

BRIGHTON & HOVE CITY COUNCIL

**LICENSING PANEL
(Licensing Act 2003 Functions)**

9.30 AM – 2 SEPTEMBER 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Pennington (Chair) Older and Williams

PART ONE

104 TO APPOINT A CHAIR FOR THE MEETING

104.1 Councillor Pennington was appointed Chair for the meeting.

105. PROCEDURAL BUSINESS

105A Declarations of Substitutes

105.1 There were no substitutes.

105B Declarations of Interest

105.2 There were none.

105C Exclusion of Press and Public

105.3 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.

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

**106. APPLICATION FOR A VARIATION UNDER TRANSITIONAL
ARRANGEMENTS OF THE LICENSING ACT 2003 – THE CRICKETERS,
CHURCH ROAD, PORTSLADE**

106.1 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 Cricketers Arms, 49-51 Church Road, Portslade (see Minute Book).

106.2 The applicant, Mr Lawlor attended the panel. The residential objector was not in attendance at the meeting.

106.3 The Licensing Manager summarised the application as set out in report. Although the report stated that two objections had been received to the application, one objection had been withdrawn. No representations had been received from the responsible authorities. There had been no receipt of noise complaints to the Environmental Health, Pollution Team, since 2000. One complaint had been received in 2000, which had been resolved.

106.4 The applicant, Mr Lawlor circulated a written presentation of his case to the Panel Members. The paper explained that the pub was in a busy road with double yellow lines. The Cricketers had been visited by an Environmental Health officer who had tested the pub for music during the day. The noise of the traffic had drowned out the music noise. Environmental Health officers had left noise diaries with Mrs Kummins and the other complainant but had not received them back.

106.5 No windows in the pub were at a level to carry noise. The pub garden had only been used 4 times for cricket matches in the last few years. The garden was able to seat 12 people. Mr Lawlor had spoken to Mrs Kummins who had thought the application was for 24 hour opening. The pub was for mature people and was not noisy.

106.6 The Panel Solicitor asked for clarity about the hours requested. Mr Lawlor confirmed that the hours proposed for live music were 11.00 pm Friday and Saturday, not midnight. The hours for sale of alcohol were Sunday to Thursday 12.00 noon to 11.00 pm.

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

The following conditions are to be attached to the licence.

(1) Rear doors and windows shall be kept shut during operating hours on occasions when the beer garden is in use.

(2) 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: There was no reason to refuse the licence. The conditions were attached to the licence to protect against public nuisance.

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.

107 APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – PARK VIEW HOTEL, 71 PRESTON DROVE, BRIGHTON

107.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation under transitional arrangements at the Park View Hotel, 71 Preston Drove, Brighton (see Minute Book).

107.2 Ms Broom the pub manager attended the Panel with Mr Morgan, barrister to the applicants. Ms Sack attended the Panel as a residential objector.

107.3 The Licensing Manager summarised the application as set out in the report. Four representations had been received from local residents. No representations had been received from the Responsible Authorities. There had been no receipt of recent noise complaints to the Environmental Health, Pollution Team. Two noise complaints had been received in 2001.

107.4 Ms Sack informed the Panel that she required clarity about the application. The notice was not clear. Ms Broom & Mr Morgan explained that the hours requested were 12.00 to midnight seven days a week with 30 minutes drink up time. The hours for the beer garden would be the same as indoors. Approximately nine of the extensions on festival days were for 02.00 hours and the remainder were for 01.00 hours. With regard to the reference to sporting events, Ms Broom explained that the pub owners had submitted a blanket application. The pub did not show sporting events at all. The pub was a food led business. Ms Broom wanted to attract residents and families.

107.5 Ms Sack informed the panel that she objected to the extension in hours, given the nature of the pub. It had a beer garden and was in a residential area. The pub had changed ownership last year and had changed its character completely. It had previously been a pub used by local people. The function room had now changed to a bar area and people drove to the pub.

107.6 Ms Sack drew attention to paragraphs 4.6, 4.7 and 4.8 in the report, which set out the council's licensing policy in respect of prevention of public nuisance. Ms Sack pointed out that the beer garden was surrounded by residences. There were no taxi ranks and no night buses in the area.

107.7 Mr Morgan and Ms Broom set out the case for the applicants. The pub did not intend to have films, live music or dance. As mentioned above, the pub owners had made a blanket application. Ms Broom understood the resident's concerns and was a resident herself above the pub. She wanted to attract professional people and commuters to the pub. There was an over 21's policy. Ms Broom was not aware of people driving to the pub. Food was a key part of the business and alcohol was ancillary to the food service.

107.8 **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 Live Music to be Monday to Sunday – 10.00 to 23.30.

The following conditions are attached to the licence:-

(1) All external drinking areas to be cleared of customers by 23.30 hours each evening.

(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 and attaching conditions: It was considered that the above change to the hours of live music and the conditions were necessary for the prevention of public nuisance.

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.

108. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – MARQUESS OF EXETER, 28 UPPER HAMILTON ROAD/67 EXETER STREET, BRIGHTON

108.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation at the Marquess of Exeter, 28 Upper Hamilton Road/67 Exeter Street, Brighton (see Minute Book).

108.2 The applicant, Mr Grant of Punch Taverns attended the Panel with Ms Nairn, the licensee. There were no objectors in attendance at the meeting.

108.3 The Licensing Manager summarised the application as set out in report. The 12 other event days per annum mentioned in the report was an error. Two representations had been received to the application. A third objection from Ms Morris had been withdrawn following a meeting with the licensee. No representations had been received from the police. There had been a history of noise complaints to the Environmental Health Pollution Team prior to the current licensee taking over.

108.4 Mr Grant informed the Panel that the pub would be changing its name to "The Chimney House". This would be formalised through the magistrates' court. The pub had been closed for six weeks for refurbishment and it would reopen as a gastro pub with a bar facility. Prior to the current licensee taking over, the pub had a history of problems.

108.5 Mr Grant requested a slight amendment to the application. The reference to the outside area closing at 10.30 pm was an error. The grandfather right was to 11.00 pm. Mr Grant also requested that accompanied children be allowed admittance to the pub until 10.00 pm (rather than 8.00 pm) due to the change in nature of the pub. Mr Grant stressed that the pub would be completely non smoking and there would be a big open to view kitchen area. He considered that the application was reasonable and he commended it to the Panel.

108.6 Ms Nairn confirmed that the back outside area had no seating and would be used as an area for people to smoke. The front outside area had four benches within the curtilage of the pub.

108.7 **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 Recorded Music to be Monday to Thursday 10.00-23.00. Friday and Saturday 10.00 – 00.00. Sunday 12.00 to 23.00. The hours for supply of alcohol to be 10.00-23.00. Friday and Saturday 10.00 – 00.00. Sunday 12.00 to 23.00. The hours the premises are open to the public to be Monday to Thursday 10.00-23.30. Friday and Saturday 10.00 – 00.30. Sunday 12.00 to 23.30.

The following conditions to be attached to the licence

(1) The outside areas, (front and rear) to be cleared of people at 23.00 hours.

(2) No children to be admitted after 22.00 hours. (No unaccompanied children to be admitted at any time.)

(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.

Reasons for granting licence with conditions: It was considered that the above change to the hours and the conditions attached to the licence would reduce the potential for public nuisance and 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.

The meeting concluded at 12.23 p.m.

Signed

Chair

Dated this

day of

2005