

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**2.00pm 2 MARCH 2009**

**COMMITTEE ROOM 3, BRIGHTON TOWN HALL**

**MINUTES**

**Present:** Councillor C Theobald (Chairman); Mrs Cobb and Lepper

**Officers:** Jean Cranford (Licensing Manager), Rebecca Sidell (Lawyer) and Jane Clarke (Democratic Services Officer)

**PART ONE**

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

116.1 Councillor Mrs Theobald was appointed Chairman for the meeting.

**117. PROCEDURAL BUSINESS**

**117a. Declarations of Substitutes**

117.1 There were none.

**117b. Declarations of Interest**

117.2 There were none.

**117c. Exclusion of the Press and Public**

117.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

117.4 **RESOLVED** – that the press and public be not excluded.

**118. SEASONS CAFE, 36 GLOUCESTER ROAD, BRIGHTON, BN1 4AQ**

- 118.1 The Panel considered a report of the Assistant Director of Public Safety regarding an application for a new Premises Licence under the Licensing Act 2003 for Seasons Café, 36 Gloucester Road, Brighton, BN1 4AQ.
- 118.2 Councillor Davey, Ward Councillor, attended the hearing to speak against the application on behalf of Mr Haggar, a local resident. Mr Braithwaite and Mr Scott, both local residents, attended the hearing to speak against the application. Ms Hughes and Mr Handley, co-applicants, attended the hearing to speak in favour of the application.
- 118.3 The Licensing Manager summarised the application as set out in the report and stated that the original application had applied for Recorded Music, but this had been removed from the current application. Representations had been received from local residents and although Sussex Police had initially submitted a representation, they had withdrawn following agreement with the applicant to extra conditions.
- 118.4 The Chairman asked if the premises was licensed for service outside the building and the Licensing Manager believed there were tables and seating outside, but this would be licensed separately by the Street Licensing Team.
- 118.5 Councillor Davey began his representation on behalf of Mr Hagger by stating that the premises was in a Special Stress Area where there were already high levels of crime and disorder, and public nuisance. He stated that city centre residents should not have to accept such problems simply because they lived in the centre, and the Council had a duty to protect the rights of these people. The residents in this area were already frequently disturbed by noise, and smokers from nearby premises were now using the public highway to congregate, creating further noise and nuisance problems. Councillor Davey felt that this additional Premises Licence should not be allowed, but if the Panel felt minded to grant, he requested that they attach conditions to the licence to reduce the licensed hours, limit the serving of alcohol to with food only and to sell alcohol for consumption inside the premises only.
- 118.6 Mr Braithwaite began his representation by stating that he was very concerned about noise disturbance as he lived above the premises. He was also concerned about highway safety as the tables and chairs in the street posed a hazard to passing pedestrians and Mr Braithwaite thought it would be inappropriate to serve alcohol in this area.
- 118.7 The solicitor to the Panel stated that licensing for street trading was out of the Panel's remit and so they could not address safety issues regarding the highway.
- 118.8 Mr Scott began his representation by stating that the area was primarily residential and although the application was advocating the increase of diversity of premises and licensed trade in the area, Mr Scott felt there was adequate diversity with what was currently available. He stated that although the applicant seemed responsible, he would not be able to control the potential disturbance created by this Premises Licence application.

- 118.9 The solicitor to the Panel stated that whilst the cumulative impact of such premises in an area could be taken into consideration by the Panel, the issue of commercial need could not.
- 118.10 Mr Handley began his representation by stating that he had taken over the premises in August 2008 and wanted to use it as a café/bar/bistro with a lunchtime service, and dinner service that would start at 17:30 and continue until 20:00. He noted that this second dinner service was vital to his business and he was not intending for the premises to be a heavy drinking establishment. Mr Handley stated that he had been in consultation with the Police and they had withdrawn their representation after he had agreed to amend the licence and add conditions. He was more than willing to enter into consultation with the local residents to ensure that his premises would not create problems for the local area.
- 118.11 The Chairman asked about the arrangements for outside seating and Mr Handley confirmed that there would be service for up to 12 people outside, with provision for a standing smoking area. He stated that the street licence had recently expired, but he was in the process of reapplying.
- 118.12 A Panel Member asked whether people could purchase alcohol in the premises without purchasing food and Mr Handley confirmed that they could.
- 118.13 Mr Braithwaite asked whether there would be any other alcohol served besides bottled beer and wines. Mr Handley stated that he also intended to sell spirits, but as the premises would be closing by 20:00 this would limit the amount of alcohol people would be purchasing.
- 118.14 Mr Scott asked how Mr Handley intended to deal with crime and disorder problems at the premises. Mr Handley stated that his business would be mainly food led and there would not be a binge drinking culture. He hoped to promote a more European style café culture where there were far less problems associated with excessive alcohol intake. Mr Handley stated that if a person was, or appeared to be, intoxicated he would refuse to sell them alcohol.
- 118.15 Councillor Davey asked Mr Handley if he would accept a condition on the licence that restricted the sale of alcohol to “with food only”, and Mr Handley stated he would not.
- 118.16 Councillor Davey stated that he was concerned about the designated smoking area and asked how Mr Handley intended to control this area. Mr Handley stated that the smoking area was very small and he would ensure that customers did not take alcohol to consume in this area.
- 118.17 The Licensing Manager began her final submission by reiterating that ‘commercial need’ was not a licensing consideration and that the planning and licensing regimes of the Council were separate and could not be taken into consideration by each other.
- 118.18 Councillor Davey began his final submission by stating that he remained concerned about the policing of the outside smoking area, and felt this could turn into a vertical drinking area. He asked that the application be turned down on the basis of

Prevention of Public Nuisance and asked that the Panel place a condition on the licence limiting the sale of alcohol to “with food only” if they were minded to grant.

- 118.19 Mr Scott began his final submission by stating that most commercial premises in the area closed at 18:00 and he asked the Panel to remain consistent with this and limit the licensed hours to this time.
- 118.20 Mr Handley began his final submission by stating that he had applied for planning permission to extend the hours of sale for food and soft drinks and wanted the licensed hours to be consistent with that. He asked the Panel to grant the application for a Premises Licence.
- 118.21 **RESOLVED** – that the application for a new Premises Licence is granted with the following conditions:
- a) The premises will join the Brighton Crime Reduction Partnership whilst it is in existence or other similar scheme.
  - b) The premises will operate with café bar conditions and alcohol will be by waiter/waitress service to persons seated at tables. There will be no intentional vertical drinking.
  - c) Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas (including the external seating area via an internal camera) with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends.
  - d) Patrons will not be allowed to take drinks outside onto the pavement and street beyond the designated external customer seating area.

The Panel are satisfied that the police conditions and the limited hours of the Operating Schedule will satisfy the objections we have heard regarding this application, and will uphold the four licensing objectives.

The meeting concluded at 3.30pm

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Signed \_\_\_\_\_

Chairman