

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL**  
**2003 (Licensing Act 2003 Functions)**

**2.00PM – 6 JUNE 2005**

**BRIGHTON TOWN HALL**

**MINUTES**

Present: Councillor Lepper (Chair); Councillors Mrs Simson and Watkins.

**PART ONE**

**ACTION**

**1. ELECTION OF CHAIR**

1.1 **RESOLVED** – That Councillor Lepper be elected Chair for the meeting.

**2. PROCEDURAL BUSINESS**

**2A. Declarations of Substitutes**

2.1 Councillor Mrs Simson declared that she was attending as a substitute for Councillor Hyde.

**2B. Declarations of Interest**

2.2 There were none.

**2C. Exclusion of Press and Public**

2.3 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.

2.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of the following item.

**3. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - SETTING SUN PUBLIC HOUSE, WINDMILL STREET**

3.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation for the premises licence for The Setting Sun Public House, Windmill Street, Brighton (see Minute Book).

3.2 The applicant, Henry Grant from Punch Taverns attended the Panel with his representative, Mr Richard Worman. Ms Maureen Dodson and Ms Carol Long, residents of Windmill Street, attended the Panel as spokespersons for the residential objectors.

3.3 The Head of Environmental and Licensing outlined the details of the application, which was a variation for the premises licence granted under "grandfather rights". The variation proposed performance of live music/amplified live music performed by no more than two entertainers, performance of recorded music/amplified recorded music ancillary to sale of alcohol and sale of retail of alcohol on and off premises for the days and times set out in paragraph 2.1 of the report. There were 21 objections to the application. 17 were contained within a petition and there were 4 separate objections. Four objectors were attending the Panel and 2 people were acting as spokespersons. A summary of the objections were set out in paragraph 3.1 of the report.

3.4 The Head of Environmental Health and Licensing confirmed that no complaints about noise nuisance had been received in recent times.

3.5 The Chair reported that no objections had been received from the Police, East Sussex Fire and Rescue Service or Environmental Health.

3.6 Ms Maureen Dodson and Ms Carol Long, spokespersons for the residential objectors, addressed the Panel. They explained that their main concern was that the Setting Sun was in a residential area. There were high numbers of elderly residents and families with young children. Some residents had to get up for work at 5.30 a.m. If the premises remained open until 1.00 am the noise would cause disturbance for residents. Meanwhile, the doors of the pub were often left open and loud music could be heard. Residents also complained of noise from the outside areas such as the terrace and seating immediately outside the pub. A recent development had led to patrons sitting on the wall opposite the pub. Complaints had been made to the pub, but no action taken.

3.7 Mr Richard Worman, barrister for the applicant and Mr Henry Grant, applicant, set out the case for the application.

3.8 Mr Wormand stressed that he and the applicant had noted the residents' concerns. The pub was small and historically extremely well run. A new lessee would soon be taking over the running of the pub and he would be keen to work with the local community. All research had shown that staggered hours would be better for an area. This avoided a bottle neck, with patrons leaving pubs at the same time. It would lead to less noise in the street and a 50 % reduction in binge drinking.

3.9 Mr Wormand suggested that if the application was granted, the following conditions would be acceptable. A) Doors and windows to be kept closed when music was playing. B) The Manager to actively monitor noise levels when music is being played, and reduce noise if it is too high. C) Permitted hours for the sale of alcohol and live music hours could be reduced by half an hour.

3.10 Mr Wormand stressed that patrons should not be taking drink across the street. In future, the manager or door staff would stand by the door to ask people to leave quietly. He suggested a further condition that there be no drinking in the patio at the back of the pub.

3.11 Mr Grant confirmed that the pub did not have "Happy Hours" and did not encourage binge drinking. The pub did not have a sound limiting device due to the high cost of this equipment. Noise levels were controlled by the manager. Mr Grant gave his assurance that drinking outside would be controlled but he could not commit to a physical barrier.

3.12 The Head of Environmental Health and Licensing suggested that if the Panel approved the application, the following conditions could be attached to the licence:-

A) Doors and windows to be shut while there is regulated music. B) A sound limiting device for amplified music. C) Prominent and clear notices at exits requesting patrons not to make a noise on leaving the premises. D) Patrons to be excluded from using external areas from 23.00 to 10.00 hours.

3.13 The Head of Environmental Health and Licensing stressed that the Local Authority had abatement powers to close noisy pubs and residents could ask for a review of the licence at any time.

3.14 Mr Wormand did not object to the suggested conditions with the exception of the sound limiting device, due to the considerable cost. He had no objections to a condition asking for amplified sound to be actively monitored. He would also be prepared to cut

the live music times by half an hour to 22.30 on Mondays to Wednesdays and 23.30 on Thursdays to Saturdays.

3.15 At this point in the proceedings, the Panel Members, the Panel solicitor and Committee Administrator adjourned to a separate room. The Panel returned to inform the applicant and objectors of the decision set out below.

3.16 **RESOLVED** – That a variation for the premises already granted under “grandfather rights” for performance of live music/amplified live music performed by no more than two entertainers, performance of recorded music/amplified recorded music ancillary to the sale of alcohol and sale of retail of alcohol on and off premises be granted for the following days and times, and with the conditions set out below.

### **Sale by Retail of Alcohol**

Monday – Wednesday: 10.00 – 23.00

Thursday – Saturday: 10.00 – 00.00

Sunday: 12.00 – 23.00

Christmas Day: 12.00 – 15.00 & 19.00 – 22.30

New Years Eve: 10.00 – 00.00

New Years Day: 00.00 – 23.00

All bank holidays to include Sundays before bank holidays, plus St. Patrick's Day, St. George's Day, Halloween, Valentine's Day, Guy Fawkes night, Mothering Sunday, Father's Day and Christmas Eve: 10.00 – 00.00.

### **Regulated Entertainment**

Monday – Wednesday: 10.00 – 23.00

Thursday – Saturday: 10.00 – 23.30

Sunday: 12.00 – 23.00

Christmas Day: 12.00 – 15.00 & 19.00 – 22.30

New Years Eve: 10.00 – 00.00

New Years Day: 00.00 – 23.00

All bank holidays plus St. Patrick's Day, St. George's Day, Halloween, Valentine's Day, Guy Fawkes night, Mothering Sunday, Father's Day and Christmas Eve: 10.00 – 23.30

### **The opening hours of the premises**

Monday – Wednesday: 10.00 – 23.30

Thursday – Saturday: 10.00 – 00.30

Sunday: 12.00 – 23.30

Christmas Day: 12.00 – 15.30 & 19.00 – 23.00

New Years Eve: 10.00 – 00.00

New Years Day: 00.00 – 23.30

All bank holidays to include Sundays before Bank Holidays, plus St. Patrick's Day, St. George's Day, Halloween, Valentine's Day, Guy Fawkes night, Mothering Sunday, Father's Day and Christmas Eve: 10.00 – 00.30

### **Conditions**

- a) Outdoor drinking and use of the outside areas is not to be Permitted after 23.00 hours.
- b) That prominent notices be displayed inside the premises reminding patrons that the public house is located in a residential area and that due regard should be taken to leave the venue in a quiet and orderly manner.
- c) Doors and windows to be closed when music is being played.

The meeting concluded at 3.55 p.m.

Signed

Chair

Dated this

day of

2005