




**Brighton & Hove
City Council**

Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	11 September 2018
Time:	10.00am
Venue	Hove Town Hall, Room G90 - Hove Town Hall
Members:	Councillors: O'Quinn and Hyde and Deane
Contact:	Gregory Weaver Democratic Services Officer 01273 29-1214 greg.weaver@brighton-hove.gov.uk

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AGENDA

31 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

32 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary 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 pecuniary 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 Two of the Agenda states in its heading 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 exempt categories is available for public inspection at Brighton and Hove Town Halls.

33 WHISKEY BRAVO PRODUCTIONS LTD LICENSING PANEL
(LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Dean Love

Tel: 01273 295347

Ward Affected: St Peter's & North Laine

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

NOTES: *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

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 Chair reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.

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

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1214) or email greg.weaver@brighton-hove.gov.uk

Date of Publication - Monday, 3 September 2018

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item
Brighton & Hove City Council

Subject:	Application for a Premises Licence (Time Limited) under the Licensing Act 2003		
Premises:	Oktoberfest The Level Lewes Road Brighton		
Applicant:	Whiskey Bravo Productions Ltd		
Date of Meeting:	11 September 2018		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Mark Savage-Brookes	Tel: (01273) 292100
	Email:	mark.savage-brookes@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	St. Peter's And North Laine		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Premises Licence (Time Limited) under the Licensing Act 2003 made by Whiskey Bravo Productions Ltd, for Oktoberfest.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Premises Licence (Time Limited) under the Licensing Act 2003 made by Whiskey Bravo Productions Ltd, for Oktoberfest .

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Time Limited Premises Licence under the Licensing Act 2003. The application proposes a time limited licence from 11 October 2018 to 13 October 2018.

The applicant provided the following description of the premises and operation: "The premises is an open public park. The North quadrant will be fenced and secured for the licensable area for the sale of alcohol for on-site consumption only within a large marquee structure. The main beer hall will be open to pre-booked ticket holders only and for subscribed sessions. These sessions will run one on the Thursday and Friday with two sessions on the Weekend days". The applicant states the capacity of the premises as 2600 at any one time.

- 3.2 Part M (the operating schedule) of the application is detailed at Appendix A and the proposed plan of the site is attached at Appendix B

3.3 Summary table of proposed activities.

Licensable Activity	Proposed
E) Live music (indoors)	Thursday & Friday 17:30 – 23:00
F) Recorded Music (indoors and outdoors)	Saturday 12:00 – 23:00
G) Performance of Dance (indoors)	
H) Anything of a similar description within e, f ,or g (indoors)	
M) Supply of Alcohol (on sales only)	
O) Hours premises are open to public	Thursday & Friday 17:30 – 23:00 Saturday 12:00 – 23:00

3.4 Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See Section 4, paragraphs 3.2 – 3.2.4)

Representations received

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

3.6 Three representations were received. They were received from a local resident, a local Councillor and The Environmental Protection Team.

3.7 Representations received had concerns relating to Public Safety & Prevention of Public Nuisance.

3.7.1 An agreement was reached with Sussex Police which included conditions relating Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.

3.8 Full details of the representations and agreement are attached at Appendix C. A map of the location of the premises and showing those representations within the locality is at Appendix D. Please note that Responsible Authorities, Residents Associations and reps further afield are not shown on the map but can be found at Appendix C.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

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 Scope

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. 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.

3 Special Policies and Initiatives

3.2 Special Stress Area

The map below details the area of the Brighton city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

Cumulative Impact and Special Stress Area



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.

- 3.2.1 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.
- 3.2.2 New and varied applications for premises and club premises certificates within the SSA 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 A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 3.2.3 On receipt of any application in the SSA, 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 A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.
- 3.2.4 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.

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 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.
- 3.3.2 A "matrix" approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	Cumulative Impact Area	Special Stress Area	Marina	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
Café bar	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)	Yes	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social

responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

4.3 Care, control and supervision of premises

- 4.3.2 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, eg type of licence, capacity, operating hours restrictions.

- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

5 Public Safety

- 5.1 The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.
- 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.
- 5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.

5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

- (a) provision of closed-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.
- (c) use of door supervisors, licensed by the Security Industry Authority.
- (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.

5.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events.

6 Prevention of Public Nuisance

6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, 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).

6.1.2 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.

6.1.3 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.

6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

6.1.5 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.

6.1.6 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 6.2 below).

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

8 Integration of Strategies

8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 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. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 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.

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA:

Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) 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

Items to which positive consideration would be given:

- membership of Business 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

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

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 Michael Bentley

Date: 22/08/18

Legal Implications:

- 5.2 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: 22/08/18

Equalities Implications:

- 5.3 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.

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part M (operating schedule) of the Application
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Representations and agreement
4. Appendix D – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 3rd edition. Public Health Intelligence. October 2017

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

APPENDIX A

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

a) General – all four licensing objectives (b, c, d and e)

- All planning for the event will be in line with recommendations laid out in the online "Purple Guide" and HSG154 Managing Crowds Safely and will be planned in strong consultation with local authorities and licencing staff via regular ELT meetings starting no less than 4 months before the proposed start date of any activities on the site.
- The number of events featuring live or recorded music will be limited to 1 events per calendar year.
- The final site layout shall be as agreed with the event health and safety advisor and Security consultant and all statutory authorities (which includes but is not limited to members of the council events department, licensing, highways, parking, and blue light services)
- There shall be at least one personal license holder in the bar present whilst the bar is in operation. Furthermore, whenever the premises are open to the public the designated premises supervisor shall be present within the licensed premises
- Plastic glasses or cans will be used at the bar. Where a drink is in a bottle and this is not plastic, the contents of said bottle will be decanted into a plastic glass.
- The boundaries of the licensed premises will be clearly fenced and marked so that staff, interested parties, police and members of the public can clearly see what areas are licensed.
- No event shall take place until an Event Management Plan has been submitted to and approved by all other relevant statutory bodies.
- The Event Management Plan shall address the following matters as a minimum:
 - Site Security
 - Event Timetable
 - Major incident plan including emergency evacuation plan
 - Event control structure; site management and key responsibilities
 - Communications strategy and management including radio provision
 - Stewarding and crowd safety/audience management including details of steward training
 - Fire safety
 - Medical/first aid provision
 - On site welfare information including lost children
 - Traffic Management
 - Noise management and limitation
 - Food hygiene and food safety
 - Sanitation/toilet facilities
 - Electrical installations
 - Amusements, attractions and promotional displays
 - Disabled people
 - Water provision
 - Special effects
 - Waste management/litter strategy
 - Detailed site layout plan

- Details of all structures to be used including stages, barriers together with drawings and calculations
- Public information and public address systems
- Set up, clean up, de-rigging arrangements
- No event shall take place until the following safety certificates have been provided to, and approved by, the health and safety advisor:
 - Certification for all temporary structures on site, including stages, marquees, lighting towers and other structures
 - Electrical safety certificates for all supplies on site, including mains supply and any portable or other generator
 - Safety certification for any fairground ride on site
 - Safety certification for any scaffolding or rigging
- All core event staff and personnel will be issued with a radio and will be in contact with event control.
- All licensed door staff will use radios to contact each other and will wear hi-visibility arm bands with their SIA badge clearly on display. They will also be in high visibility jackets or similar and should be clearly identifiable as security.
- All stewards will wear high visibility jackets or similar and should be clearly identifiable as stewards.

b) The prevention of crime and disorder

- The appointed security contractor will provide SIA registered security staff provision, including the mix of male/female staff will be based on a risk assessment carried out no less than one month before any event.
- Outside the permitted hours for alcohol, all alcoholic drinks shall be secured safely to prevent their sale or theft.
- Any patrons displaying signs of drunkenness or use of drugs will be ejected from the premises where it is safe to do so or admitted to onsite welfare facilities until they are deemed safe to be ejected. Where anti-social behaviour is observed in connection with alcohol or drugs the patron will be ejected when safe to do so.
- Refusal log books will be completed for any refusal of the sale of alcohol. There will be one book at every bar and will be made available upon request to officers from the Licensing Authority, Trading Standards and Sussex Police.

c) Public safety

- The license holder shall ensure that a health and safety risk assessment is submitted to the Brighton and Hove Licensing Authority at least two months prior to the holding of any event.
- Security will be posted at key locations, as identified within the EMP and agreed with all relevant statutory authorities, around the event site to ensure the protection of adjoining residences and businesses.
- All drugs or illicit substances found or confiscated on site will be logged via radio at the point of confiscation and then returned to the event HQ where it will be securely stored and logged in a drugs book which shall be made available upon request to Officers from Sussex Police. All contraband along with seizure records will be handed to Sussex Police at the end of the event.
- Sufficient welfare provision will be made within the site to treat and ensure the safety of any vulnerable patrons in the premises

- Adequate medical provision will be made available in line with calculations from the "Purple Guide" and following a risk assessment carried out by the medical provider.
- An incident book will be completed for any incident that takes place within the licensed premises. The book will be made available upon request to officers from the Licensing Authority, Trading Standards and Sussex Police.
- Waste Management teams, alongside event staff and volunteers will be engaged to ensure the event site is cleaned and returned to its previous condition.

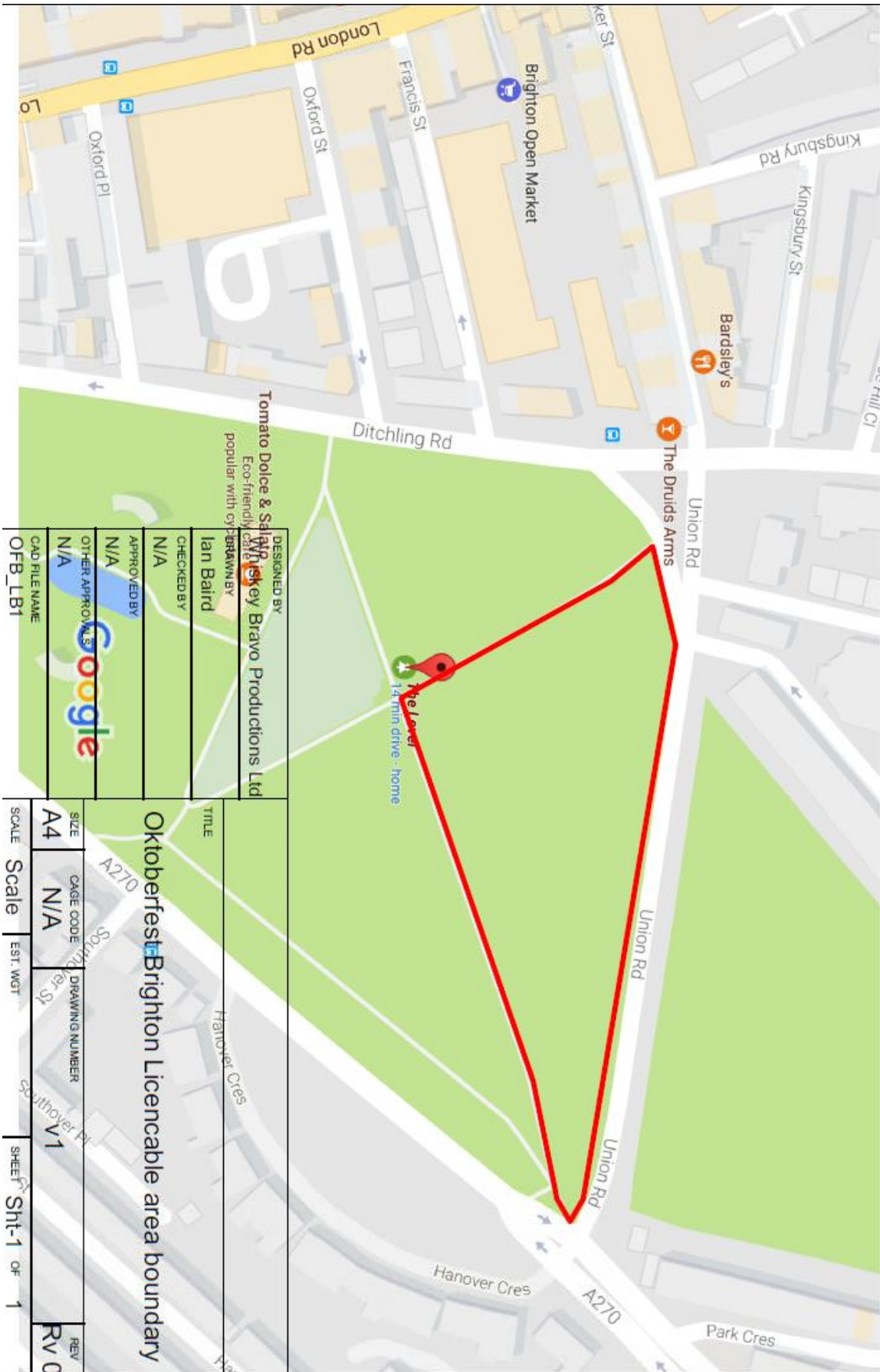
d) The prevention of public nuisance

- Potential attendees will be reminded of the residential location via digital media in advance of the event and clear signage through-out the event site will be used to remind and inform attendees of the proximity of residential areas.
- Noise limits will be agreed with local authority noise management agents and adhered to vigorously. All residents within the area will be advised of any use of the premises no less than one month before any event and a contact number to management staff issued to ensure any complaint can be dealt with in a timely fashion.
- Sufficient sanitary facilities will be made available within the premises to prevent public urination.

e) The protection of children from harm

- The site will be 18+ only. Vigorous ID checks will be carried out both at the entry points and at the point of sale for any age restricted products
- All age restricted sales training undertaken by staff members will be fully documented and recorded prior to being allowed to sell alcohol. All training records shall be made available to Officers from the Licencing Authority including Trading Standards and Sussex Police.
- The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised with the prior agreement of Sussex Police and the Licensing Authority without the need to amend the actual license.
- A dedicated medical team with DBS clearance and sufficient facilities for predicted welfare needs will be onsite during all operational hours

APPENDIX B



APPENDIX C

REPRESENTATIONS

From: Pete West

Sent: 24 July 2018 14:37

To: Julia Davis; Ian Taylor; Jim Whitelegg

Cc: Dick Page; Lizzie Deane; Louisa Greenbaum; Sahar Abuelbashar

Subject: RE: "Whisky Bravo" on The Level

MSB CON ENDS 15.08.18 VALID PS & PNN (A)

Dear Jim,

2018/04437/LAPREN

I'm seriously concerned about the impact Ocktoberfest will have on the amenity of local residents who last year experienced considerable noise disturbance. I'm also concerned at the impact the event will have on the quiet enjoyment of the park by members of the public over the many days substantial areas of the open space will be lost between the start of setting up and final pack down - which I believe took up 10 days last year. We have a considerable on-going problem with street drinking, illegal drug use and public disorder at the Level, and the compression of this vital and heavily used open space by this event and the nature of it as a largely drink related event will do nothing to help improve the safety of the park. I believe therefore that Ocktoberfest will be at odds with a number of the licensing objectives, chiefly regarding public safety and nuisance and would request that this application be heard by a licensing panel please.

Many thanks

Pete

From: Ian Scoones

Sent: 28 July 2018 14:41

To: EHL Safety

Subject: Attn: Ian Baird, Head of Planning and Public Protection, Health and Safety Licensing, Bartholomew House

MSB CON ENDS 15/08/18 VALID PNN (B)

Re: Application for license by Whiskey Bravo for North Lawns, The Level, Brighton (11-13 October 2018)

I would like to object to this application. The Level is a much-used public park in a highly residential area, and the impact of removing the whole north lawn area from use has a negative impact on local users for the whole period of the application, plus the period of setting up and taking down the marquees (adding up to 5 days or more). The noise generated by amplified music until 11pm is a major nuisance to local residents. Following last year's festival there were numerous complaints about the excessive noise and disruption. It is clear that The Level is an inappropriate location for this event. Given its scale and noise generated, such events need to be in non-residential areas, and at a site that does not remove a significant proportion of a public space from use.

Yours,

Ian Scoones (resident, 42 Park Crescent BN2 3HB)

Jim Whitelegg
Head Of Licensing
Brighton and Hove City Council
(via email)

Date: 1st August 2018
Our Ref: 2018/05500/EPLIC/EH
Phone:
Email:

MSB CON ENDS 15.08.18 VALID PPN (C)

Dear Mr Whitelegg,

**Formal representation concerning application for a Premises Licence:
Oktoberfest, The Level, North Lawns, Lewes Road
Brighton Complaint Reference : 2018/05500/EPLIC/EH
Licensing Act 2003**

I refer to the application made by Whiskey Bravo Productions Ltd, for a Premises Licence for Oktoberfest, The Level, North Lawns, Lewes Road.

The applicant is applying for various regulated entertainment including live music, recorded music and performance of dance between the hours of 17:30 - 23:00 Thursday 11th October, Friday 12th October and Saturday 13th October 12:00- 23:00.

I have concerns about this application and make a representation on the grounds of “**prevention of public nuisance**” one of the 4 licensing objectives within the Licensing Act 2003.

Last year Alun Cance, Environmental Protection Officer received six complaints from local residents concerning loud music from Oktoberfest. I have concerns that nearby residents will be disturbed again this year by loud music. I note that this event takes place in the Special Stress area of Brighton and Hove, which is deemed an area of special concern in terms of the levels of public nuisance experienced within it.

I note that there is some mention of noise management and limitation in the application, which would form part of the overarching Event Management Plan. However, I would ask the applicant to consider the following three conditions to be attached to the premises licence, to assist in ensuring noise disturbance is kept to minimum and any disturbance is dealt with effectively:

1. Not less than 6 weeks prior to the commencement of the event the premises licence holder shall submit a draft Noise Management Plan (NMP) to Brighton & Hove City Council’s Environmental Protection Team, for discussion.

2. Following discussion with the Environmental Protection team, a finalised agreed version of the NMP shall be submitted to the Licensing Authority and all Responsible Authorities not less than 3 weeks prior to the event.

3. The finalised agreed version of the NMP shall form part of the application and will become attached to the premises licence as operating schedule conditions. The premises licence holder shall ensure that the finalised NMP is fully implemented.

The applicant should note that within the NMP we would expect the following information to be included:

- provision for measuring and monitoring noise before and during the event
- provisions for advance notice letters to be sent to local residents within an agreed area
- provision for a hot-line number to be provided to local residents and Responsible Authorities, to be manned throughout the event
- information on how complaints will be dealt with by event staff

This list is not exhaustive, but gives a guide on some of the provisions we expect to be addressed in the NMP.

Yours sincerely,

Charlie Taylor
Environmental Protection Officer
Environmental Health & Licensing

AGREED POLICE CONDITIONS

The Level, North Lawns, Brighton, BN2 9SY

Application number 1445/3/2018/04437/LAPREN

General

1. All planning for the event will be in line with recommendations laid out in the online 'Purple Guide' and HSG154 Managing Crowds Safely and will be planned in strong consultation with local authorities and licensing staff via regular ELT meetings starting no less than 4 months before the proposed start date of any activities on the site.
2. The final site layout shall be as agreed with the event health and safety advisor and Security consultant and all statutory authorities (which includes but is not limited to members of the council events department, licensing, highways, parking, and blue light services).
3. There shall be at least one personal licence holder in the bar present whilst the bar is in operation. Furthermore, whenever the premises are open to the public the Designated Premises Supervisor shall be present within the licensed premises.
4. Plastic glasses or cans will be used at the bar. Where a drink is in a bottle and this is not plastic, the contents of said bottle will be decanted into a plastic glass.
5. The boundaries of the licensed premises will be clearly fenced and marked so that staff, interested parties, police and members of the public can clearly see what areas are licensed.
6. No event shall take place until an Event Management Plan has been submitted to and approved by all other relevant statutory bodies.
7. All core event staff and personnel will be issued with a radio and will be in contact with event control.
8. All licensed door staff will use radios to contact each other and will wear hi-visibility arm bands with their SIA badge clearly on display. They will also be in high visibility jackets or similar and should be clearly identifiable as security.
9. All stewards will wear high visibility jackets or similar and should be clearly identifiable as stewards.

For the Prevention of Crime and Disorder:

10. The appointed security contractor will provide SIA registered security staff provision, including the mix of male/female staff will be based on a risk assessment carried out no less than one month before any event.
11. Outside the permitted hours for alcohol, all alcoholic drinks shall be secured safely to prevent their sale or theft.
12. Any patrons displaying signs of drunkenness or use of drugs will be ejected from the premises where it is safe to do so or admitted to onsite welfare facilities until they are deemed safe to be ejected. Where anti-social behaviour is observed in connection with alcohol or drugs the patron will be ejected when safe to do so.
13. Refusal log books will be completed for any refusal of the sale of alcohol. There will be one book at every bar and will be made available upon request to officers from the Licensing Authority, Trading Standards or Sussex Police.

Public Safety:

14. Security will be posted at key locations, as identified within the EMP and agreed with all relevant statutory authorities, around the event site to ensure the protection of adjoining residencies and businesses.
15. All drugs or illicit substances found or confiscated on site will be logged via radio at the point of confiscation and then returned to the event HQ where it will be securely stored and logged in a drugs book which shall be made available upon request to Officers from Sussex Police. All contraband along with seizure records will be handed to Sussex Police at the end of the event.
16. Sufficient welfare provision will be made within the site to treat and ensure the safety of any vulnerable patrons in the premises.
17. Adequate medical provision will be made available in line with calculations from the "Purple Guide" and following a risk assessment carried out by the medical provider.

18. An incident book will be completed for any incident that takes place within the licensed premises. The book will be made available upon request to officers from the Licensing Authority, Trading Standards and Sussex Police.
19. Waste management teams, alongside event staff and volunteers will be engaged to ensure the event site is cleaned and returned to its previous condition.

Prevention of Public Nuisance:

20. Potential attendees will be reminded of the residential location via digital media in advance of the event and clear signage throughout the event site will be used to remind and inform attendees of the proximity of residential areas.
21. Noise limits will be agreed with local authority noise management agents and adhered to vigorously. All residents within the area will be advised of any use of the premises no less than one month before any event and a contact number to management staff issued to ensure any complaints can be dealt with in a timely fashion.
22. Sufficient sanitary facilities will be made available within the premises to prevent public urination (as per the Event Management Plan).

For the Protection of Children from Harm:

23. The site will be 18+ only. Vigorous ID checks will be carried out both at the entry points and at the point of sale for any age restricted products.
24. All age restricted sales training undertaken by staff members will be fully documented and recorded prior to being allowed to sell alcohol. All training records shall be made available to Officers from the Licensing Authority, Trading Standards and Sussex Police.
25. The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised with the prior agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.

26. A dedicated medical team with DBS clearance and sufficient facilities for predicted welfare needs will be onsite during all operational hours.

From: Ian Baird

Sent: 10 August 2018 11:39

To: Brighton Licensing

Subject: Re: The Level, North Lawns, Brighton, BN2 9SY

Dear Hannah,

I can confirm we are happy to include all conditions as identified within your proposal.

Many thanks,

Ian

APPENDIX D



