

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL (Licensing Act 2003 Functions)

9.30AM – 17 AUGUST 2006

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillors Lepper (Chair) Older and Turner.

Also in attendance: Annie Sparks, Divisional Environmental Health Officer, Liz Woodley, Panel Solicitor and Caroline De Marco, Committee Administrator.

PART ONE

30. ELECTION OF CHAIR

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

31. PROCEDURAL BUSINESS

31A. Declarations of Substitutes

31.1 There were no declarations of substitutes.

31B. Declarations of Interest

31.2 There were none.

31C. Exclusion of Press and Public

31.3 The Panel 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.

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

32. APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 – THE BRUNSWICK, 1 HOLLAND ROAD, HOVE

- 32.1 The Panel considered a report of the Assistant Director, Public Safety, regarding the application for the variation of a premises licence for The Brunswick, 1 Holland Road, Hove (for copy see minute book).
- 32.2 The applicants attended the Panel. There were no residential objectors in attendance.
- 32.3 The Licensing Manager summarised the application as set out in the report. Representations had been received from four local residents on the grounds of perceived increase in the level and duration of noise from the premises. The police had withdrawn their representation after the applicants had agreed to conditions relating to the employment of SIA registered door supervisors and the premises agreeing to become a member of the Business Crime Reduction partnership. Meanwhile, a further letter had been received from Ms Sinclair and Mr Sharpe dated 13 August, which the applicants agreed could be circulated to the Panel. Ms Sinclair and Mr Sharpe had met with the applicants and discussed and agreed positive measures to deal with resident's concerns.
- 32.4 The Licensing Manager reported that noise control had investigated loud music on 31 March 2006, but no further action was taken and noise diaries had not been completed. Noise patrol had been called out in September 2005 and there had been recurring problems with a creaking pub sign.
- 32.5 Panel Members were shown a map of the layout of the pub and garden.
- 32.6 Mr Thomas, speaking for the applicants, informed the Panel that the premises had changed lease holders in June 2006. The previous leaseholder had been "wet led" with no food trade. The premises now emphasised the sale of food and entertainment was more arts led, with art exhibitions and dance. The applicants had written to all the objectors inviting them to meet the new owners. Ms Sinclair and Mr Sharpe were the only objectors to take up this offer. The applicants were in agreement with the requests set out in the letter from Ms Sinclair and Mr Sharpe dated 13 August 2006.
- 32.7 Mr Thomas explained the rear door to the pub led to the courtyard, which had a cooler unit. The applicants had agreed to replace this with a quieter model. The applicants agreed that the outside areas would be closed and cleared by 23.00 hours. They were also looking at ways of preventing noise breakout from windows onto the courtyard area.
- 32.8 Mr Thomas stressed that the pub garden was no-where near Brunswick Terrace. There would be no live music or performances after 21.00 hours

but people would be allowed to sit in the garden until 23.00 hours.

32.9 The applicant agreed to ensure that bottles were not placed in the recycling bin until midday the following day.

32.10 **RESOLVED** – That the application for a variation allowing the removal of embedded restrictions be granted with the conditions set out in the operating schedule and the following further conditions:-

(1) The outdoor areas should be cleared by 23.00 hours.

(2) A scheme of soundproofing is to be submitted to the Local Authority within 6 weeks to address the issues of noise from the existing cooler unit and noise break out from the windows in the court yard area.

(4) Bottles will not be placed in the recycling bin until midday the following day.

It was noted that a) conditions requested by the police relating to the employment of SIA registered door supervisors, and the premises becoming a member of the Business Crime Reduction Partnership, were agreed by the applicants. b) It was noted that the applicants had agreed to install triple glazing and fit an acoustic curtain in the venue room. The Panel expected to see this work carried out as soon as possible.

The variation with the above conditions attached shall take effect from 25 August 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.

33. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE VAULT, 168 PORTLAND ROAD, HOVE

33.1 The Panel considered a report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for The Vault, 168 Portland Road, Hove (for copy see minute book).

33.2 The applicant, Ms Button attended the Panel with her representative Mr Smart. Ms Button was also accompanied by her father, who was her business partner. Councillor Oxley attended the Panel to represent all the local residents who had written to object to the application.

- 33.3 The Licensing Manager summarised the application as set out in the report. Eight relevant representations had been received from local residents on the grounds of public nuisance by way of perceived increase in noise and disturbance. Planning Consent had been given for change of use from A2 to A4 use on 11 April 2006. Condition 2 of the consent limited the opening to 00.00 hours Monday to Sunday. Condition 7 stated that there should be no loading or unloading of vehicles between the hours of 19.00 to 07.00 hours Monday to Friday, after 13.00 Saturdays and not at any time on Sundays or Bank Holiday Mondays. Condition 8 stated that amplified music or other entertainment noise from within the premises should not be audible at any adjacent residential premises.
- 33.4 Councillor Oxley summarised the concerns of local residents. Although Portland Road was a mixed use area, the roads immediate off Portland Road were essentially residential. Concerns had been raised that a licensed premises should open so close to residential properties and could have a negative impact in terms of noise, litter, light pollution and potential for crime and disorder. There were many young children in the area whose sleeping patterns could be disturbed by noise from the premises.
- 33.5 Mr Button informed the Panel that he had contacted Mr Green, a residential objector who lived in Raphael Road. He had explained the type of operation he intended to run and had put Mr Green's mind at rest on several issues.
- 33.6 Mr Smart informed the Panel that Ms Button and her father had bought the freehold of the building, which had formally been a bank. They had successfully applied for change of use. The premises was small and would accommodate approximately 60-70 persons. It would be run as a bar with a heavy emphasis on food. The applicants would be happy for people to use the bar to buy coffees and teas. Ms Button intended to run the business and would live above the premises. There were no representations from the responsible authorities.
- 33.7 Mr Smart stressed that there was no intention to attract people from a wider area. The applicants wanted to attract local residents from nearby streets. He would expect most patrons to walk to and from the premises. Mr Smart did not consider that the application would adversely affect the surrounding area. There were sufficient safeguards in the planning consent and operating schedule. In addition to the planning conditions mentioned by the licensing manager, Mr Smart mentioned that there were conditions in place concerning the fitting of sound insulation of odour control equipment, and a scheme for sound proofing the building as a whole. All windows of the former bank building were double glazed.
- 33.8 It was confirmed that there was a small outside area with four tables that could seat 16 persons. Ms Button informed the Panel that she proposed

closing the outdoor area at 22.30 hours. A firm called the Recycled Partnership would be employed to pick up bottles at midday. Live music would be in the form of acoustic duos or jazz type music. There would be no DJ's. Recorded music would be louder than background music on occasions such as Friday nights. It was stressed that the planning conditions stated that this should not be audible to adjacent residential premises. Ms Button reported that she wanted to provide a free phone number for patrons who wished to order taxis home.

33.9 **RESOLVED** - That the application for a premises licence be granted with the following conditions:-

1) The licensee shall ensure that the collection and disposal of refuse, including bottles, shall not take place between the hours of 19.00 hours and 10.00 hours.

2) All outside areas shall be cleared by 22.00 hours.

3) 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.

4) 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.

5) 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.

The Panel noted that the operating schedule stated that signage would be displayed asking customers to leave the premises quietly. The Panel suggested that contact details for the premises should be made available to local residents.

The variation with the above conditions attached shall take effect from the date of the written notification.

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.

The meeting concluded at 11.12 am

Signed

Chair

Dated this

day of

2006