

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING PANEL (Licensing Act 2003 Functions)**

**2.00PM – 18 JULY 2006**

**COMMITTEE ROOM 3  
BRIGHTON TOWN HALL**

### **MINUTES**

Present: Councillors Lepper (Chair), Hyde and Pennington

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

### **PART ONE**

#### **17. ELECTION OF CHAIR**

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

#### **18. PROCEDURAL BUSINESS**

##### **18A Declarations of Substitutes**

- 18.1 There were no declarations of substitutes.

##### **18B Declarations of Interest**

- 18.2 There were none.

##### **18C Exclusion of Press and Public**

- 18.3 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.

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

**19. APPLICATION FOR A VARIATION OF A PREMISES LICENCE ISSUED UNDER THE LICENSING ACT 2003 – 'V2', 5 STEINE STREET, BRIGHTON**

- 19.1 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 V2, 5 Steine Street, Brighton (for copy see minute book).
- 19.2 The applicant, Mr A Barrett, attended the Panel with his representative, Mr J Morgan-Harris from Thomas Eggar. Ms A Sparks, Divisional Environmental Health Officer, attended. Mr Carr, Dr Wright, Mrs Ansteuther, Mrs Thomas (Kingscliffe Society) and a representative on behalf of J Barros-Pinto attended as residential objectors.
- 19.3 The Licensing Manager summarised the application as set out in the report. Representations had been received from local residents on the grounds of prevention of public nuisance. Since 1998 seventeen complaints about noise had been received. Since the premises changed hands, one complaint had been received. Sussex Police had now withdrawn their representation. Ten written representations had been received.
- 19.4 Ms Sparks informed the Panel that since the complaints had been received regarding the level of noise from the premises, the Applicant had co-operated with the Authority in taking steps to reduce the noise. Two sound limiting devices had been set, a further door installed at the top of the entrance staircase to help prevent noise breaking out as customers entered and left, and the ground floor fire door on Steine Street had been insulated to help prevent noise breakout. Ms Sparks noted the steps the Applicant had taken but was concerned about the noise impact of customers entering and leaving the premises 24 hours a day and 7 days a week. This noise would be difficult to control. People entering and leaving the premises, talking, shouting, and getting into taxis, cars etc would generate noise which would be intermittent and which could disturb the local resident's sleep. Residential properties were located very close to the premises. Ms Sparks did not agree to an increase in the hours of operation.
- 19.5 Mrs Thomas, who was speaking on behalf of the Kingscliffe Society, informed the Panel that the premises were located very close to homes and that the noise generated by people leaving and entering the premises would create a disturbance.

The Panel were asked to refuse the variation to the license because of the noise disturbance.

- 19.6 Dr Wright informed the Panel that he lived 7 metres from the premises. Dr Wright passed all parties a set of photographs showing the position of his property in relation to the 'V2'. The Applicant's solicitor agreed to the photographs being shown as they were only being used to show the position of the properties in Steine Street. Mr Wright informed the Panel that this road was residential and the noise of the admission and departure of customers to the club prevented people from sleeping. The noise from people getting taxis and speaking to the door staff etc meant that residents were not able to have their windows open during the night and were disturbed by the noise. Mr Wright noted that Mr Barrett had co-operated with the Environmental Health office, but future owners of the club may not.
- 19.7 Mr Carr informed that Panel that he had no complaint with the 'V2' nightclub his complaint was with the former club 'Storm'. Mr Carr was concerned what would happen if the variation to the license was agreed and the property changed hands again.
- 19.8 Mrs Ansteuther informed the Panel that it was impossible for residents of Steine Street to have a nights sleep with the noise from the club.
- 19.9 The representative of J Barros-Pinto informed the Panel that the noise from the club prevented people from sleeping properly. There was noise from people getting taxis in Steine Street.
- 19.10 The Applicant's solicitor informed the Panel that the variation to the provision of live music had been withdrawn. Although the application was for 24 hours, 7 days a week the applicant had no intention of always being open for these times. There were around ten to twelve weekends when such as bank holidays, Pride etc when the club would want to be open for these times. The Applicant had worked with the Environmental Health Officer to reduce the noise. A video juke box whose noise could be controlled had been installed, CCTV had been installed, sound limiters had been set, the bass speaker had been removed, an additional door had been fitted to limit the noise escaping when people left the club and the ground floor fire door had been insulated. The club employed qualified door staff, to ensure people entered and left the buildings quietly, and people were only let in in small groups. The Applicant were doing all they could to limit the noise. The noise outside the

premises could not be attributed solely to the 'V2'. There were other licensed premises nearby and the street was used as a cut through for taxis. The premises were relatively small with a license for 145 vertical drinkers. The Applicant has other licensed premises in the city and did not want to upset local people.

19.11 Mr J Burns, who was a licensed security door supervisor addressed the Panel and confirmed that door staff were employed to ensure the premises were secure, that the external doors were kept shut, that people were quiet outside the premises etc. Steine Street was used as a cut through for taxis and there were a number of parking bays which were used in the evenings. Other people would walk down the street that were not visiting the club.

19.12 **RESOLVED** – To reject the application for a variation. The Panel had heard evidence from local residents and the Environmental Health Officer of public nuisance coming from the premises. It was acknowledged that the Applicant has taken measures to minimise noise, but the Panel believed that by extending the hours of operation there was a likelihood of further noise nuisance emanating from the premises, owing to the close proximity of residential properties to the premises and the size of the street.

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.

## **20 APPLICATION FOR A PREMISES LICENSE UNDER THE LICENSING ACT 2003**

20.1 The Panel considered the report of the Assistant Director, Public Safety, regarding the application for a premises licence under the Licensing Act 2003 for Kishan News, 8 The Broadway, Brighton, BN2 5NF (for copy see minute book).

20.2 The owners of Kishan News, Mr Ramesh and Mrs Desai, attended the Panel along with a friend and fellow shopkeeper Sally Denton. Mr & Mrs Hall and Mrs Hughes and Mrs Relano attended to speak against the application.

20.3 The Licensing Manager summarised the application as set out in the report. No representations had been received from the responsible authorities.  
A petition from local people had been received objecting to the request for a licence.

- 20.4 Mrs Relano spoke on behalf of all the objectors present at the meeting. Mrs Relano was practice manager at the medical surgery located next door to Krishan News. Mrs Relano informed the Panel that because of anti social behaviour in the area meetings had been held with EB4U and the Police. There were already two places nearby which sold alcohol and there was concern that the further availability of alcohol could lead to an increase in anti social behaviour.
- 20.5 The Applicant informed the Panel that they had been in the premises for 15 years and knew the local community. They understood the concerns of the objectors, but said that the new law prohibiting street drinking and the introduction of Anti Social Behaviour Orders had helped. They had been selling tobacco and solvents for many years and had never had any problems with the police or trading standards for selling to under age people. The Applicant informed the Panel that they would operate an Under 21 Policy for the sale of alcohol. The shop had been designed so that the alcohol would be displayed at the back of the shop, which would help ensure that no one could take the alcohol and run out the shop. The premises were equipped with CCTV. The Applicant informed the Panel that they lived above the premises and that there would always be at least two people working in the shop. They lived in the local community and therefore knew many of the customers. It would not be in their interest to behave irresponsibly and sell alcohol to under age people or those who appeared intoxicated.
- 20.6 **RESOLVED** – That the application be agreed, with the recommendation that the Applicants consider joining the Business Crime Reduction Partnership and make links with other traders selling alcohol in the area.

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 5.50pm

Signed

Chair

Dated this                      day of                      2006