

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL

9:30AM – THURSDAY 21 SEPTEMBER 2006

COMMITTEE ROOM 3 – BRIGHTON TOWN HALL

MINUTES

Present: Councillors Hyde (Chair), Older and Simson

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

PART ONE

46. APPOINTMENT OF CHAIR

46.1 Councillor Hyde was appointed as Chair of the meeting.

47. PROCEDURAL BUSINESS

47A Declarations of Substitutes

47.1 There were no declarations of substitutes.

47B Declarations of Interest

47.2 There were none.

44C Exclusion of Press and Public

47.3 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.

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

48. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - QUADRANT PUBLIC HOUSE, 12 NORTH STREET QUADRANT, BRIGHTON

- 48.1 The Panel considered the report of the Assistant Director, Public Safety regarding an Application for a Variation of a Premises Licence under the Licensing Act 2003 for the Quadrant Public House, 12 North Street Quadrant, Brighton (for copy see minute book).
- 48.2 The applicant Mr George attended the Panel with his solicitor, Mr Perkins. There were no residential objectors in attendance.
- 48.3 The Licensing Manager summarised the application as set out in the report. The premises had been closed for some months for refurbishment. The application was for a variation to the premises licence. The premises could reopen under the existing licence. The police representation had been withdrawn following agreement of the applicant to the conditions requested by the police. There was no relevant history of complaints in the Environmental Health data base.
- 48.4 Mr Perkins confirmed that the application to close at 02.30 hours for not more than 12 occasions a year with licensable activities until 02.00, was sought to avoid having to apply for temporary event notices. Mr Perkins was happy to give seven days notice to the licensing authority as well as the police on these occasions.
- 48.5 Mr Perkins informed the Panel that the applicant wished to vary the licence after refurbishment. The premises was a small town centre pub with a maximum capacity of 80 to 85 persons plus staff. It was not a club. The venue was seeking extended hours to allow for greater flexibility in line with licensing policy which promoted a general principle of later opening so that customers can leave slowly over longer periods. The pub was proposing to operate under the 2 in a bar rule when live music was played. The application for dancing was to cover the customers "moving" to the music.
- 48.6 The application would have no affect on the area if the variation was granted. The pub was in the centre of the city and in a major thoroughfare. Other major venues in the area would have later hours.
- 48.7 Mr Perkins mentioned that there had been positive discussions with the police. The applicant had agreed to the conditions set out in the police representation dated 30 September 2006. The premises were now committed to having CCTV outside the premises.
- 48.8 Mr Perkins stressed that the clients were experienced operators. Door staff would be used when necessary. For example, if the

pub opened to 02.00 hours it was likely to use door staff. The premises would also use a mobile support unit. The applicant was happy to put up notices requesting people to leave quietly and not to use mobile phones outside the premises. Meanwhile, the clients expected people to use Air Street and not Zion Gardens when leaving the premises.

48.9 The applicant confirmed that he would be happy to close the back door from 23.00 hours if requested. The applicant had not yet considered where to place a TV or where live music was likely to be played.

48.10 **RESOLVED** – That the application for a variation to a premises licence be granted with the following conditions:-

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

(2) 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 notice should also remind patrons not to use mobile phones in the vicinity of the premises.

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

Reasons for attaching conditions: It was considered that the above conditions along with the police 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.

49. APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 - WAVES, 99 CHURCH ROAD, HOVE

49.1 The Panel considered the report of the Assistant Director, Public Safety regarding an Application for a Premises Licence to be granted under the Licensing Act 2003 for Waves, 99 Church Road, Hove (for copy see minute book).

49.2 The applicants attended the Panel with their representative Mr Simmonds. Mr and Mrs Mulholland attended the Panel as residential objectors.

- 49.3 The Licensing Manager summarised the application as set out in the report. The application was a new application for a premises licence. A representation had been received from local residents. There were no representations from the responsible authorities. The Environmental Health data base showed that there was no relevant history for the premises.
- 49.4 Planning permission had already been given to operate as a café bar, with earlier hours than those requested in the premises licence application. If the hours requested for the premises licence were granted, the applicants would have to obtain planning permission for the extra hours. However, it was stressed that the licence application had to be considered on its own merits.
- 49.5 Mr Simmonds confirmed that the reference to seasonal variation related to New Years Eve. The hours requested for New Years Eve would be as existing. 10.00 to 00.00 on New Years Eve and 00.00 to 23.00 on New Years Day.
- 49.6 Mr & Mrs Mulholland informed the Panel that the map attached to the report did not accurately show the location of their flat. It was confirmed that although the entrance to their flat was at 2 Tisbury Road, the actual location of the second and third floor maisonette was immediately above the bank. The maisonette shared the same internal wall as the building in which Waves was situated.
- 49.7 Mrs Mulholland informed the Panel that she had two children aged 6 and 4 whose bedroom was immediately above the garden owned by Waves. Her main concern was the possible noise levels that might be heard, as her flat was next door to Waves. She expressed concern about the late hours requested and said that her children went to bed at 19.00 hours. The application could affect the quality of life of her family. Mrs Mulholland also expressed concern that the car park close to the building might be used as a toilet. Mrs Mulholland confirmed that she did not currently experience any noise nuisance.
- 49.8 Mrs Mulholland mentioned that the garden had been used by Waves in the summer. Tables and chairs were placed in the garden, and a board outside the premises advertised the outside space. The garden was closed for use by patrons after Mrs Mulholland made a complaint. No permission was in place for the garden to be used as a public space.
- 49.9 It was established that the applicant had visited Mrs Mulholland to listen to her concerns.

- 49.10 Mr Simmonds informed the Panel that the application was for a new premises licence for the ground floor and mezzanine area only. The garden was not included in the application. The mezzanine level area would seat 30 to 40 persons. The applicant lived immediately above the premises and there was office and staff accommodation on the top floor.
- 49.11 The premises wanted to operate as a café bar and serve alcohol. It was intended to play low key background recorded music.
- 49.12 Mr Simmonds stressed that the immediate area had two restaurants and a take away with later hours than those requested by the applicants. He did not believe that the premises would add to the noise in the area or create a nuisance. Meanwhile, there were adequate toilet facilities on the premises.
- 49.13 Mr Simmonds considered the hours requested as reasonable. Meanwhile, the off licence side of the business would continue to cease at 22.00 hours.
- 49.14 **RESOLVED** – That the application for a premises licence be granted with the following conditions:-

(1) The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables, with the exception of off sales which will cease at 22.00 hours and will be sold in sealed containers and consumed away from the premises.

(2) Substantial food shall be available at all times.

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

(4) 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 notices to also request that no mobile phones are to be used immediately outside the premises.

The Panel notes that there has not been an application for live music and that recorded music is to be played at a low level.

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

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 11.19pm

Signed

Chair

Dated this

day of

2006