

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

9.30AM – 26 SEPTEMBER 2005

HOVE TOWN HALL

MINUTES

Present: Councillors Older, Simson and G Theobald

PART ONE

237. ELECTION OF CHAIR

237.1 **RESOLVED** – That Councillor Simson be elected Chair for this meeting.

238. PROCEDURAL BUSINESS

238A. Declarations of Substitutes

238.1 There were no declarations of substitutes.

238B. Declarations of Interest

238.2 There were no declarations of interest.

238C. Exclusion of Press and Public

238.3 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.

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

239. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – EXCHANGE

239.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at the Exchange, 8 Goldstone Street, Hove (see Minute Book).

239.2 During the discussion of this application, it was pointed out to the Panel that as the application was lodged on 3 August 2005, the 28 day period for the receipt of representations was 31 August 2005. However, the public notice published by the applicant had indicated that September 2 2005 was the closing date for representations. This was not known to the licensing office and therefore representations that had been received on 1 and 2 September 2005 had been deemed invalid.

239.3 The Panel was advised that in the light of this that those representations should be considered by the Panel and the persons that submitted them should be invited to the hearing. In the circumstances consideration of the application was deferred to enable the licensing office to contact those persons that had submitted valid representations to advise them of the revised date for the hearing.

239.4 **RESOLVED** – That consideration of this application be deferred to 29 September to enable the licensing office to contact all those persons that had submitted valid representations.

240. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – ZOOT STREET

240.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at Zoot Street, 8 Queen’s Road, Brighton (see Minute Book).

240.2 Mr Regan explained that he lived above the premises which were the subject of the application and he had carried out extensive work at his property to reduce the transmission of noise. He did not think that it was unreasonable to expect a quieter period between the hours of 23.00 hours and 07.00 hours. He referred to a number of problems concerning both noise and odour pollution emanating from the premises and he suggested a range of proposals to limit the spillage of noise and odour from the premises.

240.3 The applicant said that Queens Road was a noisy thoroughfare and the bar had been located at the property for

some 20 years. A representative from the licensing authority would be visiting the premises the day after the hearing to test the noise limiter. He also indicated that he was quite happy to close all the doors and windows at 23.00 hours and cease live music at 00.00 hours. The live music was located in the basement area.

240.6 RESOLVED – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:

1. The licensee to ensure that all amplified sound equipment shall be governed by a sound limiting device set at a level approved by the licensing authority.
2. The licensee to ensure that all external doors and windows are closed no later than 22.00 hours except for ingress and egress.
3. The licensee shall ensure that an Security Industry Authority registered door supervisor is on duty after 23.00 hours on Sundays to Thursdays and after 20.00 hours on Fridays, Saturdays, Bank Holidays and other special occasions.
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. In addition the notices shall discourage the public from using mobile phones within the vicinity of the public house.
5. The licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby residents.
6. The licensee to ensure that all ventilation, extraction and refrigeration equipment situated in the rear courtyard is checked annually by a competent engineer, and such inspection records are available to the licensing authority for inspection on request.

Reasons for granting licence:

To ensure that there is no public nuisance to local residents.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates’ Court under the Licensing Act 2003, and that appeals must be brought within 21 days of the written notification of the decision given at the hearing.

241. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THE CONSTANT

SERVICE

241.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under "grandfather rights" at The Constant Service, Islingword Road, Brighton (see Minute Book).

241.2 Mr Ravenett explained that there had not been a problem with the licensed premises until about two years ago when noise from the premises became unacceptable. The doors were left open as this was the only means of ventilation.

241.3 The applicant said that the company ran community style public houses and the application only sought a modest extension of the permitted hours. He confirmed that live entertainment would generally cease at 23.00 hours or 22.30 hours on Sundays. In order to address the concerns of neighbours they would agree to close the garden area after 23.00 hours.

241.4 **RESOLVED** – That the application for a variation for the premises licence already granted under "grandfather rights" be granted subject to the following conditions:

1. The licensee to ensure that the outside garden area is closed and cleared no later than 23.00 hours.
2. The licensee to ensure that no live music is permitted after 23.00 hours during weekdays and 22.30 on Sundays.
3. All external doors and windows to be closed at 22.00 hours when live music is permitted except for ingress and egress.

Reasons for granting licence:

To ensure that there is no public nuisance to local residents.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates' Court under the Licensing Act 2003, and that appeals must be brought within 21 days of the written notification of the decision given at the hearing.

242. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – ARC

242.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under "grandfather rights" at the ARC, 162 King's Road Arches, Brighton (see Minute Book).

242.2 On behalf of the Council's Resort manager, Mr Holm explained that the Council had supported the regeneration of the Kings Road Arches area and they had supported the businesses. However, it was felt that the proposed extension would cause problems. The area and the beach were cleaned after 06.00hours and it was felt that the proposed 24 hour opening would interfere with this process. He felt that there was a public safety issue here particularly with the off licence that allowed bottles, alcohol and other containers to be taken onto the beach.

242.3 On behalf of the applicant Mr Simon Wapling informed the Panel that the premises covered a number of different uses depending on the time of the day. It provided versatile entertainment from a café bar, a meeting place, a pub and a night club. Although the applicant had applied for 24 hours it was not sure how long the premises would remain open as this would depend on the demand. The Panel noted that there were two outside patio areas divided by a path; one of which was licensed being attached to the public house and the other on the other side of the path which was not. The panel was informed that they did not allow glass containers outside and they were not allowed to provide shelter and therefore if the weather was inclement the outside area was not used. The applicant indicated that they were applying for 24 hour opening on the licensed area and the patio area on the other side of the path that was not licensed would close at 23.00 hours.

242.4 The applicant also stated that they would use Security Industry Authority registered staff as and when appropriate depending on the numbers on the premises and the time of day.

242.6 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:

1. The licensee to ensure that no off sales are to be permitted between the hours of 23.00 hours and 10.00 hours.
2. On any day when the premises are to remain open after 23.00 hours, a minimum of 2 SIA registered door supervisors shall be provided from 22.00 hours to 06.00 hours, or closing time, whichever is the earlier. At least one of those door supervisors must be present in the external licensed area when such area is in use.
3. The licensee to ensure that the beach side patio (the unlicensed area) is closed between the hours of 23.00 hours and 10.00 hours.

**Reasons for imposing conditions:
To address issues of public safety and public nuisance.**

The Panel solicitor reminded the parties of their appeal rights to the Magistrates' Court under the Licensing Act 2003, and that appeals must be brought within 21 days of the written notification of the decision given at the hearing.

The meeting concluded at 12.00 hours

Signed

Chair

Dated this

day of

2005