

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

9.30AM – 15 AUGUST 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Hyde (Chair), Meegan and Pennington

PART ONE

44. ELECTION OF CHAIR

44.1 **RESOLVED** – That Councillor Hyde be elected Chair for the meeting.

45. PROCEDURAL BUSINESS

45A. Declarations of Substitutes

45.1 There were no declarations of substitutes.

45B. Declarations of Interest

45.2 Councillor Pennington declared a personal but not prejudicial interest in item 46, as the Norfolk Residents' Association, with which he was involved, hired the South Hall at the New Venture Theatre.

45C. Exclusion of Press and Public

45.3 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.

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

46. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - NEW VENTURE THEATRE, BEDFORD PLACE, BRIGHTON

46.1 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 New Venture Theatre, Bedford Place, Brighton (see Minute Book).

46.2 The applicant, Mr Gamper attended the Panel. Mr Fowler attended as a residential objector to the application.

46.3 The Licensing Manager summarised the application as set out in report. One objection to the application had been received from the next door neighbour. No representations had been received from the responsible authorities. Noise complaints had been received in February 2003, October 2004, November 2004 and 9 July 2005. A Noise Control officer had been called on 9 July and had offered to take the investigations further. However, the complainant had not requested any further action.

46.4 Mr Fowler set out his objections to the application. He explained that he had a 2½ year old son and could not allow his son's health and upbringing to be ruined by noise and rowdy behaviour. He had tried to sort out the problems amicably to no avail, having spoken to the theatre management three times. Mr Fowler stressed that the theatre had single glazed windows. He wished the theatre every success but objected to parties that went on into the night and woke up his son. Most of the problems occurred when the theatre was privately hired. Mr Fowler strongly objected to the application and considered that the theatre had not demonstrated the responsibility to have the licence extended.

46.5 Mr Fowler confirmed that he moved to his newly built property three years ago. His son's bedroom was double glazed and had strong soundproofing. Mr Fowler emphasised that the source of noise was very close to the house. Patrons often went outside the building to smoke. The noise from the theatre penetrated his whole house. He stressed that the South Hall had no soundproofing and faced his house.

46.6 The applicant, Mr Gamper explained that since Mr Fowler's house had been built there had been issues with noise. Commercial premises had been on the site before. The theatre had been on the site since 1947. He had tried to control the noise by putting up notices in the theatre, requesting people to leave quietly and respect the residential area. He did not allow the patio to be used after 10.30 p.m. No music was played after 11.00 p.m. No bands using amplified music were allowed. He would be happy to impose any conditions that might be suggested.

46.7 Mr Fowler explained that the building was grade 2 listed and this caused difficulties with design and costings in relation to double glazing and soundproofing. The theatre had limited funds and was already spending £36,000 towards disabled access.

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

1. The outside areas including the patio should be closed after 22.30 hours.
2. Notices requesting that patrons disperse quietly should be shown clearly throughout the building.
3. The fire door in the South Hall to be closed at 22.30 hours.
4. Windows to be closed at 23.00 hours.
5. The South Hall will only have low level background music and no music after 23.00 hours.

Reasons for granting licence: The Panel felt that there were no reasons for refusing the application for the removal of the restriction that enables the theatre to sell alcohol only during a performance, so that they can sell alcoholic refreshment after a production. The conditions attached would help to address the objections expressed by a local resident.

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.

47. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - HEIST, 57 WEST STREET, BRIGHTON

47.1 The Panel was informed that this application had been withdrawn from the agenda, as the police objection had been withdrawn.

48. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE SMUGGLERS, 10 SHIP STREET, BRIGHTON

48.1 The Panel was informed that this application had been withdrawn from the agenda, as the police objection had been withdrawn.

The meeting concluded at 10.42 p.m.

Signed

Chair

Dated this

day of

2005