

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

10.00am 18 DECEMBER 2024

VIRTUAL

MINUTES

Present: Councillors: Hewitt, Sykes and Sheard (Substitute)

Officers: Rebecca Siddell (Lawyer), Sarah Cornell (Senior Licensing Officer), Emily Fountain (Licensing & Enforcement Technical Officer), Hannah Staplehurst (Sussex Police), Niall McCann (Applicant' Legal Representative), Shaun Hughes (Democratic Services Acting Manager) and George Colwell (Democratic Services Officer)

PART ONE

1 TO APPOINT A CHAIR FOR THE MEETING

1.1 Councillor Hewitt was appointed Chair for the meeting.

2 PROCEDURAL BUSINESS

a) Declaration of Substitutes

2.1 Councillor Sheard substituted for Councillor McGregor.

b) Declarations of Interest

2.2 There were none.

c) Exclusion of the Press and Public

2.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

2.4 **RESOLVED:** That the press and public not be excluded from the meeting during consideration of any of the agenda items.

3 DALTONS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

- 3.1 The Chair requested all attendees introduce themselves to the meeting.
- 3.2 The Senior Licensing Officer introduced the report to the meeting.
- 3.3 Hannah Staplehurst of Sussex Police stated they objected to the application in one area only, off sales. All other conditions had been agreed through consultation with the applicant. The licensing panel were requested to refuse the application.

Answers to Questions

- 3.4 Councillor Sykes was informed that the entertainment conditions were acceptable.
- 3.5 Councillor Sheard was informed that the off sales meant the moving of drinks outside of the area covered by the venue licence, leaving the premises completely.
- 3.6 The Licensing & Enforcement Technical Officer introduced the team section of the report and stated that they were the guardians of licensing policy.

Answers to Questions

- 3.7 Councillor Sykes was informed that the location was a Grass Roots music venue, and they were members of the Music Venue Trust.
- 3.8 The applicant's legal representative stated that they considered the applicant to uncomplicated, and all outdoor activities had been cut back. It was noted that Environmental Protection objections have been withdrawn and the only concern was the off sales which Sussex Police objected to. No complaints or incidents have occurred at the venue and the current licence will run till March 2025. The applicant has agreed a closing time compromise of 10pm in summer months and 8pm in the winter. Off sales would only be wine, beer and cider, and these revenue sales were much needed. It was considered that the impact on the beach and wider city would be negligible. The conditions agreed prevent conversion to a night club and the number of events per week are being cut from 14 to 7. No more than 30% of events would be DJ lead. The venue is an important cultural addition to the city, and they want to continue the charitable works currently being undertaken. It was noted that there were no representations from residents.

Answers to Questions

- 3.9 Councillor Sykes was informed that the venue staged comedy acts and other theatrical performances. All events were listed on the website. No food was offered as late-night refreshment, only tea, coffee and hot chocolate. The councillor was informed that the legal representative was only engaged recently, and this had prevented earlier negotiations with the licensing officers. Sussex Police confirmed that they had held an onsite meeting to negotiate the conditions, and this only happened recently in the last few days. It was confirmed that the building changes would be to enlarge the customer area by removing a wall and reducing the Green Room, this would also increase the accessibility.

- 3.10 Councillor Hewitt was informed that the off sales take-up was seasonal and weather dependent. Sussex Police stated 207 incidents had taken place in the area, beach and Marine Drive, in the last year. The beach patrol has been extended to include the area to the east of the Palace pier. The legal representative noted that usually crowds gathered at off sales points on the beach, however, this did not happen here. Sussex Police noted it was difficult to attribute where alcohol originated from.
- 3.11 Councillor Sheard was informed that the majority of business was carried out in the evenings and there was no vertical drinking. This was an arts lead venue. The off sales would subsidise the arts and charitable events, which include poetry readings, comedians and school visits. There were 60 staff on site. It was noted that pizzas were offered seasonally until 11pm. The DJ lead events were to be kept to 30% as the applicant did not want the venue to become a night-club. Sussex Police confirmed that this was enforceable.
- 3.12 Councillor Sykes was informed that the venue was a member of the Music Venue Trust and Music Venue Alliance.
- 3.13 Sussex Police informed the panel that incidents increased after 1am and this lasted through till morning in this area.
- 3.14 Licensing and Enforcement Technical Officer was informed that all the existing conditions would remain in place, and the final entry time would be 12 midnight and 1am on Friday and Saturday.

Summing Up

- 3.15 The Senior Licensing Officer summed up, stating all parties had been heard and every application should be considered on its own merits.
- 3.16 Sussex Police summed up, asking the panel to refuse the off sales.
- 3.17 The Licensing and Enforcement Technical Officer summed up and requested that the panel consider the exceptional circumstances.
- 3.18 The applicant's legal representative summed up and stated that if granted the venue would have more uncertainty for the future.
- 3.19 The Chair closed the meeting.

The meeting concluded at 11.19am

Signed

Chair

Dated this

day of