

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL
2003 (Licensing Act 2003 Functions)
2.00PM – 22 SEPTEMBER 2005
BRIGHTON TOWN HALL
MINUTES

Present: Councillors Cobb, Older and Pennington

PART ONE

219. ELECTION OF CHAIR

219.1 **RESOLVED** – That Councillor Older be elected Chair for this meeting.

220. PROCEDURAL BUSINESS

220A. Declarations of Substitutes

220.1 There were no declarations of substitutes.

220B. Declarations of Interest

220.2 There were no declarations of interest.

220C. Exclusion of Press and Public

220.3 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.

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

221. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – RANELAGH ARMS

221.1 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 Ranelagh Arms, 2/3 High Street, Brighton (see Minute Book).

221.2 The Licensing Manager summarised the application as set out in the report. There were no representations from the responsible authorities. A number of written representations had been received from local residents. Two people who had made representations attended the hearing, Ms J Pritchard and Ms J Gordon. The Applicant, Mr B Furlong attended the hearing.

221.3 Ms Pritchard informed the Panel that she could hear noise from the pub in her house. Ms Pritchard was concerned that the application included a proposal to serve alcohol until 2 am on a Sunday night. Ms Gordon informed the Panel that she was representing a number of local residents. It was possible to hear noise from the pub in her house. Most properties close to the Ranelagh Arms did not have double-glazing and there was concern about the potential increase in noise should the application to allow music until 2.30am be granted.

221.4 Mr Furlong presented his case to the Panel.

221.5 **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 Sunday to Thursday 10.00-01.00 and Friday to Saturday 02.00
- (2) Live Music Monday to Sunday 20.00-23.30
- (3) Garden to be cleared by 23.30 and the door and the door kept closed after 23.30
- (4) The main door to the premises to be closed at 23.30 except for access and egress.
- (5) The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

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

The Solicitor to the Panel 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.

222. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – KENDAL ARMS

222.1 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 Kendal Arms, 18 Payne Avenue, Hove (see Minute Book).

221.2 The Licensing Manager summarised the application as set out in the report. There were no representations from the responsible authorities. A number of written representations had been received from local residents. Mr Green who had made a representation attended the hearing. The Licensing Manager confirmed that Ms S Orr had not been able to attend the hearing and had asked that Mr Green speak on her behalf. Mr M Shortson, Operations Manager for Pubs U Like, attended the hearing on behalf of the applicant.

221.3 The Licensing Manger noted that the application included a provision for the supply of alcohol, live music, recorded music, provision for making music and dancing on the occasion of ‘Event Days’, and requested that in such circumstances 7 days notice be given to both the Licensing Authority and the Police with either party having the right to veto. Mr Shortson agreed to this.

222.4 Mr Green set out the objections, which centred around noise created from within the pub and from people leaving the premises.

222.5 Mr Shortson set out the case on behalf of the applicant.

222.6 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted with the following conditions;

- (1) That on the occasion of ‘Event Days’ 7 days notice be given to both the Licensing Authority and the Police with either party having the right to veto.
- (2) That the Garden shall be cleared and closed by 23.00.
- (3) That doors and windows to be closed by 23.00 except for access and egress.

- (4) That live and recorded music will cease by 23.30 except on New Years Eve.
- (5) 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.
- (6) The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

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

The Solicitor to the Panel 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.

223. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – MARTHA GUNNS

223.1 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 Martha Gunns, 100 Upper Lewes Road, Brighton (see Minute Book).

223.2 The Licensing Manager summarised the application as set out in the report. There were no representations from the responsible authorities. A number of written representations and a petition had been received from local residents. Ms J Jones who had made a representation attended the hearing. The Applicant, Mr P Pigott attended the hearing.

223.3 The Licensing Manager noted that the application included a provision for the supply of alcohol, live music, recorded music, provision for making music and dancing on the occasion of ‘Event Days’, and requested that in such circumstances 7 days notice be given to both the Licensing Authority and the Police with either party having the right to veto. Mr Pigott agreed to this.

223.4 Ms Jones set out her objections, which centred around noise created from within the pub and from people leaving the premises.

223.5 Mr Pigott set out the case on behalf of the applicant.

223.6 **RESOLVED** – That the application for a variation for the

premises licence already granted under "grandfather rights" be granted with the following conditions:

- (1) That on the occasion of 'Event Days' 5 working days notice be given to both the Licensing Authority and the Police with either party having the right to veto.
- (2) That the Garden be cleared and closed by 23.00
- (3) That the live music ceased by 23.30 (except on New Years Eve).
- (4) That doors and windows be closed when live music, karaoke and DJ recorded music is being played.
- (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 quickly.
- (6) The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

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

The Solicitor to the Panel 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.

224. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – GOLDEN CROSS

224.1 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 Golden Cross, 324 Portland Road, Hove (see Minute Book)

224.2 The Licensing Manager summarised the application as set out in the report. There were no representations from the responsible authorities. There was some relevant history of complaints to Environmental Health, but all complaints had now been closed. A number of written representations had been received from local residents. Three people who had made representations attended the hearing, Mr & Mrs Elliott, and Mr Towner. The Applicant, Mr P Manoharan attended the hearing.

224.3 It was noted that the notice in the Argus newspaper stated that the application included a provision for 60 minutes drinking up time. It was confirmed that this was incorrect and the application had included a provision for 30 minutes drinking up time.

224.4 Mr & Mrs Elliott set out their objections, which centred around noise created from within the pub, and noise and antisocial behaviour from people leaving the premises. A number of complaints had been made to Environmental Health about the noise. The licensee of the Golden Cross had agreed to install both noise limiters and some form of soundproofing.

224.5 Mr Towner set out his objection, which centred around noise from within the pub and noise from people leaving the pub.

224.6 The Applicant set out his case to the Panel. He gave the Panel a copy of a letter dated 7th September 2005, which he said had been sent to local residents, but those present said they had not received. Mr Manoharan stated that he would be prepared to install sound-proofing, install noise limiters, to cease playing music after 11.30pm, agreed to close outside areas at 9.30 pm, agreed to bottle up in the morning and provide his mobile telephone number to local residents.

224.7 **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 Sunday to Thursday 10.00-23.30 and Friday to Saturday 10.00-00.00, and opening hours to extend 30 minutes thereafter.
- (2) Live Music and recorded music, including DJ and karaoke to cease at 23.00
- (3) The amplified sound equipment shall be governed by a sound limiting device set at a level approved by the licensing authority
- (4) All outside areas to be cleared and closed by 21.30
- (5) 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
- (6) 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.
- (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.

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

The Solicitor to the Panel 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.

225. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – MECCA BINGO CLUB

225.1 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 Mecca Bingo Club, Brighton Hippodrome, 52-58 Middle Street, Brighton (see Minute Book).

225.2 The Licensing Manager summarised the application as set out in the report. There were no representations from the responsible authorities. One written representation had been received from a local resident. This person did not attend the meeting. Mr Warne, solicitor, attended on behalf of the applicant.

225.3 The Licensing Manager noted that the application included a provision for on not more than 12 occasions per calendar year and following 7 days prior notice the terminal hour be extended to a time agreed with the police for the provision of licensable activities. The Licensing Manager requested that in such circumstances 7 days notice be given to both the Licensing Authority and the Police and that either party having the right to veto. Mr Warne confirmed that the Licensing Authority could be given 7 days notice, but was not agreeable to it having the right of veto.

225.4 **RESOLVED** – That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following condition:

(1) That on not more than 12 occasions per calendar year and following 5 working days prior notice to both the Police and the Local Authority the terminal hour may be extended to a time agreed with all parties. The police to have a power of veto if necessary.

The Solicitor to the Panel 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.

226. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THE FISHBOWL

226.1 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 Fishbowl, 74 East Street, Brighton (see Minute Book).

226.2 The Licensing Manager summarised the application as set out in the report. There were no representations from the responsible authorities. One representation had been received from a local resident. This person did not attend the hearing. Mr G George from Zelgrain Ltd attended on behalf of the Applicant.

226.3 The Licensing Manager noted that the application contained a provision on the occasion of a televised major live sporting event falling outside the hours granted to the premises licence for the supply of alcohol and hot drinks and snacks one hour prior to the start of the event and to close one hours after the event finishes. The Licensing Manager requested that in such circumstances 7 days notice be given to both the Licensing Authority and the Police and that either party having the right to veto. Mr George agreed to this.

226.4 Mr George set out his case to the Panel.

226.5 **RESOLVED** – That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following condition:

(1) That on the occasion of a televised major live sporting event 5 working days notice be given to both the Licensing Authority and the Police with either party having the right to veto.

The Solicitor to the Panel 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 6.15 pm

Signed

Chair

Dated this

day of

2005