

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

2.00PM – 9 AUGUST 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Lepper (Chair), Bennett, and Meegan

PART ONE

39. ELECTION OF CHAIR

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

40. PROCEDURAL BUSINESS

40A. Declarations of Substitutes

40.1 There were no declarations of substitutes.

40B. Declarations of Interest

40.2 There were none.

40C. Exclusion of Press and Public

40.3 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.

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

41. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE WELLINGTON INN, 53 ELM GROVE

41.1 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 The Wellington Inn, 53 Elm Grove, Brighton (see Minute Book).

41.2 The applicants, Mr & Mrs Burtenshaw attended the Panel with their representative Mr Thomas.

41.3 The Licensing Manager summarised the application as set out in the report. One valid objection had been received in the time period. The objectors had indicated that they would not attend the Panel hearing. No representations had been received from the responsible authorities. No noise complaints had been received by Environmental Health.

41.4 The applicants presented their case. Mr Thomas informed the Panel that the Wellington Inn was acknowledged in the objection letter to be a well run pub. Neither the police or Environmental Health officers had been called to the pub for 11 years. The applicants would ensure neighbours would not be disturbed and they would not tolerate anti social behaviour. The objection letter had mentioned the noise cause by drivers returning to their cars. Mr Thomas stressed that the pub served the local community and that 90% of customers arrived by foot. He considered that the application was sound and reasonable and met the licensing objectives. The objectors had said that they live 30 metres from the pub. Mr Thomas considered that the distance was more likely to be 70 metres.

41.5 Mr Burtenshaw confirmed that there was no intention to have live music, karaoke or DJ's every week.

41.6 **RESOLVED** - That the application for a variation for the premises licence already granted under "grandfather rights" be granted as requested.

Reasons for granting licence: The Panel were mindful of the written representation, but considered that the premises was well run and that it was not necessary to attach any further conditions to the licence. It was also observed that Elm Grove was not a quiet area and that people passing by could potentially come from one of several pubs in the area.

42. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE ROTTINGDEAN CLUB, 89 HIGH STREET, ROTTINGDEAN

42.1 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 The Rottingdean Club, 89 High Street, Rottingdean

(see Minute Book).

42.2 The applicants Miss J Pratt and Mr G Pratt attended the Panel. Ms Lidington, Mrs Fincham and Mr Longley attended as residential objectors to the application.

42.3 The Licensing Manager summarised the application as set out in the report. One representation in the form of a petition had been received. The petition had been signed by five people. There were no representations from the responsible authorities. Noise nuisance complaints had been received in 1999, 2003 and 2005. There had also been a complaint about the vent and cooking smells. However, the complainant had not wished to take the matter further.

42.4 Ms Longley reported that the last private function was held in the marquee in July 2005. He recorded 98 decibels in his lounge at 11.45 p.m. He considered that there was no control of noise outside the premises and confirmed that the noise problem was caused by outside events. Mr Longley circulated photographs of the marquee in relation to his house.

42.5 Ms Lidlington reported that speakers were positioned a few feet from residents' windows. There was a problem with residents not being notified of events. She felt it would be desirable to have an opportunity for dialogue and negotiation with the Rottingdean Club. Ms Lidlington mentioned that on one occasion she had heard derogatory remarks being made about herself by a member of staff in the club garden. She had complained but had not been received well. Ms Lidlington explained that residents had to ask to find out when events were to be held. Photographs showing how close her house was in relation to the club and the garden were shown to the Panel. Ms Lidlington considered that natural screening might cut down noise. She confirmed that the residents' houses were originally one large hotel.

42.6 Mrs Finchley confirmed that when residents had first moved in to the converted mews houses there had not been a noise problem. When events were being held, it was impossible to hear her radio.

42.7 Mr Pratt explained that events were notified to residents. There was no amplified or live music after 11.00 p.m. There had been no major redevelopment of the premises since the mews houses were developed. The average age of club members was 50-52 years. The music played tended to be jazz and noise levels were not inconsistent. The club were not proposing to extend cooking hours. Miss Pratt explained that the club were asking for 5 events per year in the marquee till 11.00 p.m.

42.8 **RESOLVED** - That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following conditions:-

(1) The garden including the marquee to be cleared and closed to patrons by 23.30 hours.

(2) Residents to be given at least one weeks notice of all outside functions in the marquee. It is noted that there would only be 5 functions a year in the marquee and that the music would finish at 11.00 p.m.

Reasons for granting licence: It was considered that the above conditions would address the concerns expressed by local residents about noise in the outside area.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

43. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - EVENT II, KINGSWEST, WEST STREET, BRIGHTON

43.1 The Panel was informed that this application had been withdrawn from the agenda.

The meeting concluded at 3.37 p.m.

Signed

Chair

Dated this

day of

2005