





**Brighton & Hove
City Council**

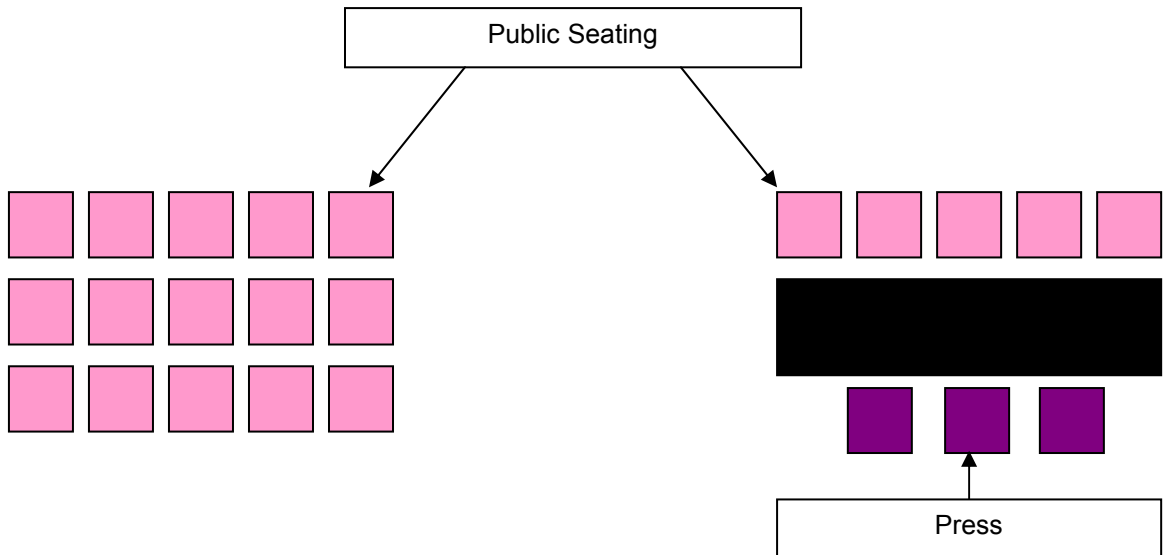
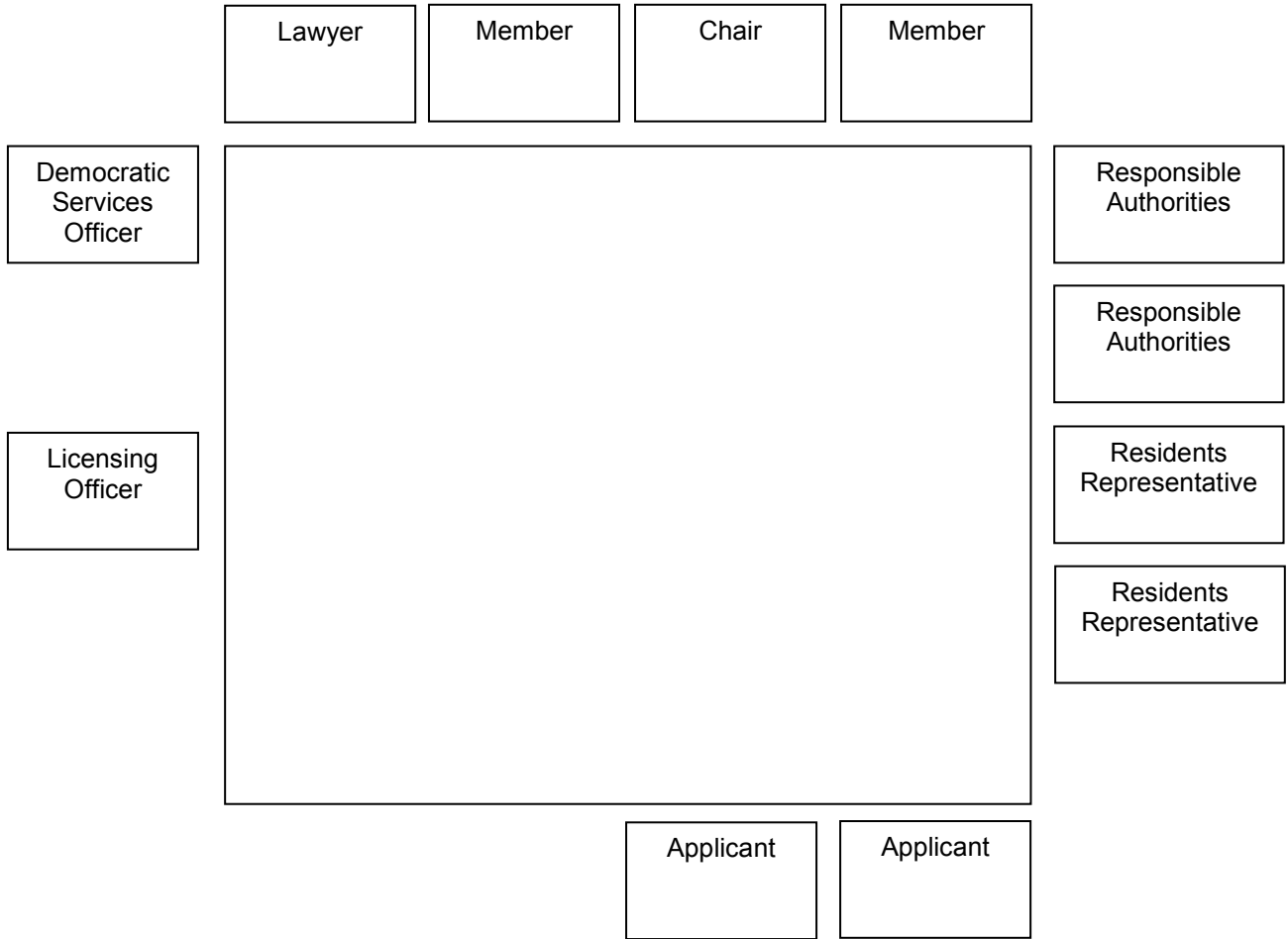
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	1 October 2009
Time:	10.00am
Venue	Committee Room 3, Hove Town Hall
Members:	Councillors: Hawkes, Lepper and Simson
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

59. TO APPOINT A CHAIRMAN FOR THE MEETING

60. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

61. THE NEW BUSH, 1 ARUNDEL ROAD, BRIGHTON

1 - 26

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Emma Bricknell Tel: 29-4431
Ward Affected: Rottingdean Coastal

62. THE GREEN DOOR STORE, LOWER GOODS YARD, BRIGHTON STATION

27 - 58

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Jim Whitelegg Tel: 29-2143
Ward Affected: St Peter's & North Laine

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 23 September 2009

LICENSING PANEL
(Licensing Act 2003 Functions)

Agenda Item 61

Brighton & Hove City Council

Subject: *Review of a Premises Licence under the Licensing Act 2003*

Premises: The New Bush
1 Arundel Road
Brighton
BN2 3TE

Licence Holder: *Brighton Bush Limited*

Date of Meeting: 1 October 2009

Report of: *Assistant Director Public Safety*

Contact Officer: Name: Emma Bricknell Tel: 29-4431
E-mail: emma.bricknell@brighton-hove.gov.uk

Wards Affected: Rottingdean Coastal

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT:

1.1 To review a Premises Licence for The New Bush under the Licensing Act 2003.

2. SUMMARY OF REVIEW PROCESS:

2.1 Existing licence attached at Appendix A.

2.2. Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.

2.3 An application was received by the Licensing Authority from Environmental Protection Team to review the licence granted to the premises known as The New Bush, 1 Arundel Road, Brighton, BN2 5TE.

2.4 The grounds for the review relates to the following Licensing objectives:

- Prevention of Public Nuisance

Full details of the grounds for the review are attached in Appendix B.

2.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51;
- Consider any relevant representations;
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are:
 - to modify the conditions of the licence;
 - to exclude a licensable activity;
 - to remove the designated premises supervisor from the licence;
 - to suspend the licence for a period not exceeding 3 months; or,
 - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

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.
- 3.2 No representations have been received supporting the application submitted by Environmental Protection Team seeking the amendment of the conditions of the licence.

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.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on

matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

- 1.5 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
- 1.15 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

- 4.1 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 or from individuals or groups of customers gathered outside (e.g. in order to smoke)
- 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.

- 4.5 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.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the new regime.

Finance Officer Consulted: Karen Brookshaw Date: 07.09.09

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 07.07.09

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
3. Appendix C – Map of area

Documents in Members' Rooms:

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents:

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

Schedule 12
Part A

Regulation 33, 34

Premises Licence
Brighton and Hove City Council

Premises Licence Number

1445/3/2006/01593/LAPREV

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The New Bush
1 Arundel Road
Brighton
East Sussex
BN2 5TE

Telephone number 01273 682159

Where the licence is time limited the dates

Licensable activities authorised by the licence

Performance of Dance	Dancing
Making music	Entertainment of a similar description
Indoor Sporting Event	Performance of Live Music
Performance of Recorded Music	Sale by Retail of Alcohol
Late Night Refreshment	Performance of a Play
Exhibition of a Film	

Times the licence authorises the carrying out of licensable activities:-

Performance of Dance – Indoors. Performances to include dance performance such as morris dancing etc.

Monday – Thursday: 10:00 - 23:30, Friday – Saturday: 10:00 – 00:30, Sunday: 10:00 – 22:30

Dancing – Indoors. Permitted in such areas of the premises as may be set aside for dancing from time to time. Dancing may be permitted at the discretion of the DPS or shift supervisor when deemed safe to do so.

Monday – Thursday: 10:00 - 23:30, Friday – Saturday: 10:00 – 00:30, Sunday: 10:00 – 22:30

Non standard timings: Dancing would continue to 01.00 hours on New Years eve.

Making music – Indoors. Such area that can be used as a temporary stage area to also support a p.a. system. Used as and when required at any time during opening hours.

Monday – Thursday: 10:00 - 23:30, Friday – Saturday: 10:00 – 00:30, Sunday: 10:00 – 22:30

Non standard timings: New Years eve to 01.00 New Years day.

Entertainment of a similar description – Indoors. Comperes for quiz and similar events,

comedians and similar performers using voice amplification. Also to include jugglers, magicians, etc.

Monday – Thursday: 10:00 - 23:30, Friday – Saturday: 10:00 – 00:30, Sunday: 10:00 – 22:30

Non standard timings: New Years eve performance to go on until 01.00 New Years day.

Indoor Sporting Event. Indoor sporting events such as darts, pool, shove-ha'penny etc.

Monday – Thursday: 10:00 - 23:30, Friday – Saturday: 10:00 – 00:30, Sunday: 10:00 – 22:30

Performance of Live Music – Indoors. Live acoustic/amplified music and voice indoors. Will be limited to end before closing time to minimise noise nuisance.

Monday – Thursday: 10:00 - 23:00, Friday – Saturday: 10:00 – 00:00, Sunday: 10:00 – 22:00

Non standard timings: New Years evening music to go on until 01:00 New Years day.

Performance of Recorded Music – Indoors. Recorded music via sound system, jukebox, or karaoke with or without DJ. Volume will be reduced a full half hour before closing.

Monday – Thursday: 10:00 - 00:30, Friday – Saturday: 10:00 – 01:30, Sunday: 10:00 – 23:30

Sale by Retail of Alcohol

Monday – Thursday: 10:00 - 00:00, Friday – Saturday: 10:00 – 01:00, Sunday: 10:00 – 23:00

Non standard timings: 10:00 – 01:00 throughout Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

Late Night Refreshment - Provision of hot drinks particularly during wind down period.

Monday – Thursday: 23.00 – 23.30, Friday – Saturday: 23.00 – 00.30.

Performance of a Play Indoors and outdoors: Children's theatre at weekends and adult theatre evening and weekends. All outdoor performances will conclude at 21.00 to prevent noise nuisance to immediate neighbours.

Monday - Thursday: 18.00 - 22.00, Friday: 18.00 - 23.00, Saturday: 11.30 – 23.00, Sunday: 12.00 – 22.00

Exhibition of a Film Indoors: Video/DVD entertainment on TV and/or projection screens.

Weekend entertainment will be primarily for children to be able to watch children's videos and or/DVD.

Monday - Thursday: 18.00 - 22.00, Friday: 18.00 - 23.00, Saturday: 11.30 – 23.00, Sunday: 12.00 – 22.00.

The opening hours of the premises

Monday – Thursday: 10:00 - 00:30, Friday – Saturday: 10:00 – 01:30, Sunday: 10:00 – 23:30

Non standard timings: 10:00 – 01:30 throughout Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Brighton Bush Limited
93 Wilson Avenue
Brighton
East Sussex
BN2 5PB
Tel: 01273 703906

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 5736986

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Paul James Lakin

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference:
Council

Licensing Authority: Stafford Borough Council

Annex 1 – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol:

- no supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

S 20; mandatory condition: exhibition of films:

- the admission of children is to be restricted in accordance with the following:
 - (a) where the film classification body is specified in the licence, unless subsection (3)(b) of S 20 applies, admission of children must be restricted in accordance with any recommendation made by that body;
 - (b) where the film classification body is not specified, or [(S20 (3)(b)] the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

S 21; mandatory condition: door supervision

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

Embedded Conditions:

Alcohol may be sold or supplied from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

All restrictions removed.

**Variations to Embedded Conditions:
Annex 2 – Conditions consistent with the Operating Schedule**

For the prevention of crime and disorder:

- All door supervisors used will be licensed by the Security Industry Authority (SIA).
- A personal licence holder will be on the premises at all times after 21.00.

For public safety:

- Ticketing and door management will be in place for all large events.

For the prevention of public nuisance:

- Staff will monitor the premises from outside in order to monitor noise emission, particularly when there is live music or a DJ.
- All windows and doors will be closed except for ingress and egress from 23.00 hrs.
- Signs will be erected at all exits requesting customers to leave quietly at all times.

For the protection of children from harm:

- Persons seeking to purchase or consume alcoholic drink who appear to be under the legal age to do so will be required to produce suitable photographic identification as evidence of age.

Annex 3 – Conditions attached after a hearing by the licensing authority

The opening times of the premises be amended to:

On Friday and Saturday nights there will be no admission or readmission to the public after 22:30 hrs until close.

There will be no 'lock-ins', private parties or other functions etc outside of these hours.

Door Supervisors

1. The management will conduct a risk assessment and will employ SIA registered door supervisors at their discretion at any times it is thought appropriate both for special events and normal opening hours.

2. A minimum of two SIA registered door supervisors will be employed at the premises for all England international football matches that are screened at the premises on a Friday or Saturday, starting two hours before kick off until close.

3. SIA registered door supervisors will be employed at the premises for any football match events at the request of Sussex Police, if a Police risk assessment indicates that door supervisors are necessary to uphold the four licensing objectives.

Door Supervisors, ancillary provisions

1. All personnel carrying out security (door supervisors) shall be licensed by the Security Industry Authority.
2. Records shall be maintained at the premises containing the full name, date of birth, and home address of every door supervisor.
3. On initial employment of the door supervisor authentic proof of identity shall be obtained in the form of a passport, drivers licence or birth certificate.
4. The record shall include all dates and times when a door supervisor is employed.
5. If staff are employed through an agency, the name and address of the agency must be included in the entry referring to the person employed by the agency.
6. Any such record must be in a form approved by the Licensing Authority. [In the event that no form is either issued or approved by the licensing authority, the management may draft their own form but this must contain all the information stipulated in this section].
7. The DPS (or in the absence of the DPS the person with delegated authority) shall ensure door supervisors display their SIA badges at all times when they are on duty.

CCTV

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification following consultation with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.

Improved interior and exterior CCTV devices to be installed to capture the front and rear exits, the beer garden, the whole bar area including the pool table, restaurant and conservatory areas. External lighting to be reviewed to ensure the capture of footage will be clear and not distorted due to poor light. These improvements should be carried out to the satisfaction of the Police by the end of July 2006.

Proof of age upon admission and children

Subject to the next paragraph, no persons under 18 will be admitted to the premises. The premises will operate a 'challenge 21' scheme whereby anyone who appears to be aged 21 or younger is asked for photographic ID to prove their age. The only ID that will be accepted are passports, a driving licence with a photograph or Portman Group proof of age cards bearing the 'PASS' mark hologram. The above list of acceptable proof of age items may be extended to other forms of ID in the future with advance written agreement of the police without the need to review the actual licence.

No UNACCOMPANIED children under the age of 16 will be permitted on the premises after 21:00hrs.

Capacity Limits

The maximum number of persons on the premises (including both indoor and outside areas) will be restricted to 140 persons.

Garden Area

The garden area will be closed at 22:00 hrs each evening and no customers will be allowed in the garden area at this time. The only access to the pub garden is via the main entrance, with the gates to the pub garden closed.

Outside area

Drinking by patrons in the area immediately in front of the pub seated at tables/benches will be allowed in from opening until 21:00 hrs only, after which any remaining patrons must go inside the premises. All drinks consumed in the outside area must be in plastic or shatterproof glasses. Management will not allow patrons to congregate outside of the premises on the pavement, the curb or in the road whilst drinking etc.

Plastics and shatterproof glass

The bar area

Glassware may be used up until 20:00 hrs only, with all glasses removed from 20:00 hrs until close. During the World Cup football tournament however, the premises will use plastics only (no glassware) from opening until close if there is an England football team match on.

From 20:00 hrs until close, the bar area will with immediate effect, convert fully to plastic, toughened or glasses that disintegrate into tiny pieces with no sharp edges when broken. With immediate effect no glass bottle will be supplied to patrons. In the event that any particular drink is not available in a plastic bottle, the drink will be decanted into a plastic or toughened glass.

The restaurant area

In the restaurant area there will be waiter/waitress service to persons seated at tables at all times. In this area wines, spirits and soft drinks may be served in glasses with no time restriction for converting over to plastic or shatterproof glasses. Beer and lagers etc served in pint and half pint glasses must still be served in the restaurant area in plastic or shatterproof glasses.

There will be no cross over between bar and restaurant areas, with patrons not permitted to take glass containers into the bar area after 20:00 hrs etc.

Designated Premises Supervisor in attendance

The named DPS will be on site in a direct supervisory capacity at the premises on Fridays and Saturday evenings from 19:00 hrs. In the event that the DPS is not available on these days and times, a Personal Licence Holder must be present at the premises.

Regular review meetings with Police Licensing

The premises management will have regular three monthly meetings with the Police to review the operation of the premises.

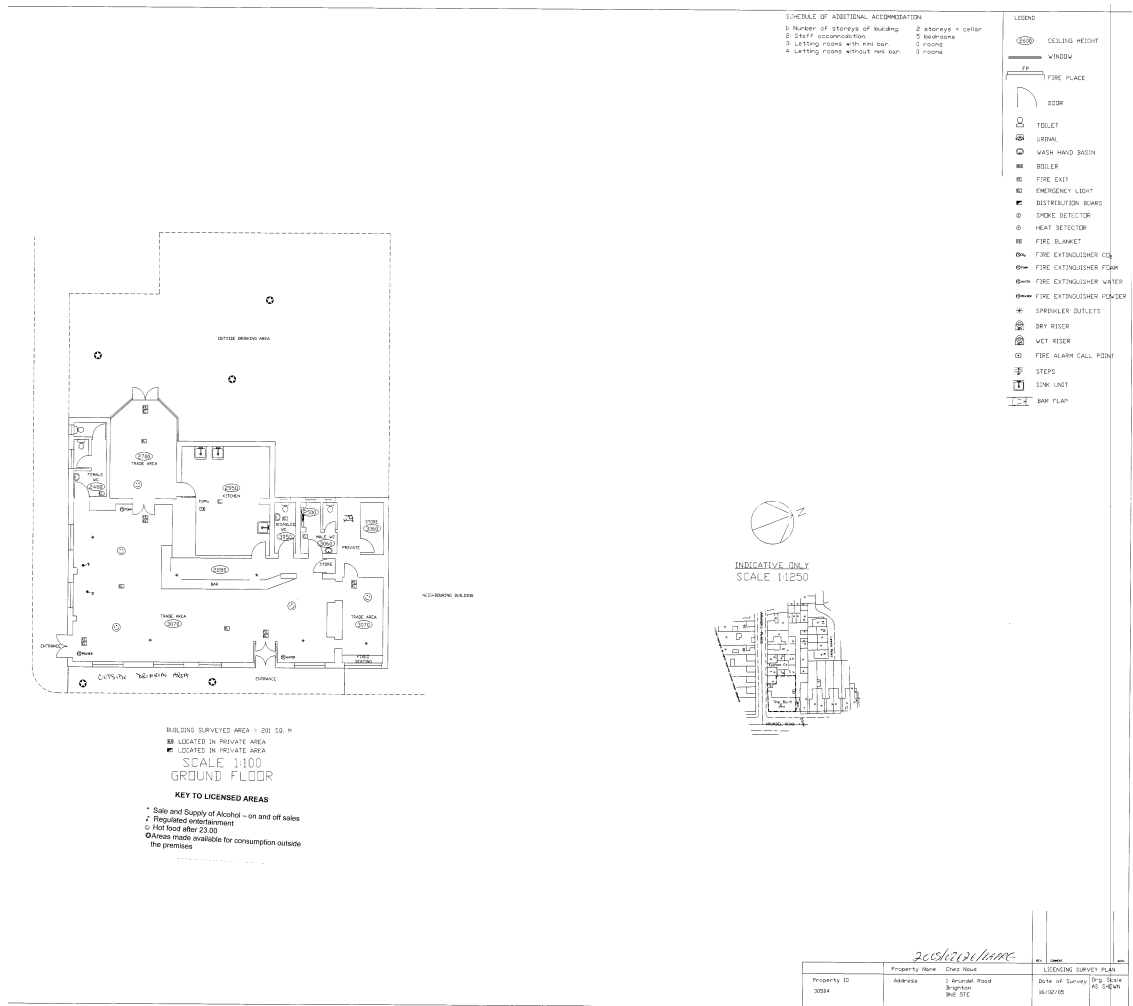
At the first three monthly review subsequent to the Council Licensing Committee Hearing, the management working with Police Licensing, will review the existing conditions in the light of the post-hearing management and control of the premises. The premises may then apply for a formal variation of the conditions with the agreement of the Police.

During the screening on the premises of World Cup Football matches, European Championship Football (including England qualifying matches), and home matches of Brighton and Hove Albion Football Club, the following conditions will apply:

1. All drinking receptacles are to be plastic with no glasses being issued at all. All bottles are to be plastic only (no glass) and in the event of drinks not being available in plastic bottles, drinks are to be decanted into plastic glasses.
2. The pool table will be made inoperative (ideally totally removed from the public area if physically possible, or covered) for the entire day. Pool cues, triangles and balls will be completely removed from behind the bar area and secured elsewhere.
3. The capacity of the premises will be limited to a maximum of one hundred persons plus staff and door supervisors. Clickers will be used by door staff to control and evidence the control of the number of persons inside the premises.

4. During these matches (two hours before kick off and thereafter until close), no persons under 25 will be admitted to the premises unless accompanied by a parent or an official legal Guardian.
5. The DPS will be on duty at the premises two hours before kick off until close.
6. When England are playing in international matches 2 SIA registered door staff will operate from the premises starting two hours before the kick off until close. One door supervisor to be on the door and one operating inside the premises.

Annex 4 – Plans



APPENDIX B

2009/01573/LAREV

EB

R-06.08.09
C-03.09.09

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Cathy Rirsch
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The New Bush 1 Arundel Road	
Post town Brighton	Post code (if known) BN2 5TE

Name of premises licence holder or club holding club premises certificate (if known) Brighton Bush Limited 93 Wilson Avenue Brighton East Sussex BN2 5PB
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Number of premises licence or club premises certificate (if known) 1445/3/2006/01593/LAPREV

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises

Please tick yes

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 06 AUG 2009
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- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cathy Rirsch Environmental Health Officer Environmental Protection Team Brighton and Hove City Council Bartholomew House Bartholomew Square Brighton BN1 1JP
Telephone number (if any) 01273 292373
E-mail address (optional) Cathy.rirsch@brighton-hove.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

I am calling for a review of the New Bush premises licence under the prevention of public nuisance licensing objective.

A noise abatement notice was served on 22nd October 2007 on Brighton Bush Limited for noise arising from amplified music occurring at the New Bush, 1 Arundel Road, Brighton.

Further complaints were received on 5 separate occasions and two separate breaches of the noise abatement notice have been witnessed.

I would ask that the committee consider applying the following conditions to the premises licence:

- All live and amplified music will be controlled with a sound limiting to be set and agreed by the Environmental Health department.
- There will be no drinks allowed to be taken outside the front or the rear of the premises between 22.00 and 10.00.
- Windows will be kept closed when regulated entertainment is taking place and after 23.00.
- All external doors, including the internal lobby doors will be kept closed at all times, other than for access and egress.
- Licensees and staff will undertake regular walks around inside and outside the premises in order to monitor noise levels and ensure that both ambient sound and sound generated during regulated entertainment is at a level that does not constitute a nuisance. These checks will be documented.

The licence for the New Bush was granted pre the Health Act 2006 and therefore

smoking was permitted in public places. It would be beneficial to both the Enforcing Authority and the premises if the following conditions could be amended or removed:

- On Friday and Saturday nights there will be no admission or readmission to the public after 22:30 hrs until close.
- Drinking by patrons in the area immediately in front of the pub seated at tables/benches will be allowed in from opening until 21:00 hrs only, after which any remaining patrons must go inside the premises. All drinks consumed in the outside area must be in plastic or shatterproof glasses. Management will not allow patrons to congregate outside of the premises on the pavement, the curb or in the road whilst drinking etc.

Should these conditions be removed/amended I would recommend that the following conditions be applied:

- No more than 5 customers outside on the front terrace area of the premises between 23.00 and closing.
- All drinks consumed in the outside area must be in plastic or shatterproof glasses. Management will not allow patrons to congregate outside of the premises on the pavement, the curb or in the road whilst drinking etc.

These steps are necessary in order for the License Holder to meet the licensing objective of the prevention of public nuisance.

Please provide as much information as possible to support the application
(please read guidance note 2)

Following the serving of the notice a noise limiting device was installed and set in November 2007, but despite this a further complaint was received in February 2008 relating to noise from music and people. The complainant did not return a diary.

A call to the noise patrol service was made on 31st May 2008 and a breach of the notice was witnessed. The entertainment at the time consisted of recorded music. The noise patrol officers also witnessed breach of licence conditions namely:

- All windows and doors will be closed except for ingress and egress from 23.00hrs.
- Drinking by patrons in the area immediately in front of the pub seated at tables/benches will be allowed in from opening until 21.00 hrs only.
- On Friday and Saturday nights there will be no admission or readmission to the public after 22.30 hrs until close.

On 5th June 2008 warning letters were sent to the New Bush and Brighton Bush Limited, 5 Nursery Close, Portslade advising of the breach of the notice.

On 9th June 2008 I met with Eddie Riley, Mr and Mrs Lakin, Police Licensing, a door supervisor and an area manager of enterprise inns. We discussed the complaints that had been received and the possible causes of action that were available to the Environmental Protection Team having regard to the council Environmental Health Enforcement Policy.

19th June 2008 Annie Sparks, Environmental Health Manager and I reset the limiter at the New Bush on the request of Mr Riley as Mr Riley felt that the limiter was not operating correctly. Despite this meeting a complaint was received on Friday 20th June 2008 regarding noise from customers outside the premises.

However, at that time the complainants did not want to pursue the complaint.

A further complaint was received on 18th December 2008 regarding live music. The evidence was not sufficient to continue investigating the complaint. The complainant was advised of this and didn't contact me further.

On 9th March 2009 a complaint was received regarding noise from live bands. A diary sheet was not returned.

On 27th June 2009 3 separate complaints were received by the councils noise patrol team. Tim Nichols, Head of Environmental Health and Licensing and Alun Cance, Environmental Protection Officer visited one of the complainants and witnessed a breach of the noise abatement notice. The entertainment on this occasion consisted of karaoke.

On 10th July 2009 Annie Sparks and I met with Mr Riley, Mr Greenland and Mr and Mrs Lakin at the New Bush, 1 Arundel Road. We discussed the breach of the notice and the possible courses of action that were available to the Environmental Protection Team. We checked the limiter in the premises which appeared to have been tampered with, the seals were broken.

Current conditions attached to the premises licence are not sufficient to meet the licensing objective of preventing public nuisance.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date *5th August 2009*

Capacity *Environmental Health Officer*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX C

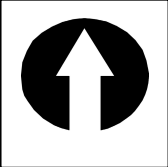
The New Bush, 1 Arundel Road, Brighton BN2 5TE



Date: 04/09/2009 11:40:37 Scale 1:836



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LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 62

Brighton & Hove City Council

Subject:	<i>Application for a New Premises Licence under the Licensing Act 2003 for The Green Door Store Lower Goods Yard, Brighton Station</i>		
Applicant (s):	<i>GinGin Group Ltd</i>		
Date of Meeting	1st October 2009		
Report of:	<i>Assistant Director Public Safety</i>		
Contact Officer:	Name:	Jim Whitelegg	Tel: 29-2438
	E-mail:	jim.whitelegg@brighton-hove.gov.uk	
Wards Affected:	St Peter's And North Laine		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for The Green Door Store.

2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for The Green Door Store.

- 2.2.1 The application is for:
A New Premises Licence under the Licensing Act 2003.

The application proposes:

Situated in the lower goods yard of Brighton railway station off Trafalgar Street the premise consist of 3 arches with a patio frontage which will be turned into an all round entertainment venue operating up to 24 hours a day.

- 2.2.2 Part P of the application is detailed at Appendix A.
The new plan of the premises is attached at Appendix B.

2.3 Summary table of proposed activities:

	<i>Proposed</i>
A Plays	Indoors Monday – Sunday 00.00 – 24.00 Plays will form part of the overall entertainment at this venue which will be varied and will occur for only shorter parts of any 24 hour period.
B Films	Indoors Monday – Saturday 00.00 – 24.00 Films will form part of the overall entertainment at this venue which will be varied and will occur for only shorter parts of any 24 hour period.
E Live music	Indoors and Outdoors Monday – Sunday 00.00 – 24.00 Live music will form a substantial part of the overall entertainment at this venue which will be varied and will occur for both shorter parts of any 24 hour period ranging from a single musician wandering around the venue to small groups up to full performance for a scheduled event and could include different performances at the same time in different parts of the premises.
F Recorded Music	Indoors and Outdoors Monday – Saturday 00.00 – 24.00 Recorded Music will form part of the overall entertainment at this venue and may form part of the background through to playing for both dance and as part of a specific entertainment and could include different performances at the same time in different parts of the premises.
G Performance of Dance	Indoors and Outdoors Monday – Sunday 00.00 – 24.00 Dance performance could be a specific entertainment in its own right or could form part of other entertainments such as live or recorded music or Cabaret performances.
H Anything of a similar description within e, f ,or g	Indoors and Outdoors Monday – Sunday 00.00 – 24.00 Cabaret entertainment from individual performers or multiple Acts which could include music or dance, most likely to appear on the stage but could also wander anywhere in the venue. Cabaret will form part of the overall entertainment at this premises which will be varied and will occur for only shorter parts of any 24 hour period.

I Provision of facilities for making music	Indoors and Outdoors Monday – Sunday 00.00 – 24.00 Facilities for making music will consist of one or more amplified systems with associated sound decks and microphones and speakers connected so as to play either one track throughout the whole premises or different music and sound in various locations. Instruments played by Artists will be provided by themselves and may be amplified as well.
J Provision of facilities for dancing	Indoors Monday – Sunday 00.00 – 24.00 Performance of Dance may occur on the movable stage area or public facilities provided within the defined music area.
L Late Night Refreshment	Indoors and Outdoors Monday – Sunday 23.00 – 05.00 Service of food is very low key and there is no Kitchen, however hot drinks and possibly light simple microwave snacks may also be available.
M Supply of Alcohol	On the premises Monday – Sunday 00.00 – 24.00
O Hours premises are open to public	Monday – Sunday 00.00 – 24.00
N Adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children	None known but if for example Restricted Age films were to be shown then further checks regarding ages would be implemented as required.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Special Stress Area: The premises falls within one of the Special Stress Areas. These areas are deemed areas of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See Prevention of Crime and Disorder 2.4.10 – 2.4.14 and Appendices C and D)

3.2.1 Representations received

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

- 3.2.2 Three representations were received. They were received from a local Resident Association and the Environmental Protection team and the Police.
- 3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance and Protection of Children From Harm.

A map detailing the location of the premises is attached at Appendix F.

4. CONSULTATION

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.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 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.
- 1.15 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.
- 2.4.10 Special Stress Areas – **Appendix C** of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.
- 2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.
- 2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive

proposals to ensure that their operation will not add to the problems faced in these areas. **Appendix D** of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in **Appendix D**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 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.

2.5.5 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.

- 2.7 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 issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the prevention of public nuisance

- 4.1 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 or from individuals or groups of customers gathered outside (e.g. in order to smoke).
- 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.
- 4.5 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.
- 4.7 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 protection 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 those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 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.
- 5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

- 5.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification.
- 5.6 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.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted: Karen Brookshaw Date: 10.09.2009

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 10.09.2009

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part P of application
2. Appendix B – New Plan of Premises
3. Appendix C – Brighton & Hove City Council – Special Stress Areas
4. Appendix D – Measures to be considered in SSA's
5. Appendix E – Representations
6. Appendix F – Map of area.

Documents in Members' Rooms:

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

Background Documents:

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

A new premise well away from the general run of licensed premises in a fairly isolated position with no nearby neighbours. It will be run by the applicants who own the operating company applying for the licence with the DPS fully involved, backed by a strong management team and staff where training and quality of service will play a key role in promoting the four licensing objectives with records kept of all training to be made available to the Licensing Authority's officer and the police as required.

b) The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally & internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends.

On nights when the premise is to remain open after 0000 hrs then a minimum of 2 Door supervisors will be on duty until close or 0500 whichever is the later. In addition the services of a mobile support unit from a recognised Door Supervisor supplier will be provided at all times and further Door Supervisors employed on a written Risk Assessment basis by the DPS or Manager on duty according to the requirements of that night or any other timer when appropriate

All Door supervisors will sign in and out of the venue on each occasion when on duty or called to the venue. This will be incorporated into the incident log which will be maintained in respect of incidents arising at the premise.

c) Public safety

A full risk assessment will be carried out and implemented with training for all staff, records will be kept of certificates, maintenance and test records.

There will be extensive but not exclusive use of shatterproof type glasses throughout the premise

d) The prevention of public nuisance

Normally open to the public the outside patio area will only be accessible from within the premise if at any time there is a door policy in place such as after 2300 hours, no drinks will be allowed to be taken away from the premise. Noise will be monitored by the management team on duty with regular checks both inside and out to ensure that there is no nuisance being caused.

The management must ensure customers leave the premises quietly and must display posters in the premises to this effect.

APPENDIX C

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX D

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

APPENDIX E



REC 12/08/2009
CON 09/09/2009.

A

Public Safety
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

2009/01640/LAPRE
LO-JW.

Valid ✓ PN

Judith Macho
Assistant Director Public Safety
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

Brighton & Hove City Council
19 AUG 2009
Health, Safety & Licensing

Date: 18th August 2009
Our Ref: 2009/09022/EPLIC/EH
Your Ref:
Phone: (01273) 292248
Fax: (01273) 292196
email: Scott.castle@brighton-hove.gov.uk

Dear Judith

**New Premises Application "The Green Door Store",
Lower Goods Yard, Brighton Railway Station, Brighton, BN1 4FQ
Licensing Act 2003**

I write further to the above application which was received by the department on 12th August 2009. The application seeks to regenerate an area of former storage under the railway arches at Brighton Station for a licensed use as a bar and entertainment venue.

I have examined the application form and the steps to promote the four licensing objectives, and supporting documents. I am making my representation concerning the prevention of public nuisance.

Insufficient information on preventing public nuisance

Section P – d) The prevention of public nuisance

The application is seeking 24 hour operation for a number of licensable activities, however I am very concerned that for a number of the activities these are proposed as being both inside and outside. For example, live music, recorded music, performances of dance, making music, and late night refreshment are all described as having outdoor uses. Reference to the plan submitted with the application (titled drawing number TWO at 1:50) shows 3 separate outside seating areas to the East of the premises, yet the operating schedule does not make any reference as to how public nuisance will be minimised or controlled, aside from posters and a management check of noise. Additionally the statement within P(d) about accessibility to the patio area is somewhat confusing

Whilst I am relatively satisfied that noise and music played inside can and may be contained, it is the potential external entertainment which concerns me and the hours which this may occur. The area is immediately adjacent Trafalgar Square complex with 5 major buildings. Of these buildings, 4 are commercial office uses, however Lancaster House, does contain residential dwellings named Villiers Court which I estimate to be 74metres south East of the premises footprint. Residential properties are also located at approximately 185 metres

Director of Environment: Jenny Rowlands



Web: www.brighton-hove.gov.uk
Telephone: (01273) 290000
Printed on recycled, chlorine-free paper

A CONT.

due North. With the location of the buildings and the proposal, I am satisfied that with the reflective nature of the hard-standings and buildings that sound has the ability to easily travel from the site.

I am also interested to learn what is proposed in terms of late night refreshment outdoors.

I would strongly recommend that further information is required to allow me to make my assessment of the application. This would include as follows:

1. How the patio area is proposed to be used and managed including hours of use and any door staffing arrangements where necessary or appropriate.
2. Details of how smoking areas will be managed and allocated as the application does not make any reference to such activities.
3. Whether the patio area is proposed to have any external licensable activities

Without such information being provided I am minded to consider a 00:00 to 10:00 curfew for any external licensable activities outside of the premises to protect residential amenity.

I remain available to discuss my comments. Please note that I am on leave from Monday 24th August to Monday 7th September 2009 inclusive. My line manager Annie Sparks is fully appraised of the situation and happy to answer any queries in my absence.

Yours sincerely



Scott Castle
Environmental Health Officer

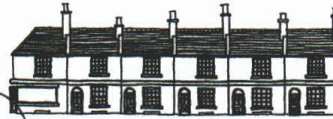
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REC: 12/08/09

2009/01640/LAPREN.
LO-JW.

CON: 09/09/09.

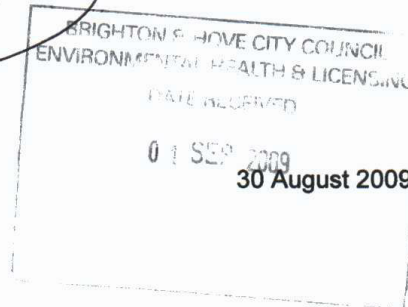
NORTH LAINE
COMMUNITY ASSOCIATION



PCD
PPN ✓

REP B

Licensing Department
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP



Dear Sir/Madam

**1445/3/2009/01640/LAPREN – GinGin Group – The Green Door Store
Lower Goods Yard, Brighton Station, Trafalgar Street**

We object to the above application on the grounds of:

Prevention of crime and disorder
Public safety
Prevention of public nuisance
Prevention of children from harm

The North Laine is classed as a Special Stress Area, and we feel that the opening of the above premises, which are adjacent to the North Laine Conservation Area, for 24 hours every day would exacerbate the problems that the area suffers from. Since the introduction of flexible opening hours in 2003, residents have had to put up with increased levels of noise from drinkers and increased levels of anti-social behaviour and vandalism.

In their report of stakeholder responses to the Health Impact Assessment of the Introduction of Flexible Hours in Brighton (April 2009), the Police reported that there had been 88 incidents of anti-social behaviour in the month preceding the Assessment. Allowing more and more outlets to sell alcohol will only exacerbate an already unacceptable situation for residents.

The North Laine Residents Association urges the committee to consider the evidence put to the Health Impact Assessment by local residents on the impact of the 2003 Act.

Yours faithfully

Sandy Crowhurst

North Laine Community Association, charity no 273989
Licensing Coordinator, Roy Skam, 2 Windsor Street, tel 326415
Environment Coordinator, Sandy Crowhurst, 41 Kensington Place BN1 4EJ tel 681089

REC: 12/08/09
CON: 09/09/09.

Rep C.



2009/01640/LAPREN
LO = JW.

PCD ✓
PCH ✓

HOVE POLICE STATION

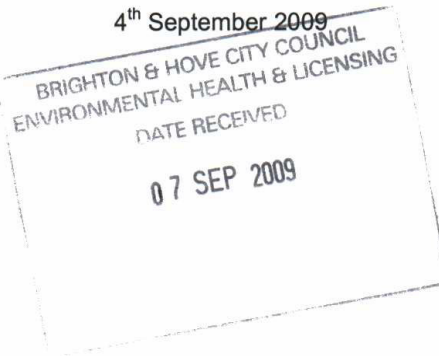
Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

4th September 2009

The Licensing Technical Support Officers
Environmental Health
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
BRIGHTON
BN1 1JP



Dear Sirs,

Application for a new premises licence under the Licensing Act 2003 for The Green Door Store, Lower Goods Yard, Brighton Station, BN1 4FQ

This is an application for a nightclub with a 24/7 licence in a difficult and challenging area that has a history of crime and disorder and late night alcohol related violent crime.

The police wish to make representations in respect of this application on the grounds of the prevention of crime and disorder and the protection of children from harm. The following conditions and rewording of conditions are requested.

Prevention of crime and disorder

Door supervisors.

SIA registered door supervisors must operate from the premises on Friday and Saturday nights from 20:00 hrs until close (or 06:00 hrs if open 24 hours). There will

Rep C Cont'd.

be a minimum of two door supervisors, increasing by one door supervisor for every one hundred persons or part thereof from 201 persons and above.

On Friday and Saturday nights when a club night is in operation (DJs, dance music, live bands etc), a minimum of four door supervisors will operate from the premises from 21:00 hrs (two on the door and two 'floaters' inside) until close or 06:00 hrs the following morning.

On Sundays to Thursdays the provision of door staff will be on an internal risk assessment basis by the premises management. However if the premises stays open after 23:00 hrs, a minimum of two door supervisors will operate from the premises from 23:00 hrs until close (or 06:00 hrs if open after 24 hours).

The premises will carry out an internal risk assessment and will, where necessary, employ door supervisors on other nights of the week for bank holidays, New Year's Eve etc., as appropriate.

The premises will contract for the provision of a mobile support unit which will provide SIA qualified door supervisors on an emergency call out basis on a continuing basis 24 hours a day.

All door supervisors to be linked by radio. There will be clickers employed to monitor and control movement of patrons and ensure capacity limits are adhered to.

Door supervisors, ancillary provisions:

1. All personnel carrying out security (door supervisors) shall be licensed by the Security Industry Authority.
2. Records shall be maintained at the premises containing the full name, date of birth, and home address of every door supervisor.
3. On initial employment of the door supervisor, authentic proof of identity shall be obtained in the form of a passport, driver's licence or a birth certificate.
4. The record shall include all dates and times when a door supervisor is employed.
5. If staff are employed through an agency, the name and address of the agency must be included in the entry referring to the person employed by the agency.
6. Any such record must be in a form approved by the Licensing Authority. [In the event that no form is either issued or approved by the Licensing Authority, the management may draft their own form but this must contain all the information stipulated in this section].
7. The DPS (or in the absence of the DPS the person with delegated authority) will ensure door supervisors display their SIA badges at all times they are on duty.

CCTV – condition as offered on page 19 of the application.

The premises will offer a free cloakroom facility to customers.

Rep. C. Cont'd.

Public Safety

Shatterproof drinking receptacles and plastic bottles (plastic, toughened or glasses that disintegrate into tiny pieces with no sharp edges when broken) will be used throughout the premises each day from 23:00 hrs. From 23:00 hrs no glass whatsoever (whether drinking receptacles or bottles) will be accessible or served in the public areas of the premises. This condition will also apply to private parties and functions.

Protection of children from harm

Proof of age condition – as per the condition offered on page 20 of the application.....The premises will adopt a challenge 25 policy.

No children under 18 will be permitted inside the premises after 22:00 hrs.

Under 16s are permitted in the premises up until 22:00 hrs if accompanied by an adult. A maximum of four under 16s can be accompanied by each responsible adult over 18. The premises will ensure that no under 18s are served or supplied with alcohol either directly or by proxy purchase.

No under 18 discos or events aimed predominantly at the under 18s market will be held at the premises unless the following conditions are met:

Conditions required for under 18s events:

1. All under 18s nights must be formally notified to the Police Licensing Unit at John Street Police Station at least 28 days in advance.
2. The entire venue for the evening will be alcohol free and dedicated to the under 18s disco. Having one room or floor set aside for an underage disco, whilst having other rooms or floors open for adults and serving alcohol is not acceptable.
3. SIA registered Door Staff to be employed for this event. This should be a ratio of 1 door person to every 50 children. This should include at least one male and one female member of door staff on the front door.
4. No persons over the age of 17 should be allowed into the venue unless a member of staff.
5. All prior marketing (internet, flyers, posters or radio etc) should make it clear in prominent writing what the permitted age of attendees is (both minimum and maximum ages permitted), and that persons under the age of 12 (for example) and 18 or over will not be granted entry. The permissible ages permitted should also be prominently printed on tickets. This will help to protect you as a responsible licensee against complaints etc. Any agent or promoter that sells tickets for your event over the phone should also be instructed to state on every sale the age range permitted before the ticket(s) are sold.
6. On entrance every person should be searched, this includes their person as well as any bags carried and hand held metal detectors is suggested for quick searches for metal objects such as knives.

Rep C. Cont'd.

7. Persons entering should have proof of age, this is to reduce the likelihood of over 18s gaining entry (again this requirement should be clearly stated on tickets etc).
8. As a result of the above all aerosols, marker pens, alcohol and any item that could be used a weapon should be confiscated. It is also recommended that cigarettes be taken off persons of all ages as well as lighters and chewing gum.
9. Staff should be vigilant as to the arrival and departure of youths attending the event and must be aware of any undesirable persons loitering in the direct vicinity.
10. Staff should encourage the young persons entrance into the premises there for to reduce the loitering of the youths directly outside the venue and in the direct area.
11. Youths should not leave the premises, once entered, unless this is to go home. This is to reduce and control the level of Anti Social Behaviour outside the venue as well as protecting the child to outside elements.
12. No alcohol should be served or available inside the venue. Youths should be monitored, on entrance, to ensure no alcohol has been consumed.
13. Any person/s refused entry for alcohol reasons should be assisted in the best possible way to ensure their safety.
14. There should be AT ALL TIMES, throughout the event, be a qualified first aider on sight who is available straight away no matter what other duties they may have. It is suggested that consideration be given to have St Johns Ambulance or Red Cross in attendance during this event.
15. Inside the venue door staff should be located throughout the venue, that is open to the youths and should be constantly monitoring the youths for any drink or drug related incidents as well as any other criminal activity.
16. Storage facilities should be considered for the youths bags and coats so to reduce the chance for theft.
17. As a professional courtesy, the venue should make local businesses, i.e. off licenses and shops, aware of the evening. This will help them tackle any issues relating to youths purchasing alcohol or loitering.

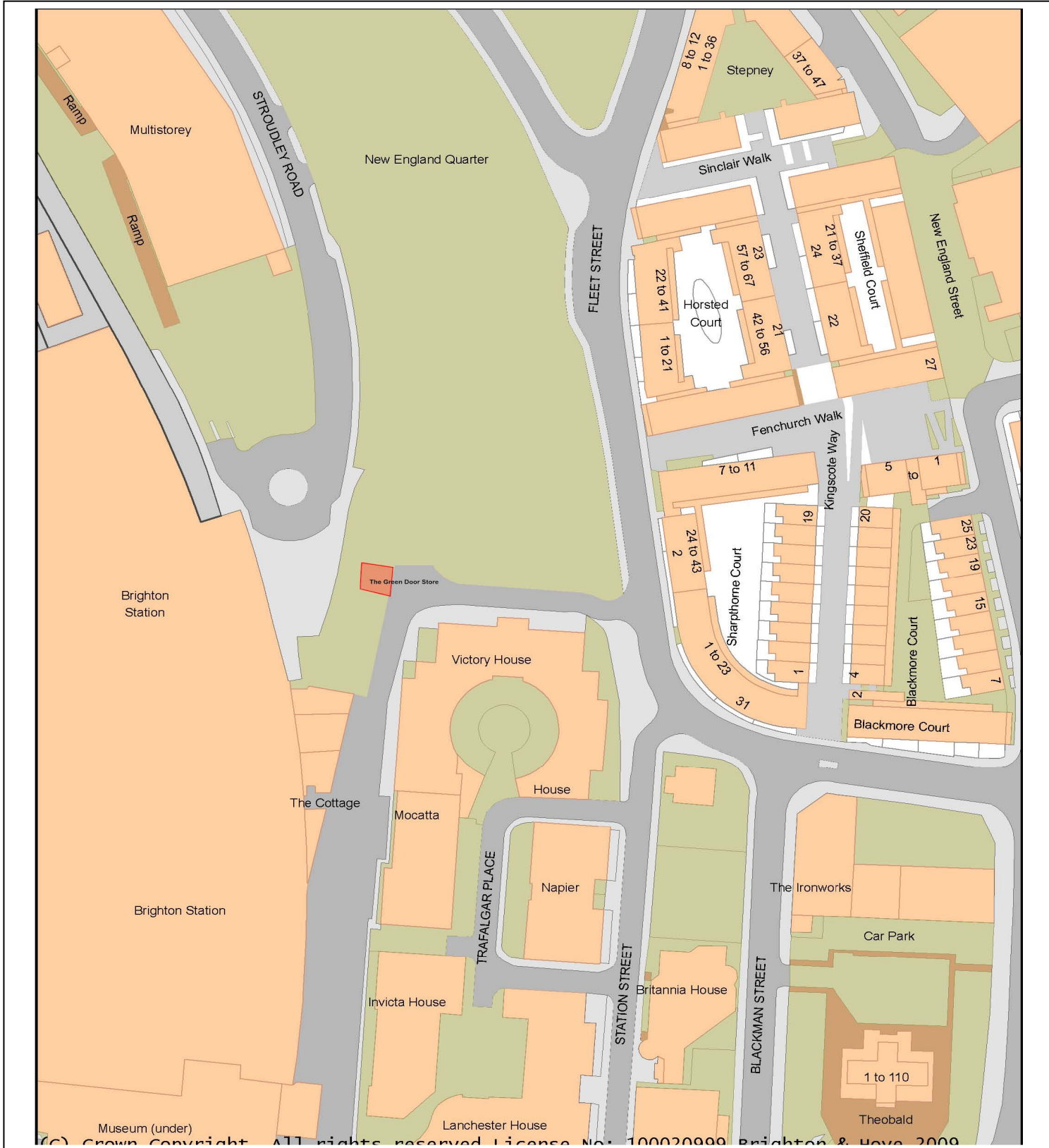
Yours faithfully,



David Bateup
Licensing Officer
Licensing Unit
Brighton Police Station

cc: Mr Doug Simmonds for the applicant

The Green Door Store, Lower Goods Yard, Brighton Station



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