

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL

2.00PM – 15 NOVEMBER 2005

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillors Hyde (Chair), Cobb and Watkins

Also in attendance: Tim Nichols, Head of Environment and Licensing, Rebecca Sidell, Panel Solicitor and Caroline De Marco, Committee Administrator.

PART ONE

ACTION

290. ELECTION OF CHAIR

290.1 **RESOLVED** – That Councillor Hyde be elected Chair for this meeting.

291. PROCEDURAL BUSINESS

291A. Declarations of Substitutes

291.1 There were no declarations of substitutes.

291B Declarations of Interest

291.2 Councillors Hyde and Watkins declared a personal but not prejudicial interest in Item 293 as they were members of the Planning Applications Sub-Committee and had considered a recent planning application for this premises.

291C Exclusion of Press and Public

291.3 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.

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

292. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – GIN GIN, 74 ST JAMES'S STREET, BRIGHTON

292.1 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 Gin Gin, 74 St. James's Street, Brighton (see minute book).

292.2 The applicant, Mr Seivewright was in attendance at the meeting. Mr Scoble attended the meeting to represent the Kingscliffe Society who had objected to the application.

292.3 The Licensing Manager summarised the application as set out in report. A representation had been received from the Kingscliffe Society. No representations had been received from the Police or Environmental Health. The Licensing Manager informed the Panel that the licensing guidance issued by the Secretary of State, stated that there was a need to ensure that representations were from residents in the vicinity.

292.4 Mr Scoble informed the Panel that the Kingscliffe Society objected to the application on the grounds of noise nuisance to local residents and specifically to an adjoining residence. If the application was to be approved, Mr Scoble requested that the outside area be closed by 11.00 p.m. and cleared by 11.20 p.m.

292.5 The Panel Members asked Mr Scoble if he could provide names and addresses of Kingscliffe Society members who would be adversely affected by the application. Mr Scoble replied that he would have supplied a list had he known this was a requirement. There were Kingscliffe Society members in Camelford Street.

292.6 Mr Seivewright informed the Panel that the clientele in his bar were in the 25 to 35+ age group. The music was soft, low Cuban background music. The bay windows and doors of the property were double-glazed. Door staff were employed at weekends. In summer, the patio was used till 11.00 p.m. It was not Mr Seivewright's intention to use the outside area after 11.00 p.m.

292.7 **RESOLVED** – That the application for a variation of a premises licence already granted under "grandfather rights" be granted, by officers.

Reasons for granting the licence: The Panel is not satisfied that the objection letter represents people living in the vicinity of the premises, and so was therefore not a relevant representation.

293. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – “BREWERS FAYRE”, UNIT 1, THE TERRACES, MADEIRA DRIVE, BRIGHTON

293.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a premises licence under the Licensing Act 2003 for “Brewers Fayre”, Unit 1, The Terraces, Madeira Drive, Brighton (see minute book)

293.2 Mr Muir acting on behalf of the applicants and Ms Anderson from Whitbreads attended the meeting. Mr Scoble attended the meeting to represent the Kingscliffe Society who had objected to the application.

293.3 The Licensing Manager summarised the application as set out in report. A representation had been received from the Kingscliffe Society. No representations had been received from the Police or Environmental Health.

293.4 Mr Muir confirmed that he had no objection to Councillors Hyde or Watkins determining this application. Both councillors had declared a personal but not prejudicial interest in this item as they were members of the Planning Applications Sub-Committee and had considered a recent planning application for this premises.

293.5 Mr Scoble confirmed that Kingscliffe Society members lived in the near vicinity of the premises. The objections to the application related to about noise and disturbance to nearby homes, and family dining with closing hours of 1.30 a.m.

293.6 Mr Muir reported that the premises was due to open in February 2006. Brewers Fayre was a food led business and catered for families. The applicants were happy to abide with the conditions suggested in the letter from the Kingscliffe Society. Mr Muir stressed that the level of music would be very low and would be unlikely to contravene a condition stating that no music or amplified sound should be audible in any residential home.

293.7 **RESOLVED** - That the application for a premises licence under the Licensing Act 2003 be granted.

The following conditions are to be attached to the licence.

(1) That the outside area is not used after 23.00 hours and must be cleared by 23.30 hours.

(2) That no music or amplified sound should be audible in any residential home.

Reasons for granting the licence and attaching conditions: It was considered that the conditions attached were reasonable, and would adequately deal with the concerns expressed about public nuisance/disturbance.

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.

294. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE EAGLE, 125 GLOUCESTER ROAD, BRIGHTON

294.1 The Panel considered a report of the Assistant Director, Public Safety concerning an application for a variation of a premises licence under the Licensing Act 2003 for The Eagle, 125 Gloucester Road, Brighton (see minute book).

294.2 The applicants and their representative Mr Muir attended the Panel. A number of residents attended the panel and set out their objections to the application. These included Mr R Scam on behalf of Mrs Powell and the North Laine Community Association, Miss M Brand, Mr M Major and Mr V Romaniuk. Councillor Keith Taylor spoke on behalf of Mr James Oliver.

294.3 The Licensing Manager summarised the application as set out in report. No representations had been received from the police. The premises had a history of noise complaints but there were no current outstanding complaints to Environmental Health. Noise complaints had been received as follows. 2005 – complaints regarding air conditioning unit, an odour complaint from cooking, noise from people and music, noise at 3.30 am and 4.30 am. 2004 – noise from people outside, food smells. 2002 – noise at closing time. The complaints were received from immediate residents affected by the premises.

294.4 Mr Muir informed the Panel that the applicants wished to amend the application as follows. Sale of alcohol to cease, Sunday to Thursday – 00.00 hours. Friday and Saturday – 01.00 hours. Hours of operation to cease, Sunday to Thursday – 00.30 hours. Friday and Saturday – 01.30 hours. Recorded music and late night refreshment would cease at the same time as the sale of alcohol.

294.5 Mr Scam expressed the view that noise and disturbance were the main objection of Mrs Powell and the North Laine Community Association. He stressed that the adjoining neighbours should not hear any noise from the premises after 11.00 p.m.

294.6 Miss Brand informed the panel that the pub attracted a young extremely noisy clientele who showed no restraint when in the street. She stressed that the residents had the right to enjoy the peaceful enjoyment of their properties as set out in the Human Rights Act. Miss Brand also objected to the rubbish that accumulated directly outside the pub.

294.7 Councillor Taylor informed the panel that Mr J Oliver had two young children and lived two doors away from the pub. Mr Oliver had complained about noise from the pub to no avail. On 20 January Mr Oliver and his family were disturbed by noise from the premises until 6.00 a.m. Councillor Taylor stressed that the permitted hours should reflect the location and nature of the neighbourhood. He considered that to extend the hours to 3.00 a.m. in a residential area would be entirely inappropriate. Councillor Taylor did not support the extension of hours. If the application was granted with the amended hours, then he recommended a number of conditions relating to the outside area, doors and windows remaining shut, a sound limiter and door staff.

297.8 Mr Major objected to the proposal on the grounds of noise nuisance. He stressed that Gloucester Road was a very narrow street with fairly tall buildings. This caused an echo effect. Mr Major lived in a listed building and was limited in how he could reduce the amount of noise entering his property.

297.9 Mr Romaniuk informed the Panel that he had twice been threatened by clientele from the Eagle. He objected to the application on grounds of noise and disturbance.

297.10 Mr Muir informed the Panel that the Eagle was a very good food led operation. Greene King thought very highly of the applicant who had run the Eagle since 2001. The problems in 2003 were caused by a quiz night, which had ceased following complaints. The applicant would be happy to hold regular meetings with the residents to consider any problems arising from the operation of the pub.

297.11 Mr Muir suggested that in addition to the suggested amended hours, the following conditions be attached to the licence. 1. Outside benches to be cleared by 23.00 hours. 2. Registered door supervisors to be employed on Friday and Saturday from 20.00 hours to close of business at 01.30 hours. 3. Notices displayed asking customers to leave quietly. 4. A sound limiter to be installed. 5. Windows and doors shut at 23.00 hours. 6. Waste disposal not to take place from 22.00 hours to 07.00 hours.

297.12 **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 the supply of alcohol to be Sunday to Thursday – 10.00 to 00.00 hours. Friday to Saturday – 10.00 to 01.00 hours. Hours open to the public to be Sunday to Thursday – 10.00 to 00.30 hours. Friday and Saturday – 10.00 to 01.30 hours. Recorded music and late night refreshment to cease at the same terminal hour as the sale of alcohol.

The following conditions to be attached to the licence.

(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 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.

(3) The licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at 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. The notice to request patrons to restrict the use of mobile phones outside the premises, near to neighbouring properties.

(5) The licensee shall ensure that the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties. The collection of refuse – such as bottles - shall not take place between 22.00 hours and 08.00 hours.

(6) The outside area should be closed and cleared by 23.00 hours and benches disabled by 23.00 hours.

(7) Doors and windows to be closed at 23.00 hours except for access and egress.

(8) Door staff to be employed on Friday and Saturday from 20.00 hours until close of business at 01.30 hours.

Reasons for amending hours and attaching conditions: It was considered that the amendment to the hours and conditions

attached would meet the licensing objectives of 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.

The meeting concluded at 4.44 p.m.

Signed

Chair

Dated this

day of

2005