

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

9.30AM – 28 SEPTEMBER 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Hyde, Older and Pennington.

Also in attendance: Jean Cranford, Licensing Officer; Elizabeth Woodley, Panel Solicitor and Penny Jennings, Committee Administrator.

PART ONE

261. ELECTION OF CHAIR

261.1 **RESOLVED** – That Councillor Pennington be elected Chair for this meeting.

262. PROCEDURAL BUSINESS

262A. Declarations of Substitutes

262.1 There were no declarations of substitutes.

262B. Declarations of Interest

262.2 There were no declarations of interest.

262C. Exclusion of Press and Public

262.3 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.

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

263. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – WEST BEACH HOTEL

263.1 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 West Beach Hotel, 135 King’s Road, Brighton (see Minute Book).

263.2 The Licensing Manager summarised the application as set out in the report.

263.3 Mr D Lawrence was in attendance at the meeting on behalf of the applicant. Mr Rutledge, Ms Rhemtulla, Ms Neville, Mr Moffat and Mr Wilson were in attendance as objectors on behalf of residents of neighbouring blocks of flats.

263.4 Mr Lawrence spoke in support of the application also referring to intended measures to be undertaken by the applicants to ensure that the premises were operated in an orderly manner. The objectors referred to disturbance which was already emanating from the premises referring to incidents which had occurred in the past and to concerns that should the premises current hours of operation be increased that this would lead to an increase in anti-social behaviour in the area as a result.

263.5 **RESOLVED** – That the application for a premises licence under the Licensing Act 2003 be granted. The Panel decided that the hours for the supply of alcohol to non-residents should be restricted as follows:

Ground floor- 10.00 to 01.00 hours the following day.
New Year’s Eve/New Year’s Day – as applied for.
Basement - Sunday to Thursday 10.00 to 02.00 hours the following day.
Friday to Saturday 10.00 to 03.00 hours the following day.
New Year’s Eve/New Year’s Day – as applied for.

There shall be no restriction on the supply of alcohol to residents of the hotel and their bona fide guests.

The following conditions were also imposed:

1. The Licensee must take all reasonable steps to ensure that people visiting the premises do not conduct themselves in such a manner that causes annoyance to residents and people passing by.
2. The Licensee must ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.
3. The Licensee shall ensure that prominent, clear and legible notices are

displayed at all exists requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

4. All amplified sound equipment shall be governed by a sound limiting device set at a level approved by the Licensing Authority.
5. The Licensee shall ensure that a minimum of 2 SIA registered door supervisors are on duty at all times when the basement area is in use. (For the avoidance of doubt, this condition supersedes the condition requiring a minimum of 4 registered door supervisors.)

Reasons for granting licence and attaching conditions: It was considered that the conditions attached were reasonable and would adequately deal with the concerns expressed about public nuisance/disturbance.

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.

264. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – SHAKESPEARE'S HEAD

264.1 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 Shakespeare's Head, 1 Chatham Place, Brighton (see Minute Book).

264.2 The Licensing Manager summarised the application as set out in the report.

264.3 Mr Walker, the Area Manager, for the applicant was present as was Mr Hoskins, the Licensee of the premises. Councillor Taylor was present in his capacity as a Local Ward Councillor on behalf of objectors. Mr Reams was present as an objector living immediately adjacent to the pub.

264.4 Mr Walker referred to the approach taken by the holding company in seeking to ensure premises under their control were operated in a neighbourly fashion. Mr Hoskins referred to the manner in which the premises were operated. Over recent months the pub had become busier but referred to the measures undertaken to ensure that patrons left quietly at closing time. Councillor Taylor referred to the concerns and objections expressed by local residents. Mr Reams referred to noise penetration which he suffered as the neighbouring residence as the pub shared a wall with their residence. He also made reference to noise emanating from the forecourt area which had recently had tables and chairs on it which was directly under the window of their sitting room and main bedroom. There had been numerous occasions when he had had cause to complain because either himself and his partner or their children had been kept awake or woken by activities taking place on the

forecourt including the making of calls on mobile phones.

264.5 **RESOLVED** – That a variation for the premises licence already granted under "grandfather rights" be granted. The following conditions are to be attached to the licence:

i) The hours for the supply of alcohol to non-residents should be restricted as follows:

Sunday to Thursday 10.00 to 23.30 hours.

Friday and Saturday 10.00 to 00.30 hours the following day.

New Years Eve/New Years Day - as applied for.

ii) The hours the premises are open to the public shall be restricted as follows:

Sunday to Thursday 10.00 to 00.00 hours.

Friday and Saturday 10.00 to 01.00 hours the following day.

New Years Eve/New Years Day – as applied for.

iii) The hours for all regulated entertainment - films, live music, recorded music, provision of facilities for making music, provision of facilities for dancing and late night refreshment – shall be restricted as follows:

Sunday to Thursday 10.00 to 23.30 hours.

Friday and Saturday 10.00 to 00.30 hours the following day.

New Years Eve/New Years Day – as applied for.

In addition to the above variations, the Panel imposed the following conditions:

1. The Licensee must take all reasonable steps to ensure that people visiting the premises do not conduct themselves in such a manner that causes annoyance to residents and people passing by.
2. The Licensee must ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.
3. 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.
4. The rear and side garden areas shall be closed and cleared by 21.30 hours.
5. All doors leading to and windows overlooking the rear and side garden areas shall be closed by 21.30 hours.
6. The front patio area shall be closed and cleared by 22.30 hours.

7. Subject to 5 above, all windows shall be closed by 22.30 hours.
8. Subject to 5 above, all external doors shall be closed by 22.30 hours, except for access and egress.

Reasons for granting licence and attaching conditions: It was considered that the conditions attached were reasonable and would adequately deal with the concerns expressed about public nuisance/disturbance.

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.

265. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – GEMINI BAR

265.1 The Solicitor to the Panel explained that as all objections to the application had been formally withdrawn the application would now be processed and determined by Officers.

265.2 **RESOLVED** – That the position be noted.

266. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – FUNKY BUDDHA LOUNGE

266.1 The Solicitor to the Panel explained that as all objections to the application had been formally withdrawn the application would now be processed and determined by Officers.

266.2 **RESOLVED** – That the position be noted.

The meeting concluded at 12.55pm

Signed

Chair

Dated this

day of

2005