

BRIGHTON & HOVE CITY COUNCIL

LICENSING AND REGULATORY FUNCTIONS SUB-COMMITTEE

3.00PM – 26 JUNE 2003

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Turner (Chair); Councillors Allen, Elgood, Hyde (OS), Pennington, Pidgeon, Mrs Simson, Taylor and G Theobald.

PART ONE

ACTION

1. PROCEDURAL BUSINESS

1A. Declarations of Substitutes

1.1 There were no substitute councillors

1B. Declarations of Interest

1.2 There were none.

1C. Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

1.4 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 8 and 9.

2. MINUTES

2.1 **RESOLVED** - That the minutes of the meeting held on 10 April 2003 be approved and signed by the Chair.

3. TRADING STANDARDS NATIONAL PERFORMANCE FRAMEWORK

3.1 The Sub-Committee considered a report of the Acting Director

of Housing and City Support which provided an explanation of the Department of Trade and Industry (DTI) National Performance Framework and introduced the Trading Standards Service Plan which was required to be produced and submitted for assessment (for copy see minute book).

3.2 **RESOLVED** – That the Service Delivery Plan be approved and the Department of Trade and Industry notified of the decision.

John Peerless

4. REVISION AND UPDATE OF THE CONTAMINATED LAND STRATEGY FOR BRIGHTON AND HOVE

4.1 The Sub-Committee considered a report of the Acting Director of Housing and City Support revising the time-scales set out in Section 5 of the current Strategy, which was first published in June 2001. The report also reviewed and updated the Strategy based on the past two years experience in implementing the Council's Strategy and in light of the publication of new guidance documents in 2002 and 2003 (for copy see minute book).

4.2 **RESOLVED** – (1) That the revisions and updating of the Council's Contaminated Land Strategy be agreed.

**Annie Sparks
Paul Slaughter**

(2) That the publication of the June 2003 version of the Council's Strategy be agreed.

(3) That it be agreed that the updated Strategy be made available in paper and electronic versions to land owners/occupiers, businesses, developers and other interested parties.

5. APPLICATION FOR A PROVISIONAL PUBLIC ENTERTAINMENT LICENCE FOR JOOGLEBERRY PLAYHOUSE

5.1 The Sub-Committee considered a report of the Acting Director of Housing and City Support concerning an application for a provisional Public Entertainment Licence for Joogleberry Playhouse, 14-17 Manchester Street, Brighton (for copy see minute book).

5.2 The proposed opening hours were Monday to Saturday, 9.00 a.m to 1.00 a.m and Sunday, 9.00 a.m to midnight. The proposed capacity was 60-100.

5.3 Members were informed that the application was outside policy as a residential property was immediately adjoining to the north. There had also been a history of noise problems during the previous use of the premises. However, this was a different type of operation and a meeting had been held between the applicants and local residents. The applicants had also stated that an acoustic wall would be built against the adjoining residential property and any other necessary noise attenuation measures would be taken in

consultation with a sound specialist.

5.4 The Fire Brigade had no objections subject to the completion of works and the provision of certificates. The police recommended that a number of conditions be attached to the licence as set out in the report.

5.5 The applicants, Geoffrey Popper and Susan Popper attended the meeting with their representative Mr Simmons. Mr Simmons explained that the complaints about noise occurred when the venue was being run by the Students Union from Sussex University. The current application was for a different type of venue, which offered jazz orientated cabaret with table service. The ground floor would be used as a restaurant and the basement restricted as an entertainment centre. A successful meeting had been held with local residents in order to explain how the venue would be run, and a number of letters of support had been received.

5.6 **RESOLVED** – (1) That the application for a Provisional Public Entertainment Licence be granted subject to receiving full and satisfactory details of sound-proofing.

Martin New

(2) That the Director of Housing and City Support be given delegated power to attach conditions including occupant capacity, use of shatterproof glasses, CCTV, door supervision, terminal hours and the installation of a sound limiting device set at a level agreed by the Director of Housing and City Support.

6. APPLICATION FOR RENEWAL OF A PROVISIONAL PUBLIC ENTERTAINMENT LICENCE FOR UNIT 9, THE TERRACES, MADEIRA DRIVE, BRIGHTON

6.1 The Sub-Committee considered a report of the Acting Director of Housing and City Support concerning an application for renewal of a provisional Public Entertainment Licence for 'Po Na Na', Unit 9, The Terraces, Madeira Drive, Brighton (for copy see minute book). The renewal was required as the previous Provisional licence lasted for one year only and the premises had not traded.

6.2 The applicants wished to operate Monday to Saturday between the hours of 11.00 a.m and 3.00 a.m. and Sunday between midday and 3.00 a.m. The proposed capacity was 1040.

6.3 A letter of objection from Dr Janie Thomas representing the KingsCliffe Society had been circulated to Members before the meeting. The letter requested that any renewal should be amended to take account the conditions set by the judge at Lewes Crown Court, when granting the liquor licence. The letter set out 7 conditions that the Kingscliffe Society wished to see attached to the

licence.

6.4 The applicant, Mr Stephen Thick and his solicitor, Mr E McGregor, attended the meeting.

6.5 Mr Thick confirmed that the premises would be trading as Po Na Na but he was unable to give timescales. He further confirmed that the Po Na Na business was up for sale. Mr McGregor informed the Sub-Committee that he was happy for the licence to be renewed with the existing conditions and an additional condition relating to the provision of a CCTV system linked to the police station as requested by Sussex Police.

6.6 With regard to the suggestion of having privately funded additional police officers, Kareen Plympton, Licensing Officer, Sussex Police, informed the meeting that there had been discussions on this matter, which had not been progressed further at this stage. Mr McGregor confirmed that he had no objection to the additional condition but stressed that it was already covered in the liquor licence.

6.7 Mr McGregor stressed that should Mr Thick not comply with the conditions attached to the public entertainment licence, or if he were to reject the proposal for privately funded police officers, the Sub-Committee would be free to refuse to renew the licence in six months time. It was Mr Thick's intention to liaise with the police to provide privately funded officers.

6.8 **RESOLVED** – That the application for the renewal of the Public Entertainment Licence be granted for a six month trial period, subject to conditions recommended by the Director of Housing and City Support, as set out in the report, and adding the CCTV condition which was agreed for the liquor licence.

Martin New

7. APPLICATION FOR A LICENCE TO USE 2 SURREY STREET, BRIGHTON AS A SEX ESTABLISHMENT

7.1 The Sub-Committee considered a report of the Acting Director of Housing and City Support to determine an application for a licence to use 2 Surrey Street, Brighton as a sex establishment (for copy see minute book). The proposed opening hours were 9.00 a.m to 5.30 p.m Monday to Saturday.

7.2 The council's policy for sex establishment licensing was set out in Appendix B to the report. The policy was approved in December 1992 and reviewed in December 2001. The appropriate number of sex establishment set for the ward was one. There was already an existing sex shop in the street and another in St James's Street approximately a mile away. Officers had reviewed the policy in the context of this application and considered that the appropriate

number for the immediate environs of the station was still one, and believed that a concentration of sex shops might adversely affect the character of the neighbourhood. Possible grounds for refusal were set out in paragraph 3.5 of the report.

7.3 The applicants Mr Tim Richardson and Mrs Jules Brown attended the Sub-Committee with their solicitor, Mr Richard Barca.

7.4 The Chair informed the Sub-Committee that he had received a very late objection to the application. He asked the applicants if they had advertised the application and placed a notice on the building, as required. They confirmed that the appropriate notice had been placed on the premises and that a notice had been placed in a newspaper. The Chair informed the meeting that he therefore saw no reason to place the late objection before the Sub-Committee.

7.5 Kareen Plympton, Licensing Officer for Sussex Police reported that the police had no objections to the application subject to the conditions set out in the report. (i.e (1) appropriate signage; (2) CCTV; (3) crime prevention & security measures; (4) shop frontage to be screened from view and (5) buzzer entry system. She confirmed that there would need to be a double door system and that the sign should be placed on the second door within the building. Mr Barca informed the Sub-Committee that these conditions would be acceptable to his clients.

7.6 Mr Tim Richardson (applicant and Director of Rebos Investment Limited) informed the Sub-Committee that he was a local resident and that his children attended a local school. He stressed that the business would attract a different clientele from the two existing sex establishments in Brighton. His business would be aimed at attracting women and couples in the 25-35 age range. Mr Richardson reported that the building in Surrey Street was being refurbished and that the frontage would have frosted glass and a security controlled door. The interior would be more like a boutique than a sex shop.

7.7 A letter of support was circulated to Members from Roger Noel, proprietor of Video Box in Surrey Street. The store was placed next door to the proposed establishment.

7.8 Mr Richardson made reference to standard condition 17 which did not allow the provision of refreshment at any time. He requested that his business should be allowed to provide coffee or water to customers.

7.9 Mr Richardson referred to paragraph 3.5 in the officer's report, which set out grounds for refusal. Mr Richardson felt that an exception should be made in this case for the following reasons.

The shop would not be a similar type of establishment to the existing sex shops in the locality. He lived in the area and walked his children down Surrey Street regularly. He did not feel children would be harmed in any way and would not be able to gain access through the security door system. He felt that his shop would be so different to the existing shops that it would not be breaking council policy. There was already a sex shop in the residential street with residential houses on either side. The shop front would be screened and it would not be obvious that it was a sex establishment. The building had been enhanced over the last few months.

7.10 Mrs Jules Brown, (applicant and Director of Rebo Investment Limited) informed the Sub-Committee that the proposed business was basically a boutique, more appropriate for women and couples. The majority of sex shops were male dominated. The applicants wanted to create a friendly atmosphere with a seating area where people could be supplied with coffee or water. She felt this type of establishment was lacking in the adult industry.

7.11 Kareen Plympton, Sussex Police asked the applicants if they were planning to screen R Rated videos. The applicants replied in the negative.

7.12 Mr Barca, solicitor to the applicants, summed up by stating that this was a different type of establishment. The council's policy was more appropriate to sex shops of a traditional variety. He felt that this was such a different type of establishment that it would not be contravening the council's policy. The materials, including R Rated videos would be sold in a controlled manner. No objections had been recently received to the existing shop in Surrey Street.

7.13 At this point in the proceedings the applicants, Mr Barca, the police representative, the Divisional Environmental Health Officer and all members of the public left the room. The Sub-Committee members, the council lawyer and the committee administrator remained while the Sub-Committee made its decision. All parties were then called back to the room to hear the decision.

7.14 **RESOLVED** – (1) That the application be granted subject to standard conditions and additional conditions requested by the police which are set out in the report. (Note: Signage to be placed on the second door within the building). A further condition to allow the provision of non-alcoholic drinks was agreed.

Martin New

(2) That it be noted that the reason for departing from policy is that the application is for a different type of establishment.