

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANELS (Licensing Act 2003 Functions)

9.30am – 25 August 2005

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillor Lepper, Pidgeon and Simson

PART ONE

ACTION

80. TO APPOINT A CHAIR FOR THE MEETING

80.1 Councillor Lepper was appointed Chair.

81. PROCEDURAL BUSINESS

81A Declarations of Substitutes

81.1 There were no declarations of substitutes

81B Declarations of Interest

81.2 There were none.

81C Exclusion of Press and Public

81.3 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.

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

the meeting during consideration of item 83.

82. MINUTES

82.1 **RESOLVED** - That the minutes of the meeting held on 9 August 2005 be approved and signed by the Chair.

83. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGMENTS OF THE LICENSING ACT 2003 – CONNAUGHT HOTEL, 48 HOVE STREET, HOVE

83.1 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 Connaught Hotel, 48 Hove Street, Hove (see Minute Book).

83.2 The Applicants Mr B Akehurst and Mrs R Hall attended the Panel hearing.

83.3 The Licensing Manager summarised the application as set out in the report. Forty-nine objections had been received in the time period and six objectors attended the Panel hearing: Ms Tester, Mrs S Bowen, Mr P Turney, Mr J Hershman, Mrs C Darwin and Mr A Cavallo. No representations had been received from the responsible authorities, however there was a current investigation being undertaken regarding a complaint about noise.

83.4 Ms Tester confirmed that she had been a resident of Dolphin Court for 10 years. Over recent years the noise from the pub had increased particularly if doors and windows were open. Noisier when there was Karaoke or bands were playing. People were noted entering and leaving the pub after closing time. Concerned that if the pub were to have a licence until 2 a.m. people would still be making a noise after this time as they left the premises.

83.5 Mrs Bowen informed the Panel that the public house was located in a residential area and it was not appropriate for it to have a late license. Was concerned that if the variations to the licence were granted less considerate people may take over the pub. Noise Abatement Team were only on duty on Friday and Saturday night and if an issue arose on another night the local residents would need to object in person. There is a small police presence in the area and would be concerned if there were a disturbance. There had been incidents in the area and the police had been called once. There had been arguments in the street, but

the police were not concerned.

83.6 Mr Hershman informed the Panel that he had lived at 2 New Church Road for 16 years. The noise from the pub could be heard from his flat, especially during the hot weather when doors and windows were open. When the pub closes people congregate at the corner of New Church Road and Hove Street and shout at each other, it would become worse if the pub were open later. There were soundboards, which should be put up at the pub windows, however, these were rarely put up and when they were did not work well. The disturbance was worse when there was karaoke.

83.7 Mrs Darwin informed the Panel that the pub was located in a residential area, it is not in the city centre and is not on a main road. The Connaught is an old building and does not have double-glazing. There are problems when people leave the pub, as there are no taxi ranks nearby and a limited bus service. Human Rights Act allows for people to have the right to quiet enjoyment.

83.8 Mr Cavallo the owner of Hove Cottage, which is next door to the Connaught, informed the Panel that the property was currently rented and his tenant had submitted an objection. This property abuts the pub. There was concern that if the opening hours were extended the noise would be such that it would affect the ability to rent out the property.

83.9 The Applicant Mrs Hall informed the Panel that the pub was generally quite quiet during the week. If people required a taxi they would call from the pub. Boards were put up whenever live music was played. The windows to the pub did not open as they had been painted up. The Applicants were hoping to have air conditioning installed. The Applicants have obtained a noise monitor to note the sound levels. They had measured the sound levels over the course of one evening at 3 locations close to the pub. The levels ranged from 54.1 decibels to 63.1 decibels. The Applicants confirmed that the pub garden was normally closed at around 10.30 each evening, and were happy to agree to close the garden at 10.30 pm. With regard to live music the Applicants confirmed that microphones in the pub did not have noise limiters. The Applicants were also represented by the previous licensee of the Connaught, Bernie. Bernie also runs the karaoke and confirmed that whenever live music was played he put up the soundboards. Karaoke is currently played two nights a week on Friday and Saturday nights. Live bands play on Thursdays (but not every week).

83.10 **RESOLVED** – That the application for a variation for the

premises licence already granted under 'grandfather rights' be granted with the following conditions:

- (1) Sale of Alcohol – Monday to Thursday 10.00 – 00.00, Friday to Saturday 10.00 – 00.30, Sunday 11.00 – 00.00, Christmas Eve and Christmas Day as per application, plus 30 minutes drinking up time on all days.
- (2) Live Music – All live music (to include a DJ and karaoke) to cease one hour before closing time. Sunday to Thursday music to stop at 23.30, Friday and Saturday music to stop at 00.00.
- (3) A noise Limitater to be installed to a level set and approved by the Licensing Authority.
- (4) The outside garden to be closed by 22.30 on each day
- (5) No new admission to the premises after 23.30
- (6) Clear and prominent sign to be placed by exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly
- (7) Installation of suitable acoustically treated extract ventilation
- (8) Continuation of the erection of soundproofing boards at the windows when live music is being played.

Reason for granting licence: The Panel were mindful of the objections received. It was felt that the above conditions would address the concerns expressed by the local residents about noise coming from the public house.

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 11.55 am

Signed

Chair

Dated this

day of

2005

