

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

2.00PM – 25 JULY 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Hyde (Chair); Councillors Turner and Watkins.

PART ONE

21. ELECTION OF CHAIR

21.1 **RESOLVED** – That Councillor Hyde be elected Chair for the meeting.

22. PROCEDURAL BUSINESS

22A. Declarations of Substitutes

22.1 Councillor Watkins substituted for Councillor Tonks.

22B. Declarations of Interest

22.2 There were none.

22C. Exclusion of Press and Public

22.3 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.

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

23. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE WHITE HORSE

23.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence at the White Horse (see Minute Book).

23.2 The applicant's representative Mr Phipps attended the Panel with the licensee, and Mr Grant from Punch Taverns. Mr Scoble attended to represent objectors from the Kingscliff Society. Ms Ellis and Mr Valentine attended as residential objectors.

23.3 The Licensing Manager summarised the application as set out in the report. There were no representations from Sussex Police or Environmental Health. There had been no recent noise complaints. Each application should be considered on its own merits.

23.4 Mr Ballantyne reported that there had been 10 written objections to the application, including his own objection. The report referred only to 6 objections. This was verified and the four additional letters of objection were circulated to members of Panel.

23.5 Ms Ellis set out her objections to the application. Ms Ellis lived next door to the public house and fostered children who could hear drunken arguments in the narrow street when they were trying to sleep. There was no soundproofing in the pub and Ms Ellis could hear the pub doors opening and closing and conversations and music from the pub in her house. Ms Ellis considered that the licence should be dealt with in a cumulative manner and not as one application. The change to live music would change the practice of the White Horse. Ms Ellis objected to any change in the licence beyond 11.00 pm. She urged the Panel not to grant this application in a residential area. If the Panel were to grant the licence Ms Ellis requested soundproofing and security cameras. She also requested officers to listen carefully to future complaints.

23.6 Mr Ballentyne reported that there was noise in the street after people left the pubs and clubs. There was shouting, screaming, swearing and noise of glass breaking. Mr Ballentyne had reported noise from the White Horse, Legends and other pubs to the police. Mr Ballentyne stressed that there noise caused by the continuous flow of people coming in and out of the pub.

23.7 Mr Scoble considered that there was a need for noise insulation, particularly through the party walls. He expressed concern about the effect of cumulative noise and stressed that the area had twice the amount of violent crime than other areas of the city.

23.8 The applicant's solicitor Mr Phipps suggested conditions to be

attached to the licence. These were 1) live music to be limited to 12 occasions a year and limited to 23.00 hours on any night. 2) Windows and doors to be closed after 23.00 hours in any night while trading. 3) That recorded music shall be background music only and that music shall be inaudible at the nearest noise sensitive premises after 23.00 hours.

23.9 Mr Phipps considered that the hours were in line with government guidance, which supported the principle of later opening hours. If any problems ensued the licence could be revoked. Mr Phipps hoped the conditions would address the escape of noise.

23.10 The licensee confirmed that he had a door closer on the door of the pub. He would make adjustments to ensure it closed more slowly. It was confirmed that all the pub windows, front and back were screwed shut.

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

- (1) Live music restricted to 12 occasions a year and not to be played between the hours of 23.00 and 10.00 hours.
- (2) Recorded music to be reduced to background music only from 23.00 hours.
- (3) Amplified music or other entertainment noise from within the premises shall not be audible at any residential premises between the hours of 23.00 and 10.00.
- (4) Noise and vibration shall not be permitted to emanate from the premises as to be audible to nearby properties after 23.00 hours.
- (5) Windows and doors to be closed after 23.00 hours on any night of trading.
- (6) Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly.

Reasons for granting licence: It was considered that the above conditions adequately dealt with the concerns of those making the representations.

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 notification of the decision given at the hearing.

24. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE BRIGHTON TAVERN

24. The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a premises licence at the Brighton Tavern (see Minute Book).

24.2 The applicant's representative Mr Phipps attended the Panel with Mr Grant of Punch Taverns. Mr Scott and Ms Wright attended as residential objectors. Mr Scam attended as the representative of the residential objectors from the North Laine Community Association.

24.3 The Licensing Manager summarised the application as set out in the report. There were 31 objections to the application and 34 indications of support. There had been a noise complaint on 6 August 2004, which had been resolved. There were no representations from Sussex Police or Environmental Health.

24.4 Mr Scam informed the Panel that he represented all the members of the North Laine Community Association that had written to object to the application. Mr Scam considered that the application for the Brighton Tavern would turn the establishment into a club. There was no evidence of soundproofing or air conditioning. The nearest taxi rank was at St Peters Church and the nearest night buses were at Brighton Station. The North Laine was a unique area with a large residential population. Residents wanted to be able to enjoy a peaceful nights sleep.

24.5 Ms Wright informed the Panel she had lived in Tidy Street for 15 years and had noticed the increase in noise since the opening of the beer garden at the back of the Brighton Tavern. She had contacted the licensing unit at least twice in the last couple of years. She had also complained to the pub directly on one occasion with regard to loud music. This complaint was resolved amicably. In the winter when the beer garden was closed, there was still noise emanating around the area, particularly at weekends from 11.00 p.m. for up to an hour after the pub was closed. She did not wish to be disturbed at 2.00 a.m. Ms Wright felt that the application would turn the Brighton Tavern into a nightclub. She considered that it should stay a place of refreshment for the locality.

24.6 Mr Scott had been a resident of Tidy Street for five years. Noise from the pub was a problem at the back of the property. Mr Scott could hear amplified music and noise from the quiz night in his garden and kitchen. Existing conditions were not being enforced properly. The back door of the pub was open in the summer and winter.

24.7 The applicant's representative stressed that the Brighton Tavern was not a nightclub. The application was for a licensed premises under the Licensing Act 2003. The following conditions were suggested in order to resolve the concerns of residents. These were (1) the exterior of the premises to be cleared of all customers by 23.00 hours. (2) Recorded

music and noise generated by the premises shall not be audible to the nearest noise sensitive area from 23.00 to 10.00 hours. No application for live music or karaoke. (3) All windows and doors to be closed at 23.00 hours.

24.8 The applicant's representative agreed that the letters of support were instigated by the Brighton Tavern, but felt that this did not devalue their content. The applicants did not propose to amend the hours requested but were prepared to withdraw the application for Christmas Day and Boxing Day. The application for a 9.00 a.m. opening hour was for odd occasions when the pub might wish to provide coffee and soft drinks to coach parties.

24.9 **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 and exterior areas to be cleared of all customers and closed to all patrons between the hours of 23.00 and 09.00 hours.

(2) Amplified music and other entertainment noise from within the premises shall not be audible at any residential premises between the hours of 23.00 and 10.00 hours.

(3) All doors and windows shall be kept shut from 23.00 hours save for access and egress.

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

(5) The further additional hours for Christmas Eve and Boxing Day to be withdrawn.

Reasons for granting licence: It was considered that the above conditions adequately dealt with the concerns of 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 notification of the decision given at the hearing.

The meeting concluded at 4.52 p.m.

Signed

Chair

Dated this

day of

2005