

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

10.00am 20 JULY 2015

COMMITTEE ROOM 1, BRIGHTON TOWN HALL

MINUTES

Present: Councillors; Marsh, Simson, Wares

Officers: Liz Woodley, Lawyer; David Fisher, Highway Enforcement Manager; Ross Keatley, Democratic Services Manager; Cliona May, Assistant Democratic Services Officer.

PART ONE

1 TO APPOINT A CHAIR FOR THE MEETING

1.1 Councillor Marsh was appointed Chair for the meeting.

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 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 are not excluded from the meeting.

3 HIGHWAY LICENSING APPEAL, MARINE TAVERN, 13 BROAD STREET, BRIGHTON

- 3.1 The Panel considered a report of the Executive Director of Environment, Development and Housing in relation to a New Highway Licence application under The Highways Act 1980 for Marine Tavern. In attendance from Marine Tavern was Mr Lee Cockshott (owner).

Introduction by Licensing Officer

- 3.2 David Fisher, the Licensing Officer, introduced the application and informed the Panel that the Highways Enforcement Team had initially refused the application. This was due to the sign being 16 metres away and legislation outlined that the Officer was unable to grant a licence for an A-Board more than five metres away from the property.
- 3.3 David Fisher confirmed to the Panel that the sign would not cause a highway obstruction as it would be placed flush on the wall of Café Rococo.
- 3.4 In response to Councillor Simson, David Fisher confirmed that there have been no complaints from Café Rococo, the public or neighbouring businesses. David Fisher referred back to the photos in the report and confirmed Café Rococo had not been asked directly; however, the sign would not be seen from inside the property.
- 3.5 Councillor Wares questioned if the board was put within 5 metres of the Marine Tavern, whether 1.3 metres would be left clear, therefore following legislation. David Fisher believed there would be; however, the applicant believed the pavement was not wide enough.

Representations by the Applicant

- 3.6 Mr Cockshott referred to the photos in the report and stated that he believed there would not be enough space on the pavement for a full A Board without causing problems to pedestrians.
- 3.7 In response to a question from Councillor Wares, Mr Cockshott confirmed that there was a fire exit outside the Marine Tavern which could not be blocked, therefore having half an A Board on the property of Café Rococo would cause less obstruction.
- 3.8 In response to Councillor Simson, Mr Cockshott clarified that the A Board was outside Café Rococo for approximately one month and there were no complaints from Café Rococo in this time.
- 3.9 Mr Cockshott explained to the Panel that a double sided A Board would be beneficial; however, it was not possible as the pavement is uneven and would not be safe.
- 3.10 Mr Cockshott assured the panel that the board would not be left out all night but will be taken in at 1:00am and put out daily at 12:00pm.
- 3.11 **RESOLVED** – A highways licence be granted to Mr Lee Cockshott, Marine Tavern, 13 Broad Street, Brighton, as set out in the report.

4 HIGHWAY LICENSING APPEAL, BOTTOMS REST, 16 LOWER MARKET STREET, HOVE

4.1 The Panel considered a report of the Executive Director of Environment, Development and Housing to determine an application for a Highway Licence under The Highways Act 1980 for Bottoms Rest. This was to allow them to place tables and chairs on the public highway. In attendance from the Bottoms Rest was Mr Simon Duddington (owner).

Introduction by Licensing Officer

4.2 David Fisher, the Licensing Officer, introduced the application and informed the Panel that due to the reduction of public highway to less than 1.3m, the decision could not be determined using Officers delegated powers.

4.3 The Licensing Officer stated that the previous premises, the Conqueror, had a licence for outside furniture, however; due to the licensing legislation, the licence could not be carried over to a new owner, therefore it had to be brought to a Panel to make the decision.

4.4 It was outlined to the Panel that the pavement was half private property owned by the Bottoms Rest, however; having tables and chairs outside would only leave half a metre for pedestrians.

4.5 It was stated that the tables and chairs did not receive many complaints when the premises was the Conqueror and the Bottoms Rest would be using the same furniture, as it is tailor made to the premises.

4.6 The Licensing Officer noted that the majority of pavements in the area were less than half a metre, therefore push chairs and wheelchairs would have difficulty in the area regardless.

4.7 In response to Councillor Wares, the Licensing Officer confirmed that the premises had the outside furniture since 2007 and possibly earlier.

4.8 In response to Councillor Marsh, it was confirmed that the licence would be to cover five picnic benches and two seating benches.

Representations by the Applicant

4.9 Mr Duddington explained to the Panel that since taking over the pub in January 2014, the pub was more popular and better managed.

4.10 Mr Duddington expressed to the Panel that he believed it would be unfair to enforce the 1.3 metre law on the Bottoms Rest because the majority of the pavements in the area are shorted than 1.3 metres and Mr Duddington also confirmed that they have never received a complaint regarding the outside furniture.

4.11 Mr Duddington presented a petition to the panel that had received 290 signatures from regular customers, confirming that they believed the outside furniture should stay.

- 4.12 In response to Councillor Wares, Mr Duddington agreed for a condition for be added that the furniture was to stay the same size, and not get any bigger.
- 4.13 Councillor Simson expressed concern that the tables and benches would be left out all night. In response to this, Mr Duddington stated occasionally someone may stop but they are moved on and added that the heaters cannot be switched on after midnight, which does not encourage people.
- 4.14 **RESOLVED** - A highways licence be granted to Mr Simon Duddington, Bottoms Rest, 16 Lower Market Street, Hove as set out in the report, and an additional condition be added that the furniture is to remain of the existing size and configuration.

The meeting concluded at 11:50am.

Signed

Chairman

Dated this

day of