

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

2.00PM – 18 JULY 2005

HOVE TOWN HALL

MINUTES

Present: Councillors Bennett, Pidgeon and Turner

PART ONE

12. ELECTION OF CHAIR

12.1 **RESOLVED** – That Councillor Turner be elected Chair for the meeting.

13. PROCEDURAL BUSINESS

13A. Declarations of Substitutes

13.1 There were no declarations of substitutes.

13B. Declarations of Interest

13.2 There were none.

13C. Exclusion of Press and Public

13.3 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.

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

14. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - HOVE PLACE, 35-37 FIRST AVENUE, HOVE

14.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under transitional arrangements of the Licensing Act 2003 at Hove Place, 35-37 First Avenue, Hove (see Minute Book).

14.2 The applicant, Dave Day attended the Panel.

14.3 The Licensing Manager outlined the details of the application and circulated two additional papers. These were a list of additional questions he wished to ask the applicant and a copy of "Part B, Application to vary a premises licence under the Licensing Act 2003", which had been completed by the applicant. There were two objections to the application, which related to the outside seating areas. A summary of the objections was set out in paragraph 3.1 of the report. The objectors were not present at the meeting. The Licensing Manager confirmed that there had been no incidents of noise nuisance at the premises.

14.4 Mr Day set out his case for the application. Mr Day explained that he had applied for a 1.00 a.m hour as this seemed to be sensible cut off period under the new legislation. He had no intention of running the garden in a different way and confirmed that the closure hour would be 11.30 p.m. With regard to the additional questions put by the Licensing Manager, Mr Day explained that he had given an undertaking of a 5 working days written notice of events. He was not sure if there would be 30 discretionary events a year or how often the events would take place. This would depend on the amount of business he was able to attract. Mr Day was happy to provide additional signage if requested.

14.5 Mr Day confirmed that there had been an error on the application form. Under the section "Entertainment similar to music and dance" it should read "Indoors" not "Indoors and outdoors". This had led to the misunderstanding that the garden would be open until 1.00 a.m. One of the objectors had been happy with the explanation from Mr Day that the garden would close at 11.30 p.m. The other objector had not replied to a letter sent by Mr Day.

14.6 **RESOLVED** – That a variation to the premises licence already granted under "grandfather rights" be granted to permit regulated entertainments throughout opening hours as follows:

- To permit regulated entertainments throughout opening hours.

- To permit the sale of alcohol on bank holiday weekends (Friday to Monday), Christmas Eve and Boxing Day until 01.30 the following morning. Also to open up to 30 other event days.
- On all days except the above to sell alcohol from 10.00 to 01.00.
- To remain open for 30 minutes after the end of permitted hours for the sale of alcohol.
- To remove all embedded restrictions inherent in the Licensing Act 1964, Cinematograph (Safety) Regulations 1955 and Children and Young Persons Act 1933

Films shown	<p>Video entertainment on TV screens and amusement machines.</p> <p>Monday - Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p> <p>Remove all embedded restrictions inherent in the Cinematograph (Safety) Regulations 1955</p>
Sale of alcohol	<p>On and Off the premises</p> <p>Monday - Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>10.00 New Years eve - 01.30 on 2nd January</p> <p>10.00 - 01.30 on Friday, Saturday, Sunday and Monday on Bank Holidays, Christmas Eve and Boxing Day.</p> <p>10.00 - 01.30 on up to (30) other Event Days per annum, at my discretion ("Occasionals").</p> <p>Remove all embedded restrictions inherent in the Licensing Act 1964 and the Children and Young Persons Act 1933.</p>
Indoor Sporting Events	<p>To permit pub games that attract an audience, whether by advertisement or spontaneously.</p> <p>Monday - Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p>
Live music	<p>Indoors.</p> <p>Live (Acoustic/Amplified) music and amplified voice. All performances will be limited to end at 23.00 hours to minimise public nuisance.</p> <p>Monday - Sunday: 10.00 - 23.00</p>

Recorded music	<p>Indoors.</p> <p>Recorded music via jukebox or any other music system, including DJ and/or karaoke, during normal business or as part of functions and including audience participation.</p> <p>Monday - Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p>
Performance of dance	<p>Indoors.</p> <p>Dance events for adults and children, with or without audience participation, within the function hall.</p> <p>Monday - Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p>
Entertainment similar to music and dance	<p>Indoors</p> <p>Comperes for quiz and similar events, comedians and similar performances in any case using voice amplification.</p> <p>Monday - Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p>
Provision of music making facilities	<p>Indoors.</p> <p>A stage area, microphone and sound system, including amplifiers and speakers. Used as and when required, at any time during opening hours.</p> <p>Monday - Sunday: 10.00 - 01.00</p> <p>PLUS</p> <p>When hours for sale of alcohol are extended on bank holidays and "Events Days", then these hours are also extended.</p>

Conditions

- a) The outside areas should not be used after 11.30 p.m.
- b) There should be signage requesting that patrons leave quietly.
- c) The council as well as the police should be given five working days written notice of special events.

Reasons for granting licence: (i) The Panel believe that the

conditions will alleviate any problems. (ii) The outside areas will be closed to the public at 11.30 p.m. which will remove the main cause of complaint.

**15. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT
THE BULLDOG TAVERN, ST JAMES'S STREET, BRIGHTON**

15.1 This application was withdrawn from the agenda

The meeting concluded at 2.33 p.m.

Signed

Chair

Dated this

day of

2005