

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL 2003 (Licensing Act 2003 Functions)

9.30AM – 21 APRIL 2006

**ANTE ROOM
BRIGHTON TOWN HALL**

MINUTES

Present: Councillor Lepper (Chair), Pennington and Simson

Also in attendance: Colin Giddings, Divisional Environmental Health Officer, Rebecca Sidell, Panel Solicitor and Caroline De Marco, Committee Administrator.

PART ONE

372. ELECTION OF CHAIR

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

373. PROCEDURAL BUSINESS

373A Declarations of Substitutes

373.1 There were no declarations of substitutes.

373B Declarations of Interest

373.2 There were none.

373C Exclusion of Press and Public

373.3 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.

373.4 **RESOLVED** - That the press and public not be excluded from

the meeting during consideration of any items.

374. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE SPREAD EAGLE, 20 ALBION HILL, BRIGHTON

- 374.1 The Panel considered a report of the Assistant Director, Public Safety, regarding an Application for a Variation to a Premises Licence under the Licensing Act 2003 for The Spread Eagle, 20 Albion Hill, Brighton (for copy see minute book).
- 374.2 The applicants, Mr & Mrs Murray attended the Panel. Mr & Mrs Smith attended as residential objectors.
- 374.3 The Licensing Manager summarised the application as set out in the report. Two representations had been received from residents on the grounds of anticipated noise nuisance. No representations had been received from the responsible authorities.
- 374.4 The Panel asked the applicants to clarify the opening hours requested. The application stated that the hours of opening were identical to the hours for the supply of alcohol. Normally, applicants would apply for a further period of 20 – 30 minutes after permitted activities, to enable customers to finish their drinks and leave the premises.
- 374.5 Mr Murray replied that he appreciated that the premises would have to be closed at 00.00 hours on Monday to Saturday and 22.30 hours on Sundays. Customers would be made aware that they would need to finish their drinks and leave the premises before the hour of closure.
- 374.6 Mrs Smith informed the Panel that she and her husband lived next door to the pub. During the summer months they were unable to go to bed until the pub was closed, due to the noise of people drinking on the pavement outside, and banging and slamming doors. Drinkers also used the car park opposite the pub. Mrs Smith did not think it would be fair on her and her husband to allow a 00.00 hour closure on Friday and Saturday if people continued to drink outside. Mrs Smith also complained of doors and windows in the pub being left open all the time and explained that music from the pub was louder in their bedroom. This also prevented her and Mr Smith being able to go to bed.

- 374.7 Mr Smith explained that there was a notice in the pub, which requested customers to leave quietly. This had worked for a while. Mr Smith had rung the pub to complain about the music and it was subsequently turned down. The pub owners had been very co-operative. Meanwhile, Mr Smith explained that he had seen customers leaving the pub and using the lamppost outside as a urinal.
- 374.8 Mr Murray informed the Panel that he and his wife were requesting an additional hour on Friday and Saturday as games such as darts and pool sometimes overran. Mr Murray stressed that the area was a thoroughfare for people going to pubs and clubs. He had been woken by the noise of people outside, after the Spread Eagle had closed. Mr Smith agreed that the car park was used as a gathering point. At the moment, the pub door was locked at 23.00 hours. 75% of customers went home by taxi. Customers had to leave by the Albion Street door. Disco noise was kept to a minimum.
- 374.9 Mrs Murray explained that she and her husband had been licensees since the early 1990's. The Spread Eagle was a small, family run pub. Mrs Murray had not been aware of the problem of noise from people drinking outside. This issue would be addressed.
- 374.10 The Chair asked for confirmation that the pub and Mr & Mrs Smith's property were placed directly on the pavement with no front garden or land immediately outside. If this were the case then there should be no drinking outside.
- 374.11 Mr Murray confirmed this to be correct, but stressed that it was difficult to keep checking the situation outside, when customers needed to be served. Door supervisors would not be appropriate for a family pub. Mrs Murray replied that she would find a way to deal with this problem. More staff could be employed and notices would be placed in the premises.
- 374.12 Mr Murray did not believe that the drunk and rowdy people mentioned in Ms Cleveland's letter came from the Spread Eagle. The Belgrave Street door at the Spread Eagle was closed, and Mr and Mrs Murray had been woken by rowdy behaviour. Mr Murray considered that the noise came from other pubs, and people walking through the area. Intoxicated people were not served at the Spread Eagle.
- 374.13 Mr & Mrs Murray confirmed that they were prepared to place notices in the pub asking people not to drink outside. They were also prepared to place a notice on the toilet doors

requesting people to use the facilities before they left the pub.

374.14 **RESOLVED** – That the application for a variation to a premises licence be granted with the following conditions:-

(1) Customers shall be prevented from taking alcoholic or other drinks from the premises in open containers. Clear and legible notices are to be placed within the premises telling customers not to take any drink for consumption outside the premises.

(2) The Licensee must take all reasonable steps to ensure that people visiting the premises and using adjacent car parks and highways do not conduct themselves in a manner that causes annoyance to residents and people passing by.

(3) 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.

(4) 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.

The Panel further suggests that a notice be placed in the premises reminding customers to use the lavatories before they leave the premises.

Reasons for attaching conditions: It was considered that the above conditions 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.

375. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – NEW VIC, 31A, RICHMOND ROAD, BRIGHTON

375.1 The Panel considered a report of the Assistant Director, Public Safety, regarding the review of a premises licence under the Licensing Act 2003 for the New Vic, 31A, Richmond Road, Brighton (for copy see minute book).

375.2 The applicants Mr Grant and Mr Shaw attended the Panel with their Counsel, Mr Evans. Mr Whitelegg attended the Panel to make representations on behalf of Environmental Health. Ms

Potter attended the Panel as the residential objector.

- 375.3 The Licensing Manager summarised the application as set out in the report. The Environmental Health Pollution Team had called for the review of the licence. The grounds of the review were detailed in Appendix B in the report. The licence holder had co-operated with Mr Whitelegg and had met many of his concerns. A representation had been received from an interested party during the consultation period. This was also attached to the report. There were no other representations from the responsible authorities and no other relevant complaints since the introduction of the Licensing Act 2003.
- 375.4 Mr Whitelegg informed the Panel that following a noise complaint, an investigation had identified a noise nuisance and a noise abatement notice was served. It was found that there was an inherent problem with the sound insulation of the party wall. Considerable disturbance was caused to the bedroom and landing of 33 Richmond Road in the evening. Mr Whitelegg recommended that the hours and activities of the pub were limited until noise works were completed.
- 375.5 Mr Whitelegg confirmed that the applicants were already complying with the suggested conditions. The possible cause of the problem was being investigated and a schedule of works was being drawn up. The works would be completed within three months.
- 375.6 Ms Potter informed the Panel that she was happy that the pub had co-operated so far. Her letter dated 15 March set out her concerns.
- 375.7 Mr Evans informed the Panel that Punch Taverns accepted that there was a problem. Since Mr Whitelegg had made a complaint, the pub had operated limited hours and activities without any complaint.
- 375.8 Mr Evans explained that the pub had been refurbished last summer at a cost of £80,000. Works were completed in late June/early July. There had been no history of noise complaints previously.
- 375.9 Mr Evans summarised the advice received from a sound insulation expert. Originally, the down stairs bar area was partitioned into three bars. The dividing wall was taken out and three steel girders now carried the weight of the building. Two of the girders were attached to the party wall. It appeared that these beams were transmitting noise. The work would involve exposing the end of two of the steel beams and

properly insulating the void. The second stage of the work would involve the sound insulation of the whole of the back wall of the pub. It was not certain if this second stage was necessary but the applicants were prepared to do the work. The cost of the work was likely to be £25,000.

375.10 Mr Evans asked the Panel to consider allowing Mr Whitelegg to sign off the works when they had been completed, to enable the condition to be lifted.

375.11 **RESOLVED** – That the conditions of the premises licence be modified as follows:-

(1) All licensable activities including regulated entertainment shall be carried out between 10.00 to 23.00 hours, Monday to Saturday, and between 10.00 to 22.30 hours on Sunday.

(2) No external PA systems to be used on the premises.

(3) The existing in-house music system shall be used to play background music no greater than volume level 1 on the amplifier.

The above modifications to have effect until necessary structural sound insulation works have been carried out to the satisfaction of the Environmental Health Officer (or until the expiry of three months from the effective date of this determination).

Reasons for modifications. The Panel is satisfied that this course of action is necessary to address the concerns raised.

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 of the Licensing Panel.

The meeting concluded at 11.21 p.m.

Signed

Chair

Dated this

day of

2006