

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANELS (Licensing Act 2003 Functions)

2.00pm – 30 August 2005

**COUNCIL CHAMBER
HOVE TOWN HALL**

MINUTES

Present: Councillor Cobb, Simson and Turner

PART ONE

ACTION

93. ELECTION OF CHAIR

93.1 **RESOLVED** – That Councillor Simson be elected Chair for the meeting.

94A. PROCEDURAL BUSINESS

Declarations of Substitutes

94.1 There were no declarations of substitutes.

94B. Declarations of Interest

94.2 There were none.

94C. Exclusion of Press and Public

94.3 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.

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

95. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE OFFICE

95.1 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 Office, 8-9 Sidney Street, Brighton (for copy see Minute Book).

95.2 The applicant's representative Mr Griffin attended the Panel. A residential objector, Mr. Mehmet also attended.

95.3 The Licensing Manager summarised the application as set out in the report. There were two objections to the application. There were no representations from Sussex Police or Environmental Health.

95.4 Mr Mehmet set out his objections, which centred around the use of the rear garden by staff in the early hours of the morning on one occasion. He also asserted that persons had been drinking in the street after hours. The problems had ceased after Mr Mehmet had complained to the staff.

95.5 The applicant presented their case.

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

- (1) That the garden is closed and cleared by 23.00 hours
- (2) That clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- (3) Doors and windows shall be shut at 23.00 hours
- (4) That there shall be no live music after 23.00 hours
- (5) That the placing of refuse – such as bottle – into receptacles outside the premises takes place no later than 23.00 hours and no earlier than 07.00 hours.
- (6) That amplified sound equipment shall be governed by a sound limiting device set at a level approved by the licensing authority.
- (7) That all off sales are sold sealed.

Reasons for granting licence: It was considered that the above conditions would address the concerns 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.

96. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE GREAT EASTERN PUBLIC HOUSE

96.1 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 Great Eastern Public House, 103 Trafalgar Street, Brighton (for copy see Minute Book).

96.2 The applicant's representative Mr. Griffin attended the Panel. A residential objector, Mrs. Fuller also attended.

96.3 The Licensing Manager summarised the application as set out in the report. There were two objections to the application. There were no representations from Sussex Police or Environmental Health.

96.4 Mrs Fuller set out her objections, which centred around the noise created by persons leaving the premises and drinking outside the premises

96.5 The applicant set out their case.

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

- 1) That the outside area is closed and cleared by midnight.
- 2) That clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 3) Doors and windows shall be shut at midnight
- 4) That there shall be no live music after 23.00 hours
- 5) That the placing of refuse – such as bottle – into receptacles outside the premises takes place no later than 23.00 hours and no earlier than 07.00 hours.
- 6) That the Licensee must ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.
- 7) That all off sales are sold sealed.

Reasons for granting licence: It was considered that the above conditions would address the concerns 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.

97. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - ROUNDHILL TAVERN

97.1 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 Roundhill Tavern, 100 Ditchling Road, Brighton

(for copy see Minute Book).

97.2 The applicant's representative Mr. Thomas (Regional Manager) attended the Panel, as did the Licensee Ian Coleman. Three residential objectors also attended; Ms Upton, Ms Harris and Mr. Jackson.

96.3 The Licensing Manager summarised the application as set out in the report. There were nine objections to the application. There were no representations from Sussex Police or Environmental Health.

96.4 The applicants set out their case.

96.4 Ms Upton set out her objections, which centred around the noise created by persons drinking outside the premises and the attractiveness of the area to passing persons. Ms Upton felt the outside area was not properly managed and attracted additional undesirable elements. Concern was also raised about the drink promotions, which the objectors felt were aimed at young people.

96.5 Ms Upton noted a petition signed by 21 persons and regretted that this had not been able to be taken into account as 21 separate objections.

96.6 Mr Jackson set out his objections, which concerned the potential disruption to residents' sleeping patterns.

96.7 Ms Harris echoed the sentiments made by the previous objectors.

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

- 1) The Licensee must ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.
- 2) The licensee shall ensure that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 3) That the outside area is closed and cleared by 23.00 hours

The Panel also suggested it would be beneficial for the Licensee to delineate the boundaries of the outside area and make clear the boundary of the premises and the public highway. The panel also wished to accept the offer by the Licensee to review the policy in regards to their drinks promotions.

Reasons for granting licence: It was considered that the above conditions would address the concerns 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 4.55 pm

Signed

Chair

Dated this

day of

2005