

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

2.00PM – 26 JULY 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Lepper (Chair for item 32 only). Councillor Simson (Chair for item 34 only). Councillors Pennington and Watkins

PART ONE

30. ELECTION OF CHAIR

30.1 **RESOLVED** – That Councillor Lepper be elected Chair for item 32. Councillor Simson was elected chair for item 34.

31. PROCEDURAL BUSINESS

31A. Declarations of Substitutes

31.1 Councillor Simson substituted for Councillor Lepper for item 34 on the agenda.

31B. Declarations of Interest

31.2 Councillor Lepper declared a personal interest in item 34 and would withdraw from the meeting during the discussion and decision.

31C. Exclusion of Press and Public

31.3 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.

31.4 **RESOLVED** - That the press and public be not excluded from

the meeting during consideration of the following items.

32. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE QUEEN'S ARMS

32.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence at the Queen's Arms (see Minute Book).

32.2 The applicant's representative Mr Phipps attended the Panel with Mr Bennett, the licensee of the Queen's Arms. Mr Scoble attended the Panel to represent objectors from the Kingscliff Society.

32.3 The Licensing Manager summarised the application as set out in the report. There were 7 objections to the application. There were no representations from Sussex Police or East Sussex Fire and Rescue Service. Comments from the Pollution Team were set out in paragraph 3.3 of the report.

32.3 Mr Scoble raised issues relating to cumulative impact. The Licensing Manager and Panel Solicitor explained that when the Local Authority had consulted on the Licensing Policy, cumulative impact had not been included as a concern. This could be included when the policy was reviewed. Meanwhile, the cumulative impact argument as advanced here was not in line with government guidance which inter alia considered that a gradual dispersal from licensed premises would assist cumulative impact. The application would need to be considered on its own merits.

32.4 Mr Scoble informed the Panel that the objections raised by the residential objectors from the Kingscliff Society were set out in his letter of 25 June, and the attached noise diary. Mr Scoble could see no reason why the hours of the Queen's Arms should be extended and considered that any extension would lead to similar problems described in the noise diary and would turn the establishment into a nightclub. The Kingscliff Society considered a 12.00 midnight or 12.30 a.m. closure would be appropriate.

32.5 The applicant's representative Mr Phipps informed the Panel that the comments of the Kingscliff Society had no bearing on the application, which should be considered on its own merits. He suggested the following conditions be placed on the licence. These were (1) No outside drinking at all after 23.00 hours. (2) That no bottles or rubbish be placed outside the premises after 23.00 hours. (3) Doors to the premises to be closed other than for access or egress after 23.00 hours. (4) That there be no audible noise or music in the nearest noise sensitive premises after 23.00 hours. (5) CCTV to

be maintained.

32.6 Mr Phipps stressed that the Queen's Arms had not condoned or permitted lurid acts in the alleyway to the side of the pub as referred to in a resident's letter. Light sensors had been installed in the alleyway. CCTV had also been installed.

32.7 The applicant confirmed that SIA registered door supervisors would be employed if the pub was open to 2.00 a.m. The pub's lobbies both had door closers.

32.8 Miss Roberts, a residential objector made herself known to the Panel at this point in the proceedings. She was permitted to address the Panel. She stressed the need for double glazing in the pub. She was concerned at the noise caused by people leaving and entering the pub and stated that the inner door was left open.

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

- (1) There should be no drinking outside the premises after 23.00 hours.
- (2) No bottles or rubbish to be put outside the premises after 23.30 hours.
- (3) Doors and windows to the premises to be closed after 23.00 hours, other than for access and egress.
- (4) No music or other noise from within the premises to be audible at any residential premises after 23.30 hours.
- (5) CCTV to be maintained as currently operated.

Reasons for granting licence: It was considered that the above conditions were necessary and 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.

33. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE BATH ARMS

33.1 The Panel was informed that this application had been

withdrawn from the agenda.

34. APPLICATION FOR A VARIATION TO A PREMISES LICENCE AT THE BASKETMAKERS

34.1 Councillor Lepper withdrew from the meeting and Councillor Simson attended as a substitute. Councillor Simson was elected as Chair from this point in the proceedings.

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

34.3 Mr Chatfield of Gales brewery and Mr Dowd, licensee of the Basketmakers attended the Panel. Mr Scam attended as the representative of the residential objectors from the North Laine Community Association, namely Miss Brand and Mrs Powell. Mr Sutton attended as a residential objector.

34.4 The Licensing Manager summarised the application as set out in the report. 34.5 The objection from the East Sussex Fire and Rescue Service had now been withdrawn. There were no representations from Sussex Police. A noise complaint had been received by the Pollution Team, Environmental Services in April 2005 but no evidence was obtained.

34.6 Mr Scam set out his objections to the application. The Basketmakers was in the middle of a community of high density residential accommodation. He considered that the pub should not have late night extensions. Residents needed to be able to sleep at night. He raised the issue of cumulative impact and said that no one had consulted the residents about this matter. Residents did not wish to wait for a review of policy for this matter to be considered. The 7.00 a.m and the Sunday 2.00 a.m opening hours would be unacceptable.

34.7 Mr Scam asked for the resident's Human Rights to be taken into consideration. He made reference to the photographs taken by residents, which showed the close proximity of the pub to residential houses. He requested that there should be a condition on the licence to state that tables and chairs be removed at 8.00 p.m. as at present. Mr Scam considered that West Street and the area below the A259 were more appropriate for late night drinking. He noted that there was no double glazing in the pub and considered that there was no evidence to support the application.

34.8 Mr Sutton informed the Panel that he lived immediately opposite the Basketmakers. Mr Sutton described the noise caused

by the current licensing hours as just about bearable. He and his partner could only sleep by using ear plugs and closing the windows. The windows & doors of the pub were open in the summer and there appeared to be no proper ventilation. Noise was generated by customers on & off the premises.

34.9 Mr Sutton considered that any further extension would be intolerable. At weekends patrons from the pub sat on the pavement and caused further noise and disturbance. Mr Sutton felt that the Basketmakers should not be granted any extension whatsoever and should have proper ventilation, double glazing and acoustic insulation installed in the establishment. He also requested that there be an undertaking that there be no moving of beer kegs or bottles after 11.00 p.m.

34.10 The applicant informed the Panel that representatives of the brewery had held two meetings with local residents regarding the application. Many of the requested extensions were to ensure the pub would be acting lawfully. There was no intention to hold indoor sporting events or to show films for example. Live music was only likely to be played during the Brighton Festival. Recorded music would only be background music. There was no possibility of having dancing in the pub but if someone decided to bop the pub would be legally covered by the application. The 7.00 am application was for rare occasions when the pub might wish to serve teas and coffees.

34.11 The applicant had installed an auto racking system at the pub and used a private rubbish collector who called at 9.00 am. No bottles were collected after 7.00 p.m. The application for extended hours had been made by the brewery. The applicant would be content with the following hours. Monday, Tuesday and Wednesday 11.00 a.m to 11.00 p.m. Thursday, Friday and Saturday – 11.00 to midnight. Sunday – midday to 11.00 p.m. with a 60 minute wind down period. Meanwhile, a heavy duty curtain could be installed at the bottom of the cellar drop to reduce the noise of the racking of beer.

34.12 The applicant suggested a condition that no exterior windows should be open after 11.00 p.m. to stop noise escaping.

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

(1) The hours for the sale of alcohol to be Sunday to Thursday – 10.00 to 23.00 hours. Friday and Saturday – 10.00 to midnight. The hours the premises are open to the public to be an extra 60 minutes

on top of these times to allow for a winding down period. All other activities to be adjusted to reflect these hours.

(2) Tables and chairs to be cleared from the outside area at 20.00 hours and the outside area should be closed to patrons after 23.00 hours. All other activities to finish in line with sale of alcohol times.

(3) All doors and windows shall be closed after 23.00 hours, other than for access and egress.

(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.

(5) No bottles or rubbish to be removed from the premises from 22.00 to 07.00 hours.

(6) A heavy duty curtain to be installed at the bottom of the cellar drop to reduce the noise of the racking of beer.

Reasons for granting licence: It was considered that the above conditions offered by the applicants, 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 5.31 p.m.

Signed

Chair

Dated this

day of

2005