

BRIGHTON & HOVE CITY COUNCIL
LICENSING AND REGULATORY FUNCTIONS
SUB-COMMITTEE

3.00PM – 9 OCTOBER 2003

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Turner (Chair); Councillors Allen, Hyde (OS), Older, Paskins, Pennington, Pidgeon, Mrs Simson and Turton.

An apology for absence was received from Councillor Elgood.

Note: Councillor Pennington took the Chair for items 13 to 16. Councillor Turner took the Chair from item 17 onwards.

PART ONE

ACTION

13. PROCEDURAL BUSINESS

13A. Declarations of Substitutes

13.1	<u>Substitute Councillor</u>	<u>For Councillor</u>
	Older	Theobald
	Turton	Bodfish
	Paskins	Taylor

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 Section 100A(3) or 100 1 of the Local Government Act 1972.

13.4 **RESOLVED** - That the press and public be excluded from the

meeting during consideration of items 18 and 19 on the agenda.

14. MINUTES

14.1 **RESOLVED** - That the minutes of the meeting held on 30 July 2003 be approved and signed by the Chair.

15. PETITION AGAINST PROPOSED SEX ESTABLISHMENT AT 2 SURREY STREET, BRIGHTON

15.1 The Sub-Committee received the following petition, signed by 79 people, presented at Council on 17 July by Councillor Sue Paskins:

"We, the undersigned, strongly oppose the decision to grant a licence to use 2 Surrey Street, Brighton, as a "sex establishment". This is on the grounds that:

1. Local residents and businesses were not aware of the licence application and therefore were not afforded the opportunity to object prior to the application being granted.
2. The decision to grant the licence clearly goes against Council Policy set to regulate against the proliferation of sex establishment licences in this area of the city.
3. The concentration of "sex establishments" in Surrey Street will adversely affect the character of the local area."

15.2 Councillor Paskins explained that there was concern from local residents and businesses that the decision to grant another sex establishment licence in Surrey Street would lead to people congregating in the area. This might be intimidating for people wanting to walk in the area, late at night. She felt that the council should have upheld the current policy of only allowing one sex establishment in this area.

15.3 The Head of Environment and Licensing explained that when the petition was presented at Council, the Chair had called for a review of the council policy. The review was underway.

15.4 Councillor Paskins stressed the need to make public notices clearer and placed in a prominent position in future, to ensure that local people were properly informed.

15.5 **RESOLVED** - That the petition be noted.

16. APPLICATION FOR THE RENEWAL OF A LICENCE TO USE 11

SURREY STREET, BRIGHTON AS A SEX ESTABLISHMENT AND VARY TRADING HOURS

16.1 The Sub-Committee considered a report of the Chief Executive concerning an application received for the renewal of a licence to use 11 Surrey Street, Brighton as a sex establishment and vary the trading hours (for copy see minute book). The applicants wished to increase the opening hours from Monday to Saturday 09.30-18.00 to Monday to Saturday 09.30-18.00 & Friday 09.30-20.00 except 10-23 December 2003 - 09.30-20.00 every day including Sunday.

16.2 The sex shop was in existence prior to the committee approving a second sex shop at number 2 Surrey Street and the licence would normally be renewed if objections had not been received or circumstances had not changed. Objections had been received and were set out in appendix A to the report.

16.3 The Head of Environmental Health and Licensing reported that there had been no recent complaints about the premises other than the objections outlined in appendix A. No evidence had been received that could justify refusal of the renewal of the licence. With regard to the relaxation of the opening hours, he suggested that should the Sub-Committee approve the new hours, they could be kept under review and if there were any problems, could revert back to the original hours on renewal of the licence.

16.4 Kareen Plympton, Licensing Officer for Sussex Police reported that Police checks had found no evidence of crime & disorder. The police therefore had no objections to the application.

16.5 Councillor Paskins, as ward councillor requested that an exception should not be made to allow the business to open on Sundays before Christmas.

16.6 Clive Sutherland and Ray Darker spoke in support of the application and withdrew their request to open on Sundays before Christmas. They would however, like to retain the request to open until 20.00 hours on Fridays and every night (except Sundays) from 10 to 23 December.

16.7 **RESOLVED** – That the application for renewal be granted, with the increased opening hours as follows:- Monday to Saturday 09.30 to 18.00 & Friday 09.30 to 20.00 hours, except 10 to 23 December 2003, 09.30 to 20.00 every day except Sundays.

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17. APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE FOR TOP TOTTY CLUB, 75 GRAND PARADE, BRIGHTON

17.1 The Sub-Committee considered a report of the Chief Executive concerning an application received for a public entertainment

licence for the Top Totty Club, 75 Grand Parade, Brighton (for copy see minute book). The applicants wished to operate Monday to Saturdays between the hours of 17.30 and 02.00 hours the following day, including a terminal hour of 02.00 hours on Sundays.

17.2 The planning permission for the premises was as a club, with trading permitted to 02.00 hours only with a condition that noise from music and its customers should not be audible within adjacent residential accommodation. An acoustic report was being prepared by the applicant in support of the application.

17.3 Objections to the application had been received from a local resident's group. These were set out in paragraph 3.4 of the report.

17.4 The applicants and their solicitor attended the meeting and were permitted to address the Sub-Committee.

17.5 The Licensing Officer, Sussex Police representative stated that the Police had no objections to the application but in order to safeguard against public nuisance, they would wish to see conditions attached to the licence such as registered door supervisors, CCTV, no admittance to the club except for members, and where practicable, shatter proof material to be used for drinks. The applicants did not object to the conditions.

17.6 Members were informed that there had been no complaints made about the club since the present management had taken over. The music was now controlled and of an ambient nature.

17.7 The applicant's solicitor outlined the background to the application and circulated a document to members detailing the rules of conduct for dancers. Members had also been sent papers, which set out representations supporting the Public Entertainment Licence application. The original application had now been varied by the applicants and the grant of a public entertainment licence was now requested for the first floor area only.

17.8 The applicants and their solicitor, the Licensing Officer, Sussex Police, all members of the public and all officers except the council's Senior Lawyer and the committee administrator left the room whilst the Sub-Committee made their decision. All parties were called back to the room to hear the decision.

17.9 **RESOLVED** – (1) That the application be approved with a 2.00 a.m. closing hour, (first floor area only) subject to the imposition of standard conditions relating to public entertainment licences and to the special conditions set out in the report and further conditions suggested by the police (registered door supervisors, CCTV, no admittance to the club except for members, and where

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practicable shatter proof glass should be provided for drinks.)

(2) That the Assistant Director, Public Safety be given delegated power to consider a further application for the second floor area.

[Note: Councillors Hyde and Pennington asked for their names to be recorded as having abstained from voting.]