

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING PANEL (Licensing Act 2003 Functions)**

**9.30am – 8 SEPTEMBER 2005**

### **COMMITTEE ROOM 3 BRIGHTON TOWN HALL**

#### **MINUTES**

Present: Councillors Bennett, Pennington and G Theobald

#### **PART ONE**

#### **ACTION**

#### **122. TO APPOINT A CHAIR FOR THE MEETING**

122.1 Councillor Pennington was appointed Chair

#### **123. PROCEDURAL BUSINESS**

##### **123A Declarations of Substitutes**

123.1 Substitute Councillor                      For Councillor

There were none.

##### **123B Declarations of Interest**

123.2 There were none.

##### **123C Exclusion of Press and Public**

123.3 The Panel 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.

123.4 **RESOLVED** - That the press and public not be excluded from

the meeting during consideration of items.

**124. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – STATION HOTEL, 1 HAMPSTEAD ROAD, BRIGHTON**

124.1 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 Station Hotel, 1 Hampstead Road, Brighton (see minute book).

124.2 The applicant's representative Mr. Thomas attended the Panel. There were no objectors present.

124.3 The Licensing Manager summarised the application as set out in the report. There were three objections to the application. There were no representations from Sussex Police or Environmental Health.

124.4 The Panel noted the correspondence from objectors.

124.5 The applicant presented their case.

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

- (1) That there shall be no live music after 23.30 hours
- (2) Doors and windows shall be shut at 23.00 hours.
- (3) That the garden is closed and cleared by 23.00 hours
- (4) That there shall be no music whatsoever in outside areas at any time.

**Reasons for granting licence:** It was considered that the above conditions would address the concerns expressed by local residents and prevent public nuisance.

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.

**125. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – BARLEY MOW, 92, ST GEORGE'S ROAD, BRIGHTON**

125.1 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 Barley Mow, 92, St George's Road, Brighton (see minute book).

125.2 The applicant's representative Mr. Thomas attended the Panel as did the Licensees Matt Short and Julie Karuzas. There were seven objectors present; Mr. JD. Porter, Chris Billington, Pat Jones, Dr. Janie Thomas (Kingscliffe Society), Calvin Langridge, Peter Whiting and Gill Mitchell (a Ward Councillor appearing on behalf of the above).

125.3 The Licensing Manager summarised the application as set out in the report. There were nine objections to the application. There were no representations from Sussex Police or Environmental Health.

125.4 The Objectors tabled correspondence in respect to previous noise nuisance cases at the premises. The Chair adjourned the meeting to allow the Panel and interested parties to review the submissions.

125.5 The Licensing Officer apologised for the oversight. In respect of the table material it was judged that the case had been resolved and no statutory noise nuisance had been found. The applicant had no objection to the correspondence being tabled.

125.6 Councillor Mitchell spoke on behalf of the objectors. In summary the objections were based on ongoing disturbance and noise nuisance from the premises, particularly from the back garden, use of which had increased since it had been partially covered. It was stated that planning permission had been broken because amplified sound had been used in the rear garden and that because current rules had been breached residents had little faith that any subsequent conditions imposed by the panel would not be adhered to.

125.7 Each objector added to the above statement adding personal instances and examples of noise or disruption.

125.8 The applicant presented their case.

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

- (1) That there shall be no live music or amplified sound after 23.00 hours (save New Years Eve and New Years Day)
- (2) That there shall be no music or amplified sound whatsoever in outside areas at any time.
- (3) Amplified music or other entertainment noise from within the premises shall not be audible at any residential premises at any time.

- (4) That the garden is closed at 23.00 and cleared no later than by 23.20 hours
- (5) Doors and windows shall be shut at 23.00 hours.

The Panel noted and accepted the Licensees offer to request that staff cleared and cleaned the rear garden as quietly and quickly as possible.

**Reasons for granting licence:** It was considered that the above conditions would address the concerns expressed by local residents and prevent public nuisance.

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.

**126. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – GARDENS, 15A KENSINGTON GARDENS, BRIGHTON**

126.1 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 Gardens, 15A Kensington Gardens, Brighton (see minute book).

126.2 The applicant's representative Mr. Thomas attended the Panel. There were no objectors present.

126.3 The Licensing Manager summarised the application as set out in the report. There were three objections to the application. There were no representations from Sussex Police or Environmental Health.

126.4 The Panel noted the correspondence from objectors

126.5 The applicant presented their case.

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

- (1) That live music ceases at 23.30 (save New Years Eve and New Years Day)
- (2) That doors and windows are closed at 23.30
- (3) That the outside area is closed to patrons at 23.30 everyday and that outside furniture is disabled at 23.30.

**Reasons for granting licence:** It was considered that the above conditions would address the concerns expressed by local residents

and prevent public nuisance.

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.

The meeting concluded at 1.05 pm

Signed

Chair

Dated this

day of

2005