

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL 2003 (Licensing Act 2003 Functions)

2.00PM - 1 JUNE 2006

**ROOMS 2 & 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillors Simson (Chair), Cobb and Older.

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

PART ONE

ACTION

1. ELECTION OF CHAIR

- 1.1 **RESOLVED** – That Councillor Simson be elected Chair for this meeting.

2 PROCEDURAL BUSINESS

2A Declarations of Substitutes

- 2.1 There were no declarations of substitutes.

2B Declarations of Interest

- 2.2 There were none.

2C Exclusion of Press and Public

- 2.3 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.

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

3. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - SUSSEX MASONIC TEMPLE, 25 QUEENS ROAD, BRIGHTON

- 3.1 The Panel considered the report of the Assistant Director, Public Safety, regarding an application for a variation to a premises licence under the Licensing Act 2003 for Sussex Masonic Temple, 25 Queens Road, Brighton (for copy see minute book).
- 3.2 The applicants attended the Panel with their representative, Mr Simmonds. Mr Tickner, attended the Panel as a residential objector.
- 3.3 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities. Objections had been received from three local residents. The objection from Mr Varcoe had since been withdrawn. Mrs Cooney was unable to attend the Panel meeting but had sent a further letter of objection dated 31 May 2006 which was circulated to the Panel.
- 3.4 The Licensing Manager reported an error in the report. Paragraph 2.3. E. Live Music should read "None" in the Existing column.
- 3.5 Mr Tickner set out his objections to the application. Mr Tickner was worried with the wording of the application but after discussions with the applicants his concerns had largely been resolved. However, he was still concerned about the nature of the licensing arrangements and the implications of longer hours.
- 3.6 Mr Tickner asked for more reassurance on several points. He had been told by the applicants that the kitchens would not operate beyond 10.00 p.m. When he visited the premises it appeared that most of the activities were carried on at the other end of the building and would not affect him. He had also been told that the applicants only wanted late night events for about 10 occasions a year. He now understood that they wanted to apply for every day. Mr Tickner asked if the conditions would apply permanently if they were agreed. The Chair confirmed that the conditions were attached to the

licence unless the licence was called in for a review.

- 3.7 Mr Tickner asked if there could be a condition on the licence stipulating that the kitchen and servery should not be used after 10.15 p.m. This would ensure that there was no sound nuisance the side of the building backing on to Crown Gardens. Mr Tickner asked for a further condition limiting the number of late night events to 10 occasions a year.
- 3.8 Mr Tickner confirmed that he had suffered from noise nuisance from the kitchens when the windows were open and the radio was being played loudly. The extractor fan also made a loud noise. In the evenings, the sound reverberated in the walls of his house. He could accept the noise in the early evening but was concerned that it would carry on after 10.00 p.m. The noise was not solely from the kitchen. Mr Tickner could also hear singing, and noise reverberating throughout the building.
- 3.9 Mr Simmonds set out the case for the applicants. He explained that the Sussex Masonic Centre had a large, active and mature membership and had been operating successfully for a long time. The large premises backed on to Crown Gardens. The applicants did not want to change the nature of the premises. It would continue to operate as a club with strict club rules.
- 3.10 Mr Simmonds informed the Panel that the applicants wished to have live music with two or three musicians playing light dance music. The applicants also wanted to have background recorded music played slightly louder at dinner dances. Mr Simmonds stressed that the premises had Ladies Nights, which started at a reasonable hour in the evening. There would be a sit down meal. The upstairs kitchen would usually close down by 10.00 p.m. Occasionally, it would stay open until 10.45 to 11.00p.m. The extractor fan had been installed at the request of Health and Safety. It would not be used late at night. The premises would normally be closed by midnight. The applicants were asking for later hours for occasional use.
- 3.11 Although there were eight to ten occasions a year when the Sussex Masonic Centre wished to open later, it was also possible that other lodges might wish to book the premises. On all these occasions the Designated Premises Supervisor would ensure that doors and windows were closed.
- 3.12 The applicant confirmed that the back alley was not used by members of the Sussex Masonic Centre. The front entrance was always used for access and egress. It was further confirmed that there was no longer a radio in the kitchen, following

discussions with Mr Tickner.

3.13 Plans of the premises were shown to the Panel Members.

3.14 **RESOLVED** - That the application for a variation to a premises licence be granted with the following condition.

That the licensee must ensure that excessive noise and vibration does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.

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 3.07 p.m.

Signed Chair

Dated this day of 2006