

# **BRIGHTON & HOVE CITY COUNCIL**

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

**2.00PM – MONDAY 9 JANUARY 2006**

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

#### **MINUTES**

Present: Councillors Meegan (Chair), Pidgeon and Watkins

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

#### **PART ONE**

#### **ACTION**

#### **325. ELECTION OF CHAIR**

325.1 **RESOLVED** – That Councillor Meegan be elected Chair for this meeting.

#### **326. PROCEDURAL BUSINESS**

##### **326A Declarations of substitutes**

326.1 There were no substitute councillors.

##### **326B Declarations of Interest**

326.2 Councillor Watkins declared a personal but not prejudicial interest in Item 327 - Delight Kebab, as he is a member of the Planning Applications Sub-Committee and Item 328 – Melati Restaurant, as he lived near (but had not visited) the premises.

##### **326C Exclusion of Press and Public**

326.3 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.

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

### **327. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – DELIGHT KEBAB**

327.1 The Panel considered the report of the Assistant Director, Public Safety regarding an application for a premises licence under the Licensing Act 2003 for Delight Kebab, 15 Preston Road, Brighton (see minute book).

327.2 The applicant Mr Bedir attended the Panel with his representative. The residential objector was not in attendance.

327.3 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. The Licensing Manager confirmed that a litter bin was situated immediately outside the shop.

327.4 The applicant's representative informed the Panel that Mr Bedir had run the business since 2001. The current application was in line with the planning permission already granted. Mr Bedir's clientele were well behaved local people. The allegations in the representation did not appear to be proven in fact and most were not specific to the premises. Mr Bedir had a daily collection of rubbish and cooking smells might be caused by other food premises in the area. A bus stop used by 24 hour buses was situated just north of the shop.

327.5 Mr Bedir confirmed that he had a rubbish bin inside the shop. A council litter bin was situated immediately outside the shop. An extractor system had been installed to discharge cooking smells.

327.6 **RESOLVED** - That the application for a premises licence be granted, subject to the following condition.

(1) A sign should be displayed inside the premises requesting customers to use the litter bin provided.

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

The Panel solicitor reported 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.

### **328. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – MELATI RESTAURANT**

328.1 The Panel considered a report of the Assistant Director, Public Safety regarding an application for a premises licence under the Licensing Act 2003 for Melati Restaurant, 52a Landsdowne Place, Hove (see minute book).

328.2 The applicant Mr Happlewhite attended the Panel with his representative. The objector was not in attendance.

328.3 The applicant's representative reported that she considered that the objection letter from solicitors acting for the landlord was not a valid representation. The landlord did not appear to live in the vicinity or have an office in the vicinity. Meanwhile, the tenants had not objected to the application.

328.4 **RESOLVED** – That the application be referred to officers to grant the licence as the objection letter is not considered a valid representation.

**329. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 – ST GEORGES STORE, 139A WESTERN ROAD, BRIGHTON.**

329.1 The Panel considered the report of the Assistant Director, Public Safety regarding an application for a variation to the premises licence under the Licensing Act 2003 for St George's Store, 139a Western Road, Brighton (see minute book).

329.2 The applicant Mr Philips was in attendance at the meeting with his representative Mr Simmonds. Sgt Castleton attended the Panel to represent Sussex Police who had objected to the application.

329.3 The Licensing Manager summarised the application as set out in report. One representation had been received Sussex Police. No representations had been received from Environmental Health. There was no recent history of noise complaints at the premises.

329.4 Sgt Castleton informed the Panel that his colleagues had worked with the applicant to try to resolve the objections. The police had withdrawn their request that no drunks (street drinkers) should be allowed on the premises at any time. The applicant had now agreed to all of the other conditions requested by the police with the exception of the condition stating that no lager, bitter or cider exceeding 5.9% volume should be sold. The police wished to have this condition in place, as the premises was close to Norfolk Square where there had been a significant problem with street drinkers in the past. The majority of street drinkers used to obtain alcohol locally.

329.5 Sgt Castleton confirmed that very few premises in the area were open 24 hours a day and that there was a significant footfall

late at night. The condition relating to the sale of alcohol exceeding 5.9% volume had been used elsewhere. The condition would apply to a limited amount of alcohol such as Carlsberg Special Brew and White Lightening Cider, which were both favoured by street drinkers.

329.6 Sgt Castleton confirmed that a fixed penalty notice had been served to a member of staff for serving a street drinker with strong lager and Special Brew. Meanwhile, the police were called by staff to deal with public disorder outside the premises on 29 December 2005

329.7 Mr Simmonds informed the Panel that the premises was run to good standards. The sale of alcohol was an important part of the business. Mr Philips co-operated with the police and most of the conditions requested were already in place with the exception of the condition relating to the sale of lager, bitter and cider exceeding 5.9%. This was considered to be very hard to enforce. Mr Simmonds reported that one third of the alcohol sold by the business was in the high alcohol range and was sold to a wide range of customers. It was an offence for staff to serve street drinkers and Mr Simmonds did not anticipate any problems as a result of the sale of alcohol exceeding 5.9%. It was proposed that a minimum of three staff, including the licence holder should be on duty during the hours of 23.00 hours and 06.00 hours if practicable.

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

(1) The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licenses with a photograph or a "PASS" approved card...these are the Connexions Card, Citizencard, Portman Card and Validate Card. No other form of ID will be accepted, but this policy may be amended from time to time with prior written agreement with the police as appropriate without the need to amend the premises licence.

(2) A refusals book will be maintained to record all refusals of alcohol to underage and suspected underage persons.

(3) CCTV and appropriate digital recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification following consultation with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and

detection of suspected or alleged crime.

(4) Crime prevention and security measures to be implemented and maintained in consultation with Sussex Police.

(5) On Friday and Saturday nights from 22.00 until 05.00 the following morning (or from 22.00 hours until close if closure is earlier than 05.00), a minimum of two SIA registered door supervisors to operate from the premises to control entrance to the premises etc.

(6) The premises will join the BCRP Shop Watch and Exclusion Notice Scheme.

(7) That a minimum of three staff should be on duty during the hours of 23.00 hours and 06.00 hours.

**Reasons for attaching conditions:** The Panel considered that the conditions are necessary to deal with any potential crime and disorder that may arise. The Panel considers that it has not been demonstrated that the condition requested by the police relating to the sale of lager, bitter or cider exceeding 5.9% volume would have a beneficial effect with regard to the licensing objectives.

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 3.20 p.m.

Signed

Chair

Dated this

day of

2006