

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING PANEL 2003 (Licensing Act 2003 Functions)**

**9.30AM – 13 DECEMBER 2005**

### **COUNCIL CHAMBER BRIGHTON TOWN HALL**

#### **MINUTES**

Present: Councillors Lepper, Pidgeon and Simson

Also in attendance: Tim Nichols, Head of Environment and Licensing, Rebecca Sidell, Panel Solicitor and Caroline De Marco, Committee Administrator.

#### **PART ONE**

#### **309. ELECTION OF CHAIR**

309.1 **RESOLVED** – That Councillor Lepper be elected Chair for this meeting.

#### **310 PROCEDURAL BUSINESS**

##### **310A Declarations of Substitutes**

310.1 There were no substitute councillors.

##### **310B Declarations of Interest**

310.2 There were none.

##### **310C Exclusion of Press and Public**

310.3 The Committee 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.

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

**311. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – WIMPY, 60 WEST STREET, BRIGHTON**

311.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence under the Licensing Act 2003 for Wimpy, 60 West Street, Brighton (see minute book).

311.2 The applicants were not in attendance at the meeting. David Bateup, Licensing Officer, Sussex Police attended the Panel to set out police objections to the application.

311.3 The Licensing Manager summarised the application as set out in report. One representation had been received from Sussex Police. No representations had been received from Environmental Health or residents. No noise complaints had been received. The premises was permitted to open from 10.00 a.m to 11.00 p.m. at the moment. Planning permission had been refused for a variation to the hours of opening.

311.4 Mr Bateup informed the Panel that West Street had a concentration of large capacity pubs and clubs, and the highest numbers of alcohol related violent crime incidents in the whole of Sussex. A number of high capacity premises were closing at 3.00 a.m, with a large exodus of people leaving clubs between 2.30 a.m and 3.00 a.m. Police were being called to alcohol related incidents. The police were therefore asking for SIA registered door supervisors on Friday and Saturday nights.

311.5 The Police further asked for the installation of CCTV cameras, as there might be drunk and violent people using the premises on a Friday and Saturday night. Meanwhile, the police had no evidence of crime and disorder at this particular premises and had had no feedback from the applicants.

312.6 **RESOLVED** - That the application for a premises licence be granted.

The following conditions to be attached to the licence.

(1) SIA registered door supervisors to operate on the premises from 23.00 hours until close every Friday and Saturday night, to the satisfaction of Sussex Police and with ancillary conditions as set out in the letter from Sussex Police dated 25 November 2005. There will be a minimum of two SIA door supervisors on the door at all times.

(2) The premises licence will not come into effect until digital CCTV, monitors and appropriate recording equipment are installed, operated and maintained following consultation with Sussex Police

to a standard specification. The management will also ensure that CCTV footage is preserved and retained for use by the Police for evidential purposes when requested. The system will allow selected CCTV footage to be copied onto a spare disk at the premises for use by the Police.

(3) The premises will join the Brighton "Night Safe" scheme and the "Yellow Card" scheme.

**Reasons for attaching conditions:** The Panel considered that the conditions were necessary for the promotion of the licensing objectives in relation to public nuisance and crime and disorder.

The Panel solicitor reported that the parties had 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.

**312. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – ACE PIZZA, 36 PRESTON ROAD, BRIGHTON**

312.1 This application had been withdrawn from the agenda.

**313. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – AA CHARCOAL GRILL, 41 LEWES ROAD, BRIGHTON**

313.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a premises Licence under the Licensing Act 2003 for AA Charcoal Grill, 41 Lewes Road, Brighton (for copy see minute book).

311.2 The applicant, Mr Akca was in attendance at the meeting. The residential objectors were not in attendance.

311.3 The Licensing Manager summarised the application as set out in report. Two objections had been received from local residents. No representations had been received from the Police or Environmental Health. No noise complaints had been received by Environmental Health.

311.4 The Licensing Manager corrected an error in the report. The hours proposed were as follows. Late Night Refreshment: Sunday to Thursday 23.00 to 01.00 hours. Friday and Saturday 23.00 to 02.00 p.m. Hours premises are open to the public: Sunday to Thursday 10.00 to 01.00 hours. Friday and Saturday 10.00 to 02.00 hours.

311.5 The applicant, Mr Akca explained that similar businesses in the area were opening later. He therefore felt he should open his business later, particularly on a Friday and Saturday. Mr Akca referred to the letters from residential objectors. He did not agree

with the comments about staff smoking outside the shop.

311.6 The clean up time after closing was about half an hour to 45 minutes. Mr Akca had been unaware of the complaints until a few days ago and was shocked when he saw the letters. He had since spoken to staff about the allegations in the letter relating to staff cleaning the kitchen with the door open and music playing until the early hours. He had asked neighbours to let him know if there were any problems. Meanwhile, rubbish was collected every Monday and Thursday morning. The pavement outside was cleaned but sometimes became icy in winter after cleaning which caused complaints from neighbours.

313.7 **RESOLVED** – That the premises licence be granted.

**Reasons for granting licence:** The Panel considered that the applicant should have the opportunity to address the issues, now that he was aware of the complaints. Abatement powers were available to deal with further complaints.

The Panel solicitor reported that the objectors had 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.

#### **314. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – WHITE HORSE HOTEL, HIGH STREET, ROTTINGDEAN**

314.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a premises licence under the Licensing Act 2003 for the White Horse Hotel, High Street, Rottingdean (see minute book).

314.2 The applicant, Mr Ellis was in attendance at the meeting. David Bateup, Licensing Officer, Sussex Police attended the Panel to set out police representations.

314.3 The Licensing Manager summarised the application as set out in report. One representation had been received from Sussex Police suggesting conditions. No representations had been received from Environmental Health or residents. Conditions concerning children were not necessary as restrictions were regulated by the 2003 Act. No recent noise complaints had been received.

314.4 Mr Bateup informed the Panel that the Police had no evidence of crime or disturbance at the White Horse. However the premises were large and popular in summer, and was on a main route into Brighton. The premises might attract people who were not regulars and could be troublesome. If an incident were to

occur it was some way from the Police Station in John Street. Rottingdean had changed over the last 15 years and earlier this year a youth dispersal scheme was put in place. This was not connected in any way with the White Horse Hotel. The Police were requesting a number of conditions be applied to the licence. These included the installation of a digital CCTV system, an ID card policy, and plastic bottles to be used if commercially available.

314.5 The applicant, Mr Ellis informed the Panel that he was applying for regulated entertainment for the function room for weddings and celebrations to match the sale of alcohol. These were private functions. It was not intended to have regulated entertainment in the bar area. The premises was already had an ID "no pass, no sale" system in place. Meanwhile, all glass was shatter proof. Mr Ellis was awaiting the production of plastic bottles by manufacturers. Most bottled drinks were dispensed into glass. The outside area was visible and regularly staffed. The hotel was a family run business and not a late night music venue. Mr Ellis was already seeking a quote for CCTV but did not want to see this as a condition on the licence.

314.6 Mr Ellis confirmed that he already had a premises licence granted for the sale of alcohol. This was confirmed by the Licensing Manager. The agreed times for selling alcohol were Sunday to Thursday 11.00 to 23.00 hours. Friday and Saturday 11.00 to 00.00 hours. Mr Ellis was applying for a variation for regulated entertainment on Friday and Saturday to 00.00 hours to match the sale of alcohol.

314.7 **RESOLVED** – That the variation to the existing premises licence be granted.

**Reasons for granting licence:** The Panel considered that the applicant was taking sufficient measures to meet the licensing objectives. It was not felt necessary to attach conditions.

The Panel solicitor reported that the police had 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 11.32 p.m.

Signed

Chair

Dated this

day of

2005