

BRIGHTON & HOVE CITY COUNCIL

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

2.00pm – 8 SEPTEMBER 2005

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillors Hyde (Chair), Cobb and Pennington

Also in attendance: Rebecca Sidell, Panel Solicitor, Colin Giddings, Licensing Officer and Caroline De Marco, Committee Administrator.

PART ONE

127. To Appoint A Chair For The Meeting

127.1 Councillor Hyde was appointed as Chair.

128. PROCEDURAL BUSINESS

128A Declarations of Substitutes

128.1 There were no declarations of substitutes.

128B Declarations of Interest

128.2 There were none.

128C Exclusion of Press and Public

128.3 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.

128.4 **RESOLVED** - That the press and public not be excluded from the meeting during consideration of any items.

129. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – REGENCY TAVERN, 32-34 RUSSELL SQUARE, BRIGHTON

129.1 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 Regency Tavern, 32-34 Russell Square, Brighton (see minute book).

129.2 The applicants Mr Brett and his representative Mr Hilton attended the Panel. There were no residential objectors in attendance.

129.3 The Licensing Manager summarised the application as set out in report. There had been one representation from the Regency Square Area Society. No representations had been received from the Responsible Authorities. The Environmental Health Pollution Team had no relevant history of complaints.

129.4 The Licensing Manager asked for clarification as to whether the applicants intended to give 5 working days notice of special events to the licensing authority. Mr Hilton explained that on the licence application, special events should have read "busier evenings".

129.5 Mr Hilton informed the Panel that the pub had held numerous special event licences. There had previously been no complaints about the licence. The Regency Tavern was not a music venue and would not become one. The extensions of hours for music would accord with the hours for alcohol consumption. With regard to the letter of objection, Mr Hilton stressed that the pub was in a thoroughfare, close to Churchill Square and a car park. Problems emanated from the late night food venues nearby. The application for extension of hours was the same as for the Prince of Wales public house, which was also owned by Shepherd Neame. There was no outside drinking area.

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

Doors and windows to be closed at 23.30 hours, save for access and egress.

Reasons for condition: It was considered that the above condition was necessary for the prevention of 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.

130. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – GIN GIN, 74 ST JAMES'S STREET, BRIGHTON

130.1 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 Gin Gin, 74 St James's Street, Brighton (see minute book).

130.2 The applicant Mr Seivewright attended the Panel. Ms Thomas attended to represent the Kingscliffe Society.

130.3 The Licensing Manager referred to a letter received from Mr Seivewright before the meeting. In the letter, Mr Seivewright had addressed an allegation from an objector that the notice of application for variation was removed after six days. Mr Seivewright had admitted that the notice had been removed accidentally for a period of time. As a result, the Licensing Manager considered that the application was not valid.

130.4 The Panel Solicitor confirmed that the notice should have been displayed for 28 consecutive days. As this had not occurred, the application was invalid and would have to be re-advertised.

130.5 **RESOLVED** - That the application is invalid and cannot be considered.

131. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – DYKE TAVERN, 218 DYKE ROAD, BRIGHTON

131.1 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 Dyke Tavern, 218 Dyke Road, Brighton (see minute book).

131.2 The applicants attended the Panel. Mr Sulvo attended the Panel as a residential objector.

131.3 The Licensing Manager summarised the application as set out in report. There had been one relevant representation to the application. No representations had been received from the Responsible Authorities. The Environmental Health Pollution Team had no relevant history of complaints.

131.4 The Licensing Manager asked for clarification as to whether the applicants intended to give 5 working days notice of special

events to the police and the licensing authority. The applicant replied that it was intended to give 14 days notice. This should have been included in the application.

131.5 Mr Sulvo informed the Panel that he could think of no reason for the extension of hours, as the pub was not in an area of employment or bed and breakfast establishments. The pub seemed noisy when music was played. The back doors were kept open during the summer months, and the noise projected towards his property. Mr Sulvo had no specific complaints about noise in the pub garden. He was concerned about noise from the quiz night, and music which finished at 11.00 p.m.

131.6 The applicant informed the Panel that the 7.00 a.m hour was not for every day. It was to allow for football world cup matches and other international sporting events. At the moment the Sunday night quiz night used amplified voice till 10.30 p.m. The applicant said he would be happy to have the following conditions attached to the licence. Live music to be Sunday to Thursday, until 11.00 p.m. Friday and Saturday and bank holidays, 11.30 p.m. Doors and windows to be closed at 11.00p.m. except for access and egress. The garden to be closed at 11.00 p.m.

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

The following conditions to be attached to the licence

(1) Doors and windows to be closed at 23.00 hours, save for access and egress.

(2) The garden to be closed and cleared of patrons by 23.00 hours.

(3) Live music to cease by 23.00 hours – Sunday to Thursday. 23.30 hours – Friday to Saturday, and Bank Holidays

The applicant should give 5 working days notice to the police and the licensing authority of special events. The licensing authority has the power to veto the events.

Reasons for attaching conditions: It was considered that the conditions attached were reasonable and should allay the fears of the residential objector.

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.

132. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – COUCH, 82 DYKE ROAD, BRIGHTON

132.1 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 Couch, 82 Dyke Road, Brighton (see minute book).

132.2 The applicant attended the Panel. The residential objectors were not in attendance.

131.3 The Licensing Manager summarised the application as set out in report. There had been one relevant representation to the application, not two as stated in the report. No representations had been received from the responsible authorities. The Environmental Health Pollution Team had no relevant history of complaints.

132.4 The Licensing Manager stressed that the application should have stated the intention of the applicants to give 5 working days notice of special events to the police and the licensing authority. The Licensing Authority would have the power to veto the events.

132.5 The applicant made some amendments to the application. The pub did not have a garden so all references to the garden should be deleted. In Section Q, d) reference to recorded music indoor, should be replaced with "DJ music indoors..."

132.6 The applicant stressed that Couch was a well run establishment. Physical improvements had been made to the site. Neither the Environmental Health Pollution Team or the police had been called to the pub during the five years the applicants had run the establishment.

132.7 The applicants suggested the following conditions could be added to the licence. Live music and recorded DJ music to cease at 23.30 on all days of the week. All windows and doors to be closed at 23.30 hours. The applicants had already included a condition regarding notices being placed in the pub, requesting people to leave quietly.

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

The following conditions to be attached to the licence.

(1) Live music and recorded DJ music to cease at 23.30 on all days.

(2) Doors and windows to be closed at 23.30 hours, save for access and egress.

The applicant should give 5 working days notice to the police and the licensing authority of special events. The licensing authority has the power to veto the events.

Reasons for attaching conditions: It was considered that the conditions attached were reasonable and should alleviate any concerns about 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 3.23 p.m.

Signed

Chair

Dated this

day of

2005