

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 30 MAY 2024

VIRTUAL

DECISION LIST

Part One

3 HOVE FITNESS CLUB LICENSING PANEL REPORT (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: *Wish*

Licensing Act 2003 – Licensing Panel Hearing Notification of the Determination of Panel. Licensing panel hearing held virtually via Teams on Thursday 30th May 2024 in respect of the application for a new premises licence for Hove Fitness Club, 2 St Heliers Avenue, Hove, BN3 5RE

The panel has read all the papers including the report and relevant representations and listened to the submissions put forward at the hearing. The panel has also had regard to the council's Statement of Licensing Policy (SOLP) and the section 182 Licensing Act 2003 statutory guidance.

The application is for a new premises licence, authorising the sale of alcohol by for consumption on the premises between 12.00 and 22.00 every day.

The premises are not situated within the Cumulative Impact Area (CIA) or the Special Stress Area (SSA). Zone (CIZ). Subject to any issues raised by the Matrix, the application falls to be determined on its own merits.

A "matrix" approach to licensing decisions has been adopted by the council in its SOLP. It sets out a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success to any applicant. The matrix provides for a terminal hour of 10pm for cafes in "Other areas".

In her introduction, the Licensing Officer advised that no licence was required for recorded music between the hours of 08.00 and 23.00 hours on premises licensed for the sale of alcohol.

Two representations were received from local residents setting out concerns relating to the Prevention of Public Nuisance Protection of Children from Harm.

One of the objectors appeared at the hearing to expand upon their concerns.

We also heard from the applicant company's representatives.

In their presentation, and in answer to questions we were told that:

- The applicant had run a successful sports club, with a bar, in Orchard Road for many years without problems.
- There had been prior consultation with the Police, which had led to the comprehensive conditions being submitted. (pages 22 -24 of the agenda)
- The application for the sale of alcohol was an attempt to maximise revenue.
- Access to the club was limited to club members with a QR code. To exit the premises, members have to pass the manned reception desk.
- Recorded music was already played inside the premises. There are no plans to put speakers on the balcony.
- Occasionally special events are held, such as a quiz. The last quiz was ticketed to control numbers.
- The café has a seating capacity of approximately 50, and the external balcony about 20.
- The premises are to be closed to members by 10pm. A condition prohibiting alcohol sales after 21.45 would be acceptable.
- With approximately 50 parking spaces, parking is not expected to be an issue.
- The company would be willing to erect signs reminding club members and their guests to be quiet when leaving the premises and to be respectful to neighbours.

The panel has considered this application on its merits. It welcomes the applicant's active engagement with the Police, and the agreed conditions. Access and egress to the premises is closely controlled, so the sale of alcohol to members of the public with no connection to the club premises is almost impossible. The seating capacity in the café and balcony is not large. The proposed terminal hour of 22.00 is compatible with the matrix, but we propose to limit the sale of alcohol in the evening until 21.45 hours. That allows 15 minutes drinking up time. We recognise residents' concerns about the potential for late night noise, and consider that last orders before 21.45 will facilitate the premises closing by 22.00 hours. With regard to music noise, we note that there is currently no music on the balcony, and we propose to continue that arrangement with a condition prohibiting music being played there. Where special events with any form of sound amplification, such as a microphone, are held in the café, the doors to the balcony must be kept closed, except for access and egress. Finally we propose to impose a condition requiring the erection of signs reminding patrons to be respectful of neighbours.

The application is therefore granted with the conditions agreed with the Police and the following restrictions/ conditions:-

- Supply of alcohol on the premises every day from 12.00 to 21.45 hours
- No music shall be played on the balcony
- Where special events with sound amplification are held in the café, the doors to the balcony must be kept shut, except for access and egress.
- The licensee shall ensure that prominent, clear and legible notices are displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

The Panel believes that the above conditions are appropriate for the promotion of the licensing objectives.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

Appeal Rights

(Section 181 and schedule 5 of the Licensing Act 2003)

The applicant may appeal against the decision to impose conditions on the licence.

Any person who made a relevant representation who desires to contend that the licence ought not to have been granted, or that on granting the licence, the licensing authority ought to have imposed different or additional conditions, may appeal against the decision.

All appeals must be made to Magistrates' Court, Edward Street, Brighton, within 21 days of notification of this decision letter. A fee is payable upon lodging an appeal