

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

**10.00am 20 JULY 2012**

**COMMITTEE ROOM 1, BRIGHTON TOWN HALL**

**MINUTES**

**Present:** Councillor ; Duncan, Hawtree and Simson

**Officers:**

**PART ONE**

**1. TO APPOINT A CHAIR FOR THE MEETING**

Councillor Duncan was appointed as Chair for the hearing.

**2. PROCEDURAL BUSINESS**

**2. (a) Declaration of Substitutes**

2.1 There were none.

**2. (b) Declarations of Interest**

2.2 There were none.

**2. (c) Exclusion of the Press and Public**

2.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of Item 3, an appeal against the refusal of an A Board Licence

**3. APPEAL AGAINST REFUSAL OF AN A BOARD LICENCE**

3.1 The Highways Enforcement Manager provided a summary of the matter which concerned the siting of a number of A Boards in the North Laine area. The Council's Highways Licensing Policy states "That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 metres from the licensed premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises restricting advertising boards to within 5m of the premises". The hearing was to consider an appeal from Mr A Fitchett of North Laine Market, 5a Upper Gardiner Street, Brighton against the refusal of a highway licence to place more than one A Board on the public highway more than 5 metres from the premises.

- 3.2 The Chair invited questions to the Highways Enforcement Manager. Councillor Hawtree noted the reference in the papers to the possibility of placing an advertising board on a parked bicycle, and whether that would be allowed. The Highways Enforcement Manager stated that at present that was allowed, but it was a loophole and the matter was being looked at. Councillor Simson asked if, when an A Board was licensed, whether conditions could be attached. The Highways Enforcement Manager stated that a standard set of conditions would be attached but, where reasonable, additional ones could be added. Councillor Duncan asked if there were any exceptions to the 5m restriction in the policy. It was confirmed that there for Alleyways and Twittens and for establishments which had waiter serviced sitting out areas. Councillor Hawtree asked if there were any restrictions on the size of an A Board. It was confirmed that there was a size restriction. Councillor Simson asked if there would be restriction on the number of A Boards allowed in one area. It was confirmed that an officer would assess if there were too many and where appropriate the number of licences issued would be restricted. Councillor Hawtree asked if it would be possible to have communal boards to cover a number of establishments. It was confirmed that such a scheme was currently being trialled.
- 3.3 The Chair invited the Appellant, Mr Fitchett, to set out the grounds of his appeal. Mr Fitchett confirmed that he was the owner of the Flea Market in Upper Gardner Street, Brighton. The premises were situated away from the main thoroughfare and it was important that A Boards be used in order to publicise where the market was. Many customers had advised him that they had only known that the Flea Market was there because of A Boards publicising its location. The premises had a number of A Boards but when they were removed following advice from the Council, the number of visitors to the premises dropped by half and two stall holders had left with more threatening to leave. It was important that the premises be able to advertise.
- 3.4 The Chair invited questions to the Appellant. Councillor Simson asked Mr Fitchett if any complaints had been received from other businesses on the position of the A Boards. Mr Fitchett confirmed there hadn't. Councillor Simson asked when the A Boards had been removed, and was advised that it was the end of March 2012. Councillor Simson asked the Highways Enforcement Manager why steps were now being taken to enforce the policy, and was advised that the North Laine area was now being looked at to ensure the Council's Policy was being adhered to. The Panel noted the photographs provided and noted the location of A Boards in the area. The Highways Enforcement Manager stated that in future set positions would be set aside for A Boards and businesses would be given a designated spot.
- 3.5 The hearing concluded and the Panel considered the matter.

### 3.6 **RESOLVED**

The Chair stated:

The Panel have read the papers and listened to all the submissions and representations relating to this appeal. The Panel had regard to the policy relating to street furniture and the placing of A boards on the public highway. The policy was adopted in 2009 in order to strike the right balance between the needs of all users of public highways and businesses. The policy was drawn up after extensive consultation with local businesses, members of the public and groups concerned with access. The Panel considered all the circumstances in this particular case and were satisfied that there were some special circumstances due

to the unique location of the business. The premises were located in a narrow residential street in the centre of the city, which was not visible from the main thoroughfare whilst in the North Laine area. The Panel considered that there were suitable locations where one A board could be placed safely and not cause an obstruction. The Panel therefore decided that one A board should be allowed at a location remote from the business as an exception from the policy. The location to be determined by the Highways Enforcement Manager in consultation with Mr Fitchett.

The meeting concluded at 11.30am

Signed

Chairman

Dated this

day of