

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL**  
**2003 (Licensing Act 2003 Functions)**

**2.00PM – 16 JUNE 2005**

**BRIGHTON TOWN HALL**

**MINUTES**

Present: Councillors Lepper (Chair) Meegan and Watkins

**PART ONE**

**4. ELECTION OF CHAIR**

4.1 **RESOLVED** – That Councillor Lepper be elected Chair for the meeting.

**5. PROCEDURAL BUSINESS**

**5A. Declarations of Substitutes**

5.1 There were no declarations of substitutes.

**5B. Declarations of Interest**

5.2 There were none.

**5C. Exclusion of Press and Public**

5.3 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.

5.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of the following item.

**6. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE SUTHERLAND ARMS, 14-15 SUTHERLAND ROAD, BRIGHTON**

6.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence at The Sutherland Arms, 14-15 Sutherland Road, Brighton (see Minute Book).

6.2 The applicants, Henry Grant and Angus McShaughnessy attended the Panel with their representative, Carl Davis. Kate Palmer attended the Panel to represent Councillor Roy Pennington who was a residential objector. Councillor Pennington was not permitted to make the representations himself.

6.3 The Licensing Manager outlined the details of the application, which was for a variation for the premises licence already granted under "grandfather rights". The variation proposed the sale of alcohol, playing of recorded music, and playing of live music limited to 2 entertainers at any time, for the days and times set out in paragraph 2.1 of the report. There were five objections to the application. A summary of the objections was set out in paragraph 3.1 of the report.

6.4 No representations had been received from Environmental Health, the police or East Sussex Fire and Rescue Service. The Environmental Health Pollution Team had recommended that should the application be agreed, a condition should be attached to the licence stating that the outdoor seating area should be vacated at 23.00 from Monday to Saturday and 22.00 on Sundays.

6.5 The Licensing Manager confirmed that no noise nuisance had been found in the premises and no noise abatement order had been issued. The premises did have the relevant planning permission for use as a public house. There was no reason to doubt that the public notice was not displayed in the proper manner.

6.6 Kate Palmer read a statement prepared by Councillor Roy Pennington. The statement requested that, if no other objector attended the meeting to make the case for him, there should be a short adjournment to enable the applicant to discuss this application outside of the meeting with Councillor Pennington's representative. The Chair replied that this was not possible.

6.7 Kate Palmer continued to read the statement, which stressed that the back of the public house was only 50 yards from Councillor Pennington's house in Hendon Street. 8 residents in the immediate vicinity had signed a letter of objection on 4 June. The location plan submitted with the application identified the back area to be "Private No Access and Dustbin Area". There was a door leading from Canning Street for that purpose.

6.8 The statement requested certain conditions as follows.

6.9 No drinking in the rear “dustbin area” and the backdoor to be closed at all times (other than for emergency or bin removal). All ground floor windows in the rear to be double glazed to prevent noise leakage and prevent the back yard being used as a “beer garden”. The statement claimed that it had been unofficially used as such in the past.. All ground floor windows on the front to be double glazed to prevent noise leakage from the live and amplified music. No drinking in the outside areas after 10 pm to preserve amenity, reduce noise and prevention of crime and disorder and public nuisance. (The noise of drinking and customers leaving). CCTV was suggested. Noise insulation for the north side of the pub (next to no. 16). Noise limiter to ensure that music is inaudible outside. Live music to cease 30 minutes before closing time.

6.10 The statement raised concerns about the hours of opening. It was considered that the closing hour was too late on all days and particularly the extra hour for the bank holidays and 30 minutes drinking up time. The statement questioned the need for an additional hour at the weekend. Concerns were raised about the lack of public transport after 11.30 pm and the lack of a nearby taxi rank.

6.11 Carl Davis, representative for the applicants and the applicants, Henry Grant and Angus McShaughnessy, set out the case for the application.

6.12 The applicants confirmed that Punch Taverns ran 8,000 pubs and that the Sutherland Alms was a list property and was a business in its own right. The pub had been closed for six months due to misuse by a previous incumbent. The style of operation had previously been down market, run to low standards and “a drinking den”. The applicants were not aware of any complaints about noise before the closure.

6.13 The pub was being refurbished and would be run as a friendly community pub. It would not be an overspill of the music scene in Brighton. The hours of opening requested were considered to be reasonably social hours appropriate to this type of venue. The pub wanted to promote flexibility and a balanced dispersal of customers.

6.14 Live music would be predominately acoustic and would occur monthly or bi-monthly. The applicants were asking for extra hours at Christmas and public holidays as people wanted to be flexible about how they drank. Strict controls would apply to bank holidays.

6.15 The applicants were asking for 30 minutes drink up time to enable people to leave in a more relaxed manner and to avoid any confrontation.

6.16 The applicants were not seeking to have music outside the premises. There would be no dancing at the premises. There should not be any escape of noise from the premises as this would be monitored and windows would be kept closed when the pub was busy, and late at night.

6.17 The applicants did not anticipate having loud patrons but would control any noise by placing notices in the premises asking people to respect neighbours. The applicants wanted to attract professional and service people from the area.

6.18 Managers would receive training to deal with customers potentially making noise. The applicants undertook to provide a service to help customers leave quietly by ordering a taxi. 4 buses ran from within 150 yards of the premises. The applicants described the area in which the pub was situated as mixed but predominantly residential.

6.19 Angus McShaughnessy stressed that managers for Punch Tavern public houses were experienced and had to live in the area. They trained in another pub before becoming manager of the appointed public house. Training was ongoing and regularly revised. All pubs had a senior and assistant manager.

6.20 Mr McShaughnessy explained that the outside area at the back of the pub was too small to be used by customers as a beer garden. It was used as a bin area. He confirmed that ambient music would be played by a CD player not a juke box. There would be no "Happy Hours" or Karaoke evenings.

6.21 Mr Grant confirmed that the pub would open after the refurbishment was completed. There were no plans to soundproof the part of the building that abutted 16 Sutherland Road. The stairwell would provide a partial barrier.

6.22 The Licensing Manager suggested that if the application was granted the following conditions be attached to the licence. A) The outside areas of the premises should not be used after 23.00 hours on Mondays to Saturdays and 22.00 hours on Sundays. B) Prominent notices to be displayed at exits asking people to respect neighbours and leave quietly.

6.23 The Panel Solicitor asked for clarification about the use of the

outside areas. Mr McShaughnessy and Mr Grant confirmed that they wished to apply to use both the front and back outside areas and were happy to accept the hours of use of these areas to be 23.00 hours Monday to Saturday and 22.30 hours on Sundays. The back outside area would be used as an area for smokers if a smoking ban was imposed.

6.24 At this point in the proceedings, the Panel Members, the Panel solicitor and Committee Administrator adjourned to a separate room. The Panel returned to inform the applicant and objectors of the decision set out below.

6.25 **RESOLVED** - That a variation for the premises licence already granted under "grandfather rights" for the sale of alcohol, playing of recorded music, and playing of live music limited to 2 entertainers at any time, be granted for the following days and times, and with the conditions set out below.

### **Sale of Retail of Alcohol**

Monday to Wednesday: 10.00 – 23.00

Thursday to Sunday: 10.00 - 00.00

Christmas Eve: + 1 hour

Christmas Day: 12.00 –15.00 & 19.00 –22.30

Boxing Day: + 1 hour

New Years Eve: 10.00 – 00.00

New Years Day: 00.00 –23.00 if Mon- Wed or 00.00 if Thurs to Sunday

Bank Holiday Weekends:

May: Friday, Saturday, Sunday - 01.00. Monday – 00.00

Spring/Whitsun: – as above.

August: - as above

Easter Bank Holiday Weekend:

Thursday – 00.00. Friday/Saturday/Sunday – 01.00. Monday – 00.00.

### **The Opening hours of the premises**

Monday to Wednesday: 10.00 – 23.30

Thursday to Sunday: 10.00 - 00.30

Christmas Eve: + 1 hour

Christmas Day: 12.00 –15.30 & 19.00 –23.00

Boxing Day: + 1 hour

New Years Eve: 10.00 – 00.30

New Years Day: 00.00 –23.30 if Mon- Wed or 00.30 if Thurs to Sunday

Bank Holiday Weekends:

May: Friday, Saturday, Sunday - 01.30. Monday – 00.30

Spring/Whitsun: – as above.

August: - as above

Easter Bank Holiday Weekend:

Thursday – 00.30. Friday – 01.30. Saturday/Sunday – 01.30. Monday – 00.30.

**Conditions**

- a) All doors and windows to be closed when there is amplified and live music.
- b) The use of all outside areas to cease at 23.00 hours.
- c) Live/amplified music to cease at 23.30 hours.

**Reasons:** (i) Prevention of public nuisance. (ii) Close proximity of public house to residential area.

The meeting concluded at 3.38 p.m.

Signed

Chair

Dated this

day of

2005