

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**10.00am 13 NOVEMBER 2018**

**HOVE TOWN HALL, ROOM G91 - COUNCIL CHAMBER**

**MINUTES**

**Present:** Councillor O'Quinn (Chair); Hyde and Marsh

**Officers:** Mark Savage-Brookes (Licensing Officer). Rebecca Sidell (Lawyer), and Caroline De Marco (Democratic Services Officer).

**PART ONE**

**57 TO APPOINT A CHAIR FOR THE MEETING**

57.1 Councillor O'Quinn was appointed Chair for the meeting.

**58 PROCEDURAL BUSINESS**

**58a Declaration of Substitutes**

58.1 There were none.

**58b Declarations of Interest**

58.2 There were none.

**58c Exclusion of the Press and Public**

In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

58.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of Item 59.

**59 HIDDEN CAM STUDIOS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

59.1 The Panel considered a report of the Executive Director of Neighbourhoods, Communities & Housing in relation to an application for a New Premises Licence under

the Licensing Act for Hidden Cam Studios, Unit 5, Hove Enterprise Centre, Basin Road North, Portslade. The applicant, Cameron Devlin was in attendance. Attending to make representations was Tim Hague, Director of Property & Development, Shoreham Port Authority.

### **Introduction from the Licensing Officer**

59.2 The Licensing Officer highlighted the following:

- This was an application for a new premises licence. The application proposed the licensable activities of 'anything similar to live music, recorded music or performances of dance' and 'the sale by retail of alcohol.' The applicant had described the premises as a "music rehearsal and recording business at which there was only a single group of generally between 3 to 8 people at any one time and was not open to the general public. The proposed times were every day from 10:00 to 01:00. The supply of alcohol every day from 12:00 to 00:00 on and off the premises. Anything of a similar description to live music, recorded music or performances of dance every day from 10:00 to 01:00.
- One representation had been received from Tim Hague, Director of Property & Development, Shoreham Port Authority.
- Following discussions between Sussex Police and the applicant an agreement was reached regarding additional conditions to be added to the Operating Schedule. This included the reduction of alcohol hours from 01:00 daily to 00:00. The agreement with amended conditions was set out on pages 20 and 21 of the agenda.
- The premises was not in the CIZ or the Special Stress Area.

### **Questions to the Licensing Officer**

59.3 The Licensing Officer confirmed the following:

- The hours set out in the table in paragraph 3.4 of the report were correct.
- The Licensing Officer was not aware of any other license premises in Basin Road North.
- Off sales would be limited to existing customers in sealed containers.

### **Representations**

59.4 Tim Hague addressed the Panel and stated the following:

- Mr Hague stressed that he had a very good relationship with Mr Devlin and that the relationship with tenants was important to Shoreham Port Authority. The Port Authority would not take lightly anything that would curb the business of tenants. However, the Port Authority had key responsibilities which could not be overlooked. The most important responsibility was health and safety issues in relation to the properties. This was the key aspect of the representation.
- The other reason for making the representation was to protect the interests of other tenants in the Hove Enterprise Centre.
- There was free access in the Hove Enterprise Centre, Basin Road North. It was a completely commercial area with no residential properties. Beyond 5.00pm it was very quiet. The Port Authority tried to provide security throughout the night.
- The area was not open to the public and was susceptible to vandalism and fly tipping.

- The surrounding premises were A and B1 units. It was an industrial estate and not a centre where people would go for food or drink.

### **Questions to Mr Hague**

59.5 Mr Hague confirmed the following:

- There had not previously been any applications for a Public Entertainment Licence.
- The area had CCTV.
- Units in the Hove Enterprise Centre ran parallel to the canal. It was an open area with car parking spaces. There were no public spaces.
- The units included a day centre, a lift company, Brighton Body Casting, a further music studio, an engineering company and a carpenter. There was unrestricted access.
- Industrial units varied in size and were mostly 750 sq. feet. The largest was 1200 sq. foot.
- It was up to tenants to decide whether to fit alarms to their premises. The Port Authority had a security contractor who carried out two patrols a night and looked at car parking.

59.6 It was pointed out that that the premises generally had between 3 and 8 people in attendance at any one time. Mr Hague was asked how he felt about the police condition which would allow up to 25 people to attend events. Mr Hague agreed that this did concern him. The Licensing Officer explained that the condition agreed with the police was for an event and was not a general everyday condition.

### **Representation from the Applicant**

59.7 Mr Devlin addressed the Panel and made the following points:

- The conditions agreed with the police satisfied a number of the concerns of the Shoreham Port Authority. This included the installation of CCTV cameras.
- Currently people using the recording studio could bring their own alcohol. A licence would help to regulate the way alcohol was sold and stored.
- There had been no issues over the five years Mr Devlin had run the premises.
- Mr Devlin had not asked for 25 people to be able to attend his events. He had asked for events as a theoretical notion. Without a licence there could be 30, 40 or even 50 people attending an event. Mr Devlin was unlikely to use the condition.
- Other studios such as Brighton Electric had up to 150 people attending some of their events. Mr Devlin was competing in that market.

59.8 In response to questions the following was confirmed by Mr Devlin:

- Mr Devlin confirmed that he was the Designated Premises Supervisor.
- Mr Devlin confirmed he was applying for a licence to increase his profit and provide a service to the people who used the business. He felt that his only option was to apply for a licence.

- It was stressed that that people could bring their own alcohol and it was not clear that Mr Devlin would make much profit. Mr Devlin replied that even a small profit for each occasion would help his business.
- Mr Devlin could not confirm the exact number of people likely to attend the events. They were invitation only events and he could drop the number to 15.
- Mr Devlin explained that he was applying for the licence now as he had just re-signed the lease and was trying to find ways to increase his business in any way he could.
- Mr Devlin explained that he thought that most events would finish by midnight. He would put a sign on the door stating “no drinking outside after 6pm.” There was no smoking inside the premises. People did smoke outside.
- Bar snacks would be provided, such as crisps and soft drinks.

59.9 A question was raised as to whether all activities would need to take place inside the premises. Mr Hague explained that tenants had control of the line around the building. They had the right of access. It would not be acceptable if they used the communal area of the estate for congregating.

### Summaries

59.10 The Licensing Officer gave the following summary:

59.11 This was an application for a new premises licence. The premises was not in the CIZ or the SSA.

59.12 Licensing Guidance stated that: In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- the Guidance;
- its own statement of licensing policy

59.13 If the Panel were satisfied that conditions placed on the licence would be appropriate steps to promote the licensing objectives then the application should be granted. Any conditions attached to the licence should be clear, precise and enforceable. If the Panel decided to refuse the licence, it would need to demonstrate that granting would undermine a licensing objective and conditions would be ineffective in preventing problems.

59.14 Mr Hague stated that the concern of Shoreham Port Authority was a safety issue. The Port Authority wanted to ensure it could demonstrate to the rest of its tenants that if there was an issue with the licence, the Authority had raised concerns on their behalf.

59.15 Mr Devlin had no further comments.

59.16 **RESOLVED** – The Panel’s decision was as follows:

The panel has read the papers and considered the representation and submissions made at the hearing.

The application is for the sale of alcohol on and off the premises 12:00 to 00:00 every day and for regulated entertainment category anything of a similar description to live music, recorded music or performances of dance 10:00 to 01:00 every day. The premises are a music rehearsal and recording business. The applicant has agreed conditions with the police. A relevant representation has been made by the Shoreham Port Authority who raised concerns about the nature of the area and public safety.

The panel also has serious concerns about the nature of the area surrounding the premises and the potential impact of licensable activities especially the sale of alcohol if introduced into the area. It is an industrial estate secluded from passers-by and the main road and thus is susceptible to anti-social activities. We also share the concerns of the Port Authority in particular when they point to the fact that the premises sit within an operational port and are thus in a safety critical, hazardous environment. The Port Authority consider that the sale of alcohol with limited management may undermine the licensing objectives of public safety, prevention of public nuisance and prevention of (low level) crime and disorder. We do not consider that further conditions would overcome these safety and security concerns. We therefore reject the application for sale of alcohol.

However the panel does recognise that the application for regulated entertainment is largely to regularise, if necessary, the primary business activity of the premises and consider that it will not undermine the licensing objectives to grant that part of the application up to a terminal hour of 12 midnight. The conditions will not apply as they relate primarily to the sale of alcohol which is excluded.

The meeting concluded at 12.00pm

Signed

Chair

Dated this

day of