

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL 2003 (Licensing Act 2003 Functions)

9.30 AM – 22 NOVEMBER 2005

**Committee Room 3
Brighton Town Hall**

MINUTES

Present: Councillor Lepper, Pennington & Pidgeon

Also in attendance: Jean Cranford, Licensing Manager, Rebecca Sidell, Panel Solicitor and Caroline De Marco, Committee Administrator.

PART ONE

295 ELECTION OF CHAIR

295.1 **RESOLVED** – That Councillor Lepper be elected Chair for this meeting.

296. PROCEDURAL BUSINESS

296A. Declarations of Substitutes

296.1 Councillor Pennington substituted for Councillor Simson.

296B Declarations of Interest

296.2 Councillor Pidgeon declared a personal but not prejudicial interest in Item 297 as the premises was in his ward and within walking distance of his home. He had no connections with the premises. Councillor Pidgeon further declared a personal but not prejudicial interest in Item 298 as he received a pension from Tesco's.

296C Exclusion of Press and Public

296.3 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.

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

297. APPLICATION FOR A VARIATION UNDER THE LICENSING ACT 2003 – THE LADIES MILE, 2 MACKIE AVENUE, BRIGHTON

297.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under the Licensing Act 2003 at the Ladies Mile, 2 Mackie Avenue, Brighton (for copy see minute book)

297.2 Mr Day, Designated Premises Supervisor for the premises attended the meeting to represent the applicants. The objectors were not in attendance at the meeting.

297.3 The Licensing Manager explained that due to an error, a valid letter of objection had not been processed during the relevant time period. As a result, the licence had been granted and later withdrawn as invalid. Following an appeal to the magistrate's court by the applicant, the case had been referred back to the local authority to determine. One representation had been received from local residents. No representations had been received from the Police or the Fire or Rescue Service. There were no ongoing complaints to the Environmental Health Pollution Team. There had been six complaints since 2000 relating to one off events. No nuisance was identified, or follow up complaints received. The last complaint was in July 2004.

297.4 Mr Day informed the Panel that he had received a copy of the original representation. He had responded in writing to attempt to address the concerns expressed. The main concern appeared to be noise levels coming from the public house and disturbing sleep. The noise appeared to come from the side fire doors, which were open during trading. Mr Day proposed that the fire doors should be kept closed, but not locked. Mr Day denied the allegations about public disorder and public nuisance. A few groups of youths did frequent the park opposite. These were not patrons of the pub.

297.5 Mr Day considered that there was adequate ventilation within the premises. A sign within the pub reminded patrons to leave quietly. On Friday and Saturday nights the management ushered people out of the premises and calmed down noisy customers. The outside drinking area consisted of four benches in the car park area. Mr Day was happy for a condition to be placed on the licence stating that this area be closed and cleared by 11.00 p.m. Mr Day was also happy for a condition stating that live music and karaoke cease at 11.00 p.m.

297.6 **RESOLVED** - That the application for a variation for the premises licence already granted under "grandfather rights" be granted.

The following conditions are to be attached to the licence.

(1) Amplified music or other entertainment noise from within the premises shall not be audible at any residential premises between the hours of 22.00 hours and 02.00 hours.

(2) Doors and windows shall be kept shut during operating hours, save for access and egress.

(3) The Licensee must take all reasonable steps to ensure that people visiting the premises and using adjacent car parks and highways do not conduct themselves in a manner that causes annoyance to residents and people passing by.

(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.

(5) That all live music including karaoke, shall cease at 23.00 hours and DJ events held in the function room shall cease at 24.00 hours.

(6) That all outside drinking areas should be cleared and closed by 23.00 hours.

Reasons for granting the licence and attaching conditions: It was considered that the conditions attached were reasonable, and would adequately deal with the concerns expressed about public nuisance/disturbance.

The Panel solicitor mentioned that the parties had 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.

298. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – TESCO EXPRESS, 5-8 WEST STREET, ROTTINGDEAN

298.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a premises licence under the Licensing Act 2003 at Tesco Express, 5-8 West Street, Rottingdean (for copy see minute book)

298.2 Ms Haynes attended the Panel as a residential objector. The applicants were not in attendance at the meeting.

298.3 The Licensing Manager summarised the application as set out in report. Four representations had been received from local residents. No representations had been received from the Police or Fire and Rescue Service.

298.4 Ms Haynes explained that her main concern was the unneighbourly attitude of the Tesco's management. She lived in a private road, close to the premises. Sub-contractors working for Tescos had spray painted her drive and had blocked the road. This had led to Ms Haynes arriving late for work on two occasions. Ms Haynes was concerned that Tescos might have a similar unneighbourly attitude in how they ran the store.

298.5 Ms Haynes questioned why Tescos wanted to apply to extend the licence, when the shop was not yet open. She suggested that it would be better to monitor the store for 6 months to a year before agreeing an extension to licensing hours. Ms Haynes expressed concern that Tesco were not intending to employ security guards. She was worried that young people might buy alcohol just before closing time and cause trouble into the early hours.

298.6 **RESOLVED** - That the application for a premises licence under the Licensing Act 2003 be granted.

The following conditions are to be attached to the licence.

(1) Customers shall be prevented from taking alcoholic or other drinks from the premises in open containers.

(2) A valid proof of age card or other age identification shall be required to be produced by any person appearing to those selling or supplying alcohol to be under 18 (or 16 in the case of the consumption of beer, wine, and cider in the company of adults during a table meal) and who is attempting to buy alcohol.

(3) Litter bins shall be provided in the vicinity of the premises. The number and locations of such bins shall be determined by the licensing authority.

Reasons for granting the licence and attaching conditions: It was considered that the conditions attached were reasonable, and would adequately deal with the concerns expressed about public nuisance/disturbance.

The Panel solicitor mentioned that the parties had 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.

299. APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – TUMMY’S, 90 GOLDSTONE VILLAS, HOVE

299.1 This application was withdrawn from the agenda.

300. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE CONCORDE 2, MADEIRA DRIVE, BRIGHTON

300.1 This application was withdrawn from the agenda.

301. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – CO-OP STORE, 3-9 WARREN WAY, WOODINGDEAN, BRIGHTON

301.1 This application was withdrawn from the agenda.

The meeting concluded at 11.20 a.m.

Signed

Chair

Dated this

day of

2005