

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

10.00am 16 AUGUST 2010

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

Present: Councillor Harmer-Strange, Lepper (Chairman) and Simson

Officers: Rebecca Sidell, Sarah Ranger, Lisa Johnson

PART ONE

35. PROCEDURAL BUSINESS

35a Declaration of Substitutes

35.1 Councillor Harmer-Strange was in attendance in substitution for Councillor Marsh

35b Declaration of Interest

35.2 There were none

35c Exclusion of the Press and Public

35.3 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 the item, there would be disclosure to them of confidential information as defined in Section 100A3 of the Act or exempt information (as defined in Section 100(1) of the Act).

35.4 **RESOLVED** – That the press and public be not excluded

36. TO APPOINT A CHAIRMAN FOR THE MEETING

36.1 Councillor Lepper was appointed Chairman for the meeting.

37. APPLICATION FOR VARIATION OF PREMISES LICENCE: HOLIDAY INN, 137 KING'S ROAD, BRIGHTON

- 37.1 The Panel considered a report of the Head of Environmental Health and Licensing requesting they determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Holiday Inn.
- 37.2 Representatives of the applicant and their solicitor were in attendance to speak in support of their application. Mrs J Neville, Dr Moffat and Mrs Moffat were in attendance on behalf of Bedford Towers Residents' Association to make representations against the application.
- 37.3 Licensing Officer, Ms Ranger, summarised the application noting that 4 representations had been received from local residents and local residents associations. The representations had expressed concerns over loss of residents parking, noise in antisocial hours, crime and disorder issues and concerns over public safety.
- 37.4 Councillor Simson noted that if the application were not agreed, the Holiday Inn would still have a licence to see alcohol in parts of the hotel until 2.00 am. Ms Ranger agreed.
- 37.5 The Chairman noted that members of the Bedford Towers Residents' Association were in attendance and invited one of them to make their representation. Mrs Neville spoke to the Panel.
- 37.6 Mrs Neville stated that she understood that the Council wanted to have an area where all the hotels in the area had similar licences and that that this was an exercise to standardise the licenses. The Chairman stated that that was incorrect and all licenses were considered individually. Mrs Neville said that the premises wasn't just an hotel but there were residents living in the building too. There was concern about the affect of having both a 2 am extension to the licence to sell alcohol and for the hotel to be able to hold wrestling events.
- 37.7 The Applicant stated that boxing and wrestling had been listed in the application, but the hotel had no plans to hold wrestling events.
- 37.8 Mrs Neville stated that there was concern over the 2 am extension, and that the boxing events would not finish until midnight. When the boxing finished it was likely that people would then stay in the bar and possible go out onto the terrace to smoke. The noise from the terrace carried in the night air and could be heard from the resident's flats. Mrs Neville suggested that the boxing events could finish by 10 am and the bar to then close by midnight. This would lessen the likelihood of noise from the Terrace after 12 o'clock.
- 37.9 The Applicant stated that the premises already had a 2 am licence in parts of the hotel, only the main bar did not.
- 37.10 Dr Moffatt, also of Bedford Towers Residents' Association, asked if he could also speak. The Applicant agreed he could. The Chairman invited Dr Moffatt to make his representations. Dr Moffatt had a number of concerns. He believed that the boxing/wrestling fraternity tended to oversmoke and overdrink which could lead to unfortunate incidents. There was a smoking area at the front of the hotel, which often had cigarette butts lying around; the increased number of smokers attracted by the events would lead to more litter. There was a fire exit in Little Preston Street (to the side of the hotel), which was often used by people to urinate and defecate. Increased numbers of

people attending events at the hotel could lead to an increase in unsocial behaviour. The hotel had held events before and no security officers had been seen on duty. Dr Moffatt had photos of the hotel and the fire escape in Little Preston Street. The Chairman declined to accept the photos as they had not been submitted prior to the hearing, as set out in regulations made under the Licensing Act 2003.

37.11 Councillor Simson asked Dr Moffatt how he could be sure that the situation with the fire exit in Little Preston Street related to guests from the Holiday Inn. Dr Moffatt stated that he had photos showing the mess by the fire escape, but agreed that he could not be certain who was responsible for it.

37.12 The Chairman stated that for certain events the Hotel would be obliged to use door supervisors who had been registered by the approved authority. The door supervisors would be trained to defuse problems and had direct access to the police.

37.13 The Chairman asked the Applicant to make their submission.

37.14 The Applicant's solicitor stated that the application was lodged after discussion with the police and licensing office. The existing licence had too many conditions and the licensable activities were not clear. The application was therefore made to simplify the licence. No responsible authority had made any objections. The hotel already had a licence to sell alcohol to 2am, but this application was to extend the licence to 2 am for the main bar. The premises was fundamentally a hotel and did not want to disturb their guests. On most days the bars would close at midnight. There had been no noise complaints for three years. There would be no wrestling events, and boxing would only be an occasional event and the applicant was happy to limit this to five events a year. The Applicant was attempting to standardise the licence for a modern hotel. The Applicant stated that the fire escape in Little Preston Street was regularly cleaned but would be surprised if any guest from the hotel had urinated or defecated there; there were many toilets in the hotel and it would be surprising if someone left the hotel and walked round the corner to Little Preston Street. Risk assessments were carried out for events, and where appropriate door staff were employed. The premises were in a Special Stress Area, but there had been no historic issues with regard to the Holiday Inn. The hotel always operated a Challenge 25 policy. The hotel provided an external smoking area, and this was regularly monitored. In response to the request from Mrs Neville to limit the boxing to 10pm, the Applicant stated that boxing was normally a black tie event, and it would not be financially viable to finish the event by 10pm.

37.15 The Panel put questions to the Applicant. Councillor Harmer-Strange asked for clarification as to where the smoking area was and how many smokers it could accommodate. The Applicant indicated on the plans of the hotel where the smoking area was and stated that it could accommodate up to 100 vertical smokers but the numbers who used it were relatively few. The noise levels were always monitored particularly as the seafront bedrooms were so close and the hotel wanted to ensure that those guests were not disturbed.

37.16 Councillor Simson noted that there had been boxing events held at the hotel before and asked if they had been held under a temporary notice licence. The Applicant confirmed there had been boxing events held before, but they had been held under the current licence. There had been some problems at an earlier event and the police had been

involved; it was then that it was noted that there was a lack of clarity on the licence and hence the application being considered today.

- 37.17 The Chairman asked if the boxing events would be held by an outside promoter. The Applicant confirmed that outside promoters were always used and the promoter would be responsible for security. There would be a limit on numbers, no glass would be allowed into the event and a senior manager would always be on duty.
- 37.18 The Chairman referred to the earlier boxing event when there had been some problems, and asked if that event had been held by the promoter they were hoping to use in future. The Applicant confirmed that the previous event had been held by a promoter they hadn't used before and they would not be using them again.
- 37.19 Mrs Neville stated that on occasions people had come into the resident's area, and there was concern that additional guests at the hotel would increase the likelihood of more people getting in. The Applicant said that there was a common car park for residents and hotel guests, but you would have to have a special code to get access to Bedford Towers rather than the hotel. The Applicant was unaware of any situations of people gaining access to Bedford Towers from the hotel.
- 37.20 Dr Moffatt raised a number of issues concerning the safety of boxing. The Applicant stated that Boxing was a licensable activity under the Licensing Act 2003, and any boxing event had to be held in accordance with legislation. The Application being considered today was to allow a licence to hold boxing.
- 37.21 Mrs Neville and the Applicant's solicitor gave their closing submissions to the Panel.
- 37.22 **RESOLVED** The panel considered the report of the Assistant Director, the relevant representations and submissions from the interested parties and the applicants.
- The panel understood the concerns of residents living in such a busy area of the city. However, they decided to grant the variation application which sought to make minor adjustments to the operating hours and to simplify the converted licence.
- They believed that the applicants had in place measures to promote the four licensing objectives. They placed the following condition on the licence:
"No more than 5 boxing events shall take place on the premises in a calendar year and these events must be notified to the police in advance of the event taking place". The applicants offered this condition and the panel considered it was proportionate and complied with the 4 licensing objectives and would meet the concerns of local residents.
- 37.23 The Legal Adviser to the Panel explained the procedure should the applicants wish to appeal following receipt of their decision letter

The meeting concluded at 12.00pm

Signed

Chairman

Dated this

day of