

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL

2.00PM – THURSDAY 7 SEPTEMBER 2006

COMMITTEE ROOM 3 - BRIGHTON TOWN HALL

MINUTES

Present: Councillors Simson (Chair), Paskins and Pidgeon

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

PART ONE

43. APPOINTMENT OF CHAIR

- 43.1 Councillor Simson was appointed as Chair of the meeting.

44. PROCEDURAL BUSINESS

44A Declarations of Substitutes

- 44.1 There were no declarations of substitutes.

44B Declarations of Interest

- 44.2 There were none. (Councillor Paskins stated that she was a ward councillor for St Peter's and North Laine and was known to the objectors. She had no direct interest in the application).

44C Exclusion of Press and Public

- 44.3 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.

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

45. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING

ACT 2003 – 'KOMEDIA', 44-47 GARDNER STREET, BRIGHTON

- 45.1 The Panel considered the report of the Assistant Director, Public Safety regarding an application for a Premises Licence under the Licensing Act 2003 for the 'Komedia', 44-47 Gardner Street, Brighton (for copy see minute book).
- 45.2 The applicants, Mr Granger, Ms Kopler and Ms Birtwell attended the Panel. Mr Skam and Ms Villermet attended to represent the North Laine Community Association.
- 45.3 The Licensing Manager summarised the application as set out in the report. A representation had been received from the North Laine Community Association. A representation from the Council's Pollution Control Team had now been resolved by liaison with the applicant. The Licensing Manager stressed that the representation from the North Laine did not indicate who the affected parties were, and did not make reference to the licensing objectives.
- 45.4 The Panel Solicitor suggested that as the parties were present, the Panel should listen to the representations from the North Laine Community Association and the Council's Pollution Control Team and decide if any weight should be attached to the representations made.
- 45.5 Ms Bullen from the Council's Pollution Control Team informed the Panel that although there had been a history of noise complaints, there had been no noise complaints since October 2005. There was a recent development of residential accommodation in Regent Street as well as residents living in Gardner Street. These residents needed to be protected from noise nuisance. Conditions had been requested by the Pollution Control Team and were set out in Ms Bullen's letter of 9 August 2006. The applicants had agreed to the requested conditions.
- 45.6 Mr Skam informed the Panel that every resident of the North Laine was automatically a member of the North Laine Community Association, and did not have to pay a membership fee. The Association had agreed to oppose all late night licenses due to the cumulative impact of noise in the area.
- 45.7 Mr Skam reported that he had met with the applicants on site during the week. He stressed that the North Laine Community Association had a good relationship with the Komedia and wished them well. The Association would like to see conditions imposed which would ensure that the disposal of refuse and bottles into receptacles outside the premises, and the collection

of these items, did not take place between the hours of 23.00 and 08.00. The Association also wished to see all windows to be closed and all exits to lead into Gardner Street, especially after performances late in the evening. This would protect the residents in Regent Street from noise nuisance.

- 45.8 The applicants explained that the Komedia had just had a large back extension built as part of the Jubilee development. The applicants were applying for longer hours for economic reasons. Komedia technicians controlled sound levels and Friday and Saturday nights were ticketed events. The venue had a team of experienced SIA door supervisors. The Komedia operated in a highly experienced way. The applicants were happy to comply with the suggested condition relating to bottles and waste disposal and collection. The windows were closed on the Gardner Street side at 22.00 hours and were kept shut on the Regent Street side. The venue already planned to exit from Gardner Street.
- 45.9 The Komedia used ushers for theatre and childrens events, and used birth certificates, passports and Connection cards for proof of age. Meanwhile, front of house staff and security staff ensured that patrons left quietly. Patrons were able to wait inside the venue for taxis.
- 45.10 The Chair suggested that in future the North Laine Community Association should list some names and addresses of affected residents in their representation.
- 45.11 **RESOLVED** – That the application for a premises licence be granted with the following conditions:-

(1) The Licensee shall ensure that the placing of refuse or bottles into receptacles outside the premises, and the collection of these items, does not take place between 23.00 and 07.30 hours.

(2) All windows and doors serving the entertainment and bar areas opening onto Regent Street to be closed after 19.00 hours except for access and egress. All windows and doors fronting Gardner Street to be closed after 22.30 hours except for access and egress.

(3) No patrons to exit from the premises via Regent Street after 22.00 hours except in an emergency.

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 3.05 pm

Signed

Chair

Dated this

day of

2006