

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL 2003 (Licensing Act 2003 Functions)

2.00pm – 16 MAY 2006

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Lepper (Chair), Bennett and Simson

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

PART ONE

376. ELECTION OF CHAIR

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

377. PROCEDURAL BUSINESS

377A Declarations of Substitutes

377.1 There were no declarations of substitutes.

377B Declarations of Interest

377.2 There were none.

377C Exclusion of Press and Public

377.3 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.

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

the meeting during consideration of any items.

378. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – ROCCO MANA LIMITED, UNIT 5, FIRST AND SECOND FLOOR, 75-79 EAST STREET, BRIGHTON

- 378.1 The Panel considered the report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for Rocco Mana Limited, Unit 5, First and Second Floor, 75-79 East Street, Brighton (for copy see minute book).
- 378.2 The applicants attended the Panel with their solicitor Mr Phipps. Chief Inspector Hobbs, Sgt Castleton and Mr Bateup from Sussex Police attended the Panel to object to the application. Mr Nichols attended the Panel as a residential objector and was accompanied by his ward councillor, Councillor Pennington.
- 378.3 Mr Phipps circulated the applicant's operating manual and other documentation to the Panel. It was confirmed that the police had already received a copy of these documents. The chair stressed that it would not be possible for the panel to read the documents at such late notice.
- 378.4 The Licensing Manager summarised the application as set out in the report. Representations had been received from local residents, a local business and Brighton & Hove Police Division. The application could be deferred until planning issues were resolved, but it was stressed that planning and licensing issues were to be considered as separate regimes. It was confirmed that the wording of the public notice displayed on the building complied with the licensing regulations.
- 378.5 Mr Phipps assured the Panel that the applicants would not start trading if there was any breach of planning conditions. He asked if the police conditions set out in their letter of objection, were the same as the conditions requested for Top Totty and the Pussy Cat Club. The Licensing Manager confirmed that the police had suggested more conditions for this application. Each application was considered on its own merits. A copy of the floor plan was circulated to the Panel and the objectors.
- 378.6 Sgt Castleton set out the police objections to the application, which were on the grounds of public safety and prevention

of crime and disorder. Although the applicants had given police an undertaking that they would not cater for stag parties, it was noted that on a web site for The Avery, a strip club already operated by the applicants in Leicester, that they apparently offered stag packages and group discounts. The city already had a problem with alcohol related crime and disorder. A proportion of this crime was perpetrated by and against visitors who saw the city as an ideal location for stag and hen parties.

- 378.7 Sgt Castleton stressed that the proposed premises would be located in the centre of the city, close to family entertainment venues that attracted children and young people. Nude dancing and the custom this attracted would change the tone of the City and define the way the City was perceived as a destination. This could lead to an increase in prostitution.
- 378.8 The Police were concerned about the status of women in lap dancing premises especially those clubs, which promoted fully nude dancing. In some cases covert video had been taken and shown on the internet. Anecdotal evidence suggested that trafficked women, particularly from Eastern Europe were made to work in such sex encounter establishments before being forced into prostitution. Full nude dancing could make women more susceptible to requests for sex and to sexual assaults.
- 378.9 The Police were concerned about the use of private booth seating arrangements. Boundaries might be overstepped in a dark and relatively private area where alcohol was freely consumed.
- 378.10 The greatest concern for the police was the possibility that clients might go on to commit sexual offences if they left the club in a heightened state of sexual arousal. Due to the location of the club in the centre of the city and the night time economy, problems could occur when females, some of whom would be scantily dressed, were on their way to and from pubs and clubs, and would inevitably encounter groups of males leaving the strip club.
- 378.11 Mr Nichols set out his objections to application. He expressed concern that placing an establishment of this type in East Street would be inappropriate in a conservation area. Violent crime had gone up by 80% since the Licensing Act 2003 had come into effect. Clubs that had recently opened in East Street had changed the nature of the street and led

to vandalism. This application would exacerbate the problems.

- 378.12 Dispersing people in East Street was a problem and venues would not accept responsibility for people out on the street. Mr Nichols was horrified to see the exit point for the proposed venue was on the corner of Brills Lane and East Street. This would lead to additional noise. The bedroom of his 12 year old daughter was on this corner. Mr Nichols expressed concern about the capacity of the venue in terms of refuse. The refuse area was already overflowing to capacity.
- 378.13 Mr Phipps informed the Panel that the other interested party, Mr Jennings had written to say that he would withdraw his objection if a condition were attached to the licence stating that all entertainment noise would be inaudible from the residential property. This was acceptable to the applicants.
- 378.14 Mr Phipps drew the Panel's attention to sections of the operating manual for Rocco Mana. Page 3 related to music volume. It was stressed that the venue was not a night club operation. Use of the bar area was limited. There was seating throughout with waiter/waitress service.
- 378.15 Mr Phipps stressed that the departure of customers at these types of premises was excellent. People left venues in the best of order.
- 378.16 Details were provided for the existing premises located at Leicester. The report back was positive. There was an excellent relationship with the police. There was no evidence that the existing operation caused crime and disorder.
- 378.17 Mr Phipps informed the Panel that the applicants were content with all the police conditions relating to door supervisors. He stressed that entertainment of this type needed to be managed by a dedicated operator rather than the council issuing ad hoc licences.
- 378.18 The operating manual had rules for the conduct of customers. There would be an exit policy, guidance for dancers and risk assessment. There was no visibility from the ground floor. The challenge 21 policy would be in operation at all times. A taxi collection service would be in place.
- 378.19 Mr Phipps reminded the Panel that the Police had had withdrawn their objection to previous applications when the applicants had withdrawn full nudity. Mr Phipps suggested

that although he considered the application for full nudity to be proper, the Panel had it within their power to agree topless dancing rather than refuse the application.

- 378.20 With regard to noise, Mr Phipps stressed that residential properties would not hear any noise or music at all.
- 378.21 Mr Phipps did not agree with the Police views regarding customers departing causing nuisance. He did not believe there was any evidence to suggest that nude dancing would lead to crime and disorder. The location was considered to be an appropriate and proper place for the club. There would be 240 people departing in the course of an evening. It was expected that customers would spend one to two hours at the club and that there would be a gradual dispersal into the city centre.
- 378.22 Mr Phipps objected to the condition suggested by the police which stated that "no admission to members of the public shall be granted except to a fully signed up and documented member of the club who has been a member for at least two days (48 hours) or whose nomination or application for membership was made at least two days before his admission". This would prevent access to people who did not live in Brighton.
- 378.23 With regard to Mr Nichols comments about the entrance, Mr Phipps informed the Panel that the main entrance would be in the middle of East Street. There would be a fire exit at Brills Lane/East Street.
- 378.24 Mr Phipps did not accept that young men who used the club would be drunk.
- 378.25 The applicant informed the Panel that there would be two door supervisors on the entrance and two door supervisors on each floor. There would be clipper counts on both floors. The club would not advertise stag packages but would make arrangements for groups.
- 378.26 **RESOLVED** – That the application for a premises licence under the Licensing Act 2003 be rejected.

Reasons for rejecting licence: In relation to the prevention of crime and disorder and the prevention of public nuisance the Panel have concerns over the size and arrangements of the premises over two floors. The Panel is not convinced that the staffing levels could handle possible disorder in or outside

the premises.

Further, the nature of the entertainment and the location of the premises in East Street, which is close to the public bus station, and family orientated entertainment, could have a negative impact on all four licensing objectives.

The Panel shares the concerns of the Police, that granting the licence could lead to an increase in the sex industry and could lead to an increase in sexual assaults on women.

The Panel has considered the application on its own merits and in relation to 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.

379. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – LANSDOWNE PLACE HOTEL, LANSDOWNE PLACE, HOVE

- 379.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a variation of a premises licence under the Licensing Act 2003 for the Lansdowne Place Hotel, Lansdowne Place, Hove (for copy see minute book).
- 379.2 The applicant, Mr Glover attended the Panel. Mr White attended on behalf of the Brunswick Street West & Dudley Mews Residents Association to object to the application. Ms S Levenson attended the Panel as a residential objector. Mr Cance attended the Panel to make representations on behalf of Environmental Health (Pollution Control).
- 379.3 The Licensing Manager summarised the application as set out in the report. Representations had been made by a local resident, a residential association and Environmental Health (Pollution Control). A representation from Sussex Police had been withdrawn, following confirmation that CCTV had been installed 12 months ago and that SIA registered door supervisors were employed. The applicant had also confirmed that there would be a policy whereby any person attempting to buy alcohol who appeared to be under 21 would be asked to provide photographic ID to prove their age.

379.4 Mr Cance informed the Panel that since his representation dated 19 April he had agreed the following conditions with the applicant.

1. Installation of noise limiting devices to control both live and recorded music in the main ground floor ballroom suite opening into the courtyard and the function room on the corner of Lansdowne Place and Brunswick Street West. The devices must be set to a level agreed by the Licensing Authority.

2. All doors and windows opening into the courtyard to be closed by 22.00hrs, seven days a week or at any other time when musical entertainment is being played in the function rooms directly adjoining the courtyard.

3. All windows in the function room on the corner of Brunswick Street West and Lansdowne Place to be closed after 22.00hrs, seven days a week or at any other time when musical entertainment is being played in that function room.

4. The Courtyard shall not be used between 22.00hrs and 08.00hrs seven days a week.

5. Loading and unloading shall be prohibited via the courtyard between 22.00hrs and 08.00hrs seven days a week

379.5 Mr Cance confirmed that noise complaints were received about evening activities only.

379.6 Mr White informed the Panel that many of the residents from his association were affected by noise from the hotel. People were exposed to noise 50 yards from the perimeter of the hotel. Mr White considered that no noise or disturbance should be heard after 12.00 midnight. He felt that the proposed hours were excessive and recommended conditions to the licence which he set out in his letter of 7 April 2006.

379.7 Mr White complained that noise had been heard from the hotel at 2.35 a.m the previous weekend, resulting in two complaints. He requested that the hotel should work with the residents on a formal basis to keep people informed about entertainment at the hotel and construction works.

379.8 Ms Levenson stressed that most of the business premises in the area had been converted to residential properties in recent years. New residential properties had been built in the

last six years. A number of families with children under seven years of age lived in Dudley Mews. Ms Levenson questioned how the hotel could adhere to conditions placed on the licence. Guests could not be prevented from opening windows for example, and wheelchairs would need to be taken in and out of the building. Ms Levenson expressed concern about bottles being deposited outside late at night.

379.9 Mr Glover informed the Panel that the hotel tried to be a good neighbour and had met on numerous occasions with the residents association. He was not aware of the noise incident the previous weekend.

379.10 Following the receipt of representations to the licence application he had met with Environmental Health to try and resolve the issues. Mr Glover considered that the conditions agreed with Environmental Health would address the concerns of residents. In addition to the existing sound limiting device, a new sound limiting device was being installed to control live music. Air conditioning was installed in all the function rooms. Staff would control function rooms at all times. Mr Glover was happy to have windows closed at 10.00 p.m, seven days a week. The doors to the courtyard would not be used after 10.00 p.m except as a fire exit.

379.11 Mr Glover was willing to provide a telephone hotline for residents to contact the hotel. The hotel wished to apply for later hours seven days a week to allow flexibility in offering the function room during the week as well as at weekends. Mr Glover stressed that it was becoming increasingly difficult to compete with the larger hotels in the centre of Brighton. Mr Glover was happy to comply with any condition regarding loading and unloading of equipment.

379.12 Mr Glover confirmed that he or a representative would be happy to attend meetings of the Brunswick Street West & Dudley Mews Residents Association. He would appoint people in senior management resident in the hotel to be contacts for the residents. Duty managers' details could be given to the association on a weekly basis.

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

(1) Noise limiting devices shall be installed to control both live and recorded music in the main ground floor ballroom suite opening into the courtyard and the function room on the corner of Lansdowne Place and Brunswick Street West. The

devices must be set to a level agreed by the Licensing Authority.

(2) All doors and windows opening into the courtyard to be closed by 22.00hrs, seven days a week or at any other time when musical entertainment is being played in the function rooms directly adjoining the courtyard.

(3) All windows in the function room on the corner of Brunswick Street West and Lansdowne Place to be closed after 22.00hrs, seven days a week or at any other time when musical entertainment is being played in that function room.

(4) The Courtyard shall not be used between 22.00hrs and 08.00hrs seven days a week, except for disabled access and egress.

(5) Loading and unloading shall be prohibited between 22.00hrs and 08.00hrs seven days a week.

(6) The licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.

(7) The licensee shall ensure that the placing of refuse – such as bottles – into receptacles outside the premises will not take place after 22.00 hours in order to minimise the disturbance to nearby properties.

(8) A telephone hotline should be available for local residents to use at any time.

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.

380. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – IZZY STORE, 2 QUEENS ROAD, BRIGHTON

- 380.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for Izzy Store, 2 Queens Road, Brighton (for copy see minute book).
- 380.2 The applicant, Mr Salama attended the Panel with his representative, Mr Simmonds. The residential objector was not in attendance.
- 380.3 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities. No noise complaints had been received by Environmental Health. One objection had been received from a local resident.
- 380.4 Mr Simmonds informed the Panel that he and Mr Salama had held a quite positive meeting with the residential objector, although this had not led to the objection being withdrawn. Mr Salama had assured the resident that he wished to co-operate with his neighbours and would join the Brighton and Hove Crime Reduction Partnership (Night Safe) Scheme.
- 380.5 Mr Salama had run the business for some time. He was not planning to operate for 24 hours every night of the week. The premises was more likely to open until 3.00 a.m. Mr Salama wanted the flexibility not to have to refuse the sale of alcohol when the premises was open. A full range of alcohol would be sold. A minimum of 2 members of staff would be on duty in the evening.
- 380.6 The Panel was informed that CCTV was already installed in the premises and there was a policy whereby any person attempting to buy alcohol who appeared to be under 21 was asked for photographic ID to prove their age. Mr Salama kept a refusals register. Most of the alcohol would be stored behind the counter. A roller shutter could be pulled down and locked if there was any likelihood of trouble.
- 380.7 **RESOLVED** – That the application for a premises licence be granted with the following condition:-

That the applicant joins the Brighton and Hove Crime Reduction Partnership (Night Safe) Scheme.

Reasons for attaching condition: 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.

The meeting concluded at 6.33 p.m.

Signed

Chair

Dated this

day of

2006