

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL**  
**2003 (Licensing Act 2003 Functions)**

**2.00PM – 22 AUGUST 2005**

**BRIGHTON TOWN HALL**

**MINUTES**

Present: Councillor Simson(Chair), Councillors Cobb and Turner

**PART ONE**

**66. APPOINTMENT OF CHAIR**

66.1 **RESOLVED** – That Councillor Simson be appointed Chair for the meeting.

**67. PROCEDURAL BUSINESS**

**67A. Declarations of Substitutes**

67.1 There were no declarations of substitutes.

**67B. Declarations of Interest**

67.2 There were none.

**67C. Exclusion of Press and Public**

67.3 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.

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

**68. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - PRESSURE POINT**

68.1 The Panel was informed that this application had been withdrawn from the agenda, as the police objection had been withdrawn.

**69. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - NORTHERN TAVERN**

69.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under transitional arrangements of the Licensing Act 2003 at the Northern Tavern, Ditchling Road, Brighton (for copy see Minute Book).

69.2 The applicant, Mr Nelson attended the Panel. The residential objector was not in attendance at the meeting.

69.3 The Licensing Manager summarised the application as set out in report. One objection to the application had been received from a local resident. No representations had been received from the responsible authorities. Environmental Health had recorded three noise complaints. No complaints had been received since 2003. The letter of objection mainly focused on drunken fights in the street rather than noise from the premises.

69.4 Mr Nelson explained that the application had been submitted to allow flexibility within the new licensing act. The application for Fridays and Saturdays were for special occasions only. Mr Nelson referred to the letter of objection and stated that it was difficult to prove that the trouble mentioned in the letter emanated from the Northern Tavern. The pub was run in a responsible manner. There were no outside areas to the pub.

69.5 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted with the following condition:-

Prominent clear and legible notices should be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

**Reasons for granting licence:** The Panel considered that the above condition would adequately deal with the concerns of the local resident.

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.

**70. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - TEMPLE BAR**

70.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under transitional arrangements of the Licensing Act 2003 at Temple Bar, 121/122 Western Road, Brighton (for copy see Minute Book).

70.2 The applicant, Mr Grant attended the Panel. The residential objectors were not in attendance at the meeting.

70.3 The Licensing Manager summarised the application as set out in report. Fourteen objections to the application had been received from local residents. No representations had been received from the responsible authorities. There was no record of noise complaints to Environmental Health.

70.4 The Chair stated that the Panel had read the objections from local residents and would take them into account when making its decision.

70.5 Mr Grant informed the Panel that the Temple Bar had a reputation 10 years ago but since then it had been run in a socially acceptable manner. The pub was looking to regulate the option for two in a bar music, for occasional use. Mr Grant referred to the letters of objection and stated that the objectors were fearful of what might happen. No direct complaints to the pub had been received from residents.

70.6 **RESOLVED** - That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following condition:-

Prominent clear and legible notices should be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

**Reasons for granting licence:** The Panel considered that the above condition would adequately deal with the concerns of the local residents.

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.

## **71. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THE RACEHORSE, ELM GROVE**

71.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under transitional arrangements of the Licensing Act 2003 at the Racehorse, Elm Grove, Brighton (for copy see Minute Book).

71.2 The applicants Mr Grant and Mr Prior attended the Panel. Mr King, Ms

Blanch and Mr Edwardes attended as residential objectors.

71.3 The Licensing Manager summarised the application as set out in the report. There had been 13 objections to the application. The objection from Sussex Police had been withdrawn, following the negotiation of an amendment to the application. Noise complaints had been received prior to 2003. Two complaints had been received in June and July 2005. The complaints related to late night noise from disco music. The complaints had been followed up and there had been no further contact.

71.4 Ms Blanch set out her objections to the application. She and her family lived next door to the pub and had never complained about noise, vandalism and threatening behaviour. They had put this down to living next to a pub. However, the application for a 2.00 a.m. licence would turn the pub into a club. Ms Blanch was worried that it would not be possible to have a normal family life. She considered that a local corner pub should not have a 2.00 am licence. The pub had had a number of different landlords and was frequented by many young people. It tended to be rowdy and intimidating. Ms Blanch expressed concern that she was unable to use her garden due to the swearing, rowdiness and loud music in the pub garden.

71.5 Mr Edwardes (husband of Ms Blanch) informed the Panel that his children were not able to sleep at night and he stressed that his family had to put up with anti social behaviour outside their home.

71.6 Mr King stressed the problems of loud music, slamming of car doors and fights. These problems were happening now. He asked how the application for later hours could be made when the pub could not sort out current problems. Mr King was very disappointed with the attitude of the current publican who was not addressing the problems. The pub attracted undesirable types. Extending the hours would make the problems worse. In fine weather the pub made no attempt to control noise in the garden. Mr King reported that he had made a noise complaint by email in 2004.

71.7 Mr Grant informed the Panel that historically the pub had been a managed house. There had been a number of different managers who had not been up to required standards. Mr Prior lived on the premises and was "hands on". Mr Grant hoped the pub was now run in a more orderly manner. The pub had a garden, was a one bar facility and occasionally had music. It was a local pub, which had improved and would be improved further. The application for music was not an application for 7 days a week. The pub would not be run as a night club.

71.8 The pub had applied for extended hours as it was a business opportunity. The pub would adhere to conditions, which included the protection of children. Mr Prior wished to run the pub as a community pub. The application fell within the guidelines and was considered reasonable.

71.9 Mr Grant outlined a number of conditions he would be happy to be applied to the licence. He reported that the pub had a juke box with a noise limiting device. He was happy for the noise limiter to be set at an acceptable level by Environmental Health Officers. There was no karaoke and a DJ played music once a fortnight.

71.10 **RESOLVED** - That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following conditions:-

- (1) The garden area to be cleared by 22.00 hours.
- (2) All doors and windows shall be closed after 23.00 hours, other than for access and egress.
- (3) That amplified sound equipment be governed by a sound limiting device set at a level approved by the Licensing Authority.
- (4) Prominent clear and legible notices should be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

**Reasons for granting licence:** The Panel considered that the above conditions would adequately deal with the concerns of the local residents.

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 3.20 p.m.

Signed

Chair

Dated this

day of

2005