

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANELS (Licensing Act 2003 Functions)

9.30am – 23 August 2005

COUNCIL CHAMBER
HOVE TOWN HALL

MINUTES

Present: Councillor Pidgeon, Simson and Watkins

PART ONE

ACTION

72. TO APPOINT A CHAIR FOR MEETING

72.1 Councillor Simson was appointed as Chair.

73. PROCEDURAL BUSINESS

73A Declarations of Substitutes

73.1	<u>Substitute Councillor</u> Watkins	<u>For Councillor</u> Pennington
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73B Declarations of Interest

73.2 There were none.

73C Exclusion of Press and Public

73.3 The Panel 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.

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

any items on the agenda.

73. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGMENTS OF THE LICENSING ACT 2003 – LORD NELSON, 36 TRAFALGAR STREET

74.1 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 Lord Nelson, 36 Trafalgar Street, Brighton (see Minute Book).

74.2 The Panel noted that although 7 letters of representation had been received, no-one had attended to put their views orally to the Panel. The substance of the representations was the anticipated negative impact of extended opening hours, noise levels and potential for increase in crime and disorder.

74.3 On behalf of the applicant, it was explained that the application sought a modest extension to opening hours and that in response to the representations there would be no admittance permitted after 23.00 hours; the premises would close at 23.30 hours on Sundays; and the gallery would be closed at 00.00 hours on Fridays and Saturdays.

74.4 Mr Boyd, the licensee explained that although the extensions had been sought to the opening hours, this did not mean that the the premises would be open late every night because it would not be financially viable.

74.5 **RESOLVED** – That the licence be granted subject to the following conditions:

1. That the licensee shall ensure that the gallery be closed and cleared no later than 23.30 hours.
2. That the licensee shall ensure that no admissions to the premises will be permitted after 23.00 hours.
3. That the licensee shall ensure that all windows and doors at the premises will be closed after 23.00 hours except to allow ingress and egress.
4. That the licensee shall ensure prominent, clear and legible signs are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

REASON FOR CONDITIONS

The conditions were imposed in order to prevent the likelihood of

noise nuisance to nearby residents.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates' Court under the Licensing Act 2003, and that appeals must be brought within 21 days of the written notification of the decision given at the hearing.

75. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGMENTS OF THE LICENSING ACT 2003 – MONTPELIER INN, 7-8 MONTPELIER PLACE, BRIGHTON

75.1 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 Montpelier Inn, 7-8 Montpelier Place, Brighton (see Minute Book).

75.2 The Panel noted that 6 letters of representation had been received concerned about the negative impact of extending opening hours, noise levels and prevention of public nuisance but none of the persons that submitted representations had attended to put their views orally.

75.3 On behalf of the applicant, Mr Thomas explained that the public house had a strong and positive relationship with the local community and that he was surprised by the objections although he did recognise their concerns. In response to these concerns he indicated that live music would cease at 23.30 hours; the outside area would be vacated one hour before closing; and prominent notices would be displayed asking patrons to leave the premises quietly. In addition, the applicant subsequently agreed to ask patrons to vacate the outside area by no later than 23.30 hours.

75.4 **RESOLVED** – That the application be granted subject to the following conditions:

1. That the sale of alcohol and opening hours be restricted to the hours of 10.00 hours to 00.00 hours on Mondays to Thursdays; 10.00 hours to 01.00 hours on Fridays and Saturdays; and 11.00 hours to 00.00 hours on Sundays.
2. That for sections B, C, F, H and J the revised times are 10.00hours to 00.00 hours on Mondays to Thursdays; 10.00 01.00hours on Fridays and Saturdays; and 11.00 hours to hours on Sundays and for section E concerning live music this will finish one hour before closing.
3. That the licensee shall ensure that the outside area be closed and cleared by no later than 23.30 hours.
4. That the licensee shall ensure prominent, clear and legible signs 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 the licensee shall ensure that excessive noise does not come from the premises, such as to cause people in the

neighbourhood to be unreasonably disturbed.

6. That the licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

REASONS FOR CONDITIONS

The conditions were imposed in order to prevent the likelihood of noise nuisance to nearby residents.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates' Court under the Licensing Act 2003, and that appeals must be brought within 21 days of the written notification of the decision given at the hearing.

PART TWO

76. ITEMS TO REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

76.1 **RESOLVED** - That items no items be exempt from disclosure to the press and public.

The meeting concluded at 11.00 hours

Signed

Chair

Dated this

day of

2005