

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

2.00PM – 15 AUGUST 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Cobb, Lepper and Pennington

PART ONE

49. ELECTION OF CHAIR

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

50. PROCEDURAL BUSINESS

50A. Declarations of Substitutes

50.1 There were no declarations of substitutes.

50B. Declarations of Interest

50.2 There were none.

50C. Exclusion of Press and Public

50.3 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.

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

51. MINUTES OF MEETINGS

51.1 **RESOLVED** - That the minutes of the meetings held on 7 July, 18 July, 25 July (am), 25 July (pm), and 26 July (am) be approved and signed by the Chair.

52. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - DUKE OF WELLINGTON, 70 UPPER GLOUCESTER ROAD, BRIGHTON

52.1 The Licensing Officer reported that the outstanding representation from Mr Wilson had been withdrawn following discussions with the applicant and therefore the Panel was not required to determine the application, as it would be dealt with under delegated powers.

53. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE EVENING STAR, 55-56 SURREY STREET, BRIGHTON

53.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under transitional arrangements of the Licensing Act 2003 at The Evening Star, 55-56 Surrey Street, Brighton (see Minute Book).

53.2 Mr Stewart explained that if the application was approved it would cause a public nuisance. He said that he was prepared to accept some degree of nuisance on Sundays and throughout the week but he went to bed at 22.30 hours and was disturbed until 23.30 hours. His bedroom was at the front of the house and he was concerned that the disturbance would continue until after midnight. In his view the public house was situated in a residential street and was considered to be a main road. He also said that he had received a letter from the public house suggesting some solutions, which he was considering. It had been suggested that the outside chairs would be cleared by 23.30 hours and patrons would be prevented from gathering. It was also suggested that the outside door be closed at 22.00 hours, with no recorded music after 22.30 hours on Sundays and 23.00 hours on other days. It was also intended to provide a sound limiter. He was concerned as to why residents should suffer just because the public house was not big enough.

53.3 The applicant was aware of the issues and had approached the objectors with a view to resolving the outstanding issues. He was prepared to accept that the door be closed during the evening but clearing the seats outside at 22.30 hours would be difficult as this would reduce business. Since the objections had been received, staff had been asking the patrons to keep quiet when leaving the premises.

53.4 **RESOLVED** – That the licence be granted subject to the following conditions:

1. The doors and windows of the premises to remain closed after 22.00 hours.
2. The outside area to be closed after 22.30 hours on Sundays and 23.00 hours on weekdays.
3. Prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

REASON FOR CONDITIONS

The conditions were considered necessary in the interests of preventing public nuisance.

The meeting concluded at 3.30p.m.

Signed

Chair

Dated this

day of

2005