

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL (Licensing Act 2003 Functions)

9.30AM – 27 JUNE 2006

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillor 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

ACTION

7. ELECTION OF CHAIR

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

8. PROCEDURAL BUSINESS

8A Declarations of Substitutes

- 8.1 There were no declarations of substitutes.

8B Declarations of Interest

- 8.2 There were none.

8C Exclusion of Press and Public

- 8.3 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.

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

9. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – VAVOOM, 31 OLD STEINE, BRIGHTON

- 9.1 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 VaVoom, 31 Old Steine, Brighton (for copy see minute book).
- 9.2 The applicant, Mr Barrett attended the Panel with his representative Mr Harris.
- 9.3 The Licensing Manager summarised the application as set out in the report. Representations had been made by the Kingscliffe Society and Sussex Police. Sussex Police had withdrawn their objection on 13 June, as the applicants had incorporated the police requirements into the operating schedule. There were no representations from Environmental Health or Development Control and there were no recent noise complaints. The representative from the Kingscliffe Society was not in attendance at the meeting.
- 9.4 Members questioned the issue of planning permission and licensing permission raised by the Kingscliffe Society. The Head of Environmental Health and Licensing drew Members attention to paragraph 4.1 of the Brighton & Hove City Council: Statement of Licensing Policy, which stated that the licensing authority may postpone the grant of new licences until any outstanding local authority issues have been resolved. The Licensing authority would require a letter of confirmation from the applicant that such issues are resolved. No such letter had been received. However, it was stressed that the granting of licence application would not relieve the applicant from applying for appropriate planning permission. Licensing and planning were two separate regimes.
- 9.5 The Chair stated that the Panel would proceed on Licensing grounds alone.
- 9.6 Mr Harris set out the case for the applicant. He confirmed that the applicant was aware that planning permission would be required if the variation to the premises licence was successful. Meanwhile, Mr Harris had sent a letter to the Kingscliffe Society on 19 June 2006 answering the points they had made in their representation.
- 9.7 Mr Harris informed the Panel that demand had shown that there were some occasions in the year when all night opening would be useful. At the moment temporary event notices were

being used for such occasions, and no problems had arisen. The applicant had no intention of opening 24 hours, every day of the year. 24 hour opening was more likely to occur 40 to 50 times during the year. Meanwhile, there had been no complaints of noise or nuisance with the current licence.

- 9.8 Mr Harris stated that the designated premises supervisor was a registered door supervisor. The applicant was a member of Pubwatch and subscribed to SASCO. He would be happy to meet with anyone to discuss issues that arose.
- 9.9 Mr Harris confirmed that the maximum number of people on the premises would be approximately 100 on two floors (basement and ground floor). There was a bar area, food and entertainment on both floors. The premises were close to Harry Ramsdens and the Revenge. There were no residents next door and no residents would be affected in Steine Street.
- 9.10 The applicant informed Members that a noise limiter had been installed. He confirmed that there was no adult entertainment at the premises.
- 9.11 **RESOLVED** - That the application for a variation to a premises licence be granted with the following condition.

The licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

The variation shall take effect from 1 July 2006.

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.

10. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – REHAB (FORMALLY KNOWN AS EBONY ROOM), UNIT 1B, WATERFRONT, BRIGHTON MARINA VILLAGE, BRIGHTON

- 10.1 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 Rehab (formally known as Ebony Room), Unit 1b, Waterfront, Brighton Marina Village,

Brighton (for copy see minute book).

- 10.2 The Manager of Rehab attended the Panel meeting on behalf of the applicant. Mr Passmore, Rooms Division Manager of the Seattle Hotel attended the Panel to set out his representation.
- 10.3 The Licensing Manager summarised the application as set out in the report. Representations had been made by the Seattle Hotel and X-Leisure. No objections had been received from the responsible authorities.
- 10.4 Mr Passmore informed the Panel that the Seattle was a 71 bedroom hotel situated to the side of Rehab. The hotel had experienced noise disturbance to guests in the past. People leaving premises at the Marina did not leave the area quietly enough, and there was not sufficient taxi cover.
- 10.5 The applicant's representative informed the Panel that Rehab wanted a later exit time to its sister venue Karma. There should therefore not be a large number of people exiting the venues at the same time. The applicant stated that he had worked closely with Mr Passmore to sort out the problems experienced with Karma. There were no current problems and no problems with Rehab. Meanwhile, the letter from X-Leisure was raising concerns and was not a letter of objection to the later hours.
- 10.6 The applicant confirmed that Rehab would be aimed at the 25 + market.
A noise limiter would set music levels, and a lobby and acoustic curtains had been installed.
- 10.7 The applicant agreed that the club could have a ring back service with local cab companies, to enable customers to wait for taxis inside the building. There was seating within the bar area, which could be used for this purpose. The applicant was happy to advertise this service.
- 10.8 **RESOLVED** - That the application for a variation to a premises licence be granted with the following conditions:-
- (1) The Licensee must ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.
- (2) 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.

(3) 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 variation shall take effect from 1 July 2006.

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.

11. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – CRANBOURNE NEWS, 14 CRANBOURNE STREET, BRIGHTON

- 11.1 The Panel considered the report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for Cranbourne News, 14 Cranbourne Street, Brighton (for copy see minute book).
- 11.2 The applicant attended the meeting with his representative Mr Simmonds. Mr Liddell attended to make representations on behalf of Sussex Police.
- 11.3 The Licensing Manager summarised the application as set out in the report.
- 11.4 Mr Liddell informed the Panel that he had held a meeting with Mr Simmonds to discuss the application. Although the applicant had agreed to most of the Police recommendations, he did not agree to the condition regarding SIA registered door supervisors, nor did he agree to a compromise suggestion that a mobile support unit should be used.
- 11.5 Mr Liddell stressed that the Police would like the premises to employ a mobile security company. The premises was situated between Churchill Square and West Street, which was a crime hot spot. Incidents occurred in the area at weekends in the evening. There was a potential for large groups to gather in Cranbourne Street and outside the shop. The Police were concerned that youths in the 14-18 age group would attempt to buy alcohol up to 23.00 hours.
- 11.6 Mr Liddell confirmed that there had been no history of problems

with this particular premises but stressed that there had been problems of crime and disorder that had been linked to some off licences in the city centre.

- 11.7 Mr Simmonds informed the Panel that the applicant had agreed to most of the police conditions with the exception of the request for door supervisors or a mobile support unit. The applicant did not consider that a mobile support unit was necessary in this case.
- 11.8 Mr Simmonds reported that the applicant had run the premises for 6 years and had previously worked as a taxi driver. It was a small shop with one beer cooler and would often only trade to 22.00 hours. The premises did not serve drunks and maintained good order. Although the premises was near Churchill Square, the applicant and his staff were experienced in dealing with people who might cause trouble.
- 11.9 The Panel was informed that the shop had radio communication. If the applicant heard trouble further up the street, he would be able to shut the door of the premises.
- 11.10 Mr Simmonds offered a further condition that a notice could be placed on the door of the premises advising customers not to drink in the street outside.
- 11.11 Mr Simmonds confirmed that there would be two staff on duty after 8.00pm, one of whom would be the applicant. One member of staff would be behind the counter and another would be near the door of the shop. The shop maintained a register of refusal of age related products.
- 11.12 **RESOLVED** – That the application for a premises licence be granted with the following conditions:-

(1) The Licensee will join the BCRP Radio Scheme and the BCRP Yellow Card Scheme.

(2) Digital CCTV and appropriate recording equipment to be installed operated and maintained throughout the premises internally and externally to a standard specification following consultation with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.

(3) On Friday and Saturday nights from 20:00 hours until close, the DPS will be on site in person to supervise the sale of alcohol,

as far as practical. In the absence of the DPS, a Personal Licence Holder will be on site to supervise the sale of alcohol as far as practical.

(4) No beers to be sold in glass bottles.

(5) The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licences with a photograph or Portman Group proof of age cards bearing the "PASS" mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.

Note: The Panel considered that a mobile unit would be disproportionate for a premises which would operate until 23.00 hours. If an application were received to extend the hours, this matter would be reconsidered.

Reasons for attaching conditions: It was considered that the above conditions 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 11.50 a.m.

Signed

Chair

Dated this

day of

2006