

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

9.30AM – 21 OCTOBER 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Meegan, Pennington and Simson

PART ONE

285. ELECTION OF CHAIR

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

286. PROCEDURAL BUSINESS

286A. Declarations of Substitutes

286.1 There were no declarations of substitutes.

286B. Declarations of Interest

286.2 There were no declarations of interest.

286C. Exclusion of Press and Public

286.3 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.

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

287. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – STANMER PARK

287.1 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 Stanmer Park, 292 Ditchling Road, Brighton (see Minute Book).

287.2 The Panel retired for ten minutes as the meeting was adjourned to allow the applicant to address the interested parties about changes they wished to propose about their times of operation. The council's licensing officer also remained to hear the proposed changes.

287.3 The Panel reconvened and the Licensing Officer informed them that the applicant had amended the application to read as follows;

‘Closing Times, Mon-Sat 00.30. Sunday 00.00. Apart from Late Night Refreshment, all regulated activities to cease thirty minutes prior to closing time All applications in respect of saints’ days, statutory bank holidays, Thursday before Good Friday, Christmas Eve, occasions of local, national or international significance and charitable events, withdrawn.’

287.4 The Applicant (Area Manager) Rachel Bradshaw (Spirit Group), the Licensee, Kelly Crisp and their Legal Representative, David Burrows attended the Panel.

287.5 Interested Parties (objectors to the application), Ned Hoskins, Andrew Webb, John Sands, Patrick Dyer, Gail O’Connor, Abigail Smith, Julie Watson, Helen Whithouse and Ruth King attended the Panel.

287.6 The Licensing Officer summarised the application as set out in the report. There were just under sixty objections to the application. None of the responsible authorities had submitted representations. The noise patrol had been called to the premises the previous weekend.

287.7 Interested Parties asked questions of the Licensing Officer in relation to instances of recorded public or noise nuisance at the premises and about the number and details of Environmental Health noise complaints. Interested Parties were also concerned about the lack of representation from the Police.

287.8 Interested Parties set out their objections to the application. They were invited to speak in turn about their objections. Each person took the opportunity to address the Panel. The objections

echoed and supported one another's statements, the objections centred around concerns about under age drinking and noise and disturbance caused by patrons leaving the premises. Several persons attributed damage to their property or belongings to patrons leaving the premises in an intoxicated state and reported incidents of verbal abuse on challenging rowdy behaviour. The management of the premises was questioned. Levels of music and noise were noted to be loud and loss of sleep was cited. The previous reputation of the premises as a place where drugs were circulated was commented upon. Fears about the impact on the local area, should any extension be granted were shared by all.

287.9 Mrs Watson detailed the difficulties she had faced in attempting to communicate with the Area Manager for Spirit Group and the seeming reluctance of the Area Manager to make herself available. Mrs Watson then detailed her objections to the application, noting the guidance issued in relation to the new licensing arrangements.

287.10 The Panel questioned the Interested Parties about their objections.

287.11 The Applicant presented their case. Their legal representative questioned the Licensee about her appreciation of the situation and the management of the premises. The Licensee informed the Panel that she considered the pub to be a busy and popular venue, frequented by local people. Recent investment (80K) was noted as were management techniques employed to deal with rowdy persons. The Licensee commented on the number of other venues in the locality where alcohol could be obtained and the preponderance and nature of the young people in the area. The propensity of young people to gather in groups at local shops and premises was commented on as were contemporary marketing techniques (cash machines installed in licensed premises).

287.12 The Panel asked questions of the applicant.

287.13 The Interested Parties asked questions of the applicant.

287.14 All parties were offered the opportunity to make closing submissions. The Licensing Officer, Applicant and Interested Parties each took the opportunity to re-state their case.

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

(1) The Hours of opening:

Sun – Thurs: 09.00 – 23.30
Fri – Sat : 0.900 – 00.00

(2) Alcohol sales permitted:

Sun – Thurs: 10.00 – 23.00
Fri – Sat : 10.00 – 23.30

(3) Late night refreshments to be the same as opening hours.

(4) Live music to cease at 23.00 every day.

(5) Other activities, such as recorded music and provision of facilities for dancing to cease the same as the permitted hours of alcohol sales. (Categories F, H and J)

(6) That there was to be a public meeting at the premises within 3 months of the start of the licence attended by the Designated Premises Supervisor and a representative from the Spirit Group.

Reasons for granting licence: It was considered that the above conditions would meet the licensing objectives and 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 that appeals must be made within 21 days of written notification of the decision given at the hearing.

288. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – McDONALDS RESTAURANT

288.1 The Panel considered a report of the Assistant Director, Public Safety concerning a new application for a Premises Licence at McDonald's Restaurant, 157-162 Western Road, Brighton (see Minute Book).

288.2 The Applicant (Manager) Ismet Turen attended, as did one Interested Party (objector) Mr. Mark Blackwell.

288.3 The Licensing Officer summarised the application as set out in the report. There was one objection to the application. None of the responsible authorities had submitted representations.

288.4 M Blackwell set out his objections, which centred around the public disturbance created by youths lingering in the area and patrons leaving the premises. Mr Blackwell also mentioned illegal

parking, several incidents of anti-social behaviour reported to the police and the fears about impact on the locality that extending opening hours might have.

288.5 Mr Blackwell wished it recorded that he was 'bitterly disappointed' at not being able to table a petition that he had gathered from local residents supporting his position.

288.6 **RESOLVED** – That the application for a premises licence be granted with no conditions.

The Panel welcomed the offer of continued open dialogue between the parties and hoped that this would be taken up.

The Panel solicitor informed Mr Blackwell of his appeal rights to the Magistrates Court under the Licensing Act and that any appeal must be made within 21 days of written notification of the decision given at the hearing.

289. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – YE OLDE KING AND QUEEN

289.1 The Panel was advised that the report had withdrawn as a representation (from the Police) had been withdrawn. The application for a variation to a Premises Licence already granted under "grandfather rights" at Ye Olde King and Queen, Marlborough Place, Brighton remained (see Minute Book).

289.2 The application now fell to be determined by officers.

The meeting concluded at 1.50 pm

Signed

Chair

Dated this

day of

2005