

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING PANELS (Licensing Act 2003 Functions)**

**2.00pm –23 August 2005**

**COUNCIL CHAMBER  
HOVE TOWN HALL**

### **MINUTES**

Present: Councillor Older Chair), Pidgeon and Pennington

#### **PART ONE**

#### **76. TO APPOINT A CHAIR FOR THE MEETING**

76.1 Councillor Older was appointed as Chair for the meeting.

#### **77. PROCEDURAL BUSINESS**

##### **77A Declarations of Substitutes**

77.1 Councillor Pennington substituted for Councillor Watkins.

##### **77B Declarations of Interest**

77.2 There were none.

##### **77C Exclusion of Press and Public**

77.3 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.

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

**78. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGMENTS OF THE LICENSING ACT 2003 – FRESHFIELD INN, 230 FRESHFIELD ROAD, BRIGHTON**

78.1 This item was withdrawn from the agenda.

**79. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGMENTS OF THE LICENSING ACT 2003 – DOVER CASTLE INN, 43 SOUTHOVER STREET, BRIGHTON**

79.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under transitional arrangements of the Licensing Act 2003 at the Dover Castle Inn, 43 Southover Street, Brighton (see Minute Book).

79.2 Mr Martin and Mr Baker attended the Panel as the applicants. Mr Stanbridge and Ms Petty attended as a residential objectors.

79.3 The Licensing Manager summarised the application as set out in report. Eleven representations had been received. No representations had been received from the responsible authorities. One noise complaint had been received in 1999. No further complaints were received until June 2005, when a complaint was received about very loud music. This complaint was still being investigated and the complainant was keeping a noise diary.

79.4 Ms Petty informed the Panel of her objections to the application as set out in her letter of 11 July 2005. She stressed that the Hanover area was one of the most densely populated areas in Europe. If the application was approved the noise from the pub would continue to 2.00 a.m. Ms Petty considered the Dover Castle to be one of the noisiest pubs in the area.

79.5 Mr Stanbridge informed the Panel that since the pub had opened the conservatory at the back of the pub the noise had increased to 11.30 p.m. He had to get up at 4.00 to 4.30 a.m at weekends to go to work and if the pub opened to 2.00 or 3.00 am he would not be able to sleep or enjoy living in his house. Both Ms Petty and Mr Stanbridge stressed that the noise echoed on the sloping hillside. The objectors heard music from inside the pub and said that it did not finish until the pub doors were locked.

79.6 The applicants presented their case and stressed that the Dover Castle was one of the most popular pubs in Hanover. They served food and drink and it was very well run. They were not aware of the noise complaint made in June 2005.

79.7 The applicants did not accept some of the allegations made about the pub in the letters of complaint, particularly the allegations

of vandalism. They also did not accept that extending the terminal hour would increase alcohol consumption.

79.8 The applicants were intending to close the garden at 10.30 pm. They would be happy to accept a condition stating that door closers be placed on the conservatory doors. They would not apply for live music beyond 11.00 p.m. Discos would finish at 11.00 p.m. The pub did not want to change substantially but did want flexibility in the future. The pub was also willing to put up signage requesting customers to leave quietly.

79.9 Councillor Pennington queried the plan submitted by the applicants. He stressed that the garden had not been included as the licensed area. The applicants agreed that the plan was incorrect but confirmed that the garden was licenced under the existing Justices Licence.

79.10 **RESOLVED** - That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following amendments.

The hours for the sale of alcohol to be Sunday to Thursday – 10.00 to 23.30 hours. Friday and Saturday – 10.00 to 00.00 hours. The hours the premises are open to the public to be Sunday to Thursday – 10.00 to 00.00 hours. Friday to Saturday - 10.00 to 01.00 hours. All other activities to be adjusted to reflect these hours.

The following conditions to be attached to the licence.

- (1) Automatic door closers and acoustic seals to be fitted on the conservatory doors.
- (2) No live music or discos after 23.00 hours.
- (3) 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.
- (4) All doors and windows to be closed after 23.00 hours, except for access and egress.
- (5) No music to be played outside the premises.

**Reasons for granting licence with the amended hours and conditions:** The Panel considered that the changes to the hours and the conditions outlined above would adequately address the objections expressed by 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 written notification of the decision given at the hearing.

The meeting concluded at 3.40 p.m.

Signed

Chair

Dated this

day of

2005