

BRIGHTON & HOVE CITY COUNCIL
LICENSING AND REGULATORY FUNCTIONS
SUB-COMMITTEE

3.00PM – 8 JANUARY 2004

BRIGHTON TOWN HALL

MINUTES

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

PART ONE

ACTION

20. PROCEDURAL BUSINESS

20A. Declarations of Substitutes

20.1 There were none.

20B. Declarations of Interest

20.2 Councillor Elgood declared a personal and prejudicial interest in item 22, as he was related to a private hire driver. He withdrew from the room during the discussion and decision.

20C. Exclusion of Press and Public

20.3 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.

20.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

21. MINUTES

21.1 **RESOLVED** - That the minutes of the meeting held on 9 October 2003 be approved and signed by the Chair.

22. HACKNEY CARRIAGE FARE REVIEW

22.1 The Sub-Committee considered a report of the Assistant Director, Public Safety, concerning the hackney carriage trade's request for an increase in fares (for copy see minute book).

22.2 Members were informed that the paragraph 2.1(a) should be amended to read "The initial vehicle hiring fee be increased by 10p."

22.3 **RESOLVED TO RECOMMEND TO POLICY AND RESOURCES COMMITTEE** - (1) That the fares for hackney carriages be varied thus:

David Collins

(a) The initial vehicle hiring fee be increased by 10p.

(b) The late night surcharge be increased by £1 to £1.80 starting each Friday and Saturday night at 12 midnight until 6am the following day.

(2) That no other changes are made to the fares and extra charges.

(3) That approval be given to the fares and extra charges shown on the fare card in appendix B, which includes the two changes at 2.1 above and the current unaltered fares and extra charges.

(4) That the Director, Environment, be authorised to advertise the variation in fares, if agreed, and invite any objections in accordance with the legal requirements.

(5) That it be agreed that if no objections are made, or if any objections which are made are withdrawn, the varied table of fares comes into force at a date to be decided by the Director, Environment.

(6) That the matter be reconsidered at the next meeting of the Policy and Resources Committee if valid objections are made but not withdrawn.

Note: Councillor Elgood declared a personal and prejudicial interest in this item, as he was related to a private hire driver and withdrew from the room during the discussion and decision.

23. APPLICATION FOR A LICENCE TO USE 8 BLATCHINGTON ROAD, HOVE AS A SEX ESTABLISHMENT

23.1 The Sub-Committee considered a report of the Assistant Director, Public Safety, concerning an application for a licence to use 8 Blatchington Road, Hove as a sex establishment (for copy see

minute book).

23.2 The applicant, Mr Trim and his legal representative attended the meeting and spoke in support of the application.

23.3 Mr Trim's legal representative informed the meeting that the shop opened in November and sold lingerie and goods of an adult nature. Mr Trim wanted to sell R18 videos, for which a licence was required. The premises was considered to be suitable, and was situated at the commercial end of Blatchington Road. There was no window display, but there was signage on the window. The premises was linked by an alarm to the police station. Mr Trim did not allow anyone underage to enter the premises. Customers were mainly couples and local residents.

23.4 The Head of Environmental Health and Licensing circulated an amended appendix to the report showing that 56 objections and two letters of support had been received. Objections had been raised to the shop being close to Hove Library, Hove Museum, schools, residential accommodation and to "care in the community" homes for vulnerable young adults.

23.5 Kareen Plympton, Licensing officer for Sussex Police reported that the police had no objection to the application but recommended 3 conditions if the Sub-Committee were minded to grant. These were a) CCTV to be installed to the satisfaction of Sussex Police, b) appropriate signage within the premises and c) cash handling procedures to be modified to the satisfaction of Sussex Police.

23.6 In answer to questions put by the Head of Environmental Health and Licensing, Mr Trim informed the meeting that his application for a sex establishment licence at Gosport had been refused on the grounds that the premises were not considered suitable in a residential area. He believed Blatchington Road was a more suitable street and that there was a demand for a sex shop in the area. With regard to the concern that children might be influenced in a harmful way, Mr Trim reported that there was no window display, CCTV had been fitted over the front door, a two-way mirror was fitted over the counter and there was a door retriever.

23.7 The Head of Environmental Health and Licensing asked Mr Trim to explain the circumstances leading to a caution on 13 November 2003, when officers had considered he was running an unlicensed sex shop. Mr Trim explained that the occasion had been an appointment with officers who had advised him to remove certain articles. Mr Trim was happy to comply with the conditions recommended by Sussex Police and to remove the signage on the

window stating "Hove Adult Shop, Ladies and Gents Lingerie".

23.8 Members put questions to Mr Trim and the Head of Environmental Health and Licensing relating to the shop window, the suitability of Blatchington Road for such a business and the difference between Mr Trim's premises and a shop such as Ann Summers, which did not require a licence.

23.9 Mr Trim stressed that his profits would be affected if he operated without a licence, as this would restrict the quantity and type of goods he could sell. The Head of Environmental Health and Licensing explained that Ann Summers had been investigated from time to time, but did not require a licence.

23.10 Mr Trim, his legal representative, the Head of Environmental Health and Licensing, the Licensing Officer Sussex Police, all members of the public present except the council's Senior Lawyer and the Committee Administrator left the room whilst the Sub-Committee made their decision. All parties were called back to the room to hear the decision.

23.11 **RESOLVED** – (1) That the application be approved subject to i) the standard conditions set out in appendix c, ii) a further condition relating to the removal of lettering on the frontage and iii) Conditions requested by Sussex Police - CCTV to be installed to the satisfaction of Sussex Police, appropriate signage within the premises, and cash handling procedures modified to the satisfaction of Sussex Police.

Keith Mitchell

(2) That the applicant hold discussions with officers concerning the frontage.

Note: Councillors Turner, Allen, Bodfish, Elgood, and Mrs Simson voted for the grant of the licence, Councillors Pidgeon and Hyde voted against the grant of a licence and Councillors Pennington and G Theobald abstained from voting.

24. APPLICATION FOR A COMMUNITY PREMISES ENTERTAINMENT LICENCE FOR THE ST JOHN THE BAPTIST CHURCH HALL

24.1 The Sub-Committee considered a report of the Assistant Director, Public Safety, concerning an application for a community premises entertainment licence for St John the Baptist Church Hall, Bristol Road, Brighton (for copy see minute book). The proposed hours were Monday to Thursday 7.00 p.m. to 12 midnight and Friday and Saturday 7 00 p.m. to 1.00 a.m. Objections had been received from local residents and a tenants and residents association.

24.2 The applicant, Reverend David Foley attended the Sub-Committee and spoke in support of the application. He reported

that the premises had been used for functions for many years. The application had been made to make it possible to hold monthly dances where alcohol could be served. The functions were attended by mainly middle aged people from the local parish and their guests. Reverend Foley currently applied for temporary licences for functions held at the church hall.

24.3 In answer to questions put by the Head of Environment and Licensing and Sub-Committee Members, Reverend Foley explained that he lived next door to the church hall and was not aware of any noise problems. Two or three stewards were always in attendance at the functions.

24.4 The Licensing Officer, Sussex Police informed Reverend Foley that the liquor licence issued for the premises by the magistrates court was until 12.00 midnight. No alcohol should be served after that time.

24.5 **RESOLVED** - (1) That the application be granted.

**Anita Agnihoti
Colin Giddings**

(2) That power be delegated to the Assistant Director, Public Safety, to attach special conditions including some supervision of the public leaving the premises without causing a disturbance to local residents.

25. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE FOR 'TOAD AT THE PICTUREHOUSE'

25.1 The Sub-Committee considered a report of the Assistant Director, Public Safety, concerning an application for the renewal of a Public Entertainment Licence for 'Toad at the Picturehouse', Unit 1, 75-79 East Street, Brighton (for copy see minute book). The proposed opening hours were 11.00 a.m 2.00 a.m Monday to Saturday. One objection had been received within the time limit and officers had investigated the matter.

25.2 The Head of Environmental Health and Licensing circulated a letter from the objector's solicitors, along with a list of special conditions officers considered should be attached to the public entertainment licence. The solicitor's letter stated that the objector would be happy to agree the wording of the conditions subject to some minor amendments set out in the letter.

25.3 The Head of Environmental Health and Licensing reported that a late objection had been received on 7 January 2004. The objection made allegations of a breach of the licensing conditions. The Senior Lawyer advised that if the licence was refused on the grounds of a late objection, the decision could be challenged on grounds of unfairness. It was agreed that officers should investigate

the matter.

25.4 **RESOLVED** - That the application be granted subject to the conditions tabled at the meeting, as amended by Joelson Wilson Solicitors in their letter dated 7 January 2004.

Stuart Harley

The meeting concluded at 4.22 p.m.

Signed

Chair

Dated this

day of

2004