

# Licensing Panel

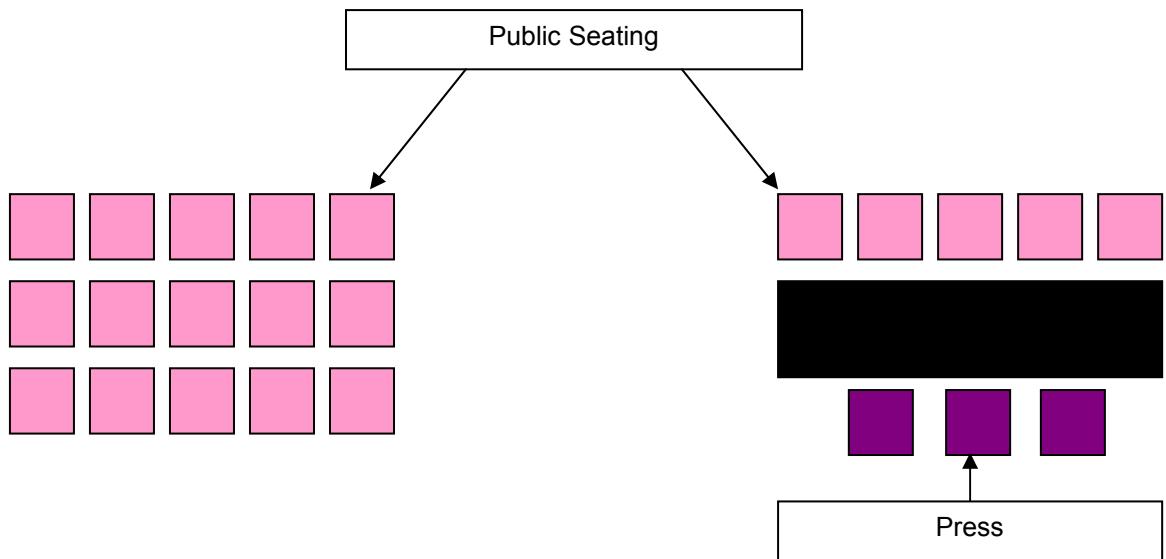
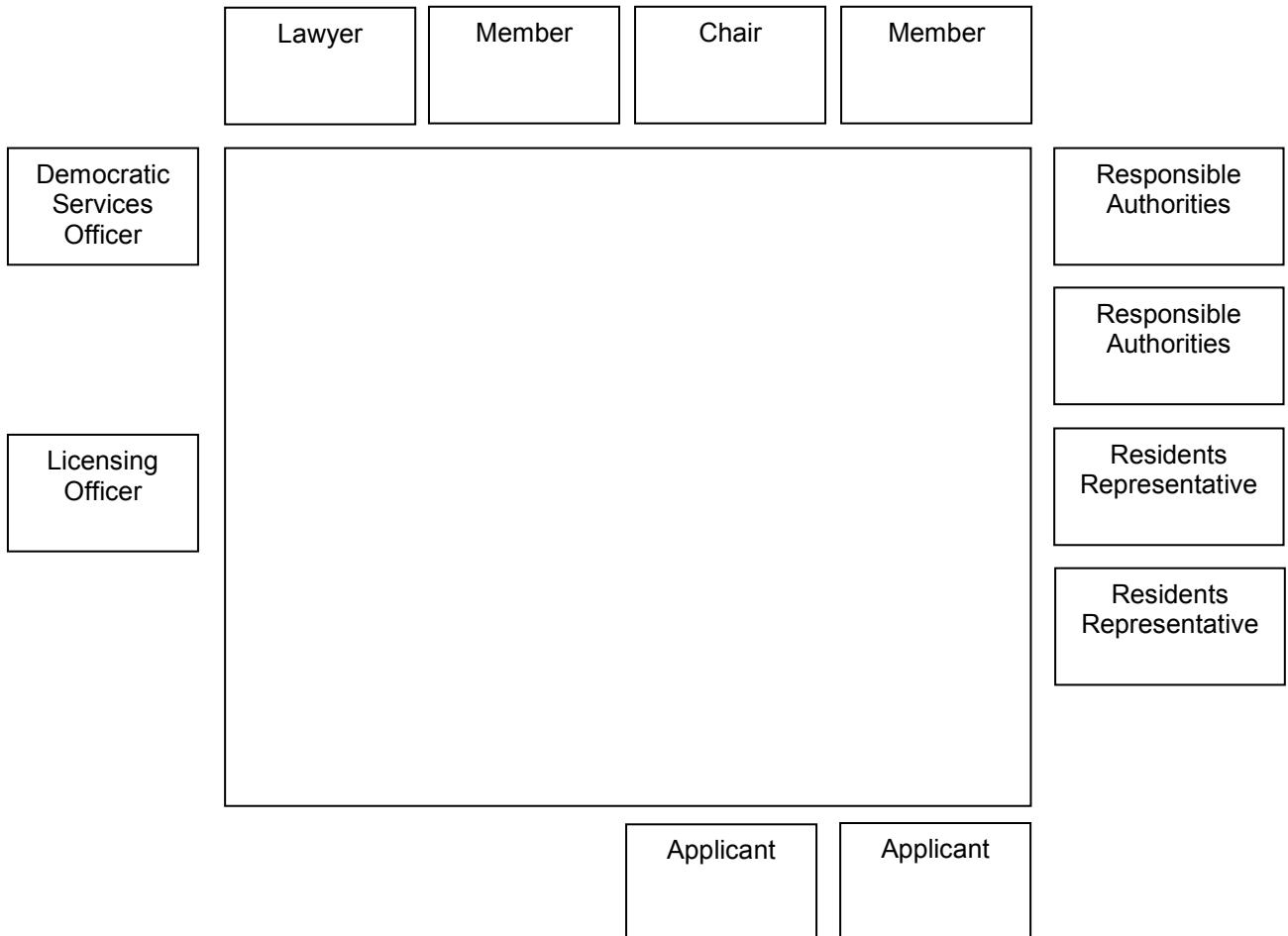
## (Licensing Act 2003 Functions)



Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>12 July 2012</b>
Time:	<b>10.00am</b>
Venue	<b>Committee Room 1, Brighton Town Hall</b>
Members:	<b>Councillors:</b> Duncan, Hyde and Simson
Contact:	<b>Ross Keatley</b> Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk

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## Democratic Services: Meeting Layout



## AGENDA

Part One

Page

**18. TO APPOINT A CHAIRMAN FOR THE MEETING**

**19. 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:
  - (a) Disclosure of pecuniary interests not registered on the register of interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable personal interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (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.*

**20. BAR SYNERGY LICENSING PANEL (LICENSING ACT 2003**

**FUNCTIONS)**

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## Report of the Strategic Director Place

Contact Officer: *Sarah McNaught* Tel: 01273 294431  
Ward Affected: *Regency*

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

**NOTE:** *There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chairman reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.*

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication – Wednesday, 4 July 2012

# Licensing Panel

## (Licensing Act 2003 Functions)

**Agenda Item 20**  
Brighton & Hove City Council

<b>Subject:</b>	Application for a Variation of a Premises Licence under the Licensing Act 2003
<b>Premises:</b>	Bar Synergy, 1 Middle Street, Brighton, BN1 1AL
<b>Applicant:</b>	Bar Synergy Limited
<b>Date of Meeting:</b>	12 July 2012
<b>Report of:</b>	Head of Regulatory Services
<b>Contact Officer:</b> Name:	Sarah-Jane McNaught
E-mail:	<a href="mailto:Sarah.McNaught@brighton-hove.gov.uk">Sarah.McNaught @brighton-hove.gov.uk</a>
<b>Wards Affected:</b>	Regency

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

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

#### 2. RECOMMENDATIONS:

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

2.2.1 The application is for:

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

The application proposes:

Move the terminal hour from 03.00am to 05.00am Wednesday - Saturday for sale by retail of alcohol

Remove Condition 10 so as to be allowed to serve liquor alcohol in glass from 6.00pm to midnight on each day

Performance of recorded music to be moved from 10.00 - 03.00 to 10.00 - 05.00  
 Wednesday – Saturday

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

2.3 Summary table of existing and proposed activities.

	<b>Existing</b>	<b>Proposed</b>
<b>B Films</b>	Indoors Every Day 10:00 - 03:00	As Existing
<b>F Recorded Music</b>	Indoors Every Day 10:00 - 03:00	Indoors Sunday – Tuesday As Existing Wednesday – Saturday 10.00 – 05.00
<b>I Provision of facilities for making music</b>	Indoors Every Day 10:00 - 03:00	As Existing
<b>J Provision of facilities for dancing</b>	Indoors Every Day 10:00 - 03:00	As Existing
<b>L Late Night Refreshment</b>	Every Day 23.00 – 03.00	As Existing
<b>M Supply of Alcohol</b>	On the Premises Every Day 10.00 – 03.00	Indoors Sunday – Tuesday As Existing Wednesday – Saturday 10.00 – 05.00
<b>O Hours premises are open to public</b>	Every Day 09:30 - 03:30	Indoors Sunday – Tuesday 10.00 – 03.00 Wednesday – Saturday 10.00 – 05.00

<b>P Conditions removed as a consequence of the proposed Variation</b>	Removal of Condition 10 – All glasses into which drinks are dispensed will be of polycarbonate or a like substance and no drinks will be allowed in open bottles with the exception of a purchase of whole bottles of wine including sparkling wines when served on the first floor.
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2.4 Existing licence attached at Appendix B

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

3.1 Cumulative Impact: The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs Prevention of Crime and Disorder 2.6 – 2.6.15 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 of objection were received. They were received from a local resident, a local business, a Resident’s Association, a local Councillor, Sussex Police and The Environmental Protection Team.

One representation supporting the application was received. It was received from a local business (the freeholder of the premises).

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

The Representation received supporting the application was validated on the Prevention of Crime and Disorder.

3.2.5 Full details of the representations are attached at Appendix F. A map detailing the addresses of the persons who have submitted the representations 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 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.

### **Cumulative Impact**

- 2.6 Cumulative impact – the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with ‘need’ which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
  - 2.6.1 Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
  - 2.6.2 The licensing authority after careful consideration has determined that the concentration of licensed premises in a small area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to Cumulative Impact is necessary as part of its statement of licensing policy. The first Special Policy and Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA’s) were adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA’s under review with the proviso that 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 SSA's into the CIZ.

At Licensing Committee on 10<sup>th</sup> February 2011, committee called for a report on the review of the licensing policy following consultation with ward Councillors and the Police, reviewing evidence, having regard to resident concerns with a view to possible inclusion of special stress areas in the CIZ. The merits of a matrix approach to licensing decisions would also be explored. On the 23<sup>rd</sup> June 2011 the Licensing Committee received a report and authorised officers to initiate consultation regarding a review of the CIZ.

- 2.6.3 On the 15<sup>th</sup> December 2011 Full Council resolved to expand the CIZ and the special stress area. The new CIZ covers 1.5% of the administrative area of Brighton & Hove City Council.
- 2.6.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is attached at Appendix C from the Statement of Licensing Policy (SoLP).
- 2.6.5 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the Area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 2.6.6 Any variation application including Minor Variations will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse effect on Cumulative Impact.
- 2.6.8 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 2.6.9 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The Impact can be expected to be different for premises with different styles and

characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant, pub or theatre may be considered exceptional circumstances. In relation to this, the licensing authority considers it is more proportionate to look favourably upon a pub wanting to open until 11pm or a restaurant until 12 midnight as it has emerged from all the evidence and consultation responses that these type of premises operating within these hours are unlikely to add to cumulative impact in the area. The fact that a premises will be/is exceptionally well managed with a well qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

2.6.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

2.6.15 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area 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.

## 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. A "matrix" approach to licensing decisions has been adopted and is set out below.

Matrix approach for licensing decisions in a Statement of Licensing Policy

	<b>Cumulative Impact Area</b>	<b>Special Stress Area and London</b>	<b>Mixed Commercial and Residential Areas (streets)</b>	<b>Residential Area (mainly residences in street)</b>	<b>Marina</b>

		Road	containing shopping parades)		
<b>Restaurant</b>	Yes (midnight)	Yes (2am)	Yes	Yes (11.30pm)	Yes
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)	Yes (midnight)	Yes
<b>Night Club</b>	No	No	Yes (3am)	No	Yes
<b>Pub</b>	Yes (11pm)	Yes (11pm)	Yes (3am)	Yes (11pm, midnight Friday and Saturday)	Yes
<b>HVVD (Super pub)</b>	No	No	No	No	Yes
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)	Yes	Yes
<b>Off-licence</b>	No	No	No	Yes (8pm)	Local shops only
<b>Members Club</b>	Yes (<100)	Yes (<100)	Yes	Yes (11pm and midnight Friday and Saturday)	Yes

#### Notes on matrix

Subject to the following, the policy, as represented in the matrix, would be strictly adhered to

- 1) Each application would be considered on individual merit
- 2) Departure from policy is expected only in exceptional circumstances
- 3) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix
- 4) Exceptional circumstances may include: close consultation with Sussex Police and the Licensing Authority, meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to off set impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts), BCRP membership
- 5) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties,

members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre

6) Shatterproof drinking receptacles will normally be required by licence condition in alcohol led establishments in the city centre

7) Outdoor events will be supported where arranged through the council's event planning process

8) Favourable consideration will be given to residential need

9) Favourable consideration will be given to local businesses properly engaged with the local licensing authority and responsible authorities

#### 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.

2.7.13 Any enforcement checks will include outside drinking areas, looking particularly at noise, and customer smoking areas.

## **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)
- 4.4 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 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. The Licensing Authority has adopted a matrix approach to licensing decisions (see 2.7.1)
- 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.

## **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: 26.06.2012

### **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: 25.06.2012

### **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 the Application
2. Appendix B – Part A of Premises Licence
3. Appendix C – Brighton & Hove City Council – Cumulative Impact Zone
4. Appendix D – Brighton & Hove City Council – Special Stress Area
5. Appendix E – Measures to be considered in the SSA
6. Appendix F – Representations
7. Appendix G – Map of area

### **Documents in Members' Rooms**

1. Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.

### **Background Documents**

1. Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2011, as amended 20 December 2011.



## 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)

All entrances to the premises after midnight to be registered as members and hold a valid card.

b) The prevention of crime and disorder

Continuing with strict door policy. Refusing sales to those considered unfit. Accredited post of age strictly enforced. Convenient monitoring by CCTV.

c) Public safety

Counts maintained at all times. Never allowing more than 110 in premises at any one time. Fire and H&S consultants available for audit.

d) The prevention of public nuisance

Doors remain closed during opening hours. Premises closed all day and only open after 8pm. Decibel level set by agreement with environmental health.

e) The protection of children from harm

Strict door policy. Challenge 25. All staff trained "Preventing under age sales" Certificates attached.



## APPENDIX B

### Schedule 12

#### Part A

Regulation 33, 34

### Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2011/00989/LAPRET

#### Part 1 – Premises Details

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

Bar Synergy  
1 Middle Street  
Brighton  
BN1 1AL

**Telephone number** 01273 711651

**Where the licence is time limited the dates** -

#### Licensable activities authorised by the licence

Exhibition of a Film  
Performance of Recorded Music  
Sale by Retail of Alcohol

Making music  
Late Night Refreshment  
Dancing

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

**Exhibition of a Film** – Indoors. To permit the playing of recorded films whether by video or DVD throughout the opening hours.

Every Day 10:00 - 03:00

**Making music** – Indoors. A hi-fi system with speakers will be used. It is noted that low volume background incidental music is exempt from the regulations.

Every Day 10:00 - 03:00

**Performance of Recorded Music** – Indoors. To permit recorded music with or without a DJ. It is noted that background incidental music is not a licensable activity.

Every Day 10:00 - 03:00

**Dancing** – Indoors. Floor of premises for impromptu dancing. It is not intended to promote use of the premises for dancing.

Every Day 10:00 - 03:00

**Late Night Refreshment** – Indoors.  
Every Day 23:00 - 03:00

**Sale by Retail of Alcohol**  
Every Day 10:00 – 03:00

**The opening hours of the premises**

Every Day 09:30 - 03:30

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Bar Synergy Limited  
Suite A  
No 1 Lindsey Street  
London  
EC1A 9HP

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

Registered Business Number: 7621372

**Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Chris Board

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

Licence Number:

Issuing Authority:



## 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

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 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)

**Annex 2 - Conditions consistent with the Operating Schedule: Please refer to conditions in Annex 3**

**Annex 3 – Conditions attached after Licensing Hearing, December 2010**

1. The premise licence holder and management will have in place an operations manual detailing policies and training, details of which have been inspected by Sussex Police and approved by them and the Licensing Authority and any major change intended to this manual shall be so approved before being taken into use. The operations manual acknowledges the good practice and both legal and social responsibilities of the licence holder and will document the management structure and all training carried out.

**For the prevention of crime and disorder:**

2. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises externally and internally (including the smoking area and front door) to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. The CCTV must be checked and formally signed off as approved by Sussex Police prior to opening. 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 required 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. The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay.
3. At all times the premise is open to the public, the management will employ the back up services of an approved mobile support unit, with a minimum of 2 SIA registered Door Supervisors operating from it.
4. The premise will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe or similar reporting scheme

5. A minimum of 2 Door Supervisors will operate from the premises on Thursday and on Sunday nights when there is a bank holiday Monday the following day from 2300 & on Fridays & Saturdays from 2130 until 30 minutes after the premise has closed to the public and at all other times as decided following a Risk Assessment by the DPS or delegated responsible person in charge, the outcome of which will be recorded including if required after any consultation with the police.
6. Signs will be displayed indicating there is a Zero Tolerance Policy towards drug abuse and that it is a condition of entry that any person may be requested to be searched or refused entry.
7. Any substances suspected to be controlled drugs will be seized and placed in a drugs amnesty box which will be kept locked and in a safe place. A record will be kept of all seizures made using an approved form and full details will be made available to the police to whom the substances will be handed on in due course.

**For public safety:**

8. A new Fire Risk Assessment will be carried out
9. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premise. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
10. All glasses into which drinks are dispensed will be of polycarbonate or a like substance and no drinks will be allowed in open bottles with the exception of a purchase of whole bottles of wine including sparkling wines when served on the first floor

**For the prevention of public nuisance:**

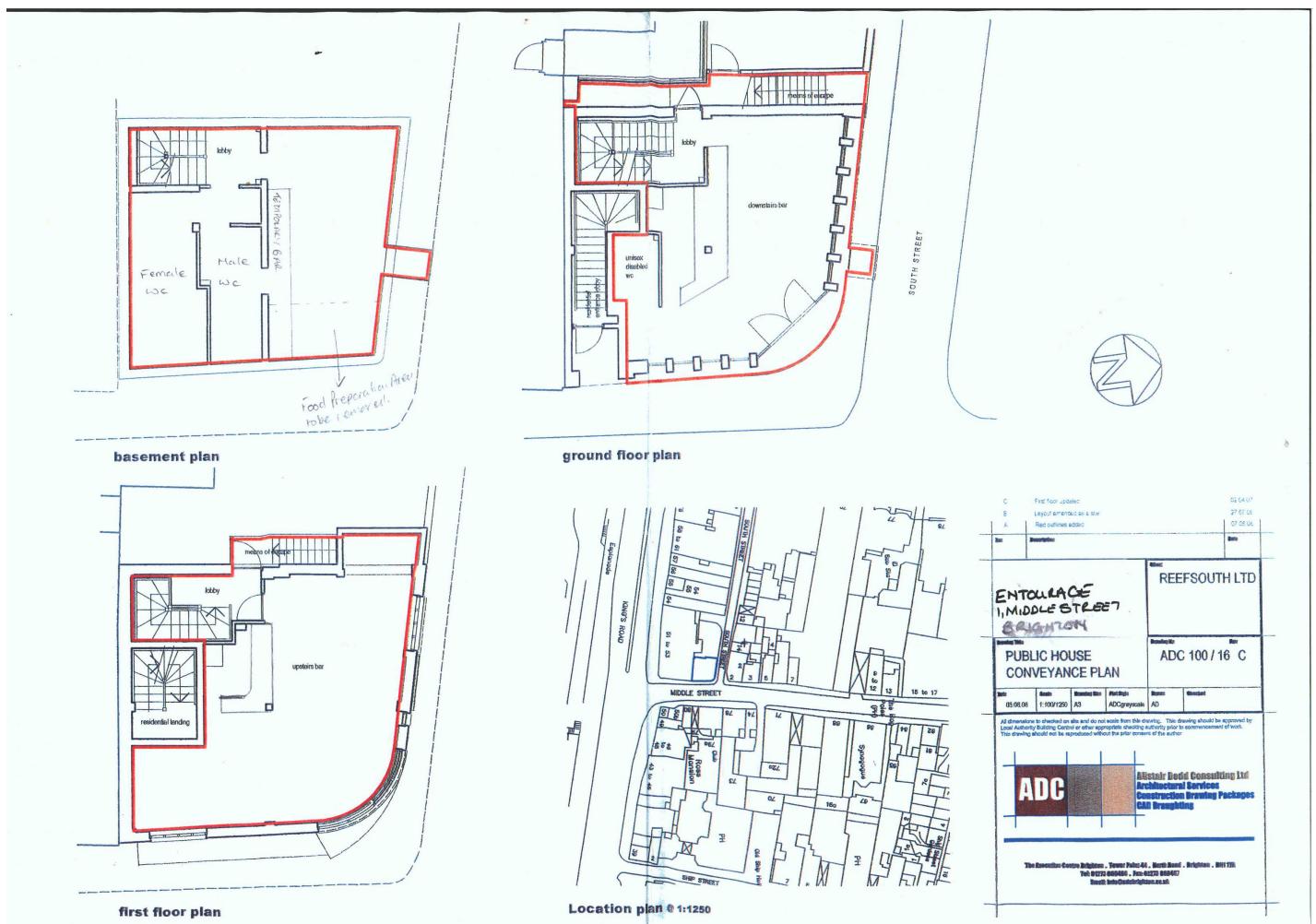
11. The disposal and collection of waste including bottles from external refuse bins shall be limited to between the hours of 0800 and 1900. The bins to be locked at all times they are accessible to the public on the street
12. A noise limiter/compressor device shall be installed by a competent person to the satisfaction of the Director of Environment. The level once set shall be tamperproof.

13. Amplified music or other entertainment noise from within the premise shall be inaudible in the nearest noise sensitive premise.
14. The entrance/exit to the premise to be kept shut at all times after 2300 except for exit and egress
15. The licensee shall display prominent clear and legible notices at all exits requesting the public to leave the premises and disperse quietly respecting the needs of local residents.
16. No drinks are to be taken outside the premises.

**For the protection of children from harm:**

17. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
18. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
19. No children to be admitted or to remain on the premise after 2100 hours
20. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales: Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member; and all age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Trading Standards Service upon request.
21. All staff are to receive training in line with that detailed in Appendix 1 to the operations manual.

**Annex 4 – Plans**





## 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 Holland Road 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 Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the 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

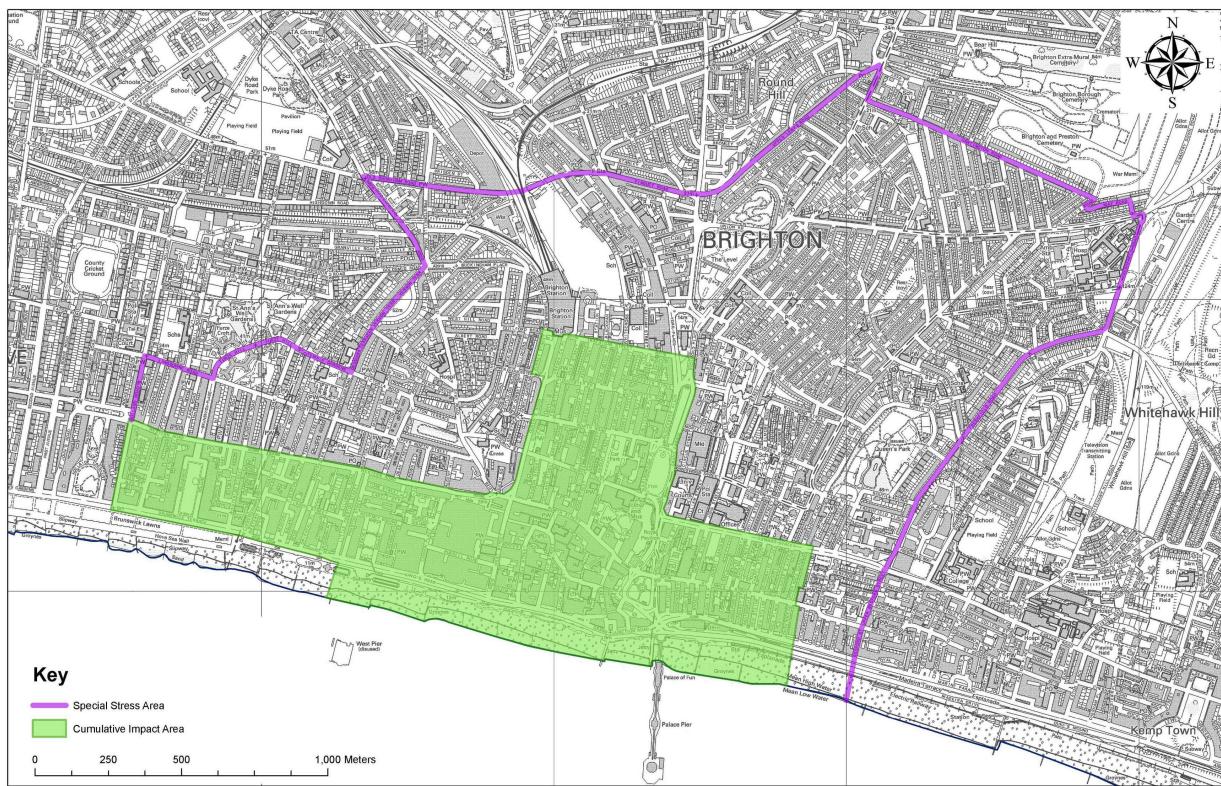
following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

## APPENDIX D

### Brighton & Hove City Council – Special Stress Area

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

#### Cumulative Impact Zone



The Special Stress Area - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road northwards to its intersection with the north side of Lansdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road , north end of New England Road, across the north side of Preston Circus, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into May Road, eastwards until its junction with Freshfield Road, then south into Upper Bedford Street, into

Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens.

## APPENDIX E

Measures to be included for consideration in SSA 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 doorstaff 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 F

**Felicity Broder**

(A)

con: 19/6/12

SJM

**From:** Jason Kitcat  
**Sent:** 06 June 2012 18:31  
**To:** EHL Safety  
**Subject:** Objection to application by Bar Synergy, 1 Middle Street 1445/3/2012/01435/LAPREV

VALID  
CI  
CD  
PN  
PS.

Dear Licensing Team

As a ward councillor I am objecting to licensing application 1445/3/2012/01435/LAPREV by Bar Synergy of 1 Middle Street.

I am objecting under:

- \* Cumulative Impact,
- \* Prevention of crime & disorder,
- \* Preventing public nuisance,
- \* Public safety.

This street and this specific venue have a history of problems linked to the licensed trade. They are in the centre of the cumulative impact zone and by West Street where the density of licensed premises causes a serious strain on Police resources when dealing with the night-time economy.

Residents in the area already suffer repeated late night disturbance, noise and anti-social behaviour from people moving between and from licensed venues and this also affects guests houses in the street.

Extending the terminal hour to 0500 is too far, extending the race to the bottom which creates a situation when there is no time of night where residents can sleep in peace. Furthermore the Police operation Marble does not usually operate at 0500. This application will certainly contribute to the cumulative impact.

Please refuse this application in its entirety.

Sincerely,  
Jason Kitcat

--  
Cllr Jason Kitcat

Leader of Brighton & Hove City Council  
Green City Councillor, Regency Ward

<http://twitter.com/jasonkitcat>  
<http://www.jasonkitcat.com>  
+ 44 (0) 7956 886 508

PPN  
PPS

(B)

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
15 JUN 2012

Con: 19.612 SJM

Anthony D. Pol  
Carol Smallwood  
5, Ship Street Gardens,  
Brighton,  
BN1 1AJ.  
Tel. Day. 01273 670699  
[tonypol@visionantics.co.uk](mailto:tonypol@visionantics.co.uk)  
[cazsmallwood@gmail.com](mailto:cazsmallwood@gmail.com)  
15/06/2012

Head of Planning and Public Protection, Health, Safety & Licensing, B.H.C.C.  
Bartholomew House, Bartholomew Square, Brighton.

Bar Synergy, 1, Middle Street, Brighton, BN1 1AL.  
Variation of premises license. 1445/3/2012/01435/LAPREV  
Copy to Jason Kitcat

Dear Health & Safety and Licensing,

The location of Bar Synergy at No 1 Middle Street, Brighton has a considerable history of problems of public nuisance, disorderly and unacceptably loud drunken behaviour late at night and early in the morning caused by the licenses to serve liquor through the night that its previous owners have held. Regarding that history we have attached a copy of our submission to the licensing review of 03/09/2009.

If a variation to the license were granted allowing the sale of alcohol until 5 am then the high level of noise and loud inebriated conversation that can be heard from smokers outside Bar Synergy even from the top floors of Ship Street Gardens would constitute a truly unacceptable extension of the hours of public nuisance. Late night drinkers invariably gravitate to the bars with the latest (or earliest) hours. With more alcohol consumption comes more inebriation and more noise and nuisance. Drinkers leaving Synergy (no longer the responsibility of Bar Synergy) spill into the twittens and streets to the side of Middle Street. Resident's sleep could then be disturbed and broken throughout the whole night.

With regard to Bar Synergy's request to be able to serve alcohol in glass glasses until midnight. We would hope that they would ensure that no glasses left their premises but given the amount of broken glass that we find outside our house or indeed hear shattering from street or twitten in the night that hope seems quite unrealistic: we therefore oppose this requested variation essentially on grounds of public safety caused by broken glass.

Yours sincerely

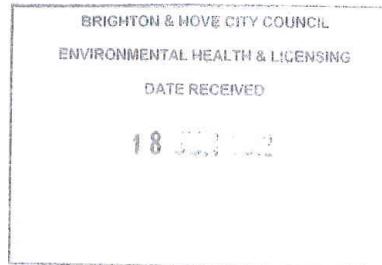
Mr. Anthony D. Pol Ms. C. D. Smallwood  
(Co. Chair of The Ship Street, Ship Street Gardens  
and Middle Street Residents Association)

Con: 19.6.12

SJM

~~VALID~~  
GTD  
PN.

**Head of Planning and Public Protection  
Health & Safety and Licensing,  
Bartholomew House,  
Bartholomew Square,  
Brighton BN1 1JP**



18 June 2012

**RE: "Synergy Ltd" 1 Middle Street, Brighton, BN1 1AL.**

**With regards to the extended licence application to 5 am, my Objection is as follows:**

**Myself and my wife own Leona House Bed & Breakfast  
Opposite “Synergy” bar and any extension to their opening  
Hours would seriously harm our business. This extension to  
5 am would affect our Guests sleeping in the 3 front rooms  
till potentially 5.30 am ( Allowing Synergy’s customers  
approx. 30 minutes to clear the area). Customers leaving  
bar/pub premises very rarely depart quietly. I know this  
having lived and owned a business in Middle Street over the  
last 10 years.**

**This is completely unacceptable being that the area is part-residential. We would also be kept awake as we live in the premises**

**This will inevitably lead to us having to refund our Guests their money and often subsequently they go home and put negative reviews on-line.**

attracted anti-social behaviour and drug dealing in the vicinity often clearly on view to our Guests and their children.

I think 3 am is sufficient opening time and is in line with the other bars in the area.

Our property is Grade 2 listed and cannot have double glazed replacement windows installed. I recognise that however well managed a bar premises may be there will always be noise outside with smokers and customers leaving noisily.

Our business would not survive this all night disturbance. We are all here to make a living without having these additional burdens put upon us. We have witnessed far too often in the past that crime and disorder occurs mainly after 3 am and this proposed licence application will only enhance this.

Thank you  
With best wishes

Yours Sincerely



Paul & Hazel Eastman

Con: 19.6.12

SJM

Antony Burnet-Smith  
1 Daisy Court  
65 Middle street  
Brighton BN1 1JG

(D)

BRIGHTON & HOVE CITY COUNCIL  
ENVIRONMENTAL HEALTH & LICENSING  
DATE RECEIVED

18 JUN 2012

Tel. Day.

11 June 2012

VALID  
PN  
GD

Assistant Director, Public Safety, Health & Safety & Licensing, B.H.C.C.  
Bartholomew House, Bartholomew Square, Brighton.

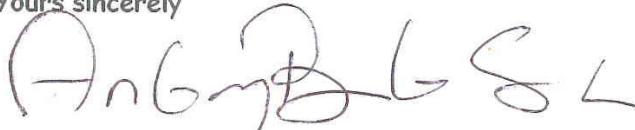
Dear Licensing Committee,

Bar Synergy, 1 Middle Street have applied to extend their hours with application 1445/3/2012/01435/LAPREV. As I understand it, they are actually seeking sale of alcohol and recorded music 1000 - 0500 Wednesday, Thursday, Friday and Saturday. In effect extending their hours of trading by two hours and also removing the condition for polycarbonate glass to ordinary glass.

As a resident I am already seriously sleep deprived by their current hours and this application for an extension if granted, will just extend the current noise pollution by two more hours. I already have to deal with people urinating on my gate, pressing on the doorbell and damage to my car. The thought of having to deal with such alcohol related fall out for two more hours is frankly deeply depressing.

I like a vibrant town centre that is why I live there but it is important that the panel visits Middle Street in the early hours of the morning to witness at first hand the current consequences of licence applications extensions. To compound this by a further two hour alcohol extension at The Synergy would be a travesty. This application should be rejected.

Yours sincerely



Antony Burnet-Smith

p.s We must not forget the history of this venue. I know it has new management (and I wish them luck) but the sign above the door advertising "Free entry and Jagerbombs at £1.50" suggests the strategy has not changed.



Con: 19.b12 SJM

(E)

Planning & Public Protection

Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

BRIGHTON & HOVE CITY COUNCIL  
ENVIRONMENTAL HEALTH & LICENSING  
DATE RECEIVED

19 JUN 2012

Mrs Sarah-Jane McNaught  
Licensing Team  
Bartholomew House  
Bartholomew Square  
Brighton

Date: 19<sup>th</sup> June 2012  
Ref: 2012/05926/EPLIC/Eh  
Phone: (01273) 292130  
Fax: (01273) 292196  
e-mail: alun.cance@brighton-hove.gov.uk

*✓/RJD  
RJ*

Dear Mrs McNaught

**Application to vary a premises licence under the Licensing Act 2003  
Re. Synergy, 1 Middle Street, Brighton**

I am writing concerning the application for a variation to the existing premises licence for the above premises.

I have concerns regarding the potential for public nuisance, and I am therefore making a representation. My representation is being made in relation to the licensing objective prevention of public nuisance.

This application includes the provision for recorded music. Recorded music is proposed up to 5am. I have concerns regarding the potential for noise nuisance to arise from such activities being undertaken at the premises.

My concerns particularly relate to noise from amplified music, noise from people entering and leaving the premises and noise from smokers. There are residential properties in the vicinity.

I have inspected this licence application and the operating schedule relating to additional steps intended to promote the prevention of public nuisance licensing objective. My observations are as follows:

- The only noise control measures are that 'Doors remain closed during opening hours', 'Premises closed all day and only open after 8pm', and 'Decibel level set by agreement with environmental Health';
- There are no noise control measures, or management details relating to the use of the area outside the bar by smokers;
- There is no reference to how the decibel level will specifically be set;
- There are no controls as to how opening of doors and windows will be managed as obviously customers will be entering and exiting the premises during opening hours.

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

Concerns are further raised by the fact that since 2009, 19 separate complaints about noise from music or noise from customers outside the premises have been received by this department.

On the 2<sup>nd</sup> July 2009 Noise Abatement Notices were served on those responsible for the noise at the premises. The notices required noise nuisance at 43 Providence Place to be abated 'forthwith' but did not specify particular measures or requirements on how the nuisance be abated. Simply managing the volume of the music would be sufficient.

On a License Panel Hearing was called in respect of a review for the premises license of Entourage, 1 Middle Street Brighton. Review documentation was submitted by my colleague Edward Bulger and a local resident. The review related to the licensing objective of the prevention of public nuisance.

The Panel considered the evidence presented and the information that was included in the papers. After consideration the Panel felt that there was strong evidence that there had been definite noise nuisance that contravened the licensing objective in relation to Public Nuisance.

Finally, this premises falls within the councils Cumulative Impact Zone. Such areas have been deemed to be of special concern in terms of the levels of crime and disorder and public nuisance experienced within them. The councils Licensing Policy states that where premises fall within these areas '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.' This has not been demonstrated in the operating schedule included in the application.

Yours Sincerely



Alun Cance  
Environmental Protection

Con: 19.6.12

(F)



**Sussex Police**  
Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk) | 101

## Brighton Police Station

Brighton & Hove Licensing Unit  
4<sup>th</sup> Floor  
Police Station  
John Street  
Brighton  
BN2 0LA

Tel: 0845 60 70 999 ext 50826  
Fax: 01273 66 55 96

Email: [david.bateup@sussex.pnn.police.uk](mailto:david.bateup@sussex.pnn.police.uk)

12<sup>th</sup> June 2012

*VALID  
C+D  
PN  
PS  
CI*

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

Dear Sirs,

**Re: application for variation of the premises licence under the Licensing Act 2003 for Bar Synergy, 1 Middle Street, Brighton, BN1 1AL.**

Sussex Police wish to make representations in respect of this variation application on the grounds of the prevention of crime and disorder, public nuisance, public safety and cumulative impact.

Sussex Police oppose the application dated 21st May 2012 for variation of the premises licence by Mr Robert Feld, a director of Bar Synergy Limited.

The licence currently has the following licensable activities seven days a week:

Exhibition of a film	10:00 - 03:00
Making music	10:00 - 03:00
Performance of recorded music	10:00 - 03:00
Dancing	10:00 - 03:00
Late night refreshment	23:00 - 03:00
Sale by retail of alcohol	10:00 - 03:00

Opening hours	09:30 - 03:30
---------------	---------------

This variation application seeks to:

Increase the hours for recorded music and supply of alcohol on Wednesday, Thursday, Friday and Saturday by two hours from 03:00 to 05:00;

Increase the opening hours on Wednesday, Thursday, Friday and Saturday by 1.5 hours from 03:30 to 05:00.

The licence also contains the following existing condition:

All glasses into which drinks are dispensed will be of polycarbonate or a like substance and no drinks will be allowed in open bottles with the exception of a purchase of whole bottles of wine including sparkling wines when served on the first floor

The variation application seeks to have this existing condition amended so that glassware can be used seven days a week from 18:00 to 24:00.

The basis for Sussex Police's opposition to this variation application is that the granting of a variation for these premises to extend the hours open to the public, play recorded music and serve alcohol will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but will give rise to potential negative cumulative impact. Additionally, Sussex Police consider that the prohibition on glassware is important for the prevention of crime and disorder and public safety and therefore the hours for the use of these receptacles should not be reduced.

The premises in respect of which the application is made is situated within the Brighton & Hove City Council cumulative impact area. This is a mixed-use area with clubs, pubs and restaurants which currently suffers from high level of alcohol-related anti-social behaviour and disorder.

The concentration of licensed premises within this area of the City causes problems of anti-social behaviour, crime and disorder and public nuisance. Consequently, after due consultation and consideration, on 13<sup>th</sup> March 2008 the Licensing authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact.

Paragraph 2.6.5 of the Council 2011 Statement of Licensing policy (as amended 20<sup>th</sup> December 2011) states that "the special policy will only be overridden in exceptional circumstances. The effect of this special policy is that application for new premises licence or club premises certificate within the area, or variations which are likely to add to the existing cumulative impact, will be refused following relevant representation. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact".

Contrary to the Secretary of State's guidance, the applicant fails to demonstrate in its operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The applicant makes no reference to cumulative impact whatsoever, and nothing in the application or the operation schedule either rebuts the presumption of

refusal contained within paragraph 2.6.5 of the Licensing Authority's statement of licensing policy, or provides any reason for the Licensing Authority to depart from its special policy.

Accordingly the Committee is invited to refuse this variation application.

Yours faithfully,



Sub. AUS/13

Graham Bartlett  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division

## SUPPORTING REPRESENTATION

Con: 19.6.12  
SJM

Supporttwo Ltd  
**Reefsouth Ltd**

1 English Business Park, English Close, Hove, East Sussex BN3 7ET.  
T: (01273) 729145 E: [info@reefsouth.co.uk](mailto:info@reefsouth.co.uk)



(1)

Sarah-Jane McNaught  
Licensing Officer  
Licensing Team  
Brighton & Hove City Council  
2<sup>nd</sup> Floor, Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

13<sup>th</sup> June 2012.

Dear Sir

**Re: Bar Synergy Ltd. Application ref: 1445/3/2012/01435/LAPREV**

I have been the Freeholder of the above property for the last 10 years. I have had 3 different lessees in that period of time. As far as I am aware there has only been one incident involving the police when a fight took place outside of the venue.

The current lessees, who have been running the premises for the last 12 months appear to be very professional in the way they run their operation, with security and staff organisation etc.

I can see no reason why they should not have the extension to their licensing hours along with the use of glass instead of plastic until midnight to help upmarket the venue.

It is, as I am sure you know, a very difficult climate for the licensing trade and do feel that if the application is not permitted then this company may well have to cease trading.

Yours faithfully

Chris Weatherstone.

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
15 JUN 2012

Managing Director: C. Weatherstone. Registered No. 2845584



## APPENDIX G

