

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

2.00PM – 19 AUGUST 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Simson (Chair), Councillors Watkins and Williams.

PART ONE

61. ELECTION OF CHAIR

61.1 **RESOLVED** – That Councillor Simson be elected Chair for the meeting.

62. PROCEDURAL BUSINESS

62A. Declarations of Substitutes

62.1 There were no declarations of substitutes.

62B. Declarations of Interest

62.2 There were none.

62C. Exclusion of Press and Public

62.3 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.

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

63. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - BLACK LION

63.1 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 Black Lion, 14 Black Lion Street, Brighton (for copy see Minute Book).

63.2 The applicants attended the panel. Mr Dickson attended as a residential objector to the application.

63.3 The Licensing Manager summarised the application as set out in report. Two representations had been received. One from a local resident. One from a resident supported by a local councillor. No representations had been received from the responsible authorities. There had been no receipt of noise complaints to the Environmental Health, Pollution Team.

63.4 The applicants queried the objection letter from the local councillor. The letter was stamped as having been received by Environmental Health and Licensing on 25 July 2005. This was after the deadline for receipt of representations.

63.5 The Licensing Manager stressed that the letter was dated 22 July 2005 but could not explain why the letter was stamped as being received on 25 July. The Panel Solicitor informed the Panel that the letter had little weight due to its lack of detail, without the attendance of the objector on whose behalf the councillor was writing.

63.6 The Chair agreed to concentrate on hearing the one objector who was in attendance.

63.7 Mr Dickson set out his objections to the application. He explained that his objection was based on worries about noise and disturbance, the late hours requested, and nature of the establishment, which was loud and aimed at young students. He was concerned that the later hours would result in him having only three or four hours sleep, as he had to get up at 6.00 am. Mr Dickson mentioned the Human Rights Act and considered that his ability to have a peaceful life in his flat would be affected.

63.8 Mr Dickson objected to the application to stay open for a longer period after the sale of alcohol. He considered 30 minutes would be acceptable. Mr Dickson said that the noise echoed in Black Lion Street and that the level of disturbance increased late into the evening.

63.9 Mr Dickson was concerned that DJ played music would extend from the weekend to the week. He suggested Friday and Saturday would be acceptable rather than Thursday, Friday and Saturday. Mr Dickson considered that the premises should have soundproofing installed to reduce

noise, and that the volume of all music should be reduced.

63.10 Mr Dickson stated that sound escaped from doors and windows.

63.11 The applicants informed the Panel that they were anxious to work with local residents and they had made efforts to consult with Mr Dickson. The Black Lion was a well run pub and Zelgrain a well respected company. The pub had an exemplary record and no representations had been received from the police or Environmental Health. The changes in the licence application would be dealt with diligently. The applicants did understand the concerns of neighbours and would take action to avoid problems.

63.12 The applicants informed the Panel that there were SIA registered door staff on duty at the pub. The premises supported a local crime prevention programme.

63.13 The applicants outlined a number of conditions and changes to the application that they would be happy to be applied to the licence. These were set out in a letter they sent to Mr Dickson, dated 10 August 2005.

63.14 The applicants stated that a sound limiter was already installed in the property and this could be adjusted to a level satisfactory to Mr Dickson.

63.15 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted with the following amendments.

The hours for the sale of alcohol to be Sunday to Thursday – 10.00 to 02.00 hours. Friday and Saturday – 10.00 to 03.00 hours. The hours the premises are open to the public to be Sunday to Thursday – 10.00 to 02.30 hours. Friday to Saturday - 10.00 to 03.30 hours. The terminal hour for recorded music and dancing to be half an hour before closing. DJ recorded music to cease at 00.00 hours on Sunday to Thursday and 01.00 hours on Fridays and Saturdays.

The following conditions to be attached to the licence.

- (1) The last service on the patio to be 23.30 hours. The patio to be cleared by 00.00 hours.
- (2) All doors and windows to be closed after 00.00 hours, except for access and egress.
- (3) The wall mounted speakers closest to the windows to be repositioned so that they face away from the windows.

If noise egress continues to be a problem after these adjustments it is suggested that a lobby be built on the inside of the front door which would contain a secondary door and that double glazing should be fitted to the

front windows.

Reasons for granting licence: The Panel considered that the changes to the hours and the conditions outlined above would adequately address the objections expressed by local residents.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

64. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - HEART & HAND

64.1 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 Heart & Hand, 75 North Road, Brighton (for copy see Minute Book).

64.2 The applicants, Mr & Mrs Read attended the Panel with their representative Mr Thomas. No interested parties were in attendance to make verbal representations.

64.3 The Licensing Manager summarised the application as set out in report. Three objections to the application had been received from local residents. No representations had been received from the responsible authorities. There had been no receipt of noise nuisance complaints to Environmental Health.

64.4 The applicants' representative informed the Panel that the Heart and Hand was a well run public house. All customers were asked to leave in a quiet and orderly manner and anti-social behaviour was not tolerated. Notices were prominently displayed at exit points. 95% of customers walked to the pub and the car engine noise mentioned in an objection letter was probably caused by the many other pubs and clubs and restaurants nearby. The application was sound and reasonable.

64.5 The applicants confirmed that the outside seating area was at the front of the premises and that tables and chairs were removed half an hour before closing. The public house already had double glazing. The pub would probably close earlier on a Sunday. The later hours would only be used for occasional parties.

64.6 **RESOLVED** - That the application for a variation for the premises licence already granted under "grandfather rights" be granted with the following condition.

(1) The outside seating area should be closed at 23.30 hours.

Reasons for granting licence: The Panel considered that measures were in

place which would adequately address the objections expressed by local residents.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

65. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE SPANISH LADY

65.1 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 Spanish Lady, 4-6 Longridge Avenue, Saltdean, Brighton (for copy see Minute Book).

65.2 The Licensing Manager summarised the application as set out in report. One objection to the application had been received from a resident of Telscombe Cliffs. No representations had been received from the responsible authorities.

65.3 The applicants and their representative attended the panel. The objector was not in attendance at the meeting.

65.4 The Barrister representing the applicants circulated a written statement explaining why he considered that the objection letter was not relevant as the objector did not live in the vicinity of the premises.

65.5 **RESOLVED** – That the application be considered by officers under delegated powers as the objection is not a relevant representation.

The meeting concluded at 4.24 p.m.

Signed

Chair

Dated this

day of

2005