

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING PANELS (Licensing Act 2003 Functions)**

**2.00pm – 25 August 2005**

### **BRIGHTON TOWN HALL**

#### **MINUTES**

Present: Councillors Lepper (Chair) Simson and Older

#### **PART ONE**

#### **ACTION**

#### **84. ELECTION OF CHAIR**

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

#### **85. PROCEDURAL BUSINESS**

##### **85A. Declarations of Substitutes**

85.1 There were no declarations of substitutes.

##### **85B. Declarations of Interest**

85.2 There were none.

##### **85C. Exclusion of Press and Public**

85.3 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.

85.4 **RESOLVED** - That the press and public not be excluded from the meeting during consideration of any items.

#### **86. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE EAGLE**

86.1 The applicants and their representative attended the meeting. Miss Brand, Mrs Powell attended as residential objectors. Mr Scam attended to

represent the members of the North Laine Community Association.

86.2 The Panel Solicitor asked for clarification of the date on which the application was made to the Local Authority. It was confirmed that the date was 30 June 2005. The Panel Solicitor explained that representations from interested parties and responsible authorities could have been made at any time up to and including 28 July (Regulation 22 (1) (b) of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which provides that representations can be made at any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

86.3 The Panel Solicitor further explained that if the application was received on 30 June, the local newspaper notice had to be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant authority.

86.4 It was confirmed by the applicants' representative that the notice was published in the Evening Argus on Friday 15 July, and gave a closing date for objections of 27 July 2005.

86.5 The Panel Lawyer explained that the Department of Culture Media and Sport guidance at 5.66 advised licensing authorities as a preliminary to determine whether an application has been properly made in accordance with the Act and Regulations. It went on to say, "this means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with the regulations".

86.6 **RESOLVED** – That the application is invalid and cannot be considered as it has not been advertised properly in accordance with the regulations.

## **87. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 - THE STAR INN**

87.1 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 Star Inn, 7/9 Manchester Street, Brighton (for copy see Minute Book).

87.2 The applicant, Mr Tull attended the Panel.

87.3 The Licensing Manager summarised the application as set out in report. One objection to the application had been received from the Kingscliffe Society. Their representative, Ms Thomas was not in attendance. No representations were received from the police or the Fire and Rescue Service. The Environmental Health Pollution Team had no record of recent noise complaints. The most recent complaint was made in June 2003, stating that the sound equipment was too powerful during a quiz night. In 1999 noise patrol was called after a complaint about loud music

87.4 Mr Tull informed the Panel that he had bought the pub in December 2004. It was a very traditional Victorian pub and he had converted it back to its original name and restored the frontage of the building. Mr Tull had introduced a wine list and provided lunch and evening meals. The pub catered for the 30 plus market and had no loud music. There was very infrequent regulated entertainment. He had applied for later hours as his customers had requested that the pub stay open after 11.00 pm. Mr Tull's customers wanted a late night venue that did not play loud disco music.

87.5 Mr Tull reported that he had received no complaints about noise, disturbance or antisocial behaviour. Mr Tull would stop live music at 12.00 midnight and would close doors and windows while there was entertainment.

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

1. Doors and windows shall be kept shut during operating hours.
2. Prominent clear and legible notices should be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

**Reasons for granting licence:** The Panel considered that the above conditions would adequately deal with the concerns of the Kingscliffe Society.

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.

The meeting concluded at 2.38 p.m.

Signed

Chair

Dated this

day of

2005