

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL 2003 (Licensing Act 2003 Functions)

2.00PM – 10 JANUARY 2006

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillors Lepper (Chair), Cobb and Simson

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

PART ONE

330. ELECTION OF CHAIR

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

331. PROCEDURAL BUSINESS

331A Declarations of Substitutes

331.1 There were none.

331B Declarations of Interest

331.2 There were none.

331C Exclusion of Press and Public

331.3 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.

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

332. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – NOU NOU, 120 ST GEORGES ROAD, BRIGHTON

332.1 The Committee considered the report of the Assistant Director, Public Safety regarding an application for a premises licence under the Licensing Act 2003 for Nou Nou, 120 St George's Road, Brighton (see minute book).

332.2 The Panel agreed that they were not prepared to accept a letter of support from a ward councillor received after the 28 day period for representations.

332.3 The applicants and their representatives attended the Panel. The residential objectors were not in attendance.

332.4 The Licensing Manager summarised the application as set out in report. Representations had been made by local residents. No representations had been received from the Police or Environmental Health.

332.5 The applicant's solicitor informed the Panel that paragraph 2.2 in the report should be amended. The lower ground floor had seating for 25-30 not 50. The patio had seating for 30 to 35 not 60.

332.6 The applicant's solicitor referred to the incident mentioned in the second paragraph of Mrs Champion's letter of objection. This incident referred to staff staying late after work and playing music until 1.00 a.m. It was stressed that this was a one off instance. Staff had been instructed that music must not be played after the premises had closed. The applicants had taken several measures to ensure sound management. Notices were displayed requesting patrons to leave quietly. Background music (not amplified music) was played in the restaurant. Sound insulation works had been carried out around the window of the balcony. There were plans to install glass sound proofing over the patio area.

332.7 The applicant's solicitor stressed that Mr Lester lived on the other side of the road to the premises. The applicants did not play live music. The road was busy and there were other premises nearby such as the Polar Bar which opened to 2.00 a.m. The applicants were happy to have performance of dance until 10.30 p.m.

332.8 The applicant informed the Panel that the party wall between the premises and Mrs Champion's property was 20 yards away from the restaurant patio area.

332.9 **RESOLVED** - That the application for a premises licence be

granted, subject to the following conditions.

(1) The hours the premises are open to the public should be Monday to Sunday 12.00 to 00.00.

(2) The hours for Performance of Dance should be Monday to Sunday 12.00 to 23.00.

Reasons for granting licence: The Panel considered that the applicants were taking sufficient measures to meet the licensing objectives.

The Panel solicitor reported that the parties had 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.

333. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – BURGER KING, NORTH STREET, BRIGHTON

333.1 This item had been withdrawn from the agenda.

334. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – DOMINO'S PIZZA, 16/17 TRAFALGAR STREET, BRIGHTON

334.1 The Committee considered the report of the Assistant Director, Public Safety regarding an application for a premises licence under the Licensing Act 2003 for Domino's Pizza, 16/17 Trafalgar Street, Brighton (see minute book).

334.2 The applicants and the residential objector Mr Featherstone attended the Panel.

334.3 It was confirmed that the hours the premises were open to the public were Sunday to Thursday 23.00 to 00.00. Friday and Saturday 23.00 to 01.00.

334.4 The Licensing Manager summarised the application as set out in report.

334.5 Mr Featherstone informed the Panel that the extra traffic generated by the deliveries made it difficult to walk down the street. Delivery vehicles drove into Pelham Square and reversed down Trafalgar Street. Sometimes the drivers parked outside Mr Featherstone's house. Music was played loudly in the vehicles. Mr Featherstone had complained to the delivery drivers but not to the applicants.

334.6 The applicant reported that only two drivers rotated after 23.00 hours. He stressed that the area was a cut through for taxis at

night. No 6 Pelham Square was 100 yards away from the shop. No representations had been received from the flats that surrounded the shop.

334.7 Mr Featherstone reported that some delivery drivers were accompanied by their wives, who listened to the radio while the vans were stationary.

334.8 The applicant stated that he would address this issue immediately and agreed that the drivers should not be accompanied. He accepted that Pelham Square was residential and would instruct drivers not to use the square. A notice would be placed in the shop to this effect.

334.9 **RESOLVED** - That the application for a premises licence be granted, subject to the following condition.

(1) That the delivery drivers are instructed to enter and leave the vicinity quietly and considerately, not to leave engines running, not to leave music or radios on, to park considerately and at all times to be mindful of neighbours (particularly residential occupiers).

Reasons for attaching condition: The Panel considered that the condition was necessary to meet the licensing objectives relating to public nuisance.

The meeting concluded at 3.20 p.m.

Signed

Chair

Dated this

day of

2006