

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

2.00PM – 26 AUGUST 2005

HOVE TOWN HALL

MINUTES

Present: Councillors Lepper (Chair), Older and Watkins

PART ONE

88. ELECTION OF CHAIR

88.1 **RESOLVED** – That Councillor Lepper be elected Chair for this meeting.

89. PROCEDURAL BUSINESS

89A. Declarations of Substitutes

89.1 There were no declarations of substitutes.

89B. Declarations of Interest

89.2 There were no declarations of interest.

89.C. Exclusion of Press and Public

89.3 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.

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

90. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – ROYAL STANDARD

90.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at the Royal Standard, 59 Queens Road (see Minute Book).

90.2 The applicant's representative Mr Grant attended the Panel. The residential objectors were not in attendance.

90.3 The Licensing Manager summarised the application as set out in the report. There was one objection to the application. There were no representations from Sussex Police or Environmental Health. One noise complaint was received in 2004 but was resolved.

90.4 The applicant's representative Mr Grant informed the Panel that he had tried to contact the objectors to no avail. He refuted the complaints about noise abuse. Mr Grant stressed that the Royal Standard was a small pub with an approximate capacity of 40 people and 10 seats at the most. The pub faced Queens Road, which was purely commercial to the front. The objectors lived in a house directly behind the pub.

90.5 Mr Grant reported that the pub had recently changed hands. It was essentially a drinking pub with some pub food. It had a large TV screen at the back of the pub, which showed live football at times. Mostly, it was used for playing background classical music. There was a small outside area at the front of the pub.

90.6 Mr Grant reported that the pub had once received comments about noise from the back of the pub. This had been resolved. A small back window was now permanently kept closed. Air conditioning had been installed. Mr Grant considered that the application was sound.

90.7 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted with the following conditions:-

(1) Rear windows shall be kept shut during operating hours.

(2) The licensee shall ensure that prominent, clear and legible notices are 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: It was considered that the above conditions would adequately deal with the concerns of the residential objectors.

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.

91. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – BEDFORD TAVERN

91.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at the Bedford Tavern, Western Street, Brighton (see Minute Book).

91.2 The applicant’s representative Mr Grant attended the Panel with Mr Dawson, the licensee of the Bedford Tavern. Mr Whiting attended the Panel as a residential objector.

91.3 The Licensing Manager summarised the application as set out in the report. There was one objection to the application. There were no representations from Sussex Police or Environmental Health. No noise complaints were recorded by Environmental Health.

91.4 Mr Whiting set out his objections to the application. He did not on the whole object to the hours of operation, but was concerned about the application for karaoke and live music to 1.00 a.m. He also required clarification about the outside area. Mr Whiting reported that people tended to drink on the pavement outside the pub, which caused noise and disturbance late into the evening. He was worried that any later extension would lead to him finding it harder to sleep at night.

91.5 Mr Whiting asked for an agreement that from 11.00 p.m the outside area be cleared of patrons, windows be closed and that there be no live music or Kareoke. Mr Whiting considered that the application for live music till 01.00 hours on Fridays and Saturdays was too late for a residential area. Mr Whiting was concerned that the 45 minutes drink up time would mean patrons leaving the pub at 01.45 hours.

91.6 Mr Grant informed the Panel that the Bedford Tavern was a small community pub, not a music venue. It was not intended to use the pub for regular entertainment. Drink up time was something that was being encouraged by the Licensing Act 2003, as it would enable more controlled dispersal. Mr Grant considered that the

application was reasonable.

91.7 Mr Grant reported that there was no intention of having karaoke. The application had been made to protect the pub's interests for some time in the future, should it arise. The capacity at the pub had been agreed with the Fire and Rescue Service.

91.8 The Licensing Manager reported that Section 177 of the Licensing Act stated that where the Fire and Rescue Service recommend a capacity limit to a venue that qualifies as a small premises, any conditions attached to the licence by the Licensing Authority regarding the provision of music entertainment are disapplied. If a condition was applied regarding drinking in the outside area, it would not be disapplied as it related to matters concerning crime and disorder.

91.9 The applicants agreed that they would be willing to clear the outside area at 11.30 pm and that regardless of the situation outlined above, they would be willing to cease live amplified music at 11.30 p.m.

91.10 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted. It is noted that the applicant has agreed to cease live amplified music at 23.30 hours. The following conditions are attached to the licence:-

- (1) The external area to be cleared by 23.30 hours.
- (2) The licensee shall ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.
- (3) The licensee shall ensure that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- (4) Doors and windows shall be kept shut during the playing of amplified music, which term to include karaoke.

Reasons for granting licence: It was considered that the above conditions and the agreement of the applicant to cease live amplified music at 23.30 hours would adequately deal with the concerns of the residential objector.

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.

92. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – NO NAME RESTAURANT BAR

92.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation to a Premises Licence already granted under “grandfather rights” at the No Name Restaurant Bar, 81 St James’s Street, Brighton (see Minute Book).

92.2 The Licensing Manager summarised the application as set out in the report. Neither the applicant or the objector, Ms Thomas, (representing the Kingscliffe Society) were in attendance.

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

Reasons for granting licence: It was considered that there was no evidence from the representation to cause the Panel to refuse or amend the application or to engage its discretion to impose conditions.

The meeting concluded at 3.35 p.m.

Signed

Chair

Dated this

day of

2005