

# **BRIGHTON & HOVE CITY COUNCIL**

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

**9.30AM – 19 DECEMBER 2005**

### **COMMITTEE ROOM 3 BRIGHTON TOWN HALL**

#### **MINUTES**

Present: Councillors Simson (Chair), Pennington and Pidgeon.

Also in attendance: Tim Nichols, Head of Environment and Licensing, Rebecca Sidell, Panel Solicitor and Caroline De Marco, Committee Administrator.

#### **PART ONE**

#### **320. ELECTION OF CHAIR**

320.1 **RESOLVED** – That Councillor Simson be elected Chair for this meeting.

#### **321. PROCEDURAL BUSINESS**

##### **321A. Declarations of Substitutes**

321.1 There were no substitute councillors.

##### **321B. Declarations of Interest**

321.2 Councillor Pennington declared a personal but not prejudicial interest in item 324 as he had corresponded with the applicant of the Hotel Una on a ward matter unrelated to the application.

##### **321C. Exclusion of Press and Public**

321.3 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.

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

**322. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – SUSSEX COUNTY CRICKET CLUB**

322.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence under the Licensing Act 2003 – Sussex County Cricket Club, County Ground, Eaton Road, Hove (see minute book).

322.2 The applicant's representative, Mr Simmonds attended the Panel. Mr Griffith, Chief Executive of the Sussex County Cricket Club and Mr Jefferies, Safety Officer attended the Panel. The residential objector was not in attendance.

322.3 The Licensing Manager declared a personal but not prejudicial interest in the application. Although he was not a member of the club, some of his relatives were members. The Licensing Manager summarised the application as set out in report. Representations had been made by a local resident. No representations had been received from the Police or Environmental Health. Some noise complaints had been received in the past about marquee events or external speeches. These had been resolved. There had never been any complaints relating to the indoor function rooms.

322.4 Mr Simmonds explained that the application was for a premises licence for every day the cricket ground was in use. It was not possible to clearly define from day to day when the premises would be in use. The recent complaints made about noise were due to a mistake made by a catering firm in the licensed area. The complaint related to noise emanating from a marquee. The catering firm had been told this must not happen again. Meanwhile, music in the hospitality tents was no longer allowed.

322.5 Mr Simmons stressed that the club was a responsible business and recognised that the ground was surrounded by residential properties.

322.6 **RESOLVED** - That the application for a premises licence be granted.

**Reasons for granting licence:** The Panel considered that the applicants were taking sufficient measures to meet the licensing objectives.

The Panel solicitor reported that residential objector had 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.

**323. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE SNIPE**

323.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence under the Licensing Act 2003 for The Snipe, 189 Carden Avenue, Brighton, (see minute book).

323.2 The applicants and the residential objectors were not in attendance at the meeting. The Licensing Manager confirmed that letters had been sent to both the applicants and residential objectors inviting them to the Panel.

323.3 The Licensing Manager summarised the application as set out in report. The Police had withdrawn their objection following acceptance of conditions. There were no representations from Environmental Health. There had been a history of noise complaints and complaints about anti social behaviour associated with the pub. A noise abatement notice had been served and later withdrawn as the necessary action was taken by the pub management. There were no current complaints. The pub had recently closed and new owners had taken over the management.

323.4 **RESOLVED** - That the application for a variation of a premises licence be granted with the following conditions.

(1) The hours for all regulated entertainment (including films and indoor sporting events) shall be Sunday to Thursday 10.00 to 23.00 and Friday and Saturday 10.00 to 00.00. Where the alcohol hour sales are extended on special holidays, regulated entertainment hours will not be extended an extra hour.

(2) Doors and windows shall be kept shut, after 23.00 hours, except for access and egress.

(3) The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by the use of a noise limiter on amplification equipment used at the premises.

**Reasons for attaching conditions:** The Panel considered that the conditions were necessary for the promotion of the licensing objectives in relation to public nuisance.

The Panel solicitor mentioned that the parties had 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.

**324. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – HOTEL UNA**

324.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence under the Licensing Act 2003 for the Hotel Una, 55-56 Regency Square, Brighton (see minute book).

324.2 The applicant was in attendance at the meeting with his representative Mr Simmonds. The representative of the Regency Square Area Society was not in attendance at the meeting.

324.3 The Licensing Manager summarised the application as set out in report. One representation had been received from the Chairman of the Regency Square Area Society relating to potential public nuisance and potential increase in crime and disorder. No representations had been received from the Police or Environmental Health. There was no history of noise complaints at the premises. The Licensing Manager stressed that it was important to explore the relevance of the representation, as it was not clear if it was representing people who lived nearby or adjoining the premises.

324.4 Mr Simmonds informed the Panel that he had discussed the application with Mr Hinton, Chairman of the Regency Square Area Society. Mr Simmonds could confirm that Mr Hinton lived in Regency Square, and had submitted the objection on behalf of another member who lived in the square.

324.5 Mr Simmonds explained that the Hotel Una was a long established hotel, which had undergone substantial refurbishment. The hotel was already open 24 hours a day under a justice's licence. The hotel wanted to continue to provide facilities for residents and guests 24 hours a day. Function rooms were used for booked parties and conferences and were not in use every night. Live music was played no later than midnight. Recorded music in the ground floor function rooms was under strict control and was reduced considerably later in the evening. The front door was closed at 11.00 p.m. and people had to ring the bell to gain entrance.

324.6 Mr Simmonds confirmed that a new CCTV system had been installed at the request of the Police. Mr Simmonds stressed that the applicant considered his neighbours and there would be no noise escape.

324.7 **RESOLVED** - That the application for a premises licence be granted with the following condition.

CCTV cameras shall be maintained in proper working order.

**Reasons for attaching condition:** The Panel considered that the condition was necessary to deal with any potential crime and disorder that may arise.

The Panel solicitor mentioned that the parties had 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 11.18 a.m.

Signed

Chair

Dated this

day of

2006