

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

2.00PM – 21 SEPTEMBER 2005

HOVE TOWN HALL

MINUTES

Present: Councillors Pidgeon, Simson and Turner

PART ONE

204. ELECTION OF CHAIR

204.1 **RESOLVED** – That Councillor Turner be elected Chair for this meeting.

205. PROCEDURAL BUSINESS

205A. Declarations of Substitutes

205.1 There were no declarations of substitutes.

205B. Declarations of Interest

205.2 There were no declarations of interest.

205C. Exclusion of Press and Public

205.3 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.

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

206. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – HAND IN HAND

206.1 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 Hand in Hand, 33 Upper St James’s Street, Brighton (see Minute Book).

206.2 The Licensing Manager advised that the applicant was unable to attend due to illness.

206.3 No objector was present.

206.4 The Panel Lawyer advised members to attach little weight to the objection as the council knew of no complaints against this pub.

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

Reasons for granting licence: The Panel attached little weight to the objections.

207. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – POLAR WEST

207.1 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 Polar West, Western Road, Brighton (see Minute Book).

207.2 The Licensing Manager summarised the application as set out in the report. She stated that one objection had been received but there was no history of complaints about noise from the premises.

207.3 The Applicant advised that he had tried to contact the objector to address the issues raised without success and that he would continue to try to make contact with him. He stated that Zelgrain had only just taken the premises over. The premises would shortly close for refurbishment and the new layout would mean that the objection about noise from the bar would be addressed.

207.4 The Applicant pointed out that, although in a semi-residential area, the Polar West is on a main road and that the statutory guidelines encourage flexible opening hours.

207.5 No objector was present.

207.6 **RESOLVED** – That the application for a variation for the premises licence

already granted under "grandfather rights" be granted subject to a condition that the applicant must give the Police and Environmental Health 7 days' notice of televising major live sporting events.

Reasons for granting licence: The Panel considered that the new owners were putting measures in place to address the objections.

208. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – AUDIO

208.1 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 Audio, 10 Marine Parade, Brighton (see Minute Book).

208.2 The Panel Lawyer left the room briefly to ascertain from Reception whether any of the objectors was in the building. However, no objector attended the meeting.

208.3 The Licensing Manager summarised the application as set out in the report. She advised that four relevant representations had been received. The issues raised by the Police had been addressed, so the Police had withdrawn their objection. The Licensing Manager also stated that there had been no complaints since 2003, when a complaint had been made against the former Club. The Licensing Manager stated that to the best of her knowledge, the Notice had properly displayed (see the Kingscliffe Society's objection).

208.4 The Panel noted that some details of the proposed activities were incorrectly shown in the report. 'Hours premises are open to public' should show a period of half an hour for winding down on a Sunday, making it 0330 and not 0300 hours. 'Live music' should show the hours as Sunday-Thursday 10.00 to 03.00 and Friday and Saturday 10.00 to 04.00.

208.5 The Applicants stated that they had contacted all the objectors to address the issues they raised. They had spoken to management and action had been taken to reduce the noise levels. They advised that the patio area was open until 02.00 hours but that the audio speakers had been removed following complaints. They stated that Audio used its own recycling bins, not those in Charles Street, which Mrs O'Gorman had mentioned in her representation.

208.6 The Applicants also responded to members' questions about use of plastic bottles, door supervisors, CCTV, staff training, drugs and ID on entry.

208.7 **RESOLVED** – That the application for a variation for the premises licence already granted under "grandfather rights" be granted subject to the following conditions:

No music to be played on the patio.

No bottles to be put in the bin outside between 23.00 and 07.00 hours.

Reasons for granting licence: The Panel considered that the conditions outlined above would adequately address the objections expressed by local residents.

209. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THREE JOLLY BUTCHERS

209.1 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 Three Jolly Butchers, 59 North Road, Brighton (see Minute Book)

209.2 The Licensing Manager summarised the application as set out in the report. Two objections had been received but none from the Police or Fire Service. The council's noise pollution team had received no complaints against the pub.

209.3 The Applicant advised that he was applying for one extra hour's opening time, which would only be used if there was customer demand, and the televising of major live sporting events such as the World Cup football. The Applicant clarified that the application site was near the sorting office and the health club on North Road, not on North Street.

209.4 The objectors did not attend.

209.5 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to a condition that the applicant must give the Police and Environmental Health 7 days' notice of televising major live sporting events.

Reasons for granting licence: The Panel noted the objections but attached little weight to them.

210. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – RIKI TIK

210.1 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 Riki Tik, 18a Bond Street, Brighton (see Minute Book).

210.2 The Licensing Manager summarised the application as set out in the report. She pointed out a typing error on agenda page 54: the hours the premises propose to open to the public Sunday-Wednesday shown as 00.30 should read 03.00. She stated that there had been one representation. Environmental Health had received no complaints about noise emanating

from these premises.

210.3 The Applicant stated that door supervisors were employed when necessary. He undertook to work with Environmental Health if there were any complaints about noise.

210.4 The objector did not attend.

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

Reasons for granting licence: The Panel considered that there were adequate measures in place to address the objections.

211. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – GRAND CENTRAL

211.1 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 Grand Central, Surrey Street, Brighton (see Minute Book).

211.2 The Licensing Manager summarised the application as set out in the report. Three representations had been received. The Noise Pollution Team stated that they had received a complaint but that it had not been substantiated.

211.3 The Applicant pointed out that the theatre above the pub would not be able to operate if the pub was noisy. He noted the objections to the use of the areas outside the premises and agreed to clear them by 23.15.

211.4 The objectors did not attend the hearing.

211.5 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to a condition that the outside areas are cleared and closed by 23.15.

Reasons for granting licence: The Panel considered that there were adequate measures in place to address the objections.

212. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – MARLBOROUGH HOTEL

212.1 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 Marlborough Hotel, 4 Prince’s Street, Brighton (see Minute Book).

212.2 The Licensing Manager summarised the application as set out in the report. She stated that five representations had been received, but none from the Police or Fire Service. Environmental Health had received complaints about noise nuisance, which they had discussed with the applicants. In reply, the applicant had sent the council a letter, dated 2 August 2005, setting out a list of new measures they intended to include in their Operating Schedule. Environmental Health had confirmed that these measures would address the issues raised. This letter was read to all present at the meeting and considered by the Panel during their deliberations.

212.3 The objectors: Trevor Scoble for the Kingscliffe Society, Eric James, Warner Titterton, Roger Rolfe and Piers Allen attended the hearing. They stated that noise from the premises and from customers entering and leaving was excessive on occasion. Crime had increased in the area and there had been instances of fighting in Princes Street. The objectors suggested soundproofing and that the pub should close by midnight with the patio closing by 20.00. Local housing had not been designed for 21st century noise levels. The pub behaved more like a club than a drinking establishment. The objectors alleged that the vibrating noise emanating from the building was worse when the Manager was absent. They also alleged that the noise attenuator could be turned off and that the upstairs fire door was opened to let air in.

212.4 The Applicant stated that the door to Princes Street was kept locked. The street was a thoroughfare and the late night noisemakers might come from other nearby venues. He confirmed that he was prepared to monitor noise levels with Environmental Health and co-operate with their requirements. The Manager stated that there were no audio speakers at the back of the pub (ie on Princes Street); the back door was only opened rarely because there was air conditioning. She had installed signs telling customers to keep the noise down and had trained the Assistant Manager in controlling noise.

212.5 The Licensing Manager advised the Panel that the new Act would increase the powers of the Police and Environmental Health to enforce noise control.

212.6 **RESOLVED** - (1) That the application for a variation for the premises licence already granted under "grandfather rights" be granted subject to incorporating the measures in the applicant's letter of 2 August 2005 into the Operating Schedule and to the following additional conditions.

1. The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.
2. The Licensee must take all reasonable steps to ensure that people visiting the premises and using adjacent car parks and highways do not conduct themselves in a manner that causes annoyance to residents and people passing by.

(2) That the Panel notes that the sound levels are to be reviewed and wishes a noise limiter to be fitted if considered necessary by Environmental

Health.

Reasons for granting licence: The Panel believed that there was some evidence of noise pollution but was satisfied that if the measures in the applicant's letter of 2 August 2005 were incorporated into the Operating Schedule, together with the conditions above, this should address the problems.

212.7 The Panel Lawyer 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 4.20 pm

Signed

Chair

Dated this

day of

2005