

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

2.00PM – 16 SEPTEMBER 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Pennington, Simson and Watkins

PART ONE

174. ELECTION OF CHAIR

174.1 **RESOLVED** – That Councillor Simson be elected Chair for this meeting.

175. PROCEDURAL BUSINESS

175A. Declarations of Substitutes

175.1 There were no declarations of substitutes.

175B. Declarations of Interest

175.2 There were no declarations of interest.

175C. Exclusion of Press and Public

175.3 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.

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

176. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THE GEESE HAVE GONE OVER THE WATER

- 176.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at The Geese have gone over the Water, Southover Street, Brighton (see Minute Book).
- 176.2 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities. A number of written representations were received from local residents. Three people making representations attended the hearing: David Allen, Fiona May and Adrian Hopson.
- 176.3 Suzanne Toner, Applicant and Doug Simmonds, a Licensing Consultant attended the Panel hearing.
- 176.4 Fiona May informed the Panel that she lived next door to the public house and was concerned that an extension to the licence would mean an increase in both noise levels and antisocial activity. Her property adjoined the public house and noise from the pub could be heard in her property. The level of noise increased when live music was played. Ms May informed the Panel that the public house was located in a primarily residential area and it was not appropriate for an extension to be granted. Mr Hopson, who also lived at this property, agreed with the comments of Ms May and did not wish to add anything further.
- 176.5 Mr Allen informed the Panel that he lived in Southover Street and was concerned about the level of noise and a possible increase in anti-social behaviour. Mr Allen said that this was a residential area, with narrow streets. Because the streets were narrow, the buildings along it amplified any noise. In the summer the pub left its windows and doors open, which increased the noise. The pub allowed their customers to take bar stalls out onto the pavement, which caused an obstruction. Mr Allen had encountered anti-social behaviour from people leaving the pub. Mr Allen was concerned that an extension to the licence would lead to an increase in noise and antisocial behaviour.
- 176.6 Mr Simmonds, Licensing Consultant, spoke on behalf of the Applicant. Mr Simmonds confirmed with Mr Allen, Mr Hopson and Ms May that they had never made a complaint to

Environmental Health about the level of noise emanating from the pub. Mr Simmonds said that anti-social behaviour in that area could not be attributed to this public house. The pub had been there for many years and had always been run well. The police had not been required to attend the pub. The pub was involved with the local community. Mr Simmonds confirmed that ventilation in the premises was limited and therefore it had been necessary at times to open the doors. However, the applicant had installed a smoke purifier to assist in clearing the air. Live music was played occasionally, the last time being in June 2005. The Applicant would work with the Environmental Health officers to discuss the noise issue, and to discuss the level to which the volume should be set at.

176.7 The Panel spoke with the Applicant. The Applicant confirmed that although they didn't have signs in the pub asking patrons to leave the premises quietly, they did verbally ask people to do that. The Applicant confirmed that they would like to play live music, but that they did not have any plans for karaoke.

176.8 **RESOLVED** – That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following conditions. (1) Sale of Alcohol Monday to Thursday 10.00 to 00.00, Friday and Saturday 10.00 to 00.30, Sunday 12.00 to 00.00, Bank Holidays as per application, plus 30 minutes drinking up time on all days.

(2) Under box 'F' in the application, the word 'karaoke' be deleted.

(3) The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.

(4) Doors and Windows to be closed after 23.00, except for exit and egress

(5) The licensee shall ensure that prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

(6) The Licensee must ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.

(7) The Licensee shall ensure that the placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

176.9 Reasons for granting licence:

It was considered that the above conditions would address the concerns expressed by local residents.

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

177. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – CLUB 52

177.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at Club 52, 52 North Street, Brighton (see Minute Book).

177.2 The Licensing Manager summarised the application as set out in the report. A Representation had been received from the police. Sergeant Romalis and Peter Castleton attended on behalf of the police.

177.3 Sammy Alyel-Deen, Applicant, and Phillip Proctor and Peter Hill, part of the Management Team of Club 52, attended the Panel hearing.

177.4 All parties were provided with a written copy of the police representations. This document included a list of incidents recorded with the police between February 2002 and August 2005. There was a discussion over this document. Mr Proctor informed the Panel that a formal objection had been received from the police on 8th August 2005. In response to this the managers of the premises had had a number of meetings with the police to attempt to resolve the issues raised. Mr Proctor was unhappy that the document was being presented at the meeting and asked the Panel to reject the written representations. The Panel felt that any issues listed on the Police’s written document could be raised verbally by the Police representatives during the hearing.

177.5 The police were concerned that the applicants were seeking to run a lap dancing/pole dancing club, a regular night club and, on separate nights, an under-eighteen’s night from the premises. The police felt that this mixed use would compromise the Licensing Objectives of prevention of crime and disorder and promotion of public safety. The police were concerned that Club 52 was located in the city centre near

an area known to be a violent crime hot spot. The police noted that the proprietors intended to employ girls who came from Eastern Europe for the dancing, and were concerned that they may be vulnerable. The police were unhappy that entrance to the premises would not be restricted to members only. The police were concerned that under-18's nights would be held at the same premises, but on different days, to the lap-dancing evenings which could lead to safety issues if young people attended on the 'wrong' day.

- 177.6 Mr Proctor, Club 52, confirmed that if the application for pole/lap dancing were allowed, the application for holding under-18's nights would be withdrawn.
- 177.7 Mr Hill, Club 52, referred to the list of incidents provided by the police. The club was run professionally and records were kept of all incidents, but they did not correspond to those listed by the police. The police suggested that could be because some matters were reported directly to the police. The police confirmed that the number of incidents were not disproportionate for the size and location of the premises.
- 177.8 Mr Hill informed the Panel that security was important. The police had been called when necessary, they employed SIA trained door staff, and had CCTV in operation. Mr Hill did not agree that entrance to the premises should be restricted to members. The Panel were informed that a photo would be taken of each person entering the club, some form of identification would be requested and a photocopy of this taken. These details could then be provided to the police if required. The regular nightclub and the lap/pole dancing club would be held on different floors. All guests would enter from the entrance on North Street.
- 177.9 Mr Hill said that 8 million people visited the city each year, and it was important that a variety of entertainment were offered to these visitors.
- 177.10 **RESOLVED** – That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the exception of the variation to allow pole dancing, lap dancing and video recordings.
- 177.11 **Reasons for granting licence:** The Panel had concerns about the location of the premises in North Street, an area described as near to a violent crime hot spot. The Panel also had concerns about the arrangements for separating

different client groups and felt that the mixing of these groups could jeopardise public safety and licensing objectives.

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

178. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – PRINCESS VICTORIA

- 178.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at the Princess Victoria, 22-23 Upper North Street, Brighton (see Minute Book).
- 178.2 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities. A number of written representations were received from local residents. Three people making representations attended the hearing: Joan Bennett, Barry Would and John Moore.
- 178.3 Joan Bennett informed the Panel that she was objecting to the extended hours and the likely increase in the level of noise. The pub was located in a residential area.
- 178.4 Harry Would was also concerned that the extended hours would lead to an increase in level of noise.
- 178.5 John Moore was concerned that the level of noise would increase at weekend particularly if bands were playing.
- 178.6 The Applicant, Nicola Green, attended the hearing. The Applicant apologised for the level of noise and informed the Panel steps would be taken to reduce it. The Applicant agreed to close all doors and windows at 23.00, would install air conditioning units, and whilst they would still like the option to play live music but would agree to only two performers playing rather than four, and would withdraw karaoke from the application.
- 178.7 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted with the following conditions (1) In Box E ‘4 performers’ should be ‘2 performers’ (2) In Box H ‘karaoke’ would be deleted

(3) Amplified music or other entertainment noise from within the premises shall not be audible at any nearby residential premises after 23.00 hours

(4) Doors and windows shall be kept shut after 23.00 hours

Reasons for granting licence:

It was considered that the above conditions would address the concerns expressed by local residents.

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

179. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THE DORSET

179.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at The Dorset, Dorset Street Bar, 28 North Street, Brighton (see Minute Book).

179.2 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities. A written representation had been received from a local community association. No one making representations attended the hearing.

179.3 Tony Baker, Applicant attended the hearing and presented the application to the Panel.

179.4 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted

180. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – BP SAFEWAY

180.1 This item was withdrawn from the agenda and not considered at this meeting.

181. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – HOVE CONSERVATIVE CLUB

- 181.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at Hove Conservative Club, 102 Blatchington Road, Hove (see Minute Book).
- 181.2 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities. A number of written representations had been received from local residents. No one making representations attended the hearing.
- 181.3 Ann Carpenter, David Carpenter, Mike Bishop and William Pollard attended the hearing on behalf of the Applicants.
- 181.4 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted

181A.APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – PO NA NA

- 181A.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at the Po Na Na, East Street, Brighton (see Minute Book).
- 181A.2 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities, but the Panel were asked to note that there were some noise complaints currently being investigated. A number of written representations had been received from local residents. No one making representations attended the hearing.
- 181A.3 Mr P Shadarevian attended as Counsel for the Applicant. Mr M Wakefield and Mr D Gaydon also attended on behalf of the Applicant.
- 181A.4 Mr Shadarevian informed the Panel that the local authority was investigating the complaints concerning the levels of

noise. The owners of these premises were keen to ensure that the matter was resolved, and would comply with any advice provided by the Environmental Health officers. A noise-limiting machine had been installed.

181A.6 RESOLVED – That the application for a variation for the premises licence already granted under “grandfather rights” be granted with the following condition (1) The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.

Reasons for granting licence:

It was considered that the above conditions would address the concerns expressed by local residents.

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

The meeting concluded at 6.45 pm

Signed

Chair

Dated this

day of

2005