

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

**2.00pm 23 JUNE 2008**

**ANTE ROOM, BRIGHTON TOWN HALL**

**MINUTES**

**Present:** Councillor Simson (Chairman); Hamilton and Older

**Officers:** Tim Nichols (Head of Environmental Health & Licensing), Rebecca Sidell (Lawyer) and Christian Brown (Democratic Services Officer)

**PART ONE**

**12. TO APPOINT A CHAIRMAN FOR THE MEETING**

12.1 **RESOLVED** – Councillor Simson was appointed Chairman.

**13. PROCEDURAL BUSINESS**

**13A Declarations of Substitutes**

13.1 There were none.

**13B Declarations of Interest**

13.2 There were none.

**13C Exclusion of Press and Public**

13.3 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 Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

13.4 **RESOLVED** - That the press and public be not excluded from the meeting.

**14. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - DIGITAL, 187-192 KING'S ROAD ARCHES, BRIGHTON**

14.1 The Panel were informed that the Police representation had been withdrawn and that the application no longer needed to be heard.

**15. APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 - SMART LOCAL MARKET, 1 PARK CRESCENT ROAD, BRIGHTON**

15.1 The Panel considered a report of the Assistant Director, Public Safety, regarding an application for a Premises Licence under the Licensing Act 2003 for Smart Local Market, 1 Park Crescent Road, Brighton (for copy see minute book).

15.2 The applicant, Mr Erdal Ucar, attended the Panel with his cousin, Mr Avan Kara. Mr M Aradalli attended the Panel to represent the views of Ms S Griffin and Ms J Iolan. Councillor Keith Taylor attended the hearing to represent the views of Mr B Mills and a number of other constituents who had contacted him.

15.3 The Licensing Officer summarised the application. He confirmed that no responsible authorities had made representations in respect of this application. He confirmed to the Panel that the premises were not located in the Cumulative Impact Area, nor a Special Stress Area. He stated that the notice had been displayed properly.

15.4 Mr Aradalli read information from a letter written by Ms Griffin that he had been provided with. He stated that, she was concerned that the business would become primarily an off-licence once the licence had been granted. She was worried about a negative impact on the quality of her life with the premises being very close to her home and the nuisance and stress that it would cause. She felt that the secluded character of street will attract anti-social behaviour as people would feel that they cannot be seen and can behave inappropriately. She stated that there was a problem of the increasing cumulative impact of shops in the area and that each additional licence that was granted was adding to problems in the area. She wanted to see the Panel to pre-empt problems. She argued that there were many alcohol retailers in very close proximity, and that the area was not a well balanced retail economy. She argued that the area needed regeneration not more alcohol retailers, and that granting licence would contribute to problems.

15.5 Mr Aradelli stated that Ms Iolan shared many of the concerns that Ms Griffin did with regard to the unsuitability of the premises. He stated that concern was also expressed about the danger of attracting street drinkers.

15.6 Councillor Taylor stated that the area was primarily home to couples, families and students and that people enjoyed living in the area. He stated that the area though had its problems being close to the London and Lewes Road corridors and that alcohol played a role in the crimes committed in the area. Councillor Taylor stated that he was concerned at the potential for noise nuisance and public disorder and stated that residents wanted their locale to be included in the Cumulative Impact Area. He stated that residents did not want the shop and that if the licence was granted then the premises should not trade after 8pm as this was not a major road but a residential street. He stated that the shop would cause an unwelcome and

unnecessary impact on a close-knit community.

15.7 Mr Aradelli confirmed to the Panel that he was the owner of an off-licensed premises in the area. He confirmed that he had made an objection but that it was not in the papers due to it being incorrectly addressed.

15.8 Mr Kara spoke on behalf of the applicant, Mr Ucar. He stated that he wanted to provide a retail service that was convenient to members of the local community. He stated that 30-35% of shelf space would be given over to alcohol while the rest of the shop would sell newspapers, bread, milk etc. He stated that both he and the applicant were experienced operators of licensed premises and he understands that people will always have concerns. He stated that he would always listen to what people in the local area have to say, and stated that he was prepared to do everything that needed to be done to ensure an operation of his premises that promoted the licensing objectives.

15.9 The interested parties made their closing statements before the Panel retired to make their decision.

15.1 **RESOLVED –**

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The Panel agreed to grant the Licence as applied for with the conditions added as per the operating schedule.

The Panel could not take into account the need for another licensed premises in the area as the issue of need was not a licensing objective but a matter for the market to decide.

The Panel solicitor reminded the parties of their 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 3.20pm

Signed

Chair

Dated this

day of