

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL 2003 (Licensing Act 2003 Functions)

2.00PM – 19 MAY 2006

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Turner (Chair), Pennington and Pidgeon.

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

PART ONE

381. ELECTION OF CHAIR

381.1 **RESOLVED** – That Councillor Turner be elected Chair for this meeting.

382. PROCEDURAL BUSINESS

382A. Declarations of Substitutes

382.1 There were no declarations of substitutes.

382B. Declarations of Interest

382.2 There were none.

382C. Exclusion of Press and Public

382.3 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.

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

383. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – BUDGENS, 76-81 QUEEN'S ROAD, BRIGHTON

383.1 The Panel was informed that this item had been withdrawn from the agenda.

384. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – WAVES CAFÉ, 6-7-8 MADEIRA DRIVE, BRIGHTON

384.1 The Panel considered a report of the Assistant Director, Public Safety, regarding the application for a variation to a premises licence under the Licensing Act 2003 for Waves Café, 6-7-8 Madeira Drive, Brighton (for copy see minute book).

384.2 The applicants Ms Kettle and Mr Harman attended the meeting with their representative Mr Simmonds. The objector was not in attendance.

384.3 The Licensing Manager summarised the application as set out in the report. There were no representations from the responsible authorities. An objection had been received from a representative of a business premises. The representative had written to say that he did not wish to attend the Panel hearing. The representative stressed that if the application was granted there would be a greater risk of public nuisance from premises that did not have public toilets.

384.4 The Licensing Manager informed the Panel that Section 20 of the Local Government Miscellaneous Provisions Act required toilets to be made available in relevant places. This was a power rather than a duty and needed to be applied sensitively. There were a number of seafront premises, which did not have their own toilets, as there were public toilets nearby. A number of the restaurants and cafés in Churchill Square also did not have their own toilets, as there were public toilets in the square.

384.5 The Panel was shown plans of the premises. Mr Simmonds confirmed that the premises were next door to the public toilets.

384.6 Mr Simmonds informed the Panel that Wave Café had been operating as a café bar with a justice's licence until November 2005. The licence was converted with no variation. The current application was for the extension of hours in the morning and for "off sales" to be taken away from the premises.

- 384.7 Mr Simmonds explained that there was a demand for breakfast and that some people liked to have a beer with their breakfast. The café would open early mainly at weekends. The café generally closed early in the evening. The premises was seasonal and often did not open in the winter.
- 384.8 The application for “off sales” was to enable people to take drinks onto the beach. It would not be sold in bottles. It would be sold in cans or shatterproof glasses. It would be made clear verbally that it was an offence to take away alcohol for consumption on the street. The operating schedule set out conditions, which would be applied if the application were successful. The police had requested two further conditions which were acceptable to the applicants.
- 384.9 Mr Simmonds confirmed that the time that the public toilets closed varied. They often opened till 9.00 p.m in the summer. The café was usually closed by 8.00 p.m. The café occasionally opened until 11.00 p.m for special events. On these occasions extra toilet facilities were often available.
- 384.10 **RESOLVED** - That the application for a variation to a premises licence be granted with the two conditions recommended by the police added to the conditions set out in the operating schedule.

Reasons for granting licence: The Panel considers that the application meets the licensing objectives.

Written notification of the determination will be sent to all parties with appeal rights attached.

385. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – UNIVERSITY OF BRIGHTON, VILLAGE WAY, BRIGHTON

- 385.1 The Panel was informed that this item had been withdrawn from the agenda.

386. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – MORRIS NEIGHBOURHOOD STORES, 83 MOULSECOOMB WAY, BRIGHTON

- 386.1 The Panel was informed that this item had been withdrawn from the agenda.

The meeting concluded at 2.50 p.m

Signed

Chair

Dated this

day of

2006