

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

9.30AM – 14 SEPTEMBER 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Bennett, Older and Simson

PART ONE

157. ELECTION OF CHAIR

157.1 **RESOLVED** – That Councillor Simson be elected Chair for this meeting.

158. PROCEDURAL BUSINESS

158A. Declarations of Substitutes

158.1 There were no declarations of substitutes.

158B. Declarations of Interest

158.2 There were no declarations of interest.

158C. Exclusion of Press and Public

158.3 The Panel 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.

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

159. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – HONEY CLUB

159.1 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 Honey Club, King’s Road Arches, Brighton (see Minute Book).

159.2 The Licensing Manager summarised the application as set out in the report. One representation was received from Brighton and Hove Police but none from the other responsible authorities. One representation was received from the landlord of the premises.

159.3 Mr C Holm and Ms B Longley attended the hearing as representatives of the landlord, Brighton & Hove City Council. No representative attended from Brighton & Hove Police.

159.4 Mr N Perkins a solicitor and Mr S Honeyset attended as representatives of the applicant, Central Entertainments Limited.

159.5 The solicitor informed the Panel that the applicant had been in contact with the police and had agreed a number of conditions. The Panel were provided with a five page typed document that set out the conditions agreed with the police. The Panel noted the document. As the police were not at the meeting their representation could not be officially withdrawn, however it was noted that they had chosen not to attend the hearing.

159.6 Mr Holm and Ms Longley informed the Panel that there was concern that extended licensing hours and the provision of adult entertainment at these premises would not be appropriate to the seafront area. The landlord felt that it could promote crime and disorder, anti social behaviour, and be a risk to safety. The landlord wanted the seafront area to provide a range of entertainment for all the family and there were already a number of nightclubs in this area. The seafront area is currently cleaned at around 6 am in preparation for daytime use. There was concern that if a license were granted to 6 am there could be anti social behaviour at a time when the area was being cleaned and families starting to use the seafront. The Panel were informed that there was already a problem in this area with people being drunk, or taking drugs, and it was suggested that granting this application could exacerbate the situation. It would be inappropriate to both have this type of entertainment together a premises with a late license on the seafront as it could lead to an increase in public disorder.

159.7 The solicitor for the applicant questioned the representatives of the landlord and asked on what basis it could lead to an increase

in public disorder. Mr Holm informed the panel that it would lead to more people hanging around the area of which a proportion could make a nuisance of themselves.

159.8 The Panel asked the Landlord's representatives whether their main concern was the late opening or the type of entertainment being suggested. The Panel were informed that it was both. It was felt that the seafront was the 'shop front' of the city and as such this type of adult entertainment would be inappropriate.

159.9 The representatives of the applicant informed the Panel that the Honey Club had been on the seafront for 12 years. Central Entertainments Limited had always been mindful of their responsibilities to both their employees and the public. It would be unlikely that the extended hours would be used every day, but would be good to have the option to open later should they wish. On the days that adult entertainment would be held, entrance to the premises would be ticket only and to those who were members of the club. Discussions had taken place with the Police and a number of conditions had been agreed.

159.10 The Panel were informed that CCTV was in operation. All staff were trained to spot customers who might be under the influence of drugs or alcohol. SIA registered Doormen would be employed.

159.11 The Solicitor to the Licensing Panel noted the conditions which, the applicant said, had been agreed with the police. The Panel were informed that as the police had not notified the Licensing Authority that they wished to withdraw their representations, they should strictly stand. However, it should also be noted that the police had not attended the hearing. With regard to the conditions it was noted that one condition referred to the police charging a fee. The Panel were advised that such a condition could not be inappropriate and should not form part of the agreed conditions.

159.12 **RESOLVED** – (1) That the application for a variation of the premises licence already granted under "grandfather rights" be granted with the conditions agreed between the Applicant and the Police (for copy see minute book)

(2) That these conditions do not include the provision for the Police to receive a fee.

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

160. APPLICATION FOR A VARIATION UNDER TRANSITIONAL

ARRANGEMENTS OF THE LICENSING ACT 2003 – ROBIN HOOD

160.1 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 Robin Hood, 1-3 Norfolk Place, Brighton (see Minute Book).

160.2 The Licensing Manager summarised the application as set out in the report. There were no current representations from the responsible authorities. A number of written representations were received from local residents. Four people making representations attended the hearing: Mr D Maunder, Mr M Crane, Mr M Smith and Mr B Cowell

160.3 Mr M Webb and Mr N Hayward, the Applicant, attended the meeting.

160.4 Mr T Nicholls, Licensing Manager, informed the Panel that a representation from Environmental Health had been withdrawn when a number of conditions had been agreed with the applicant. These conditions were; to provide acoustically treated air-conditioning; to remove two extract fans on the Eastern elevation and to make good the wall; to relocate the speakers to positions agreed with the licensing authority; doors to be kept shut after 21.00 hours except for access and egress; to keep windows shut after 21.00 hours and all live and recorded music to be controlled by a sound limiting device set at a level agreed with the licensing authority.

160.5 Mr Crane informed the Panel that the noise from the pub was an issue, both coming from inside the pub, and the noise of people leaving the premises. Mr Maunder was concerned with the level of noise from the pub, and was unhappy that the pub could be open past midnight. He informed the Panel that this was a residential area, the streets were narrow and the buildings tall, which accentuated any noise. The noise also continued into the street, with people using mobile phones to call taxis. Mr Maunder's property was situated next to the public house. Mr Cowell was concerned about the level of noise from the premises and welcomed the conditions already agreed with Environment Health. Martin Smith informed the Panel that most noise was created by people leaving the premises.

160.6 The Applicant informed the Panel that there were 9 other pubs within close proximity to the Robin Hood, and as such noise from people in the street could not necessarily be attributed to the this pub. However, it was a community pub and they had noted the

comments concerning the noise. The Applicant was agreeable to the live music ending at 10.30 and for the pub to close at 1.00 am at weekends. The comments regarding people using mobile phones to call taxis had been noted, and consideration would be given to installing a free phone for taxi.

160.7 RESOLVED – That the application for a variation for the premises licence already granted under “grandfather rights” be granted with the following conditions (1) Sale of Alcohol Monday – Thursday 10.00 to 23.00, Friday – Saturday 10.00 to Midnight, Sunday 11.00 to 23.00, Bank Holiday which runs into a normal weekday 10.00 to 23.00

(2) Live music to cease at 22.30

(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) The Licensee will provide acoustically treated air-conditioning; to remove two extract fans on the Eastern elevation and to make good the wall.

(5) The Licensee to relocate the speakers to positions agreed with the licensing authority.

(6) Doors and windows to be shut after 21.00 hours except for access and egress

(7) All live and recorded music to be controlled by a sound limiting device set at a level agreed with the licensing authority

160.8 Reasons for granting licence: It was considered that the above conditions would address the concerns expressed by local residents.

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

The meeting concluded at am

Signed

Chair

Dated this

day of

2005