

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

10.00am 1 NOVEMBER 2024

VIRTUAL

DECISION LIST

Part One

1 BABBLE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Contact Officer: Corinne Hardcastle *Tel:* 0127329
Ward Affected: *Wish*

Licensing Panel (Licensing Act 2003 Functions) - Notification of the Determination of Panel.

Licensing Panel hearing held on Friday 1 November 2024 virtually in respect of the application for a new premises licence for Babble, Hove Beach Park, Kingsway, Hove, BN3 4GP

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 and off the premises; live music; recorded music and late-night refreshment.

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, 11pm for off-licences and midnight for late-night takeaways in "Other Areas".

Originally eleven representations were received from local residents setting out concerns relating to the Prevention of Crime and Disorder, Public Safety,

Prevention of Public Nuisance Protection and the Protection of Children from Harm. By the time of the hearing, 9 had been withdrawn. The remaining objectors (representations C and H) did not attend the hearing.

We heard from a director of the applicant company. In their presentation, and in answer to questions we were told that:

- *The concept of Babble is a sun-up to sundown operation, similar to Sea Lanes in Brighton, which the applicant also runs.*
- *There had been prior consultation with the Police and Environmental Health. The applicant had also spoken to a number of the objectors to try to address their concerns. As a result of the consultation, a comprehensive set of conditions had been agreed - pages 46 to 49 of the agenda. These include*

the measures originally proposed as part of the application – pages 29 and 30 and conditions agreed with Environmental Health – pages 43 – 44.

1. *As the building was not yet complete, it was difficult to provide a firm figure for the number of covers, but that was likely to be approximately 100 inside and a similar number outside.*
2. *The tables on the terrace were all seated.*
3. *Speakers would be south facing.*
4. *Residents had already been provided a point of contact in the event of problems.*

The panel has considered this application on its merits. We do not find the matrix helpful in determining a mixed-use application such as Babble. We prefer to treat the application on its own merits. We welcome the applicant's active engagement with the Police, Environmental Health and local residents culminating in a comprehensive set of agreed conditions. In our view, these address residents' objections.

The application is therefore granted with the agreed conditions. The Panel believes that they are appropriate for the promotion of the licensing objectives. Whilst not imposing a condition requiring regular contact to be maintained with Fairlawns Hove Limited, that is our expectation of the applicant.

We also feel it is appropriate to mention that a number of the representations raised planning related objections. These are not matters we can properly take into account. The Statutory Guidance at paragraph 14.65 is clear that they are 2 separate regimes.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'. A webcast of the meeting is also available.

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.