Indoors. For events such as birthday parties and weddings taking place. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence. Every day 10.00 – 02.00.

Recorded Music	Licensing Act 1963 sec 182 music provided by recorded sound ancillary to alcohol sales	Indoors. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence. Every day 10.00 – 02.00.
Anything of a similar description		Indoors. Discos, cabaret nights etc. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence. Every day 10.00 – 02.00.
Provision of facilities for dancing		Indoors. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence. Every day 10.00 – 02.00.
Provision of facilities for entertainment of a similar		Indoors. Birthday parties, cabaret nights, wedding receptions etc. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence. Every day 10.00 – 02.00.
Late Night Refreshment	For 30 minutes after the permitted hours for alcohol sale	Indoors. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence. Every day 23.00 – 00.30.

Supply of Alcohol	<p>Alcohol shall not be sold or supplied except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>a) 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>Both on and off the premises. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence.</p> <p>Every day 10.00 – 02.00.</p>
Hours premises are open to public	<p>As above plus 20 mins drinking up time</p>	<p>Every day 00.00 – 00.00. Permit same hours on New Years Eve, Good Friday and all public holidays as there is a restriction on current licence.</p>

3. Representations received

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

Six relevant representations have been received in respect of this application:

- a) Two are from residents living in the vicinity of the hotel, one from the Brunswick Street West & Dudley Mews Residents Association, and one from the Lansdowne Area Residents' Association each expressing concern about the potential increased noise from extended hours and regulated entertainments;

- b) the Council's Pollution Control team has made a representation on grounds of inadequacy of noise control measures in the operating schedule accompanying the application;
- c) the police have made a representation on the grounds of prevention of crime and disorder and the protection of children from harm.

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.

2.5(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.

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

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.

4.7 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 the prevention of children from harm

5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be the following:

- Driving Licence
- Passport
- Citizens Card
- Connexions Card
- Validate Card
- Portman Card

It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

5.5 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families

and Schools section as being competent to advise on matters relating to the protection of children from harm.

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.

Case Officer: Keith Mitchell