

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL 2003 (Licensing Act 2003 Functions)

2.00PM – 6 MARCH 2006

HOVE TOWN HALL

MINUTES

Present: Councillors Lepper (Chair), Pennington and Simson.

Also in attendance: Tim Nichols, Head of Environmental Health and Licensing, Liz Woodley, Panel Solicitor and Caroline De Marco, Committee Administrator.

PART ONE

360. ELECTION OF CHAIR

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

361. PROCEDURAL BUSINESS

361A. Declarations of Substitutes

361.1 There were no substitute councillors.

361B. Declarations of Interest

361.2 There were none.

361C. Exclusion of Press and Public

361.3 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.

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

362. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – CITY STORES, 4 ST JAMES'S STREET, BRIGHTON

362.1 The Panel considered a report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for City Stores, 4 St James's Street, Brighton (for copy see minute book).

362.2 The applicant, Mr Green and Mr Beer, the manager of the store attended the Panel with their representative Mr Simmonds. Mr Liddell attended to make representations on behalf of Sussex Police. Mr Scoble attended to make representations on behalf of members of the Kingscliffe Society who lived near to the store.

362.3 The Licensing Manager summarised the application as set out in the report. Representations had been made by Sussex Police, the Kingscliffe Society and a local resident, on the grounds of prevention of crime and disorder, prevention of public nuisance, cumulative impact and the fact that St James's Street was a crime hot spot. The Council had no specific policy relating to cumulative impact. No noise complaints had been received by Environmental Health. CCTV was already provided in the store. A Designated Public Places Order was in place which made it an offence to drink in any public place throughout the City, after being required by a Police Officer not to do so.

362.4 Mr Liddell set out the police objections to the application. Mr Liddell stressed that St James's Street had a high concentration of premises selling alcohol. A list of premises selling alcohol, ranging from within a two minute walk from City Stores to a 10 minute walk were set out in the police representations. Mr Liddell quoted the Department of Culture, Media and Sport guidance issued under Section 182 of the Licensing Act 2003, which said that a concentration of licensed premises could impact on public disorder. City Stores was close to a Somerfield supermarket and a Threshers off licence.

362.5 Mr Liddell stressed that Brighton & Hove City Council did not have a policy regarding cumulative impact, and this made it an impossible task for residents to object to such applications. He considered that the grant of a licence to City Stores would lead to a concentration of premises selling alcohol in the lower half of St James's Street. Public disorder in the area was at its worst when residents were trying to sleep.

362.6 Mr Liddell confirmed that the police did not make representations about cumulative impact when Brighton & Hove City Council was formulating its licensing policy. He considered this to be a mistake.

362.7 Mr Scoble informed the Panel that most of the Kingscliffe Society members were long term residents in the area. Mr Scoble expressed the concerns of the local residents, and in particular residents of St James's Place, a narrow cul-de-sac, next to City Stores. Although the entrance was now gated, residents experienced problems with anti social behaviour. Residents

were very concerned at the number of licensed premises in the area.

362.8 Mr Scoble agreed with the police comments regarding cumulative impact. Mr Scoble objected to the application for a premises licence. However, if granted, he requested that it be reduced by two hours in the evening.

362.9 Mr Simmonds set out the case for the applicants. City Stores was a family premises. The applicant was related to the designated premises supervisor. The shop was operating as a convenience store under the Mace banner. Photographs of the shop were circulated to the Panel. The shop had been refurbished at a cost of £100,000 and was well stocked. CCTV had been installed in the premises to a high standard, after consultation with a licensing officer. Mr Green and Mr Beer were both experienced licensees and would ensure staff were properly trained.

262.10 Mr Simmonds considered that the list of licensed premises provided by the police gave a distorted view of the situation in St James's Street. Many of the premises listed were not off licences, but restaurants and bars. City Stores had no wish to sell alcohol for consumption on the premises. Mr Simmonds considered that there was no evidence to suggest that granting a licence to City Stores would add to the cumulative impact of problems in the area.

262.11 Mr Simmonds stressed that City Stores was already operating a successful refusal of service. He felt that there was no need to attach any conditions to the licence. The store did not intend to stock a range of beer with a high alcohol content. The hours of operation were reasonable with a 10.00 p.m closure.

262.12 Mr Green confirmed that he had received advice from consultants on the size of the area where alcohol was to be sold.

362.13 **RESOLVED** - That the application for a premises licence be granted with the following condition:-

That the existing CCTV system and recording equipment be maintained throughout the premises, in good working order. CCTV footage will be stored for a minimum of 28 days.

Reasons for attaching conditions: It was considered that the above condition and other steps identified in the operating schedule were sufficient measures to meet the licensing objectives.

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.

363. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – 'GOODIES', 1A RICHMOND PARADE, BRIGHTON

363.1 The Panel considered a report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for 'Goodies', 1A Richmond Parade, Brighton (for copy see minute book).

363.2 The applicant was not in attendance at the meeting but had presented a written submission. Mr Plowden and Mr Edwards who were local residents, attended the Panel to speak on behalf of Mr Asaduzzaman who had objected to the application. Mr Plowden and Mr Edwards had signed a petition submitted by Mr Asaduzzaman.

363.3 The Licensing Manager summarised the application as set out in the report. Representations had been received from local residents and a premises owner. Noise complaints did not result in any action being taken. There were no representations from the Police or Environmental Services. Low level noise complaints did not always result in any action being taken by Environmental Health, but could constitute a nuisance.

363.4 Mr Plowden informed the Panel that people congregated outside Goodies all day long. Some of these people had drug problems and some were drunk. He considered that there was no justification to grant a licence until 3.00 a.m. Such a late licence would attract people coming out of clubs late at night, and would lead to people vomiting and urinating outside the premises. Mr Plowden reported that he had slipped on litter in the street which had the Goodies label.

363.5 Mr Edwards reported that there had been two incidents since the application had been submitted. The first incident took place on 25 February 2006 late in the evening, when a gang of young people congregated outside Goodies. As a result, three car windscreens were broken and damage was caused to the flat doors in Highleigh. The police were called to the incident and someone was arrested. The second incident took place on Saturday 4 March 2006. A gang of young boys and girls congregated outside Goodies. The oldest child was about 15 years old. Mr Edward's daughter who was working as a waitress, saw some of the young people smoking drugs. Two of the girls were eating chips from cartons supplied by Goodies.

363.6 Mr Edwards stressed that Mr Asaduzzaman had to sweep up rubbish from Goodies before he could open his restaurant. People using Goodies threw their rubbish on the walkway. Mr Edwards informed the Panel that he had lived in the area for eight years but was yet to have a good night's sleep, due to people shouting and screaming. Goodies was still open at 3.00 a.m. People used Goodies after the Gloucester closed at 2.30 a.m.

363.7 Mr Edwards confirmed that there were residential flats above the premises in Richmond Parade. Mr Edwards worked at Goa, Spice of Life and reported that he had had to call the police to sort out disturbances at Goodies.

363.8 The Licensing Manager reported that he had received a written

statement in support of the application from Media Associates, authorised agents for Mr Ahmedi. The statement is as follows:

Statement in support of application.

“Our client Masood Ahmedi has submitted a premises licence application in accordance with the Licensing Act 2003. We consider the application to be a standard application in common with many such applications in towns and cities throughout the UK.

The establishment is clean and well run and meets the requirements of the four Licensing Objectives. There have been no representations received from the Responsible Bodies, which would appear to confirm that this is also so. We have conversed with the Police Licensing Authority who informed us that had they had any concerns regarding the application, representation would have been made. We would respectfully request that the application be granted.”

Statement in response to representation from EX-Goa, Spice of Life

“The representation comprises nine separate paragraphs none of which have any bearing on whether or not a premises licence should be granted. The representation relates to anti-social behaviour, drunkenness, drug abuse, racial abuse etc. Nothing contained therein relates to my clients business operation, nor can he be held responsible.

We would point out that although the representation makes for horrendous reading, none of the responsible bodies deemed it necessary to make any representation. In addition a petition is attached. There are fifteen signatures, seven of which are invalid according to the local authority. Of the remaining nine one is the proprietor of GOA, Spice of Life and another has made separate representation.”

Representation EX-Adel Imanpour, 3, Richmond Parade

“Mr Imanpour appears to be the only resident to make representation and I must again point out that no representations have been made by any responsible bodies, particularly Environmental Health. Further, I am informed by my client that he has been approached by Mr Imanpour with a view to buying 2, Richmond Parade. My client had no wish to purchase the property and informed Mr Imanpour accordingly.

It appears that my client bought the hot-food takeaway business from Adel Imanpour in September 2000 and had been operating without complaint since that date.

There is operating a conflict of interests here and I am of the opinion that there lies the reason for the representation.”

363.9 The Head of Environmental Health and Licensing reported that the

applicant had submitted a petition but this had not been circulated as it had been received after the consultation period.

363.10 **RESOLVED** - That the application for a premises licence be granted from 23.00 hours until 00.00 hours, seven days a week.

Reasons for granting licence with altered hours: The Panel had heard evidence of crime and disorder and public nuisance directly related to the premises. It was considered that the hours permitted would satisfy the licensing objectives relating to the prevention of public nuisance, and the prevention of crime and disorder.

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 notification of the decision given at the hearing.

The meeting concluded at 4.31 p.m.

Signed

Chair

Dated this

day of

2006