

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

2.00PM – 19 SEPTEMBER 2005

BRIGHTON TOWN HALL

MINUTES

Present: Councillors Cobb, Pennington and Turner

Councillor Meegan substituted for Councillor Pennington for items 194 and 195

PART ONE

188. ELECTION OF CHAIR

188.1 **RESOLVED** – That Councillor Turner be elected Chair for this meeting.

189. PROCEDURAL BUSINESS

189A. Declarations of Substitutes

189.1 There were no declarations of substitutes.

189B. Declarations of Interest

189.2 There were no declarations of interest.

189C. Exclusion of Press and Public

189.3 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.

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

190. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THE CLEVELAND ARMS

190.1 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 Cleveland Arms, Cleveland Road, Brighton (see Minute Book).

190.2 Mr N Murray explained that the premises was a community public house located in an entirely residential area and the extension of hours and provision of amplified music violated the Council’s guidelines for the provision of licensed premises. The public house was already busy.

190.3 Mrs Cadoux-Hudson said that the extended hours were unnecessary.

190.4 Mrs Board explained that the proposed extended hours would greatly disturb her mother and would aggravate parking problems that were getting worse.

190.5 Pauline Cox stated that she was concerned about the noise levels, the lack of parking and also the provision of seating outside.

190.6 Pauline Allen stated that the premises used to be a quiet local public house but recently seating had been provided outside; and if the hours were extended it would get worse. The premises had been sold as a family public house but now there was often shouting after 23.00 hours and drinks were being taken off the premises and any attempt to approach customers was met with abuse from the patrons.

190.7 Jayne Wilson said that the extension will cause misery to local residents and would be difficult to police.

190.8 The licensee explained that he had been in the trade for 30 years and that he was aware of the concerns of the residents. He said that the park was I use every day and that the public house was popular with families. He was aware that drinks were being taken out of the premises and therefore he had to build a wall to prevent this and had placed a notice stating no drinks beyond this point. He indicated that he was aware of the noise problem and did all that he could to ensure that noise was kept to a minimum. He also said that he did not sell the drinks that had been alleged were sold and then taken onto the park. He said that he did not operate an off licence and therefore all drinks that were dispensed must be consumed on the licensed premises. He was also aware that licensing laws had changed but although karaoke and DJ music

had been included on the application, he had no intention of providing these facilities. The jazz nights were held only once a month and it was not intended that this would change. He said that he understood the issues and did not want to disrupt the area. He always tried to keep noise down to an acceptable level.

190.9 RESOLVED – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:

1. The licensee ensure that the external area be closed and cleared by no later than 22.00 hours.
2. The licensee shall ensure that all windows and doors be closed no later than 22.00 hours except for ingress and egress.
3. The licensee must ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.
4. 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.
5. The licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby residents.
6. The licensee shall maintaining the notice stating ‘No drinks beyond this point as referred to in paragraph 190.9 above.

Reasons for conditions:

To ensure that there is no public nuisance to local residents.

191. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – THE JUGGLER

191.1 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 Juggler, 21 Western Road, Hove (see Minute Book).

191.2 The Panel noted that an objection had been received concerned that an extension of hours would lead to nuisance from and outside the premises.

191.3 The applicant said that he had written to the complainant and also to environmental health. As a result he had agreed to install and set a sound limiter at a level agreed with environmental health; live music would terminate at 23.00 hours; the outside area would be closed and cleared by 23.00 hours; all windows and doors would be closed after 23.00 hours; and air conditioning would be installed. He indicated that noise from outside of the premises was from other establishments and not his licensed premises.

191.4 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:

1. The amplified sound equipment shall be governed by a sound limiting device set at a level approved by the licensing authority.
2. The licensee to ensure that live music terminates no later than 23.00 hours.
3. The licensee shall ensure that the outside area is closed and cleared no later than 23.00 hours.
4. The licensee shall ensure that all windows and doors are closed no later than 23.00 hours except for ingress and egress.
5. The licensee to 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 conditions:

To ensure that there is no public nuisance to local residents.

192. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – SIDEWINDER

192.1 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 Sidewinder, 65 Upper St James's Street, Brighton (see Minute Book).

192.2 Mr Sheppard was concerned that the application failed to meet objective 4 of the licensing objectives. He said that the premises were located in a high density residential area where amplified music was already a problem. There was live music in the

garden that used to be a car park and whilst it was acceptable until 23.00 hours any extension would be unacceptable.

192.3 Mr A Saich said that the proposed extension of hours would cause problems for local residents wishing to sleep and that there were over 50 letters objecting to the extension.

192.4 Mr Edwards said that the area should be conserved because people do need their sleep.

192.5 The applicant stated that there had been no objection to the operating schedule. Of the letters that had been submitted there had been 45 standard letters. In response to the objections they had agreed to terminate live music at 23.00 hours; close and clear the outside area no later than 23.00 hours; close all windows and doors no later than 23.00 hours; and to lock the door into Atlingworth Street no later than 23.00 hours. The applicant also stated that sound proofing would not be economically viable but if there was noise after 23.00 hours environmental health could be called.

192.6 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:

1. The licensee must ensure that the terminal hour for live music is no later than 23.00 hours.
2. The licensee must ensure that the outside area is closed and cleared no later than 23.00 hours.
3. The licensee must ensure that all windows and doors are closed no later than 23.00 hours except for ingress and egress.
4. The licensee must ensure that the door to Atlingworth Street is locked no later than 23.00 hours.

Reasons for granting licence:

To ensure that there is no public nuisance to local residents.

193. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – SQUID & STARFISH (NOW KNOWN AS ‘THE GLOBE’)

193.1 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 Squid & Starfish (now known as ‘The Globe’), 78 Middle Street, Brighton (see

Minute Book).

193.2 Mr Eastman indicated that he operated a bed and breakfast premises in Middle Street and he was concerned that noise emanating from the premises would disturb his customers and he was particularly concerned at noise levels after 03.00 hours when customers left the licensed premises.

193.3 The applicant indicated that the premises was fitted with air conditioning but no sound proofing and that it was not intended that there would be live performers after 02.00 hours. He also said that if there was excessive noise the licence could be reviewed.

193.4 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following condition:

1. The licensee shall ensure that all windows and doors are closed after 00.00 hours except for ingress and egress

Reasons for granting licence:

To ensure that there is no public nuisance to local residents.

194. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – EARTH & STARS

194.1 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 Earth & Stars, 46 Windsor Street, Brighton (see Minute Book).

194.2 Dr Windsor Martin explained that he was concerned about transmitted sound which had been an issue in the past and the problem seemed to be with DJs and live music. He understood that a sound engineer’s report had been commissioned but was not sure how any recommendations could be implemented.

194.3 Mr Skam indicated that he was satisfied with the concessions that had been offered by the applicant but wanted no drinking outside after 23.00 hours.

194.4 The applicant indicated that he had met with the objectors and as a result had made a number of concessions. He had agreed that no amplified music would be played in the 30 minutes before the premises were closed; and that no DJ or live music would be operated after 00.00 hours. In addition he had also agreed that all external windows and doors would be closed at 23.00 hours;

amplified music would cease at 23.00 hours in the first floor bar area.

194.6 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:

1. The licensee shall ensure that no amplified music is played in the 30 minutes prior to closure of the premises.
2. The licensee shall ensure that there is no live or DJ operated equipment after 00.00 hours.
3. The licensee shall ensure that all external windows and doors are closed no later than 23.00 hours except for ingress and egress.
4. The licensee shall ensure that all amplified music cease after 23.00 hours in the first floor bar area.

Reasons for granting licence:

To ensure that there is no public nuisance to local residents.

195. APPLICATION FOR A VARIATION UNDER TRANSITIONAL ARRANGEMENTS OF THE LICENSING ACT 2003 – POLAR CENTRAL

195.1 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 Polar Central, 11-12 Queen’s Road, Brighton (see Minute Book).

195.2 On behalf of an objector, Councillor Keith Taylor expressed concern that the extended hours will cause problems and disruption to neighbours living close to the public house. He said that there would be a negative impact if the application was approved. At the present time residents’ sleep was being disturbed and the noise limiter did not prevent the seepage of noise from the premises. He also asked if windows and doors could be closed after 23.00 hours.

195.3 The applicant said that if there was a noise problem that they would deal with it. The applicant stated that they would provide a noise limiter if necessary but at the moment they had a sound attenuator that was controlled by the bar staff.

195.4 **RESOLVED** – That the application for a variation for the premises licence already granted under “grandfather rights” be granted subject to the following conditions:

1. The licensee to ensure that all windows and external doors

are closed no later than 23.00 hours except for ingress and egress.

2. The licensee to ensure that prominent, clear and legible notices are displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and the area quietly.

3. The licensee must ensure that people on or leaving the premises conduct themselves in an orderly manner at all times and do not in any way cause annoyance to residents and people passing by the premises.

Reasons for granting licence:

To ensure that there is no public nuisance to local residents.

The meeting concluded at 18.15 hours

Signed

Chair

Dated this

day of

2005