





**Brighton & Hove
City Council**

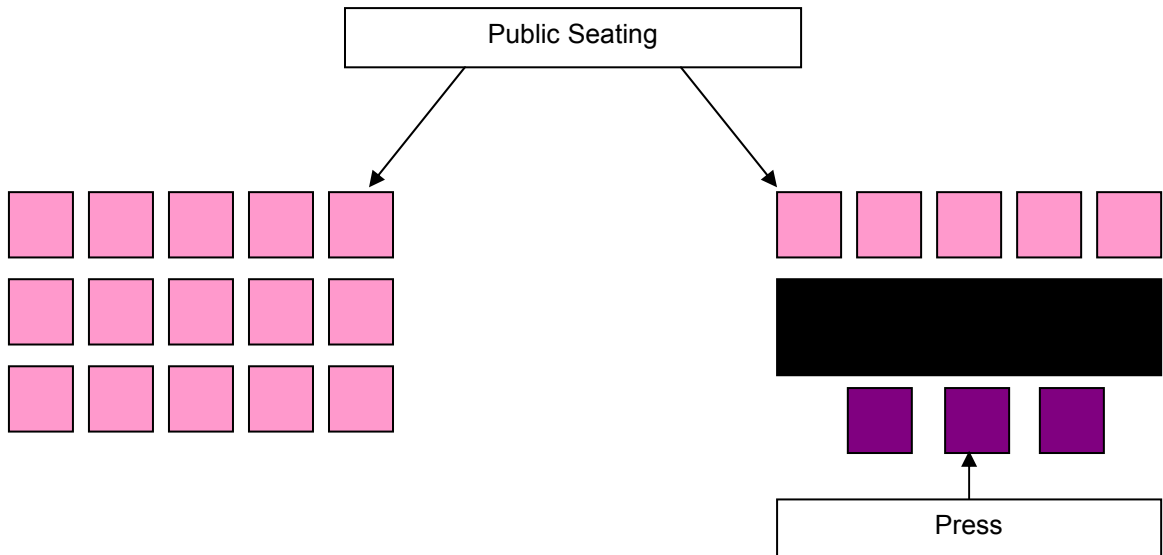
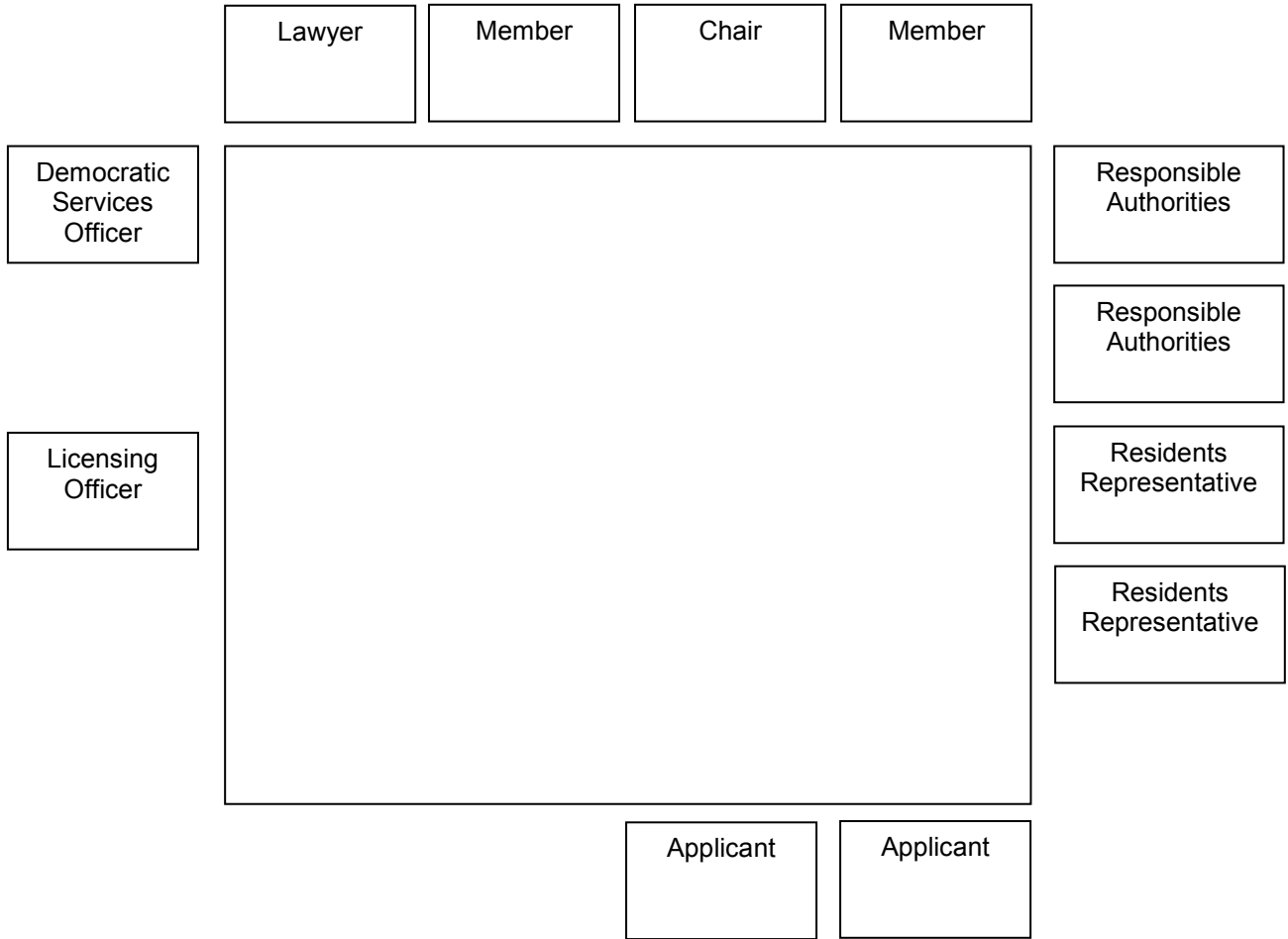
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	5 January 2012
Time:	10.00am
Venue	Committee Room 3, Hove Town Hall
Members:	Councillors: Deane, Simson and Turton
Contact:	Caroline De Marco Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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For further details and general enquiries about this meeting contact Caroline De Marco (01273 291063, email (caroline.demarco@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 23 December 2011

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 109

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Freemasons, 38-39 Western Road, Hove, BN3 1AF		
Licence Holder:	Zelgrain Ltd		
Date of Meeting:	5 January 2012		
Report of:	Head of Regulatory Services		
Contact Officer:	Name:	Becky Pratley	Tel: 292143
		Jim Whitelegg	292438
	Email:	Becky.Pratley@brighton-hove.gov.uk	
		Jim.Whitelegg@brighton-hove.gov.uk	
Ward(s) affected:	Brunswick and Adelaide		

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT:

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Freemasons.

2. SUMMARY OF THE APPLICATION PROCESS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Freemasons.

- 2.2 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003.

The application proposes:

An alteration in the hours of trading of the premises – to permit an extra hour for the sale of alcohol each day and on certain public holidays and other events and to include provision for dancing.

- 2.2.2 Part P of the application is detailed at Appendix A.

2.3 Summary table of existing and proposed activities.

	Existing	Proposed
E Live music	<p>Indoors Monday – Wednesday 10.00 – 00.00 Thursday – Saturday 10.00 – 01.00 Sunday 12.00 – 00.00 Until 01.00 in the morning following every Christmas Eve and to reflect New Year’s Eve/Day Hours.</p>	<p>Indoors Monday – Wednesday 10.00 – 01.00 Thursday – Saturday 10.00 – 02.00 Sunday 12.00 – 01.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.</p>
F Recorded Music	<p>Indoors Monday – Wednesday 10.00 – 00.00 Thursday – Saturday 10.00 – 01.00 Sunday 12.00 – 00.00 Until 01.00 in the morning following every Christmas Eve and to reflect New Year’s Eve/Day Hours.</p>	<p>Indoors Monday – Wednesday 10.00 – 01.00 Thursday – Saturday 10.00 – 02.00 Sunday 12.00 – 01.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.</p>

<p>I Provision of facilities for making music</p>		<p>Indoors Monday – Wednesday 10.00 – 01.00 Thursday – Saturday 10.00 – 02.00 Sunday 12.00 – 01.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.</p>
<p>J Provision of facilities for dancing</p>		<p>Indoors Monday – Wednesday 10.00 – 01.00 Thursday – Saturday 10.00 – 02.00 Sunday 12.00 – 01.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.</p>

<p>K Provision of facilities for entertainment of a similar description to that falling with in I or J</p>		<p>Indoors Monday – Wednesday 10.00 – 01.00 Thursday – Saturday 10.00 – 02.00 Sunday 12.00 – 01.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.</p>
<p>L Late Night Refreshment</p>	<p>Indoors Monday – Wednesday 23.00 – 00.00 Thursday – Saturday 23.00 – 01.00 Sunday 23.00 – 00.00 Until 01.00 in the morning following every Christmas Eve and to reflect New Year’s Eve/Day Hours.</p>	<p>Indoors Sunday – Wednesday 23.00 – 01.00 Thursday – Saturday 23.00 – 01.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.</p>

M Supply of Alcohol	On and Off the premises Monday – Wednesday 10.00 – 00.00 Thursday – Saturday 10.00 – 01.00 Sunday 12.00- 02.00 Until 01.00 in the morning following every Christmas Eve and to reflect New Year’s Eve/Day Hours.	On and off the Premises Monday – Wednesday 10.00 – 01.00 Thursday – Saturday 10.00 – 02.00 Sunday 12.00 – 01.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.
O Hours premises are open to public	Monday – Thursday 10.00 – 01.00 Friday – Saturday 10.00 – 02.00 Sunday 12.00 – 02.00 Until 02.00 in the morning following every Christmas Eve. To reflect existing New Year’s Eve/Day hour	Sunday – Wednesday 10.00 – 02.00 Thursday – Saturday 10.00 – 03.00 Together with an additional hour on all statutory bank holiday weekends (Friday, Saturday, Sunday and Monday) and on the Thursday before Good Friday, Christmas Eve & St Georges & St Patricks day. Additionally and in such case, subject to not less than 7 days written notice to Sussex Police, on occasions of local, national or international significance.
P Conditions removed as a consequence of the proposed Variation	All ‘embedded conditions’	

2.4 Existing licence attached at Appendix C

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 - E).

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 Six representations were received. They were received from a local resident, Resident's Associations and Sussex Police.

3.2.3 Representations received had concerns relating to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

3.2.4 A representation was received from the Environmental Protection team relating to the Prevention of Public Nuisance. The representation has now been withdrawn following works carried out by the applicant to the satisfaction of the Environmental Protection Team.

3.2.5 Full details of the representations and agreements are attached at Appendix F. A map detailing the address of the person who has submitted the representation and their location in relation to the premises is attached at Appendix G. Please note that Relevant Authorities and Residents' Associations are not included.

4. CONSULTATION

Commentary on Licensing Policy

4.1 The following extracts from Brighton & Hove City Council Statement of 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 focused on matters which are within 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

1.10.4 The licensing authority's preferred position is to ensure planning permission is in place before an application for a licence is made.

In respect of the prevention of crime and disorder

- 2.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects 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 supervisors 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. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 2.2 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 and that staff are authorised by the DPS.
- 2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 2.5 Measures put in place should support the intentions of Operation Marble (police operational order refers), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the City Centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

Special Stress

- 2.6.10 Special Stress Areas – Appendix D from the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at Appendix C and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.
- 2.6.11 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.
- 2.6.12 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 F from 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.

2.6.13 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 E from the SoLP. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.6.14 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.

2.7 The Licensing Authority will support:

2.7.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will 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 supports: mixed use venues encouraging a wider age balance.

2.7.2 Favourable consideration will be given to promoting the city's cultural quarter, live entertainment in pubs, food led operations, developing LGBT and other communities of interest venues, particularly around St James's Street, promoting a family leisure area on the sea front with a more adult leisure centre at night.

2.7.6 Care, control and supervision of premises:

The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

2.7.7 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 may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

2.7.11 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.

2.7.12 Enforcement will be achieved by the enforcement policy.

In respect of Public Safety

- 3.1 Club owners and promoters will be expected to have regard to "Safer Clubbing: guidance for licensing authorities, club managers and promoters". The licensing authority will seek to ensure that licensed premises are designed and run in a way which maximises the safety of customers and staff. In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.
- 3.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- 3.3 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-
- (a) provision of close circuit television and panic buttons.
 - (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons (recognised by Community Safety Strategy).
 - (c) use of door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).
 - (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
 - (e) occupant capacity conditions will be applied where appropriate.
 - (f) the provision of designated and suitably trained first aiders
- 3.4 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers as recognised by the Community Safety Strategy and Policing Strategy. Applicants may be required to consult local transport operators and are encouraged to support the use of public transport through the provision of advice, contact details, provision of dedicated taxi phones etc.
- 3.5 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by, for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.

In respect of the prevention of public nuisance

- 4.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.
- 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, 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. Noise emanating from within licensed premises should not normally be audible outside.
- 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.
- 4.6 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.
- 4.7 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, on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group.
- 4.8 While each application will always be considered on its merits, as an indication the St James's Street area and the North Laines/area will be considered residential neighbourhoods, and East Street a mixed neighbourhood.
- 4.9 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 4.10 below).

4.10 Smoking Advice

Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

4.11 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

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, use of the NightSafe radio system or accredited scheme, 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.
- 6.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.
- 6.8 Other regulatory regimes
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. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182Guidance. 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.
- 7.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 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: 14.12.2011

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: 14.12.2011

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 Public Health Implications:

Licensing Policy aims to implement and maintain risk and protective factors regarding the misuse of alcohol and drugs.

5.8 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 the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Area
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in SSA's
6. Appendix F – Representations and Withdrawn Representation
7. Appendix G – 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 any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

None considered necessary beyond those already provided in Annex 2 + 3 upon the existing licence

(b) The prevention of crime and disorder

None considered necessary beyond those already provided in Annex 2 + 3 upon the existing licence

(c) Public safety

None considered necessary beyond those already provided in Annex 2 + 3 upon the existing licence

(d) The prevention of public nuisance

None considered necessary beyond those already provided in Annex 2 + 3 upon the existing licence

(e) The protection of children from harm

None considered necessary beyond those already provided in Annex 2 + 3 upon the existing licence

APPENDIX B

Schedule 12

Part A

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number	1445/3/2011/00235/LAPRET
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
Freemasons Tavern 38 - 39 Western Road Hove BN3 1AF	
Telephone number	01273 732043

Where the licence is time limited the dates -
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Licensable activities authorised by the licence
Performance of Live Music and Recorded Music Late Night Refreshment Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities
Performance of Live Music - Indoors Amplified and acoustic live music - for example Jazz Trios. Mon - Wed: 10.00 - 00.00 Thur - Sat: 10.00 - 01.00 Sun: 12.00 - 00.00 Until 01.00 in the morning following every Christmas Eve and to reflect New Year's Eve/Day hours.
Performance of Recorded Music - Indoors To match sale of liquor at section M. Disco music and amplified recorded music ancillary to sale of alcohol (section M).

Mon - Wed: 10.00 - 00.00

Thur - Sat: 10.00 - 01.00

Sun: 12.00 - 00.00

Until 01.00 in the morning following every Christmas Eve and to reflect New Year's Eve/Day hours.

Late Night Refreshment

Provision of hot refreshment.

Mon - Wed: 23.00 - 00.00

Thur - Sat: 23.00 - 01.00

Sun: 23.00 - 00.00

Until 01.00 in the morning following every Christmas Eve and to reflect New Year's Eve/Day hours.

Sale by Retail of Alcohol

Mon - Wed: 10.00 - 00.00

Thur - Sat: 10.00 - 01.00

Sun: 12.00 - 00.00

Until 01.00 in the morning following every Christmas Eve and to reflect New Year's Eve/Day hours.

The opening hours of the premises

Monday - Thursday: 10.00 - 01.00

Friday - Saturday 10.00 - 02.00

Sunday: 12.00 - 02.00

Until 02.00 in the morning following every Christmas Eve. To reflect existing New Year's Eve/Day hour

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

Zegrain Ltd
146 Springfield Road
Brighton
BN1 6BZ

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

Registered Business Number 3235178

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

Simon Walker

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

Personal licence number: Issuing Authority: Brighton & Hove City Council

Annex 1 – Mandatory conditions

§ 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

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to

condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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:

On Licences

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.

2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.

3) On Good Friday, 12 noon to 10.30 p.m.

4) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

- 5) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- 6) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m
- 7) 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.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Premises with no children's certificate-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 171 and 201 Licensing Act 1964

4. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

5. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Supper Hours Certificate

Where a supper hours certificate is in place under s. 68, add (depending on whether one or both of the extensions in square brackets have been granted):

"Alcohol may be sold or supplied [for one hour following the end of permitted hours and] [on Christmas day, between 3 p.m. and 7 p.m.] to persons taking table meals in the premises in a part of the premises

usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the permitted hours shall continue to apply."

Source Section 68 Licensing Act 1964

Schedule to Supper Hours Certificate

In the parts of the premises to which this certificate applies (first floor restaurant) there shall be added to the permitted hours:-

a. The period (on Christmas Day) between the first and second parts of the general licensing hours.

b. The hour following the general licensing hours.

Variations to Embedded Conditions:

Removal of the conditions relating to the Supper Hours Licence that the sale of alcohol must be ancillary to provision of substantial refreshment.

Annex 2 – Conditions consistent with the Operating Schedule

For the prevention of crime and disorder:

1. Illumination must be provided and maintained to the exterior areas of the pub.
2. The licensee must adhere to an underage policy, this to include the need for customers who look underage to provide ID.
3. Licensees and staff must operate their 'Challenge 21' policy in that any person attempting to purchase alcohol who appears under the age of 21 will be asked to produce photographic identification.
4. There must always be a minimum of two staff on duty at any one time while the premises are open to the public.
5. Door staff must be provided every Friday and Saturday (see S21 above).

For public safety:

6. The premises is to promote a licensed taxi service to facilitate its customers making onward journeys.
7. Standard glasses are to be phased out and replaced with toughened glass.

For the prevention of public nuisance:

5. When required, staff organise taxis to transport customers home.
6. The Licensee must ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.
7. External seating areas will be cleared at 23.00 hours.
8. Licensees and staff must undertake regular inspections inside and outside the premises in order to monitor noise levels and ensure that both ambient sound and sound generated by recorded or live entertainment is at a level that does not constitute a nuisance.
9. The licensee shall ensure that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

For the protection of children from harm:

10. Under 18s are not permitted on the premises after 19.00 hours except those accompanied children who are allowed in the upstairs function room for private parties until 23.00 hours
11. Children are not permitted in the bar except for access to the garden or toilets.

Annex 3 - Conditions Attached after a hearing of a Licensing Panel

(1) All doors and windows at first floor level and windows at ground floor (except on the northern elevation exiting onto the main road) should be kept closed from 22.00 except for entrance and exit.

(2) The only public entrance and exit (except in the case of emergency) will be via the doors on the northern elevation exiting onto the main road.

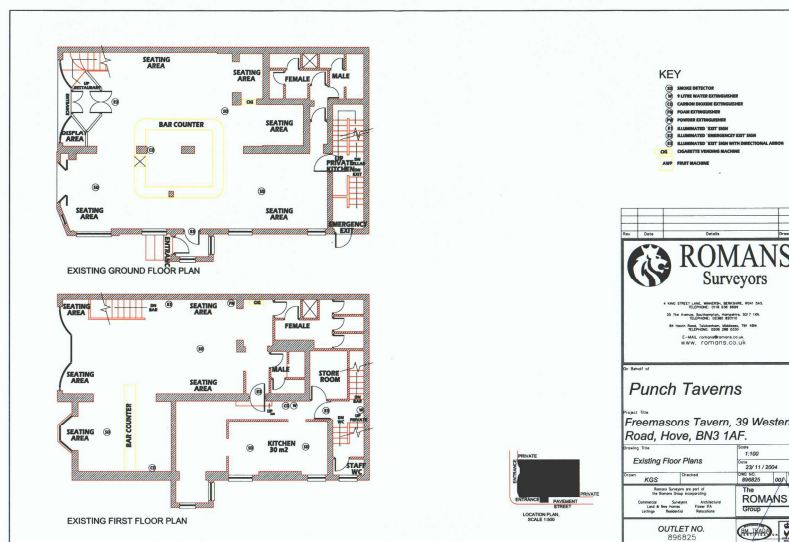
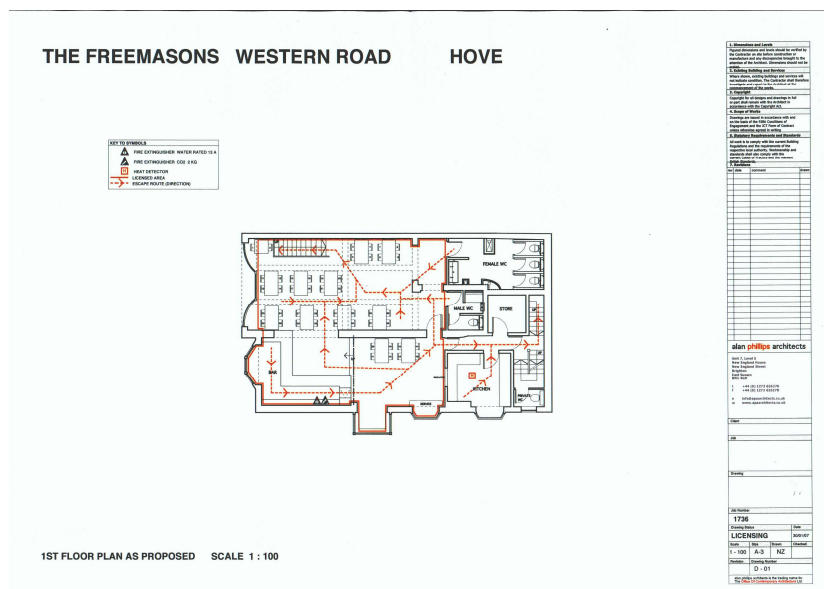
(3) A modern digital CCTV system and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally at the earliest opportunity and in any event within 28 days of the Sussex Police report of their requirements. CCTV footage will be stored for a minimum of 28 days, and the

management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. This CCTV system must be to the reasonable standard agreed to by Sussex Police – with particular regard to the number and placement of cameras throughout the premises.

(4) The premises will become a member of the Business Crime Reduction Partnership with Nightsafe radio.

(5) A minimum of two SIA licensed doorstaff will be employed from 20.00 hours until close of business on Fridays and Saturdays, with at least one additional door supervisor on or at the access to the first floor if that floor is used wholly or exclusively for a private function.

Annex 4 – Plans

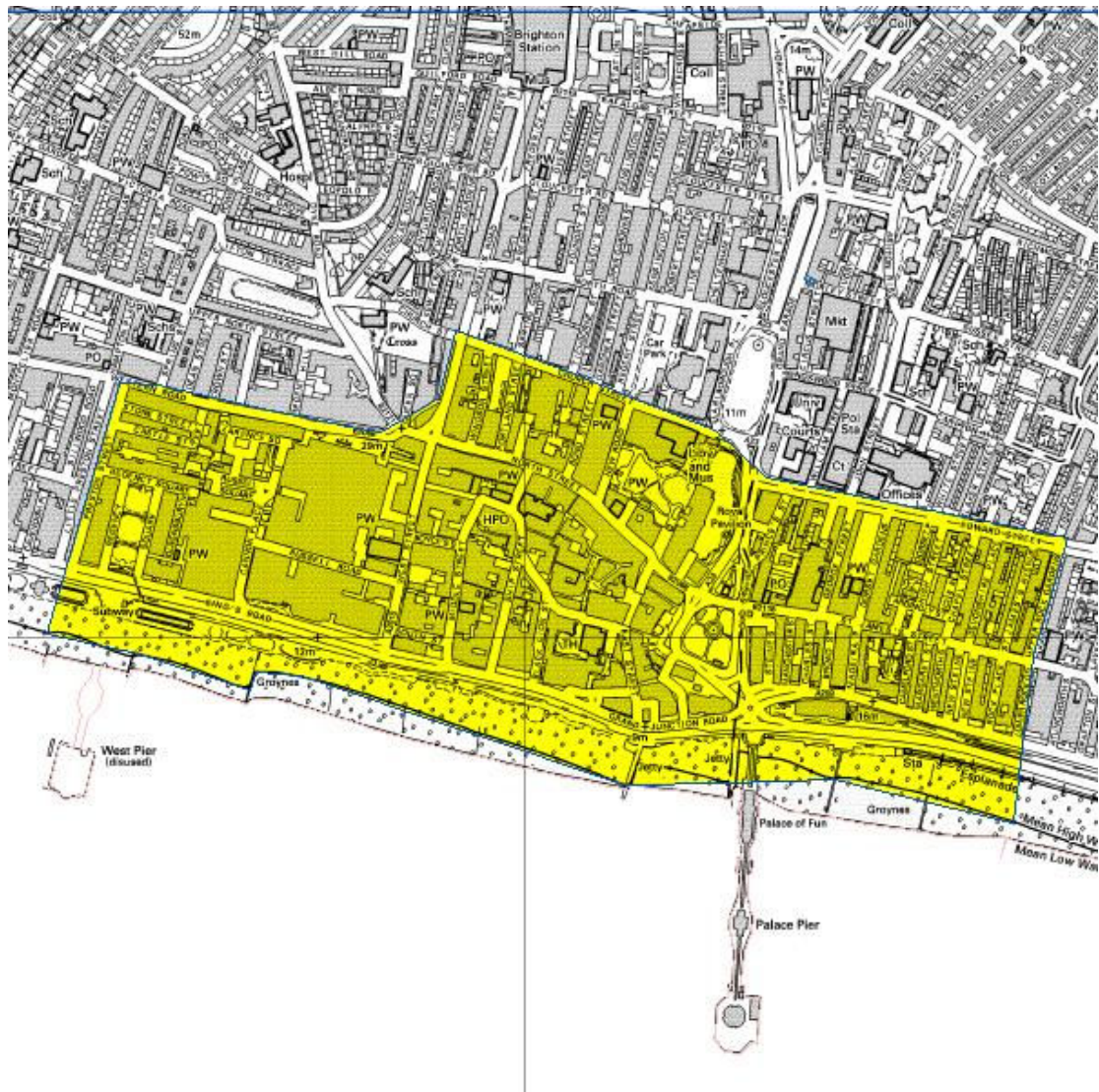


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APPENDIX C

Brighton & Hove City Council - Cumulative Impact Area

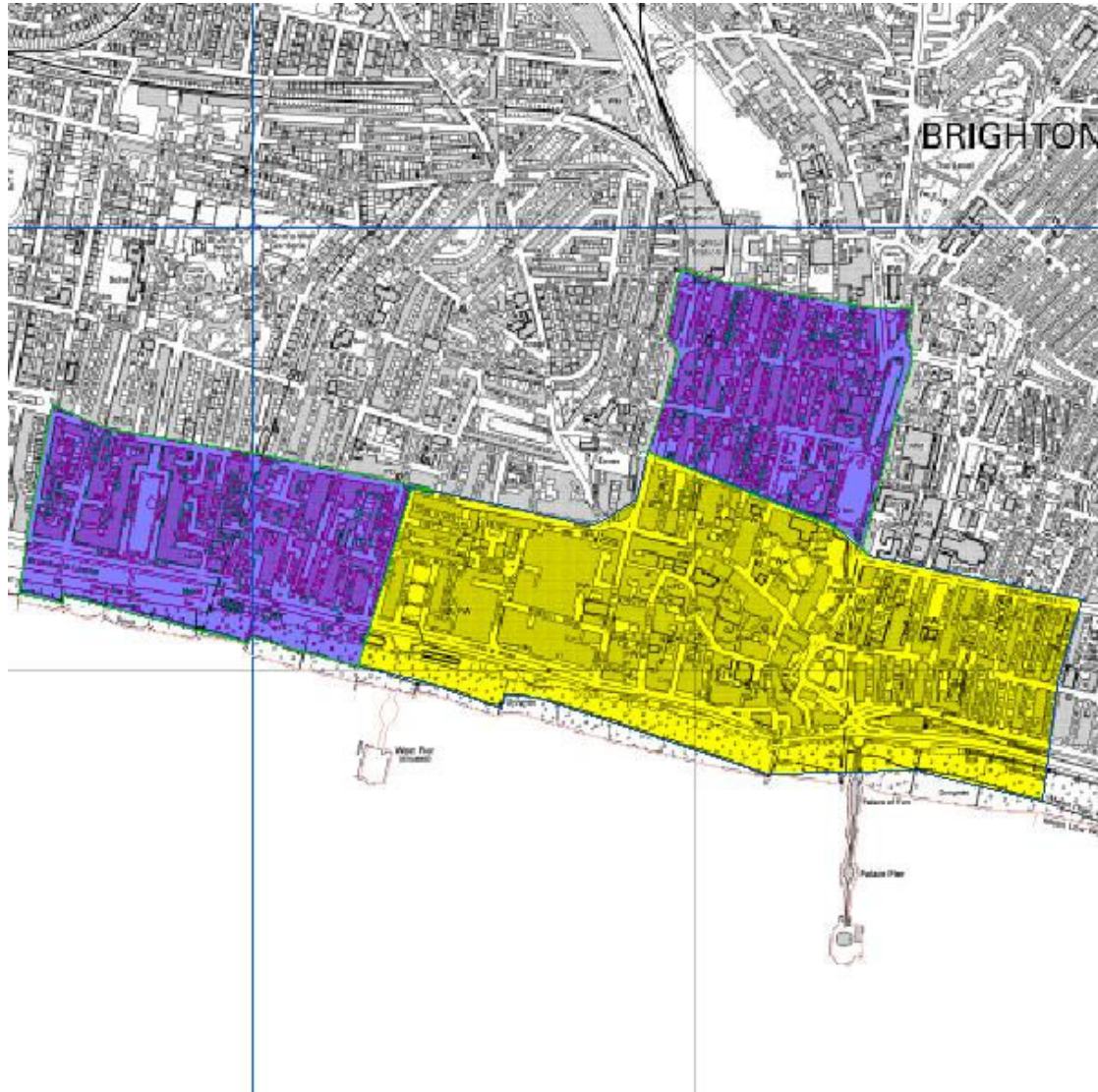


The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street

APPENDIX D

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 E

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

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APPENDIX G

