

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**10.00am 10 NOVEMBER 2021**

**VIRTUALLY VIA MICROSOFT TEAMS**

**MINUTES**

**Present:** Councillor ; Deane, Moonan and Simson

**Officers:** Jo Osborne, Licensing Officer, Rebecca Sidell, Lawyer, Penny Jennings, Democratic Services Officer

**PART ONE**

**1 TO APPOINT A CHAIR FOR THE MEETING**

Councillor Deane was appointed Chair for the meeting.

**2 PROCEDURAL BUSINESS**

**2a Declaration of Substitutes**

2.1 There were none.

**2b Declarations of Interest**

2.2 There were none.

**2c Exclusion of the Press and Public**

2.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

2.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

**3 APPLICATION FOR A NEW PREMISES LICENCE, WOLFOX, 15C PRINCE ALBERT STREET, BRIGHTON**

- 3.1 The Panel considered a report of the Executive Director of Housing, Neighbourhoods and Communities requesting that they determine a application for a new premises licence for Wolfox Limited, 15c Prince Albert Street, Brighton BN1 1HF.

**Presentation by the Licensing Officer**

- 3.2 The Licensing Officer, Jo Osborne presented the report and explained that one representation had been received on behalf of the Quaker meeting House as set out in the circulated papers. The premises was situated within the Cumulative Impact Area and as such there was a presumption against the grant of any new licences. That policy was not absolute however, each application needed to be considered on its individual merits and permission could be granted if a sufficiently robust case could be made to make an exception to policy. It was noted that the applicant(s) had agreed a raft of conditions with the Police and that the Police had not therefore objected to this application.

**Submission by Representatives of the Religious Society of Friends**

- 3.3 Penny Cloutte and Terry Byrne were in attendance on behalf of the Religious Society of Friends who run the Friends Meeting house and garden next door to the premises. Ms Cloutte stated that whilst she appreciated all that the applicants had done in order address their concerns, some concerns remained in respect of the impact of the licensable activity on their quiet worship and reflection. The garden was also a quiet green space valued by the public. There were concerns about noise and the impact of an extractor fan.

**Representations on Behalf of the Applicants**

- 3.4 Mr Gus Golding was in attendance on behalf of the applicants accompanied by other members of his team. He responded to detailed questions from the Panel in respect of the manner in which the outside seating area would be run and the style of operation which was intended.
- 3.5 Mr Golding explained That this application was for a small restaurant with a focus on design with items available for retail. A set of conditions had been agreed with the police including a restaurant condition and one relating to the proposed use of the outdoor pavement space. Mr Golding went on to explain that in order to address the concerns put by the Friends that it was not intended to play loud music and that they were willing to accommodate their wishes and not sell alcohol before 12pm each day. In addition they were willing to agree not to use the outside pavement area before noon on Sundays. They did not intend to have an extractor fan as such but to install a small air conditioning filter unit.
- 3.6 In response to the concerns of the Panel in respect of use of the outdoor space, the pavement immediately outside and about the operation of the outside area and the applicants agreed to further conditions for this area. The terminal hour for sale of alcohol would be 22:00 and 21:00 on Sunday. The use of the outside area would be subject to the grant of a pavement licence by the Highways department including any conditions attached to that.

**Closing Submissions**

- 3.7 Once the point had been reached when no further issues were raised and following the closing submission by the Licensing Officer each of the other parties gave their closing submissions re-iterating the points that they had raised during the course of the meeting. The Panel then deliberated on the matter and made their determination

**The Decision**

- 3.8 The Chair stated that the Panel had read all the papers including the report, relevant representations and further document from the applicants, and had listened to all the submissions made that day by all parties. Having considered the concerns raised by representatives of the Quaker Meeting House and the responses provided by the applicants and had reached the decision set out below:
- 3.9 This was an application for a new premises licence within the Cumulative Impact Zone (CIZ) and therefore subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy. The policy stated that applications for new premises licences will be refused following relevant representations. This presumption could be rebutted by the applicant if they could show that their application would have no negative cumulative impact. The special policy will only be overridden in exceptional circumstances. However, it was not absolute and both the policy and matrix approach indicated that a restaurant within certain hours might be unlikely to add to cumulative impact in the area and could therefore be considered to be exceptional.
- 3.10 This application was for a small restaurant with a focus on design with items available for retail. A set of conditions was agreed with the police including a restaurant condition and one relating to the proposed use of the outdoor pavement space. A relevant representation was made by the Religious Society of Friends who run the Friends Meeting house and garden next door to the premises. In the representation concern was expressed about the impact of the licensable activity on their quiet worship and reflection. The garden was also a quiet green space valued by the public. There were concerns about noise and the impact of an extractor fan.
- 3.11 The applicants explained their proposal and were appreciative of the concerns of the Friends Society. They did not intend to play loud music and were willing to accommodate their wishes and not sell alcohol before 12pm each day. In addition they were willing to agree not to use the outside pavement area before noon on Sundays. They did not intend to have an extractor fan as such but to install a small air conditioning filter unit.
- 3.12 The Panel had given careful consideration to this application which was a modest restaurant style operation with a terminal hour for sale of alcohol of 22:00 and 21:00 on Sunday. The use of the outside area would be subject to the grant of a pavement licence by the Highways department including any conditions attached to that. The applicants had addressed the concerns of the representation and had agreed to modify their activity accordingly. The panel did have concerns about the operation of the outside area and the applicants had agreed to further conditions for this area. The panel had therefore decided to grant the application with the following modification and additional conditions:

1. The sale of alcohol will be Monday to Saturday 12:00 (12pm) to 22:00 hours, and Sunday 12:00 (12pm) to 21:00 hours.
2. Condition 3 agreed with the police to be amended as follows: The supply of alcohol to the outside area as per marked on the premises licence plan, is subject to a pavement licence being granted *and any conditions attached to it*.
3. The outside pavement area is not to be used before 12pm on Sundays.
4. The outside pavement area must be monitored and regularly cleared of tableware.
5. The outside pavement area shall be closed and cleared 15 minutes before the premises closes or earlier if stipulated in the pavement licence.
6. The premises management shall provide direct telephone numbers to the Society of Friends for use in the event of any issues or concerns arising from the use of the premises.

The panel considered therefore considered that with the above conditions and those agreed with the police the application was unlikely to add to cumulative impact and would promote the licensing objectives and approval was therefore given subject to those.

- 3.-- **RESOLVED** – That the application for a new premises licence in respect of Wolfox , 15c Prince Albert Street, Brighton be granted in the terms set out above.

**Note:** The Legal Adviser to the Committee confirmed that the applicant would be notified of the Panel's decision in writing and details of their appeal rights included.

The meeting concluded at 12.30pm

Signed

Chair

Dated this

day of