



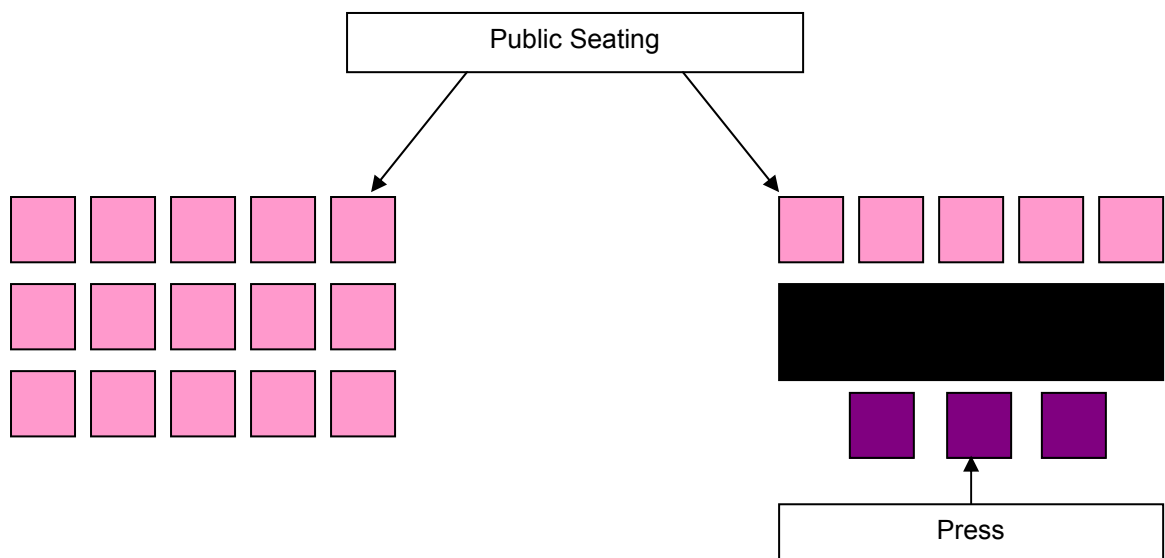
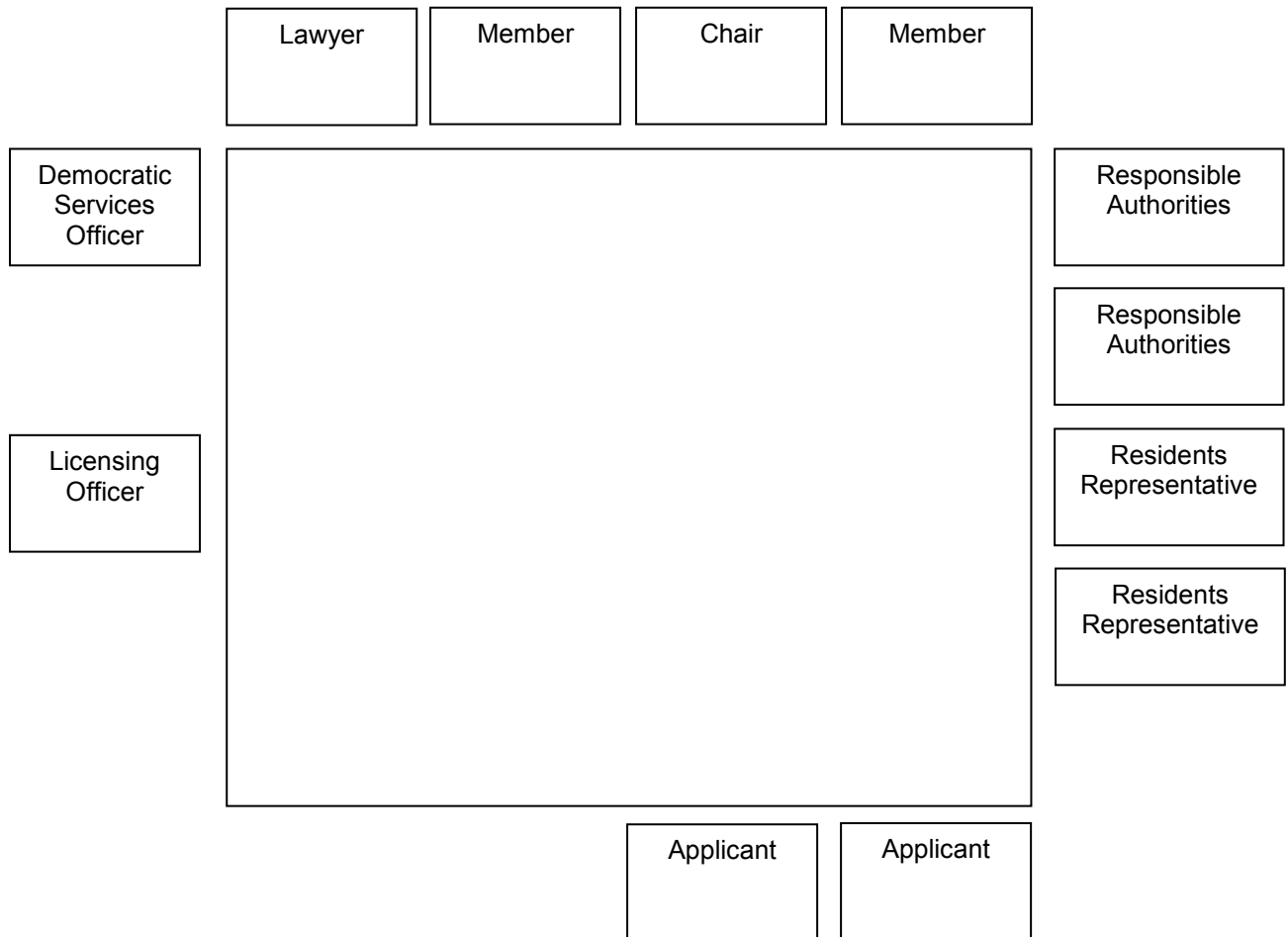
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	13 March 2009
Time:	10.00am
Venue	Committee Room 3, Brighton Town Hall
Members:	Councillors: Lepper, Marsh and C Theobald
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

Part One

Page

122. TO APPOINT A CHAIRMAN FOR THE MEETING

123. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

124. SUPERCHEF, 116 ST JAMES' STREET, BRIGHTON 1 - 40

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Jim Whitelegg Tel: 29-2143
Ward Affected: Queen's Park

125. WHITE HORSE, CAMELFORD STREET, BRIGHTON 41 - 84

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Jim Whitelegg Tel: 29-2143
Ward Affected: Queen's Park

126. SAINSBURY'S SUPERMARKET, 147-148 WESTERN ROAD, BRIGHTON 85 - 106

Report of the Assistant Director of Public Safety (copy attached).

Contact Officer: Sarah Ranger Tel: 29-5801
Ward Affected: Regency

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Thursday, 5 March 2009

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 124

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003 for Superchef, 116 St James's Street, Brighton, BN2 1TH		
Date of Meeting:	13 March 2009		
Report of:	Assistant Director Public Safety		
Contact Officer:	Name:	Jim Whitelegg	Tel: 29-2438
	E-mail:	jim.whitelegg@brighton-hove.gov.uk	
Wards Affected:	Queen's Park		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Superchef

2. RECOMMENDATIONS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Superchef

- 2.2 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003 for

The variation proposes:

It is a shop on the ground floor with only seating (14) inside. The basement is used for storage, WC, and freezers. Our opening times are till 00:00. I would like to extend it till 01:00 Sundays-Wed and till 03:00 on Thursday and until 04.00 on Friday, Saturday + bank holidays.

2.3 Summary table of existing and proposed activities:

	<i>Existing</i>	<i>Proposed</i>
L Late Night Refreshment	Monday – Saturday: 23.00 - 00.00	Monday – Wednesday: 23.00 – 01.00 Thursday: 23.00 – 03.00 Friday – Saturday: 23.00 – 04.00 Sunday: 23.00 – 01.00
O Hours premises are open to public	Monday – Saturday: 12.00 - 00.00 Sunday: 12.00 – 23.00	Monday – Wednesday: 12.00 – 01.00 Thursday: 12.00 – 03.00 Friday – Saturday: 12.00 – 04.00 Sunday: 12.00 – 01.00

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Cumulative Impact: The premises falls within the Cumulative Impact Area (“the Area”) in the Brighton city centre (see paragraphs Prevention of Crime and Disorder 2.4.10 – 2.4.14 and detailed plan in Appendix A).

3.2.1 Representations received

Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

- 3.2.2 Seven representations were received. Six were received from local residents and one from Sussex Police.
- 3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, and Prevention of Public Nuisance.

4. CONSULTATION

Commentary on licensing policy

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

- 1.2 The licensing objectives are:-
- (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;

(d) Protection of children from harm.

- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.
- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.

- 2.4 Cumulative impact – the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with ‘need’ which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
- 2.4.1 Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.4.2 The licensing authority after careful consideration has determined that the concentration of licensed premises in a small area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to Cumulative Impact is necessary as part of its statement of licensing policy. This special policy was adopted for inclusion within the statement of licensing policy by Council on 13 March 2008.
- 2.4.3 This special policy will refer to a Cumulative Impact area (“the Area”) in the Brighton city centre, a detailed plan of which is attached at **Appendix A** of the Statement of Licensing Policy (SoLP).
- 2.4.4 The effect of this special policy is that applications for new premises licences or club premises certificates within the Area, or variations which are likely to add to the existing Cumulative Impact, will normally be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 2.4.5 Any variation application will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse effect on Cumulative Impact.
- 2.4.6 This special policy also applies to all new premises licences and club premises certificates, for example pubs, off-licences, restaurants and take-away establishments.
- 2.4.7 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations the licensing

authority must grant the application in terms consistent with the operating schedule submitted.

- 2.4.8 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether it is justified in departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The Impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant or theatre may not.
- 2.4.9 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.
- 2.4.10 Special Stress Areas – **Appendix B** of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at **Appendix A** and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.
- 2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.
- 2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. **Appendix C** of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in **Appendix C**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.

2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the prevention of public nuisance

4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction

of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)

- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted: Karen Brookshaw Date: 19.02.2009

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 19.02.2009

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Brighton & Hove City Council - Cumulative Impact Area
2. Appendix B – Brighton & Hove City Council – Special Stress Areas
3. Appendix C – Measures to be considered in SSA's
4. Appendix D – Part P of application
5. Appendix E – Map of area
6. Appendix F – Part A of Premises Licence
7. Appendix G – New Plan of Premises

Documents in Members' Rooms

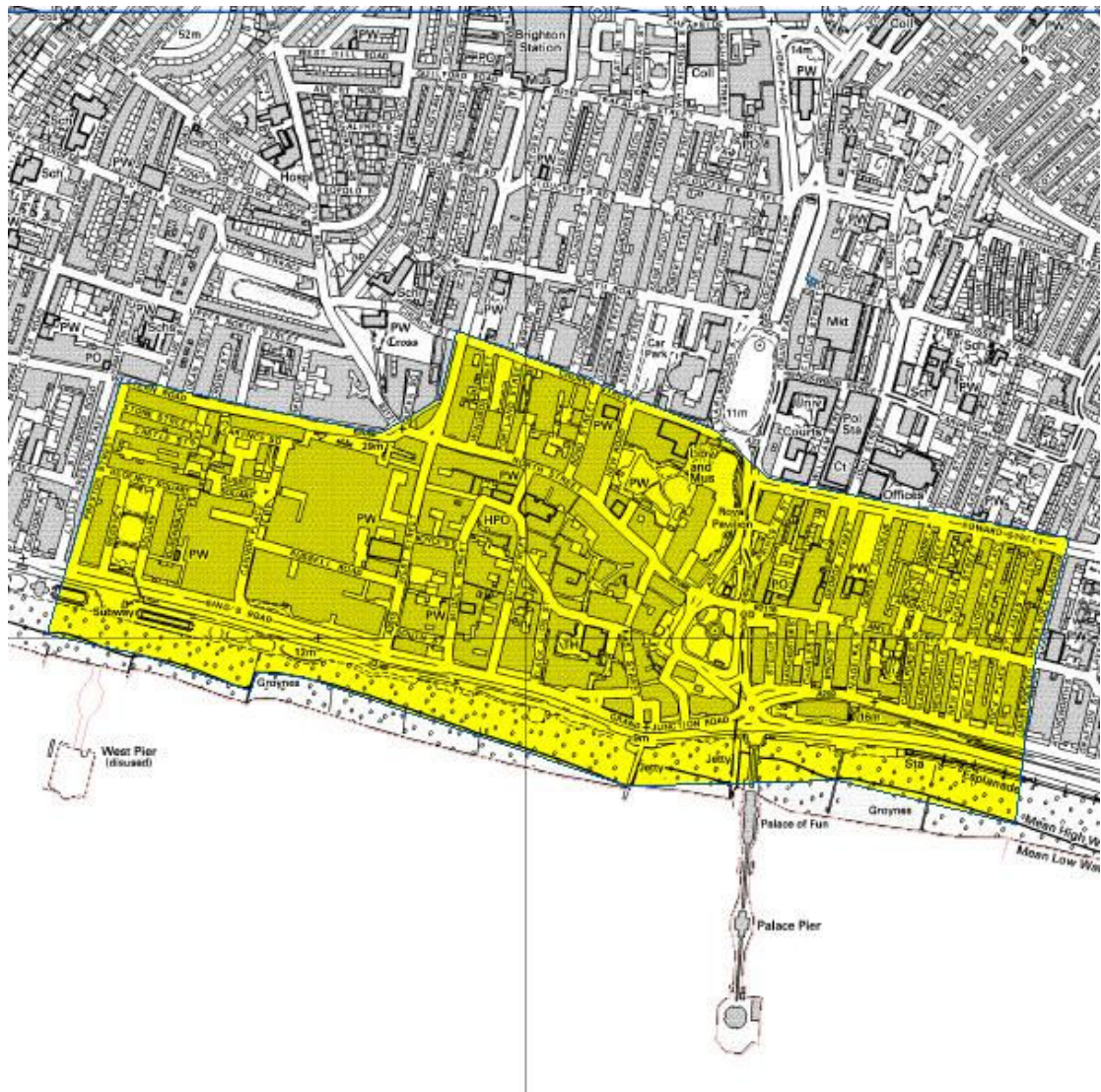
1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

Brighton & Hove City Council - Cumulative Impact Area

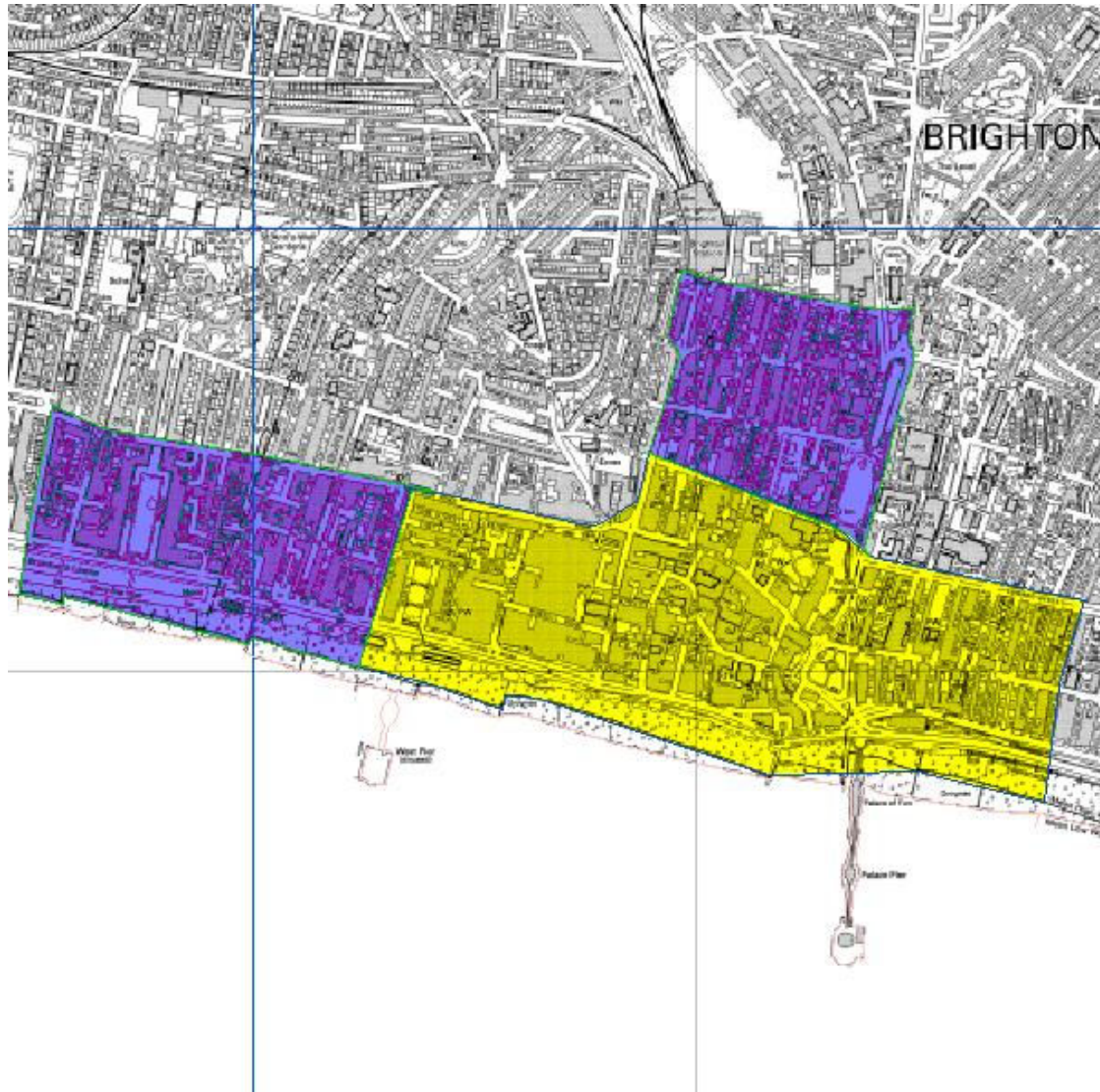


The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street

APPENDIX B

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX C

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

• APPENDIX D

2009/06073/LAPREV

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

I have a contract with WASHINGTON STATE SECURITY Ltd. for a mobile support unit. I can contact them via phone or supplied RADIO.

b) The prevention of crime and disorder

ANY CRIME OR DISORDER that we can see is forwarded to our security company mobile support unit who will attend as needed.

c) Public safety

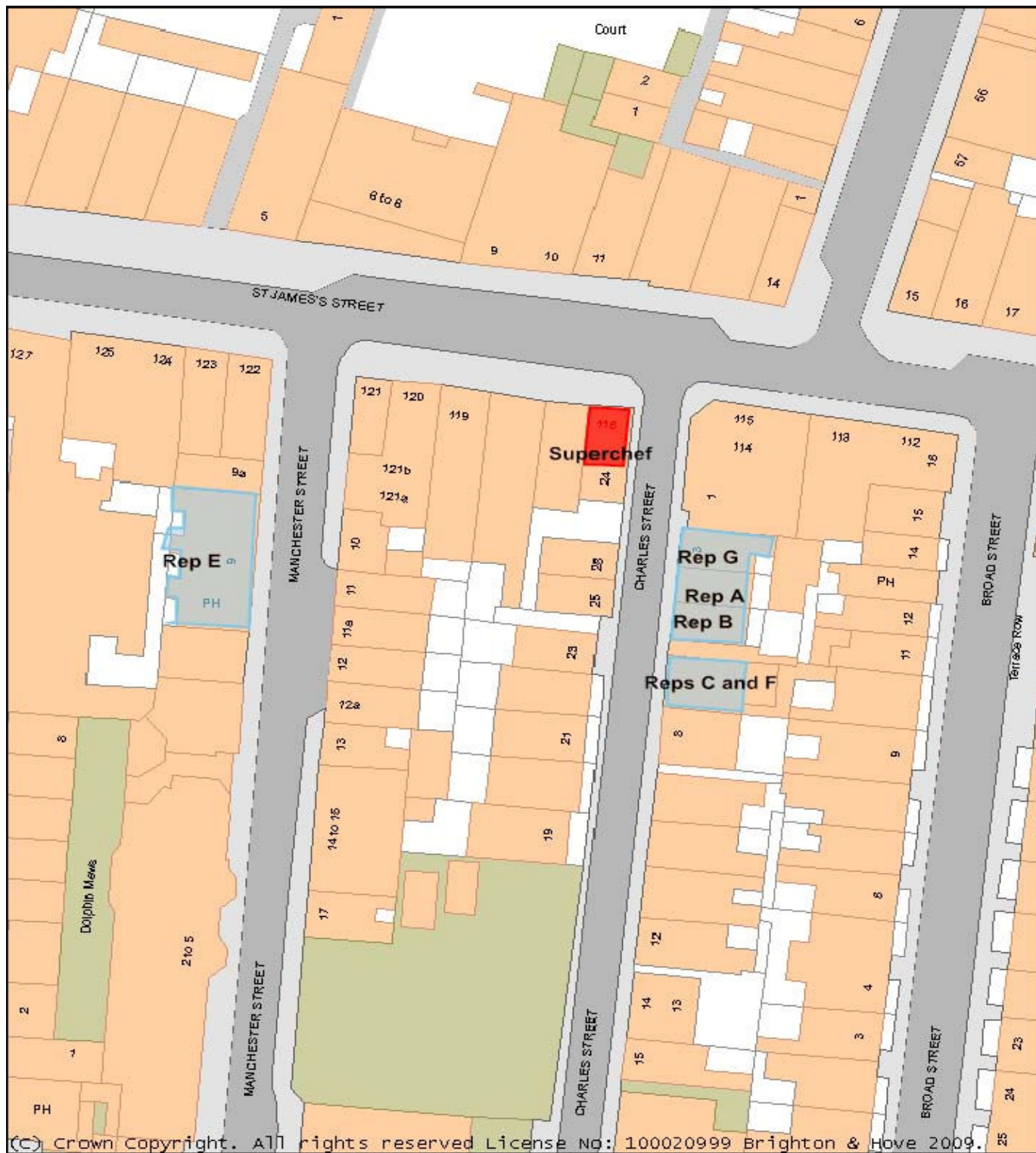
we do not serve any alcohol only food or hot and cold drinks. ONE SHOP OPEN LONGER WILL MAKE IT SAFER for people to go home in this area.

d) The prevention of public nuisance

e) The protection of children from harm

APPENDIX E

Superchef, 116 St James's Street, Brighton, BN2 1TH



Date: 19/02/2009 04:50:25

Scale 1:513



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APPENDIX F

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2008/02313/LAPRET

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Superchef
116 St James's Street
Brighton
East Sussex
BN2 1TH

Telephone number 01273 677788

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment

Times the licence authorises the carrying out of licensable activities
Late Night Refreshment

Monday – Saturday 23:00 - 00:00

The opening hours of the premises

Monday - Saturday 08:00 - 00:00
Sunday 09:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Arman Hadian
116 St James's Street
Brighton
East Sussex
BN2 1TH

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Annex 1 – Mandatory conditions

None.

Annex 2 – Conditions consistent with the Operating Schedule

*For the prevention of crime and disorder: **None.***

*For public safety: **None.***

For the prevention of public nuisance:

Customers will be discouraged from congregating outside the premises.

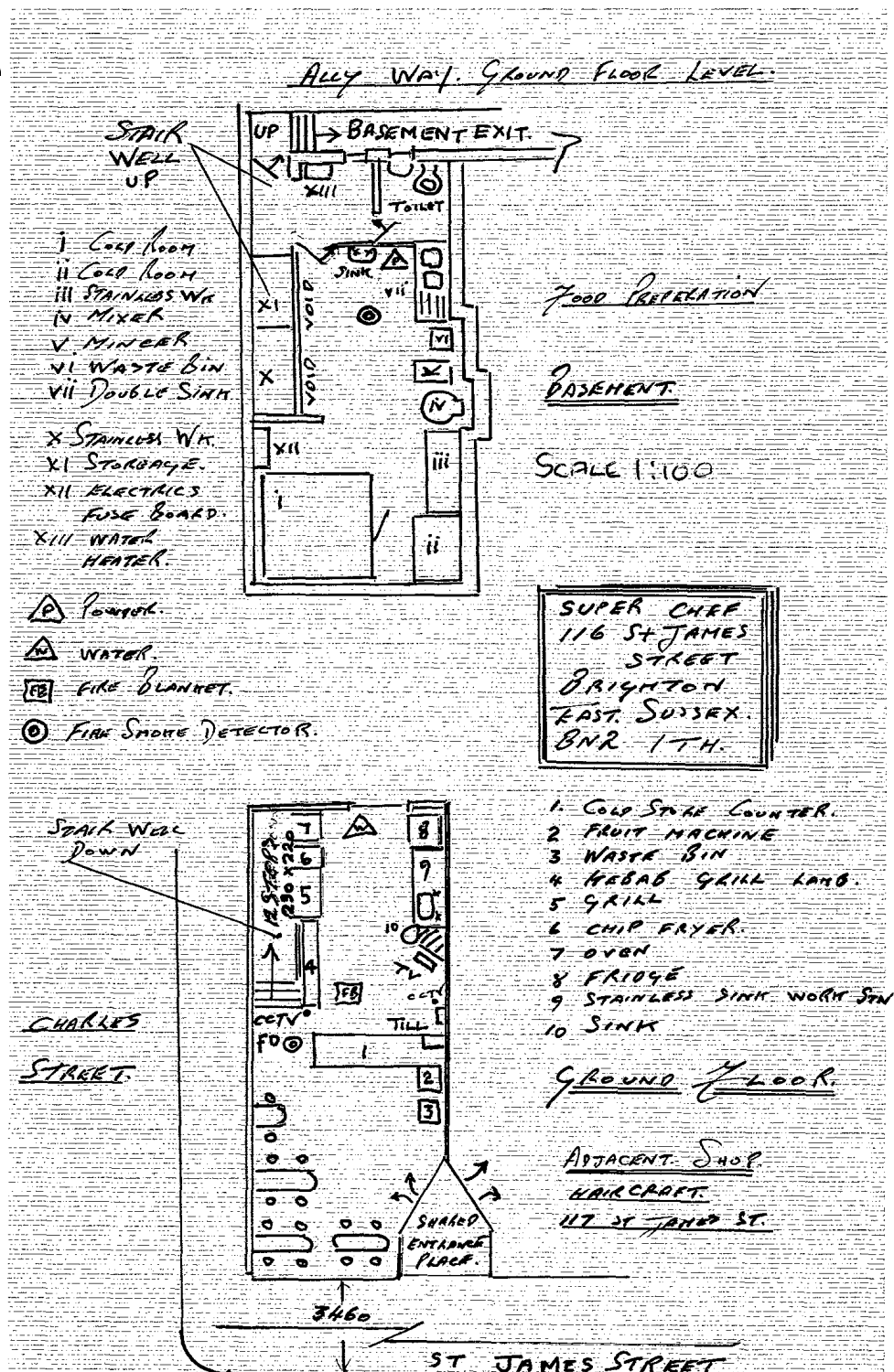
*For the protection of children from harm: **None.***

Annex 3 – Conditions attached after a hearing by the licensing authority

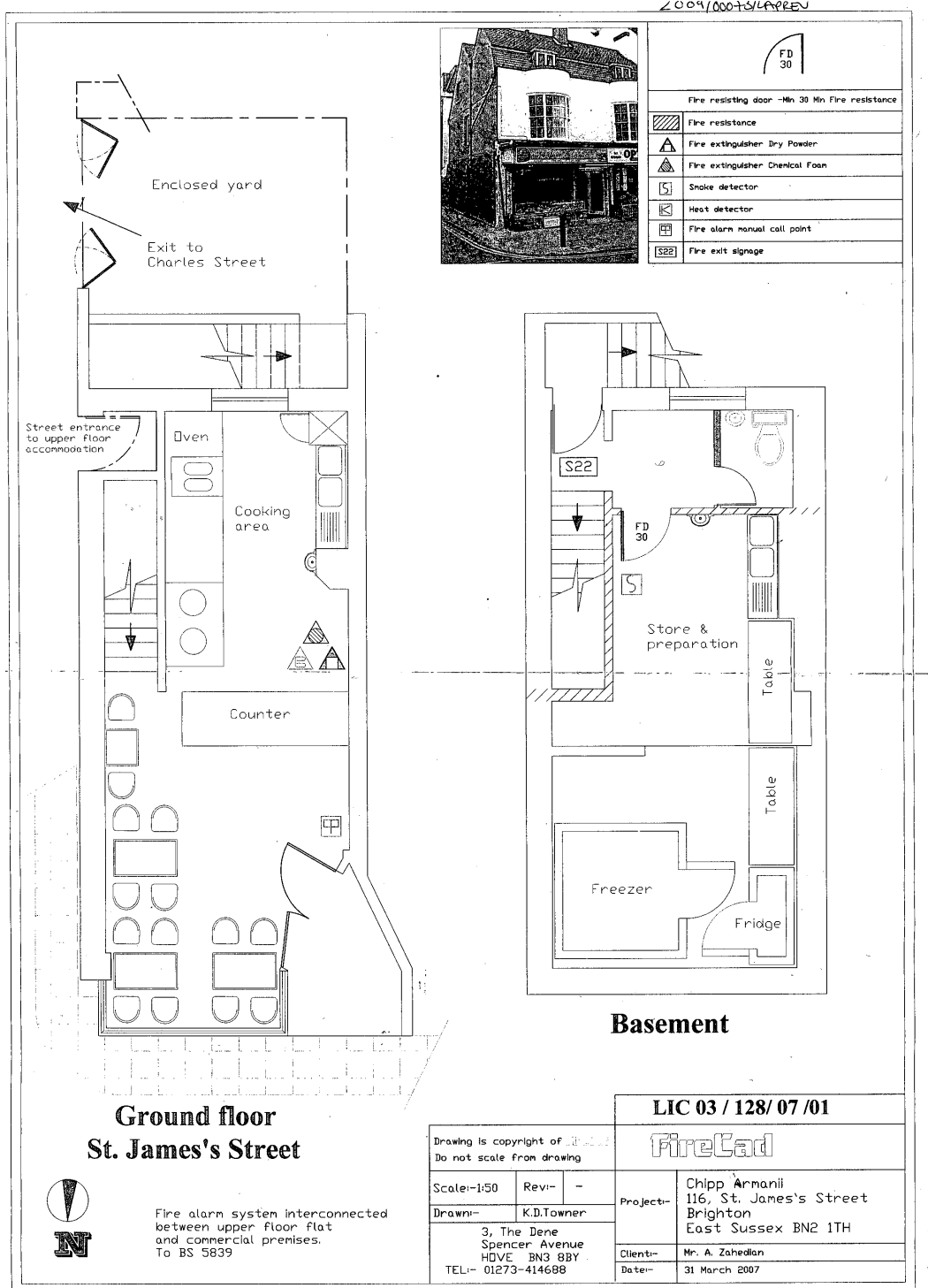
1. The provision of late night refreshment shall be permitted Monday to Saturday from 23.00 to 24.00. The hours the premises are open to the public are Monday to Saturday 15.00 to 24.00 and on Sunday 15.00 to 23.00.

2. A sign shall be displayed in a prominent position showing opening times for the provision of late night refreshment.
3. The licensee must take all reasonable steps to 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.

Annex 4 – Plans



• APPENDIX G



FROM: ARMAN HADIAN - SUPER CHIEF

REC: 19.01.2009
CONS: 16.02.2009

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 06 FEB 2009
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(A)

4 CHARLES STREET
BRIGHTON
BN2 1TG

3rd February 2009.

PPM / JN

2009/00073/LAPREV
JW

Licensing Section
Brighton and Hove City Council
Bartholomew House
Brighton

SUPERCHEF - 116 St James's Street, Brighton. Extension of trading hours application

Dear Sir/Madam

As of my letters dated 30th October 2005 and September 29th 2008 I am writing on behalf of my daughter and myself to object to any suggestion of any extension of hours for this establishment.

Time after time we, the residents have objected to applications for an extension of hours due to the total lack of regard for local residents and the cumulative impact their business has on the local community.

As I have stated in earlier letters we have cars parked in Charles St as the occupants leave their cars in the early hours of the morning to buy kebabs etc from Superchef. These are often way past 1am when Super chef should have long been closed. Night after night the Superchef is open way past their legal hours.

As they are staying open longer and illegally we have groups that have been to the nightclubs and pubs going up the street to the kebab house. By the time revellers get to the kebab house they have normally had a good evening out and consequently very loud. Their customers then hang around eating their kebabs. Often I can open my door to find the remains of the meal ...and strewn wrapping paper. It is not as though the Superchef even use the extractor to get rid of the cooking smells. No, just open the window at the back, prop it open with a bit of wood so they stink out people in the neighbouring houses and flats.

As before I do have to ask why there is not more stringent enforcement on this establishment? Why do they keep flouting the law and get away with it?

It was only on 23rd January that the people in the surrounding flats and houses had peace and quiet if only for a few days. Why you may ask? The reason being they were forcibly shut by environmental health due to the presence of German cockroaches and

there being no running hot water!! The sign was soon taken from the window. .(I saw it at 8am) but I presume they were forced to put it back up.

My daughter is now in the process of doing her A levels ...(when I first wrote she was only starting secondary education).Year after year we residents have been writing to protest about the Supercchef and the negative impact they have on the local community. She still has to get up at 7am to go to 6th form. I get up early at 6.45 to go to work 6 days per week .I pay a lot of community charge to live in this central location. I do not pay vast amounts of money to have to live near a food operative that continually breaks the law numerous times a week by not adhering to the hours set by the council.

Please can the council REJECT this application to stay open until 1am Sundays to Wednesdays,3am on Thursdays and 4am Friday ,Saturdays and Bank Holidays. I also ask that the council enforcement team is out on a regular basis to check the Supercchef in St James's St is adhering to its' legal trading.

Yours faithfully

A handwritten signature in cursive script that reads "Wendy and Hannah Henderson". The ink is dark and the handwriting is fluid.

Wendy and Hannah Henderson

REC: 09.02.09
CONS: 16.02.09

(B)

PNN
C

2009/00073/LA/RREU
VW

**5 Charles Street
Brighton BN2 1TG**

7 February 2009

Public Safety, Health and Licensing
Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton BN1 1JP

Brighton & Hove City Council

09 FEB 2009

Health, Safety & Licensing

Dear Judith Macho

Superchef, 116 St. James's Street, Brighton
Application for Premises Licence for Provision of Late Night Refreshments
1 a.m. Sunday-Wednesday, 3 a.m. Thursday, 4 a.m. Friday and Saturday.
4 a.m. Bank Holidays and New Year.

This representation is a strong objection to the above application as we consider that, if granted, an undermining of the licensing objective of prevention of public nuisance would result. We would also draw attention to the fact that the premises are in the council's cumulative Impact zone.

As we said in a letter of objection to a previous licensing application that sought a daily trading hour of 4 a.m. (letter dated 16 November 2005) our comments in respect of the effects of late night trading are not predictive or speculative but based on actual experience, since successive owners have traded illegally into the small hours for many years. In support of our continuing objection to any extended trading at these premises we elaborate as follows, drawing upon our previous representation.

1. History of the Premises.

1.1 Section 4.8 of the Council's licensing policy says that regard will be had to any history or likelihood of nuisance. There is a long history of nuisance. We appreciate that licensing and planning procedures are separate but nonetheless suggest that the planning history of these premises provides back-up evidence as to public nuisance.

1.2. Closure hours for the premises were set by planning permission in January 1988, at midnight Monday to Saturday and 11 p.m. Sundays and Bank Holidays. Those hours have been confirmed on several occasions when planning applications for extended hours were unsuccessful. (February 1989, September 1990, October 1991, December 1994, June 1997, November 2002 and July 2005). In addition, on five occasions, the Council's consistent refusal to allow any extension has been upheld by the Planning Inspectorate at Appeals (July 1992, February 1994 – at Public Inquiry – March 1998, July 2003, April 2006). We note, at 6.7 of the Council's licensing policy, the reassuring statement that *'Licensing decisions will take into account any relevant planning decisions either by the Planning Applications sub-committee or following appeals against decisions taken by that committee and will not normally cut across such decisions.'*

1.3 The Council's Environmental Health Section has supported the original closing times on several occasions, e.g. in comments on planning applications, and successfully prosecuted an owner in 2005 for breach of authorised trading hours. Sadly, none of the action cited has resulted in adherence to the lawful hours.

2. Grounds for restricting trading hours to a maximum of midnight.

2.1. The steadfast refusal of extended hours by both the Council and the Planning Inspectorate, over a period of years, relates to the location of the premises. In that respect, we understand that location of premises is a germane consideration referred to in the Council's licensing policy. 116 St. James's Street is situated on the corner of Charles Street, a narrow street which is entirely residential except for one guest house at no. 10. The premises are a few steps from houses at the northern end of the street (where we live) and the rear yard, where the takeaway's refuse bin is placed, faces into Charles Street. In addition to the residential nature of Charles Street and its proximity to the premises, the upper floors of several of the shops in St. James's Street immediately surrounding the premises have residential accommodation (including the living accommodation over 116).

2.2. Many of the people living in the vicinity have to get up early for work or school and it is unfair that noise nuisance associated with the premises should erode their opportunity for sleep, as it has done for many years. Apart from anything else, that would seem to be a denial of Article 8 of Human Rights Legislation, which is referred to in the Council's licensing policy. The main reason for restricting hours, given by planners and supported by the Planning Inspectorate, has been to safeguard the amenities of the locality. Refusal of the previous licensing application included prevention of public nuisance.

2.3. Since the first unsuccessful licensing application for extended hours at these premises, St. James's Street, as you know, has been included in a Cumulative Impact Zone. We understand that the effect of the cumulative impact policy is that new premises applications or variations which are likely to add to the existing cumulative impact will normally be refused, unless the applicant is able to demonstrate convincingly that a licensing objective would not be compromised by the granting of the application. We respectfully submit that this presumption of refusal should be upheld in respect of this application, not least given both past and present experience of the premises and the nature of the area which led to its inclusion in the C.I. zone.

3. Nature of disturbance/nuisance.

3.1. The café/takeaway attracts people along Charles Street, and from other routes, in the small hours when places of entertainment, such as clubs, turn out. This would appear to be confirmed by the applicant who refers in the application to *'People wish food after the night club or just a night out'*. Those folk, seemingly and not infrequently, have been having a good time and in their exuberance voices are not always restrained. In any event, voices do carry on the late night air once daytime and early evening background noise has subsided, and more so when folk are lively. It is not uncommon for customers to congregate on the corner of, or in, Charles Street whilst talking and consuming their purchases. The ensuing noise is clearly heard in our home, despite keeping closed the bedroom windows at the front of our house, which also have secondary glazing.

3.2. Whereas the major source of nuisance is from people journeying to and from the café on foot, there is disturbance also from cars that park temporarily while food is purchased. Sometimes the car radio is left on, engines are running, and doors are slammed.

3.3. A further very unpleasant element is people urinating in Charles Street before departing – and also leaving behind bits of food and wrappings.

3.4. The prolonged, unlawful, hours of trading means that staff seem to go more frequently to the waste bin located at the rear of the building in Charles Street - and it certainly means that the final depositing of waste takes place at a very late hour indeed (we have known that to be as late as 5 a.m.) The noise is audible in our bedroom. There is room in the yard for only one wheelie bin which is constantly overflowing due to the length of trading; and last thing at night, or rather well into the morning as indicated, we have seen a staff member jumping up and down on it to compress the litter, with consequent noise. Such late night unpleasantness would be avoided if the premises closed at midnight.

3.4.1 As it is, additional hours of trading each night add to the amount of garbage and this is a further unpleasant spin-off from extended hours. There have been many occasions when the bin has been absolutely overflowing with consequent unpleasant smells, including from the food waste spread over the yard. Environmental Health has been called in on occasions, the latest being in 2008 to deal with the disgusting state of the yard (of which we are the freehold owners) as it was splattered with decaying food remains. In the past calls have been about the presence of rats.

3.5 We can confirm that the only time that we have not suffered noise nuisance from the premises has been when they were closed for renovations; or when owner(s) closed more or less on time coincidental with the lead up to decision time in respect of an application for extended hours; or when they have been required to close. A recent example of the latter instance was the last week of January this year when the Council closed the premises due to an imminent risk from German cockroaches and the absence of running hot water. Word soon gets around when the premises are not operating into the small hours and the drop-off in people and consequent noise is blissful.

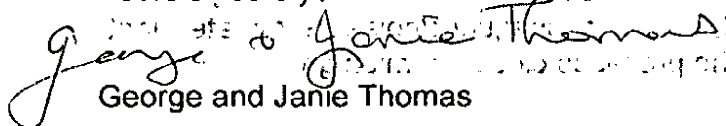
5.0 Conclusion

5.1 We are aware that the applicant, apparently, is a relatively new manager (owner) but there have been several managers/owners over the years with no improvement whatsoever in the long-standing problems despite those changes. Quite simply, the premises are inappropriately-sited on the corner of a narrow residential street in respect of late night opening. We are mindful of the fact, in any event, that the application is not for a personal licence but for a premises license, transferable to any successive owner.

5.2 We are sorry to have 'gone on' at such length, but we despair about the situation given that we have been trying for just on 19 years to get these premises to close on time. The efforts of both planning and environmental health officers, planning inspectors and indeed police, over the years, have been appreciated. But still the problem goes on. If complaints are not consistently made by us and other residents, as they are not, we hope it will be understood that one gets battle fatigue having struggled for so long to have lawful hours adhered to, with so little effect. Thus comments, other than in respect of health hazards, have become restricted to responses to formal applications.

Thank you for listening to our concerns.

Yours sincerely,


George and Janie Thomas

Apprec: 19.01.09
Cons: 16.02.09

PNN ✓ JW

2009/00073/LAPREV
Jim Whitelegg

(C)

7 Charles Street (Ground Floor)
Brighton BN2 1TG

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING

DATE RECEIVED

09 FEB 2009

8 February 2009

Asst. Director, Public Safety, Health and Licensing
Brighton and Hove City Council
Bartholomew House, Bartholomew Square
Brighton BN1 1JP

BY HAND

Dear Madam

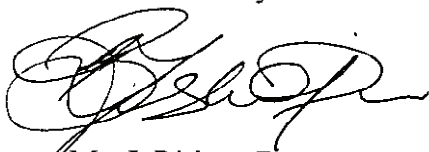
Superchef, 116 St. James's Street, Brighton
Application under Licensing Act 2003 for an extended trading licence.

I wrote to you on 8 November 2005 and again on 25 September 2008 when applications were under consideration for the above premises to trade until 4 a.m. every day. On those occasions I expressed my concern, based on experience, about noise nuisance related to the premises and urged that the applications be refused to conform to the licensing objective of 'prevention of public nuisance.' I now do the same in respect of the current application which seeks trading until 1 a.m. Sundays to Wednesdays, until 3 a.m. on Thursdays and 4 a.m. Fridays and Saturdays.

Although the earlier applications in 2005 and 2008 were refused by the Council it made no difference to the situation of noise, as Charles Street has continued to be a through-way for people out very late at night, probably coming from clubs, seeking to purchase food from the takeaway on their way home. They have kept coming because the premises have continued to stay open until well into the small hours of the morning, despite the council's refusal of later opening hours beyond their permitted hour of midnight (11 p.m. on a Sunday). It is difficult to have confidence that the varying trading times now asked for would be adhered to, given that lawful times have been not adhered to in the past and currently.

As indicated in my previous letters, the corner of a residential street is a totally wrong location for a takeaway wishing to operate into the small hours of the morning, often until only a couple of hours or so before some people have to get up for work. The premises are a proven, long-standing source of public nuisance and for my own sake and that of my family and neighbours I hope the application will be refused.

Yours faithfully



Ms. J. Bishop, B.A. (Hons).

Apprec: 19.01.09
Cons : 16.02.09

Rep (D)

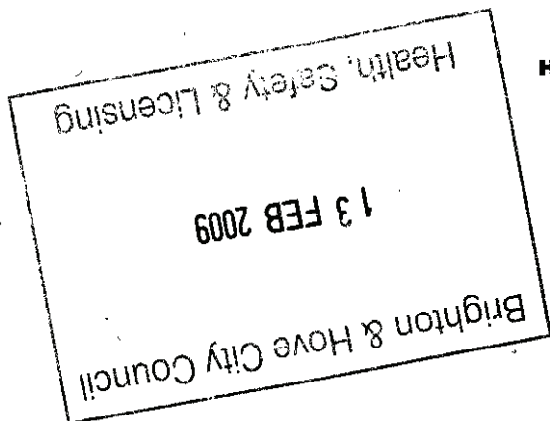


HOVE POLICE STATION

2009/00073/LAPREV

JW

COY
PPN
CHI



Brighton & Hove Licensing Unit
Police Station
Holland Road
HOVE
BN3 1JY

Tel: 01273 66 59 43
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

11th February 2009

The Licensing Technical Support Officers
Environmental Health
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
BRIGHTON
BN1 1JP

Dear Sirs,

Representations re application for variation of the premises licence for Super Chef Kebab, 116 St James's Street, Brighton, BN2 1TH, under the Licensing Act 2003

Sussex Police oppose this variation application on the basis that the grant of the variation for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but instead, will give rise to potential negative cumulative impact.

The premises in respect of which the application is made are situated within the very heart of the Brighton & Hove City Council cumulative impact area.

The concentration of licensed premises within a small area of the City causes problems of crime and disorder and public nuisance. In consequence of this, after due consultation and consideration, on 13th March 2008 the Licensing Authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact.

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003 provides:

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses...that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

This premises has applied for late night opening past midnight under the Licensing Act 2003 on several occasions previously. On each occasion the application has been rejected by the Licensing Committee.

The Police have considered this application and we refer to paragraph 2.4.4 of the current Brighton & Hove City Council statement of Licensing Policy. As such we wish to make a representation on the grounds of cumulative impact.

At this time we do not propose wish to discuss possible conditions. However if circumstances dictate, Police Licensing will liaise with interested parties so as to seek to adequate conditions.

The Police also wish to bring to the Committee's attention once again the fact that the existing planning permission opening hours for this premises are:

08:00 hours to 24:00 hours Mondays to Saturdays.

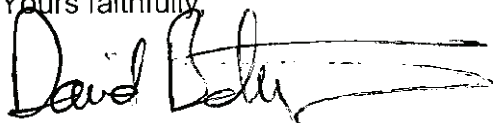
09:00 hours to 23:00 hours Sundays and Bank Holidays

At the time of writing the applicant has not applied for planning permission to extend the hours of opening to match those applied for in this application.

Whilst I anticipate that the Licensing Committee may 'draw a veil' between licensing and planning, I have concerns based on my past experiences with the management team at this premises that if a Licensing Act 2003 permission without corresponding planning permission is granted by the Committee, the absence of planning permission will subsequently be ignored by Super Chef. On the 9th January 2009 (and after the premises was transferred into the name of the applicant) Police Officers had to talk to the staff on three separate occasions before the premises finally closed at 01:00 hrs.

Mr Hadian has also submitted a TEN application to the Council Licensing Department for a 'private party' on the 20th and 21st February 2009 to remain open until 03:00 hrs in the morning. We anticipate that Mr Hadian intends to open as normal and serving to the public until 03:00 in the morning. This is despite the fact that I have already explained to him that opening past midnight would be in clear breach of his existing planning permission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'David Bateup', with a long horizontal flourish extending to the right.

David Bateup
Licensing Officer
Licensing Unit
Hove Police Station

REC: 19.01.09
CONS: 16.02.09

(E)

2009/00073/APP
W

The Kingscliffe Society

6 Dolphin Mews
Manchester Street
Brighton
BN2 1TY

✓ PPN
CF

12th February 2009

Public Safety, Health and Licensing
Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton BN1 1JP

Brighton & Hove City Council

16 FEB 2009

Health, Safety & Environment

Dear Ms. Macho,

Superchef, 116 St. James's Street, Brighton
Application for Premises Licence for Provision of Late Night Refreshments
1 a.m. Sunday-Wednesday, 3 a.m. Thursday, 4 a.m. Friday and Saturday.
4 a.m. Bank Holidays and New Year.

The Kingscliffe Society supports local residents & members of this Society, in strongly objecting to the above application, and we consider that if granted, an undermining of the licensing objective of prevention of public nuisance would result. We would also draw attention to the fact that the premises are in the council's cumulative Impact zone.

Our comments in respect of the effects of late night trading are not predictive or speculative but based on actual experience, since successive owners have traded illegally into the small hours for many years. In support of our continuing objection to any extended trading at these premises we elaborate as follows;

1. History of the Premises.

1.1 Section 4.8 of the Council's licensing policy says that regard will be had to any history or likelihood of nuisance. There is a long history of nuisance. We appreciate that licensing and planning procedures are separate but nonetheless suggest that the planning history of these premises provides back-up evidence as to public nuisance.

1.2. Closure hours for the premises were set by planning permission in January 1988, at midnight Monday to Saturday and 11 p.m. Sundays and Bank Holidays. Those hours have been confirmed on several occasions when planning applications for extended hours were unsuccessful. (February 1989, September 1990, October 1991, December 1994, June 1997, November 2002 and July 2005). In addition, on five occasions, the Council's consistent refusal to allow any extension has been upheld by the Planning Inspectorate at Appeals (July 1992, February 1994 – at Public Inquiry – March 1998, July 2003, April 2006). We note, at 6.7 of the Council's licensing policy, the reassuring statement that *'Licensing decisions will take into account any relevant planning decisions either by the Planning Applications sub-committee or following appeals against decisions taken by that committee and will not normally cut across such decisions.'*

1.3 The Council's Environmental Health Section has supported the original closing times on several occasions, e.g. in comments on planning applications, and successfully prosecuted an owner in 2005 for breach of authorised trading hours. Sadly, none of the action cited has resulted in adherence to the lawful hours.

2. Grounds for restricting trading hours to a maximum of midnight.

2.1. The steadfast refusal of extended hours by both the Council and the Planning Inspectorate, over a period of years, relates to the location of the premises. In that respect, we understand that location of premises is a germane consideration referred to in the Council's licensing policy. 116 St. James's Street is situated on the corner of Charles Street, a narrow street which is entirely residential except for one guest house at no. 10. The premises are a few steps from houses at the northern end of the street and the rear yard, where the takeaway's refuse bin is placed, faces into Charles Street. In addition to the residential nature of Charles Street and its proximity to the premises, the upper floors of several of the shops in St. James's Street immediately surrounding the premises have residential accommodation (including the living accommodation over 116).

2.2. Many of the people living in the vicinity have to get up early for work or school and it is unfair that noise nuisance associated with the premises should erode their opportunity for sleep, as it has done for many years. Apart from anything else, that would seem to be a denial of Article 8 of Human Rights Legislation, which is referred to in the Council's licensing policy. The main reason for restricting hours, given by planners and supported by the Planning

Inspectorate, has been to safeguard the amenities of the locality. Refusal of the previous licensing application included prevention of public nuisance.

2.3. Since the first unsuccessful licensing application for extended hours at these premises, St. James's Street, as you know, has been included in a Cumulative Impact Zone. We understand that the effect of the cumulative impact policy is that new premises applications or variations which are likely to add to the existing cumulative impact will normally be refused, unless the applicant is able to demonstrate convincingly that a licensing objective would not be compromised by the granting of the application. We respectfully submit that this presumption of refusal should be upheld in respect of this application, not least given both past and present experience of the premises and the nature of the area which led to its inclusion in the C.I. zone.

3. Nature of disturbance/nuisance.

3.1. The café/takeaway attracts people along Charles Street, and from other routes, in the small hours when places of entertainment, such as clubs, turn out. This would appear to be confirmed by the applicant who refers in the application to *'People wish food after the night club or just a night out'*. Those folk, seemingly and not infrequently, have been having a good time and in their exuberance voices are not always restrained. In any event, voices do carry on the late night air once daytime and early evening background noise has subsided, and more so when folk are lively. It is not uncommon for customers to congregate on the corner of, or in, Charles Street whilst talking and consuming their purchases. The ensuing noise is clearly heard by local residents.

3.2. Whereas the major source of nuisance is from people journeying to and from the café on foot, there is disturbance also from cars that park temporarily while food is purchased. Sometimes the car radio is left on, engines are running, and doors are slammed.

3.3. A further very unpleasant element is people urinating in Charles Street before departing – and also leaving behind bits of food and wrappings.

3.4. The prolonged, unlawful, hours of trading means that staff seem to go more frequently to the waste bin located at the rear of the building in Charles Street - and it certainly means that the final depositing of waste takes place at a very late hour indeed (we understand as late as 5 a.m.) The noise is audible in the bedrooms of local residents. Such late night unpleasantness would be avoided if the premises closed at midnight.

3.4.1 As it is, additional hours of trading each night add to the amount of garbage and this is a further unpleasant spin-off from extended hours. There

have been many occasions when the bin has been absolutely overflowing with consequent unpleasant smells, including from the food waste spread over the yard. Environmental Health has been called in on occasions, the latest being in 2008 to deal with the disgusting state of the yard as it was splattered with decaying food remains. In the past calls have been about the presence of rats.

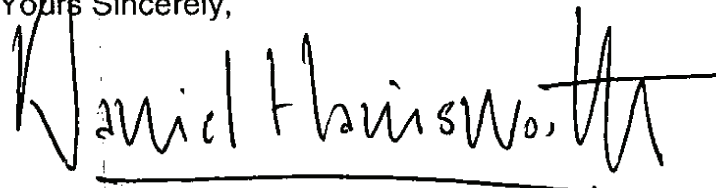
3.5. Residents can confirm that the only time that they have not suffered noise nuisance from the premises has been when they were closed for renovations, or when owner(s) closed more or less on time coincidental with the lead up to decision time in respect of an application for extended hours, or when they have been required to close. A recent example of the latter instance was the last week of January this year when the Council closed the premises due to an imminent risk from German cockroaches and the absence of running hot water. Word soon gets around when the premises are not operating into the small hours and the drop-off in people and consequent noise is noticeable.

5. Conclusion

5.1 We are aware that the applicant, apparently, is a relatively new manager (?owner) but there have been several managers/owners over the years with no improvement whatsoever in the long-standing problems despite those changes. Quite simply, the premises are inappropriately sited on the corner of a narrow residential street in respect of late night opening. We are mindful of the fact, in any event, that the application is not for a personal licence but for a *premises* license, transferable to any successive owner.

5.2 Local residents despair about the situation given that they have been trying for just on **19 years** to get these premises to close on time. The efforts of both planning and environmental health officers, planning inspectors and indeed police, over the years, have been appreciated. But still the problem goes on. If complaints are not consistently made by us & local residents, as they are not, we hope it will be understood that one gets battle fatigue having struggled for so long to have lawful hours adhered to, with so little effect. Thus comments, other than in respect of health hazards, have become restricted to responses to formal applications.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'David Hainsworth', with a stylized flourish at the end. The signature is written over a horizontal line.

David Hainsworth
Secretary

REC: 19.01.2009
CONS: 16.02.2009

(F)

2009/00073/LANEA
VW

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED

16 FEB 2009

Lower Ground Floor Flat
7 Charles Street
Brighton BN2 1TG

February 9th 2009

Assistant Director, Public Safety & Licensing
Brighton & Hove Council
Bartholomew House
Bartholomew square
Brighton BN2 1JP

✓ PPN

Dear Sir

Supercchef, 116 St. James's Street, Brighton

I refer to my letters of 8 November 2005 and 28 September 2008 in which I objected to premises licence applications seeking permission to trade until 4 a.m. daily. The concerns expressed in those letters continue. My objection was, and is, because the café and takeaway is situated on the corner of the residential street in which I live and its nearness to people's homes makes it an unsuitable location for trading through much of the night. It attracts people along the street and, after purchasing, they hang around close to people's homes and contribute to noise nuisance. Customers come by car as well as on foot, which is an additional disturbance.

Although those earlier licensing application were refused, no notice was taken and the premises have continued to stay open, trading well into the small hours despite not having either planning permission (where a midnight closing hour is set) or licensing authority to do so. I understand that the current application seeks a licence to trade until 1 a.m. Sundays to Wednesdays, 3 a.m. on Thursdays and 4 a.m. on Fridays and Saturdays. In light of the history of ignoring permitted hours, and because the hours sought are in any event too late, given the location of the takeaway and its negative effects on nearby residents, I reiterate the concerns expressed in my earlier letters.

I very much hope that this application will be refused in order to prevent public nuisance and that the premises will be made to close at their consistently approved hour of midnight.

Yours faithfully



Mrs. L. Shiels

REC: 19.01.2009
CONS: 16.02.2009

(9)

2009/00073/LAPREV JW

Myra and Ian Woolf
3 Charles Street,
Brighton BN2 1TG
Tel: 01273 600071
Email: m.woolf@btinternet.com

✓ PPN

Safety, Health and Licensing
Brighton and Hove City Council
Bartholomew House
Brighton BN1 1JP

13 February, 2009

Superchef, 116 St James' Street, Brighton
Objection to application for premises licence to extend provision of refreshments to 4 a.m

We wish to register our objection to the granting of the above licence on the grounds that any extension of hours would increase:

a) Public nuisance

The shop is located on the corner of Charles Street, a primarily residential street connecting the seafront (with its entertainment facilities) and the shops in St James' Street. Those leaving these entertainments late at night make their way along Charles Street to Superchef and, after making their purchases, congregate on the corner. Inevitably, a great deal of noise is generated along the street and on the corner. In addition, rubbish is deposited in the street. Any extension of trading hours into the early hours of the morning will aggravate these nuisances and further interrupt the sleep of those who have to go to work or school later that day.

b) Health and environment regulations

Unfortunately we have to repeat our earlier comments – namely that establishments cooking food are required to have ventilation and extraction systems designed and maintained to prevent smells causing a nuisance to neighbours. Superchef continues to operate with its kitchen window open, allowing unpleasant smells to permeate the atmosphere and penetrate our house. For whatever reason – due to faulty equipment, a reluctance to use electricity or otherwise – their extraction system fails to operate effectively. These smells force us to keep our windows closed, even in hot weather. We have brought this to the attention of the various owners/managers of Superchef on a number of occasions to no avail. We feel that any extension of trading hours would further exacerbate the problems we have during the night from the smells emanating from Superchef.

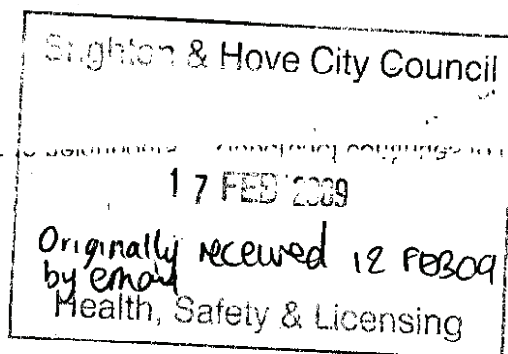
Conclusion

Given our experience over many years of the nuisance caused by the operation of Superchef and their contravention of regulations, nothing that has happened recently indicates any improvement in its trading practices. Therefore we wish to object to any extension of their trading hours which we fear would only have detrimental effects on those living in this area.

Yours sincerely,

Myra and Ian Woolf

Myra Woolf *Ian Woolf*



Licensing Panel

(Licensing Act 2003 Functions)

Agenda Item 125

Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	White Horse, Camelford Street, Brighton, East Sussex, BN2 1TQ		
Licence Holder:	Punch Tavern Plc		
Date of Meeting:	13 March 2009		
Report of:	Assistant Director Public Safety		
Contact Officer:	Name:	Jim Whitelegg	Tel: 29-2438
	E-mail:	jim.whitelegg@brighton-hove.gov.uk	
Wards Affected:	Queen's Park		

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT

- 1.1 To review a Premises Licence for White Horse under the Licensing Act 2003

2. SUMMARY OF REVIEW PROCESS

- 2.1 Existing licence attached Appendix A.
- 2.2. Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 2.3 An application was received by the Licensing Authority from the Environmental Protection team, to review the licence granted to the premises known as White Horse, Camelford Street, Brighton, East Sussex, BN2 1TQ
- 2.4 The grounds for the review relates to the following Licensing objective:
- Prevention of Public Nuisance
- 2.5 At this hearing the licensing authority must:
- Consider the application made in accordance with Section 51
 - Consider any relevant representations
 - Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are

- to modify the conditions of the licence
- to exclude a licensable activity
- to remove the designated premises supervisor from the licence
- to suspend the licence for a period not exceeding 3 months, or
- to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

3 REPRESENTATIONS RECEIVED

- 3.1 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.2 Twelve representations have been received from local residents on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance supporting the application submitted by the Environmental team.
- 3.3 Full details of the representation are attached in Appendix C

4. COMMENTARY ON LICENSING POLICY

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

- 1.2 The licensing objectives are:-
 - (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;
 - (d) Protection of children from harm.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.5.1 Diversity of premises
This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against

changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of the prevention of public nuisance

- 4.1** In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)
- 4.4** Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 4.5** Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers

can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

- 4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the new regime

Finance Officer Consulted: Karen Brookshaw Date: 23.02.2009

5.2 Legal Implications:

The licensing authority must have regard to the guidance issued by the Secretary of State in carrying out its functions.

The licensing regime imposes general duties on licensing authorities:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
3. Appendix C – Map of area
4. Appendix D – Representations

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2005/00665/LAPREV

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The White Horse
Camelford Street
Brighton
East Sussex
BN2 1TQ

Telephone number 01273 603726

Where the licence is time limited the dates

Licensable activities authorised by the licence

Performance of Live Music

Performance of Recorded Music

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Live Music - Indoors

Monday – Saturday: 10.00 – 23.00, Sunday: 12.00 – 23.00

Performance of Recorded Music - Indoors

Monday - Thursday: 10.00 - 00.00, Friday - Saturday: 10.00 - 02.00, Sunday: 12.00 - 00.00 - PLUS

A further additional hour every Christmas Eve and/or every Boxing Day when falling on a Monday, Tuesday, Wednesday or Thursday. - PLUS

To reflect existing New Year's Eve/Day hours.

Sale by Retail of Alcohol

Monday - Thursday: 10.00 - 00.00, Friday - Saturday: 10.00 - 02.00, Sunday: 12.00 - 00.00 - PLUS

A further additional hour every Christmas Eve and/or every Boxing Day when falling on a Monday, Tuesday, Wednesday or Thursday. - PLUS

To reflect existing New Year's Eve/Day hours.

The opening hours of the premises

Monday - Thursday: 10.00 - 00.30, Friday & Saturday: 10.00 - 02.30, Sunday: 12.00 - 00.30.
A further additional hour every Christmas Eve and/or every Boxing Day when falling on a Monday, Tuesday, Wednesday or Thursday. To reflect existing New Year's Eve/Day hours.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Punch Taverns plc
Jubilee House
Second Avenue
Burton upon Trent
Staffs
DE14 2WF

Tel: 01283 501600

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 03752645

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Simon Thompson

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Annex 1 - Mandatory conditions

- S 19; mandatory conditions where licence authorises supply of alcohol
 - no supply of alcohol may be made under the premises licence
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
 - every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Embedded Conditions:

On Licences

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- 2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- 3) On Good Friday, 12 noon to 10.30 p.m.
- 4) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- 5) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- 6) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- 7) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Premises with no children's certificate-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 171 and 201 Licensing Act 1964

4. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

5. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Variations to Embedded Conditions:

Conditions relating to hours for supply of alcohol and regulated entertainment

Annex 2 - Conditions consistent with the Operating Schedule:

For the prevention of crime and disorder:

Suitable illumination will be provided to the exterior areas of the building.

Toilets will be checked regularly.

There will be a managed exit policy, under which customers will be asked to leave quietly and in an orderly manner.

For public safety:

A licensed taxi service will be promoted for customers to facilitate their onward journeys.

Drinking vessels made of standard glass will be phased out to be replaced with toughened glass only.

For the prevention of public nuisance:

Amplified music performed by no more than two entertainers

Regular noise surveys will be carried out by staff especially when entertainment is being provided.

Staff will organise taxis for customers when required to take them from the premises.

For the protection of children from harm:

Children will not be permitted on the premises

Annex 3 - Conditions Attached after a hearing of a Licensing Panel

1) Live music restricted to 12 occasions per year and not to be played between the hours of 23.00 and 10.00 in any event

2) Recorded music to be background music only after 23.00 hours.

3) Amplified music or other entertainment noise from within the premises not be audible in any residential premises between the hours of 23.00 and 10.00 hours.

4) Noise and vibration shall not be permitted to emanate from the premises as to be audible to nearby premises after 23.00 hours.

5) Windows and doors to be closed after 23.00 hours on any night of trading.

6) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly.

53



APPENDIX B

Received: 12.12.08
Consultation: 09.01.09

2008/02285/LAPREV
BK 1

COPY

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Mark Glasby

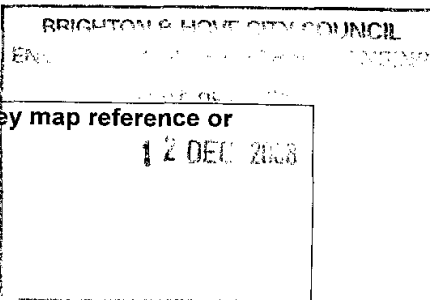
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The White Horse
30-31 Camelford Street



Post town Brighton

Post code (if known) BN2 1TQ

Name of premises licence holder or club holding club premises certificate (if known)

Punch Taverns plc

Number of premises licence or club premises certificate (if known)
1445/3/2005/00665/LAPREV

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below)



COPY

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mark Glasby Environmental Protection Environmental Health & Licensing Brighton & Hove City Council 2 nd Floor, Bartholomew House Bartholomew Square Brighton, BN1 1JP
Telephone number (if any) (01273) 294501
E-mail address (optional) mark.glasby@brighton-hove.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Following many complaints to this department about noise from amplified music and amplified voices emanating from The White Horse, a noise abatement notice was served under the provisions of the Environmental Protection Act 1990 on Simon Thompson and Roger Aiano, joint lessees and occupiers of The White Horse, on 6th November. The complaints continued after service of this notice, and on 24th November a breach of the notice was witnessed by two officers. On the same night, a statutory nuisance was witnessed in respect of noise from customers occupying the rear yard area of the pub, and a further noise abatement notice was served. This had also been the subject of many complaints over the preceding months.

For the prevention of public nuisance, I propose that the following conditions be applied to The White Horse's premises licence:

- Removal of the Performance of Live Music and Performance of Recorded Music licensable activities
- No karaoke to take place in the premises at any time
- A porch to be installed at the front entrance and secondary glazing to be installed on the front windows to the premises
- No tables and chairs to be placed in the rear yard at any time
- No heaters to be installed or used in the rear yard at any time
- No more than five people to be allowed into the rear yard at any time
- The use of the rear yard to be prohibited after 23.00 hours

Please provide as much information as possible to support the application
(please read guidance note 2)

This department has been receiving complaints from residents of Camelford Street and Margaret Street since 26th November 2007 about noise disturbance from The White Horse. The complaints relate to noise from amplified music and amplified voices, particularly during karaoke sessions, and voices of people occupying the rear yard of the public house.

Complaints were received in January, March, April, May and July 2008, and in October 2008 we received letters signed by 20 people representing 16 households in Margaret Street and Camelford Street. Throughout the course of this year, letters have been written to and conversations had with Simon Thompson, designated premises supervisor, about the complaints. Evidence has been gathered in the form of noise diaries, letters, visits by myself and other officers and DAT (digital audio tape) recordings.

On 6th November 2008 noise abatement notices were served under the provisions of the Environmental Protection Act 1990 on Simon Thompson and Roger Aiano, joint leaseholders and occupiers of The White Horse, in respect of a statutory noise nuisance from amplified music and amplified voices. This was done after having gathered evidence by way of noise diaries, visits and DAT (digital audio tape) recordings. In particular, the DAT recordings showed that noise during karaoke nights was particularly intrusive.

On 24th November 2008 two officers witnessed a statutory noise nuisance from customers using the rear yard area. Consequently, and having regard to the other evidence gathered in the form of diaries, DAT recordings and previous visits, a further noise abatement notice was served on 28th November 2008 in respect of noise from voices of people using the rear yard.

On 24th November 2008 two officers also witnessed a breach of the first noise abatement notice. Amplified music and vocals from karaoke were clearly identifiable within the front bedroom of a house in Camelford Street. This was despite having been warned by myself and my line manager Annie Sparks that since the service of the abatement notice we were continuing to receive complaints about noise from karaoke events.

In a subsequent telephone conversation and meeting, Roger Aiano accepted responsibility for this breach of the notice. Having consulted the Council's Enforcement Policy and taken advice from our Legal team, a decision has been made to formally caution Roger Aiano for the breach of this notice. Notwithstanding this, I feel that a review of the premises licence is an appropriate course of action to prevent further problems of public nuisance arising from this premises.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

12 December 2008

Capacity Environmental Protection Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Date: 20/02/2009 02:30:41

Scale 1:616



APPENDIX D

REC: 12.12.08
CONS: 09.01.09

(A)

The Assistant Director Public Safety
Health Safety and Licensing Dept
Brighton and Hove Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Brighton and Hove Council

05 JAN 2009

Health Safety and Licensing, 5th January 2009

2008/02285/LAREV JW

PPN
C&D
JW

Dear Assistant Director,

Re: White Horse pub, Camelford Street, licence review

I live directly opposite the White Horse pub. Over the past year or so myself and my partner (who is often here) have experienced numerous problems with the pub, its management and general noise and disruption as have our neighbours. It's fair to say that this once-quiet local pub has become a near-constant source of unacceptable noise and antisocial behaviour throughout 2008 and presents a serious problem that needs to be addressed.

Specific problems include:

Karaoke sessions with pub door open to the street

Until the beginning of December 08, The White Horse ran karaoke sessions on a Sunday afternoon from around 5.30 until into the evening. These sessions would be held with the pub door jammed open by the White Horse staff, presumably to attract participants. The result was that the PA system – with volume ramped up – could be heard from one end of Camelford Street to the other, as could tuneless, rowdy and drunken singing (along with announcements, cheering and group singalongs) for several hours every Sunday. The noise was so intrusive that it was impossible to hear my television set in my front room across the street. Once the door was finally closed later in the evening, smokers coming out onto the street (see below) meant that the noise from inside was still audible.

On one occasion when my partner phoned the pub and asked for the front door to be closed, the person who answered The White Horse phone refused point blank and said the door would remain open until 8pm. (Shortly afterwards the song 'It's Oh So Quiet' was played at very high volume over the PA with the door open. Whether this was an attempt at irony or intimidation, I don't know, but as someone who works from home as a freelance journalist, I have had to take myself out of the house during these sessions as it is totally impossible to work with the noise.)

Other live acts, such as drag queens, have also had their sound levels ramped up so high that they can be clearly heard in the houses on the opposite side of the street. Plenty of other bars in Brighton are able to run live acts without intruding on the environment around them. The White Horse seems incapable of doing so – or perhaps unwilling given the refusal to respond to complaints from neighbours.

General noises levels

The White Horse appears to have a very powerful PA system for such a small establishment, one which is turned up to a very high level. In addition the juke box also seems turned up to a very high level. On the occasions when the front door is closed (such as winter and bad weather in the summer), the sound still comes out clearly enough to be heard in houses around about. In addition, the comings and goings of smokers means the front door is opening on a regular basis even when it is shut.

Smokers and customers gathering on the street

Clearly the law now bans smoking within pubs. That said, The White Horse has an internal courtyard which could presumably be used as a smoking area. Instead smokers stand outside the front of the pub in the middle of the narrow residential street. There is no receptacle or ash tray for cigarette stubs outside the pub. The smokers often block the footpath, forcing pedestrians onto the road. Customer conversations – particularly the more drunken ones – can be heard up and down the street.

Many arguments have broken out on the street outside The White Horse among seemingly intoxicated people, often as early as mid-afternoon. One incident involved a man screaming down the street after someone about being 'a f****g cheating rent boy' who had 'robbed me'. On another occasion one evening two men had an extended screaming match in the street in which one accused the other of being a rapist and having raped him. Another incident involved someone in the late afternoon, clearly drunk, screaming and shouting and his friend trying to calm him down by noting that if they were banned from The White Horse 'we'll have nowhere left to go'.

On many occasions, both my partner and myself have come home or opened the front door to find customers from

the pub sitting on our step, smoking. We've asked them to stop doing it. We also asked the landlord Mr Thompson on one occasion (Pride 2008) to ensure that his customers did not sit on the doorstep. His reaction was that there was nothing he could do about it and he didn't have eyes in the back of his head.

As I said above, I work from home. My office is at the front of my property and looks over the street to The White Horse. On many occasions I've observed small groups of people coming out of the pub and staring up at my house. On one occasion I clearly heard one say to another that it was 'them that are complaining and causing trouble'. On another occasion, my partner was walking up to the front door of the house when a group of three customers who were outside the pub shouted over 'What's your names? We want to know your names. Tell us what your names are.' He did not reply of course, but found the whole incident intimidating.

Gay Pride 2008

My partner and I are a gay couple and we fully support Brighton Pride and attend Pride events every year. We are proud of the event, and of the city's support of it. We are also aware of and support the St James Street party every year. Clearly we were aware that Pride weekend was not going to be a normal one nor a quiet one, but we – and the rest of our neighbours – were completely unprepared for what occurred.

On returning from the Pride festival in Preston Park, we found that The White Horse staff were setting up tables and chairs across the whole of Camelford Street, right up to the pavement outside my front window. A number of other pubs around St James Street also had outside seating, but these were in cordoned off sections and not covering the entire breadth of the road, whereas The White Horse had blocked off the entire road. In addition two large speakers had been set up outside the pub pointing directly at the house and were blaring out music.

No common courtesy notification or warning had been issued to any of the neighbours that this was going to happen or any permission asked of any of the residents by Mr Thompson. We heard from one of our neighbours - who was very distressed about what was happening – who had spoken to someone at The White Horse and been simply told there was nothing she could do about it. My partner spoke to Mr Thompson and was given a similar response when he asked him why he had not informed the residents of the full extent of the street party he was planning. His stance was that he didn't have to tell anyone as he had full written permission from the Council for the event, adding that the Council had in fact told him that he 'had' to do it. (I have since been informed by someone who works for the Council that this is extremely unlikely? I would be interested in having this confirmed or denied if possible.) Mr Thompson also told him he was 'sick of people complaining anonymously' to the licensing authority about the pub.

On the main Pride Saturday night there were literally hundreds of people drinking directly outside my house, and during the course of the evening various groups of people sat on our doorstep smoking and drinking, leaning against the windows, dropping food down our grate and so on. The house became almost completely inaccessible to us and our friends. We literally had to climb over people sitting on our doorstep to get into and out of the house. Some of the customers jeered at the house. We had people knocking on the door asking to use our toilet!

As I've said, it was Pride night and we didn't expect it would be a quiet one. But the actions of The White Horse were utterly inappropriate for a residential street and demonstrated disregard for the views and well-being of the occupants of the street. The very fact that no warning of the scale of what The White Horse was planning was given demonstrates the contempt seemingly held for the other residents of the street. The following day – despite bad weather – the tables and speakers were set out again and the music began blaring out from mid-day onwards.

Summary

Over the past year or so, The White Horse pub has become a public nuisance. Its location in the middle of an otherwise residential street means that any disruption or problem coming from it impacts on the lives and well-being of every other occupant of the street.

When I purchased my house 3.5 years ago, The White Horse was a quiet public house that was the cause of no apparent trouble and certainly provided no disturbance to its neighbours. But over the past year, it has become noisy, rowdy and frankly hostile. The entire street is dominated and overshadowed by the pub and its clientele with near-constant noise, shouting, music and screaming matches in the street. It is totally unacceptable and totally unnecessary.

As a point of interest, at the end of Camelford Street is Legends, a much bigger and much busier bar/club that is open until 3am or so most mornings. We never have a problem with anything related to Legends. But that bar operates a very tightly managed door policy; it has security guards on the door to ensure that drunks don't disturb local residents; it clamps down on customers who cause a nuisance; it doesn't serve people who are drunk or out of control etc etc. It seems – in short – a well-run establishment. It can be done.

We urge the Council to intervene on behalf of the residents of Camelford Street as soon as possible. If the licence cannot be completely withdrawn, then as a basic minimum, the situation calls for:

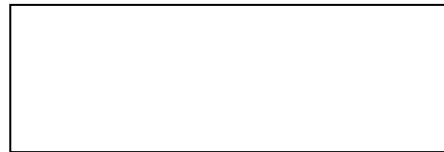
Immediate banning of live performance and karaoke;

Strictly enforced noise limits such that no noise from the pub can be heard in surrounding properties;

An insistence that the landlord enforces measures to protect residents' peace and property, including that the front door remains firmly shut at all times;

A limit on the number of people allowed to congregate on the pavement outside the pub (as is in evidence in a number of other pubs) or a complete ban on anyone standing outside the front and blocking the pavement;

Notices are put up asking customers to respect the peace of the neighbourhood and the immediate banning of anyone who fails to respect this.



REC: 12.12.08
CONS: 09.01.09

(B)

PPM ✓
C & J ✓
JW

2008/02285/LAREN JW

Mr Jim Whitelegg
Licensing Officer
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

5th January 2009

Dear Mr Whitelegg

I wish to make representation to the licensing review panel for consideration when they discuss the future terms of the licence granted to The White Horse, 30-31 Camelford Street.

I have lived in this street for over 12 years and until the present landlords took over the premises I did not have cause to complain. There were occasional noise disturbances by people leaving the pub in a drunken state but I felt that the clientele were, on the whole, being suitably controlled and monitored by the landlord with regard to excessive drinking and unacceptable behaviour. Since the new landlords took over the situation has deteriorated massively. Despite Simon's assurances by letter that he was fully aware of the residential nature of the area, little responsibility has been taken towards the residents regarding the impact of unacceptable, alcohol fuelled behaviour. Our Houses all have direct access to the street and the standard of loud, abusive language and conduct has, on numerous occasions, been totally unacceptable. A climate of fear and intimidation has also been engendered where some residents, including myself, have felt unable to take complaints directly to the landlord for fear of repercussions. This has interfered, in every respect, with our right to the quiet enjoyment of our own homes in a street, which, although central, has always enjoyed good relationships between neighbours

Since the noise abatement order has been served, it must be said that things have improved greatly. This underlines the fact that it is possible run the premises in an orderly fashion and with due regard to all neighbours. My deep concern is that unless the terms of the licence are reduced from the ones presently in place, these, or future landlords will start the process all over again making our lives in our own homes unbearable once more.

I would request that the live music licence for the White Horse is revoked, recorded music should only be played as background music and not be audible in any residential property in either Camelford or Margaret Street. I would further request that the Landlords take full responsibility for the noise levels and behaviour of their clients when entering or leaving the premises and of those in the smoking area. Drinking time should be until 11pm Sunday to Thursday and until midnight at the weekend.

Thank you for your consideration of these points.

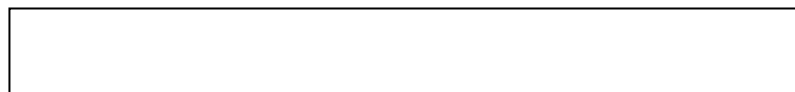
Yours sincerely

[Signature Box]

Brighton & Hove City Council
07 JAN 2009
Heard

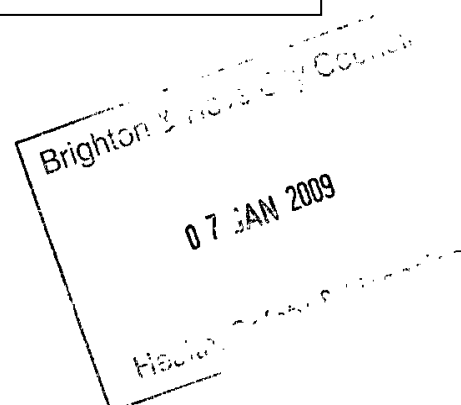
REC: 12.12.08
CONS: 09.01.09

2008/02225/UNRE



(C) PN ✓

Mr Jim Whitelegg
Licensing Officer
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP



3rd January 2009

Dear Mr Whitelegg

I wish to make representation to the licensing review panel for consideration when they discuss the future terms of the licence granted to The White Horse, 30-31 Camelford Street.

I have lived in this street for over 10 years and until the extended licensing concessions were granted and the present landlords took over the premises I never had cause to complain about the noise or public nuisance caused by the pub or its' clientele. In the last year or so, however, the situation has become intolerable. The landlords seem to have acted with complete contempt towards the residents of both Camelford Street and Margaret Street to the rear of the premises. No responsibility seems to have been taken for the loud, anti-social and often repellent behaviour of their clients, music has been played at unacceptably high levels, and the, now notorious, karaoke sessions were introduced. I attach copies of a correspondence between myself and Roger D Aiano from October last year which followed my request for him to close the door of the pub in order to contain the noise during one of these sessions. I would refer you to the sentence in Mr Aiano's letter on the subject of him raising his voice to me: "This was partly due to....music playing..." I rest my case.

It is true that since the noise abatement order was served and Mr Glasby called for the licensing review things have improved considerably. My concern is that unless the terms of the licence are reduced from the ones presently in place, these, or future landlords will start the process all over again making our lives in our own homes unbearable once more.

There are any number of venues within a few minutes walk of The White Horse, in far more suitable locations, which offer live entertainment ranging from Cabaret and Drag to Karaoke, Folk and Jazz. I would request that the live music licence for the White Horse is revoked, recorded music should only be played as background music and should not be audible in any residential property in either Camelford or Margaret Street. The Landlords must take full responsibility for the noise levels and behaviour of their clients when entering or leaving the premises and of those who stand outside to smoke. Drinking time should be until 11pm Sunday to Thursday and until midnight at the weekend.

Thank you for your consideration of these points.

Yours sincerely

A

Mr Simon Thompson
The White Horse
30 Camelford Street
Brighton BN2 1TQ

6th October 2008

Dear Mr Thompson

On Sunday 28th September at around 7 p.m. I came over to The White Horse to ask for the door to be closed as the extremely high volume of the Karaoke session was causing severe noise pollution in the Street and in my home. The barman on duty accepted my polite request with a polite response and duly closed the door, which considerably reduced the noise spill from the bar.

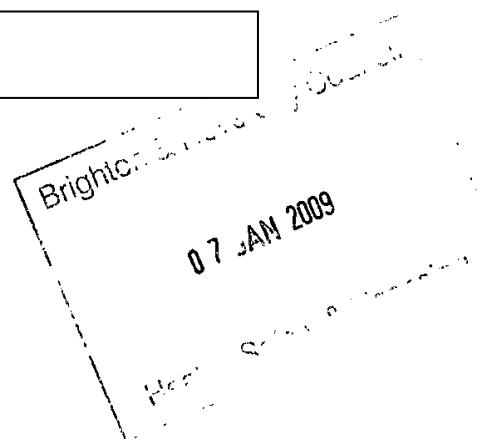
On Sunday 5th October the same problem recurred. The door was again wedged open and the excessive volume of the bar entertainment meant that I was unable to listen to music of my own choice in my own home. Once again I came over to the bar and make the same polite request for the door to be closed. This time a different barman flatly refused on the grounds that it was too hot in the pub – albeit a somewhat cool October evening outside. When I mentioned that, as I understood the terms of your music license, you were obliged to limit the spill of music from the bar by keeping the doors and windows closed your barman became aggressive, confrontational and abusive. As his attitude became more unpleasant and he had refused my reasonable attempts reduce the noise level by negotiation I pointed out that I would be obliged to report The White Horse to Community Services at Brighton and Hove Council for disturbance caused by noise nuisance. In an expletive filled outburst he suggested that I went ahead and did just that.

In order to avoid further conflict I left the bar. On my way out I gave the door handle a light tug to check that it was deliberately latched open. This caused your barman to yell at me yet again at the top of his voice and in a highly aggressive manner to leave the door alone.

Your barman's behaviour was completely unacceptable.

I followed his suggestion and I did call the noise nuisance line to report the incident. I intend to back this up with a formal letter of complaint not only about this incident, but also about the increasing problem of noise emanating from The White Horse. A problem I know I share with your other neighbours.

Yours sincerely



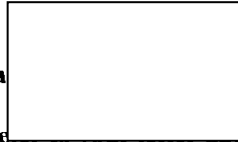
(C)

Brighton & Hove Council
07 JAN 2009



9th October 2008

Dear



I received your letter of 6th October 2008 concerning your visit to The White Horse.

You omitted to mention that it was approximately 5-45 pm when this occurred, or that I informed you that we ALWAYS close the front door by 8pm.

It was myself you spoke to, Roger Aiano, joint owner of The White Horse, NOT a barman.

You didn't introduce yourself or initially explain the problem, you simply asked me to close the front door, to which I refused.

With reference to your comments that I was, and I quote, aggressive, confrontational and abusive can at best only be described as a complete fabrication.

I can only assume that you were less than happy that I had to point out twice to you that your understanding of our license for such things was incorrect.

The ONLY time I raised my voice to you was when you were at the front door.

This was partly due to distance, music playing, and yes, I was not happy with you attempting TWICE in an aggressive manner (backed up by CCTV footage, viewed by myself and Simon Thompson) to close the front door.

This was partly due to distance, music playing, and yes, I was not happy with you attempting TWICE in an aggressive manner (backed up by CCTV footage, viewed by myself and Simon Thompson) to close the front door.

I would like to let you know that Simon and myself are fully aware of the problems associated with owning a bar in this location and that ongoing compromise on both sides is the only way forward.

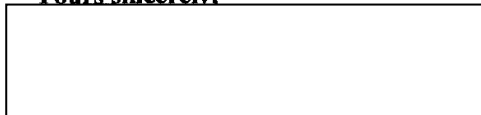
You must appreciate that we have to compete with bars on St. Jame's Street (also a residential area) that regularly play music at far higher volume than we do.

To this end, despite the allowance of our license we stop our Karaoke or Drag nights at 9pm.

We are negotiating with Punch Taverns for financial assistance for the fitment of Secondary double glazing and a small Inner Porch. so the front door can remain open longer as we have found that a closed door stops some customers from coming in.

Our noise are now always BELOW permitted levels.

Yours sincerely,



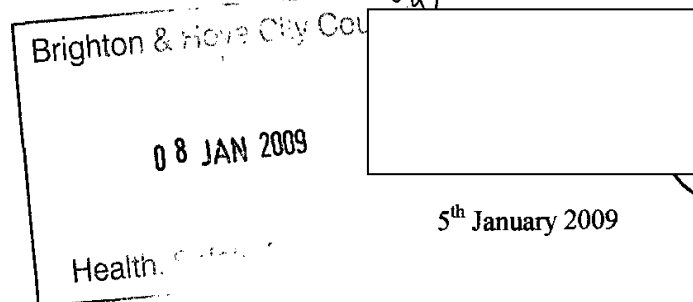
Roger D. Aiano (Proprietor)

Cc. Brighton & Hove Council

REC: 12.12.2008
CONS: 09.01.2009

PPN

2008/02285/LAREN
JW



5th January 2009

Assistant Director
Public Safety
Health & Safety & Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Dear Sir,

Re: The White Horse, 30-31 Camelford Street, Brighton E Sx - License Review

We write to make representation to Brighton & Hove City Council's Licensing Committee, regarding the license review for the White Horse Public House. We fully support the review and would appreciate our representations being considered, when the licensing committee meet to discuss these issues, relating to the White Horse's licensing objectives to prevent public nuisance.

We have lived in the street for over 15 years and have had no reason to complain before, over noise and public nuisance coming from the White Horse. However, since January 2008 the noise created by very loud music and karaoke being played has increased dramatically. We have also been subjected, on many occasions, whereby the pub's customers, being the worst for drink, have left the premises at all different times, but mainly late at night or the early hours of the morning, in a completely unacceptable and anti-social manner. This has created additional noise and disturbance through raised voices, swearing and singing, as they depart up and down the street. In support of these incidents, a noise diary was recorded and a copy has been provided to Mark Glasby from the councils Environmental Protection Team. Digital Audio Tape recordings have also been taken and are in the council's possession.

Since the action taken by the council, in serving a noise abatement notice in November 2008 and the subsequent review being called, things have improved greatly. However, we feel that this has only occurred, due to the continued complaints from residents of both Camelford Street and Margaret Street and the subsequent enforcement action taken by the council.

We feel that to enable our continued peace and freedom from the suffering of the last 12 months and to prevent any re-occurrence of these public nuisance issues in future, that the following conditions be considered for amendment and inclusion in the White Horse Public House license: -

1. The withdrawal of the pubs access to it's extended opening hours and amended to the times shown as follows:

Sunday - Thursday: 10.00am – 23.00pm, Friday & Saturday: 10.00am – midnight.

2. The license condition allowing performances of live music (including karaoke) be revoked, unless suitable quality sound proofing and secondary double-glazing is installed, to a standard preventing any audible noise to be heard within surrounding residential premises. Conditions to also include a restriction on the number of performances allowed (12 occasions at present).

3. Recorded music to be background music at all times. If louder, then suitable quality sound proofing and secondary double-glazing to be installed, to a standard preventing any audible noise to be heard within surrounding residential properties.

4. Recorded music, live/amplified music or other entertainment noise and vibration shall not be permitted between the hours of 23.00 and 10.00 hours 7 days a week.

5. Windows and doors to be closed at all times when any live or recorded music or performance is being played or taking place.

6. The licensee and employees of the White Horse Public House must take full responsibility for the noise levels and behaviour of its customers towards public nuisance. Particular responsibility to be shown to customer's entering or leaving the premises and of those who stand outside to smoke.

7. Regular noise surveys will be carried out by staff, especially when entertainment is being provided and action taken immediately, to reduce any noise level to prevent any audible noise or disturbance being heard within surrounding residential properties.

We truly hope that the points mentioned above in our representation, will be given serious consideration by the licensing committee, when it meets to review and discuss the White Horse's license.

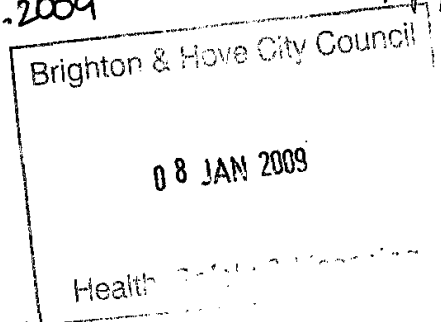
Yours faithfully



REC: 12.12.2008
CONS: 09.01.2009

PPN ✓

2008/02285/LAREN JW



6th January 2009

E

Assistant Director
Public Safety
Health & Safety & Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Dear Sir,

Re: The White Horse, 30-31 Camelford Street, Brighton E Sx - License Review

I would like to make representation to Brighton & Hove City Council's Licensing Committee, regarding the license review for the White Horse Public House. I fully support the review and would appreciate my representations being considered, so as to prevent any future public nuisance issues arising.

Over the past year the noise created by very loud music and karaoke being played has increased dramatically and caused us immense suffering and at times has been intolerable. It would appear that the licensee and staff have had no regard to the residents and the conditions placed within the pub's license, to protect residents from nuisance or disturbance. As residents, we have been subjected, on many occasions, whereby the pub's customers, being the worst for drink, have left the premises at all different times, but mainly late at night or the early hours of the morning, in a completely unacceptable and anti-social manner. This has created additional noise and disturbance through raised voices, swearing and singing, as they depart up and down the street.

Since the action taken by the council, in serving a noise abatement notice in November 2008 and the subsequent review being called, things have improved greatly. However, this has only occurred, due to the continued complaints from residents of both Camelford Street and Margaret Street and the subsequent enforcement action taken by the council.

To allow us continued peace and quiet, which has been prominent and enjoyed by us, over the last 2-3 weeks and to prevent a return to the problems of the past year, please can consideration be given to the following amendments and inclusion in the White Horse's license: -

1. The withdrawal of the pubs access to it's extended opening hours and amended to the times shown as follows:

Sunday - Thursday: 10.00am – 23.00pm, Friday & Saturday: 10.00am – midnight.

2. The license condition allowing performances of live music (including karaoke) be revoked.

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7. Regular noise surveys will be carried out by staff, especially when entertainment is being provided and action taken immediately, to reduce any noise level to prevent any audible noise or disturbance being heard within surrounding residential properties.

Thank you for your consideration of these points.

Yours faithfully



REC: 12.12.2008
CONS: 09.01.2009

PPN ✓

2008/02285/LAREY JW

Brighton & Hove City

08 JAN 2009

Health Safety & Licensing 6th January 2009



Assistant Director
Public Safety
Health & Safety & Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Dear Sir,

Re: The White Horse, 30-31 Camelford Street, Brighton E Sx - License Review

I would like to make representation to Brighton & Hove City Council's Licensing Committee, regarding the license review for the White Horse Public House. I fully support the review and would appreciate my representations being considered, so as to prevent any future public nuisance issues arising.

Over the past year the noise created by very loud music and karaoke being played has increased dramatically and caused us immense suffering and at times has been intolerable. It would appear that the licensee and staff have had no regard to the residents and the conditions placed within the pub's license, to protect residents from nuisance or disturbance. As residents, we have been subjected, on many occasions, whereby the pub's customers, being the worst for drink, have left the premises at all different times, but mainly late at night or the early hours of the morning, in a completely unacceptable and anti-social manner. This has created additional noise and disturbance through raised voices, swearing and singing, as they depart up and down the street.

Since the action taken by the council, in serving a noise abatement notice in November 2008 and the subsequent review being called, things have improved greatly. However, this has only occurred, due to the continued complaints from residents of both Camelford Street and Margaret Street and the subsequent enforcement action taken by the council.

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7. Regular noise surveys will be carried out by staff, especially when entertainment is being provided and action taken immediately, to reduce any noise level to prevent any audible noise or disturbance being heard within surrounding residential properties.

Thank you for your consideration of these points.

Yours faithfully



REC: 12.12.08
CONS: 09.01.09

PNW ✓

2008/02285/LAREV

Assistant Director
Public Safety
Health and Safety and Licensing
Bartholomew House
Bartholomew Square
Brighton BN1 15P

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED

09 JAN 2009

Dear Sir

The White Horse, 30-31 Camelford Street, Brighton
Licence Review

We write to confirm that we agree with the above Licence Review.

We reside at the above address and since October 2007 have been troubled by noise and / or smoke from the back yard of the White Horse and the passage to the premises from Margaret Street and agree that restrictions should be applied to the use of the area mentioned. We fully support the Environmental Protection Team.

During the past few months, and at the same time of year twelve months ago the noise at times was so loud that when watching television we needed to increase the volume. This noise not only came from the yard of the White Horse but also from the area of Margaret Street adjacent to the entrance to the White Horse and thus also adjacent to our front door. Mobile telephones were used, our front step used as a seat and our window sill used as a shelf for the customer's glass. This noise also often continued until the early hours of the morning and disturbed us, even though we sleep at the front of the building.

In the summer months we are unable to leave our back door or rear windows open as the noise is unbearable and smoke from the yard area drifts into the house.

As the aforementioned back yard is surrounded by residential properties we consider that it is totally inappropriate for it to be used as an extension to a Public House.

We have also noticed that some Public Houses in Brighton display a notice advising their customers that the establishments are situated in residential areas and the use of smoking areas are not permitted after a certain time (eg 10.30pm).

We trust our objections will be considered when your decision is made.

Yours faithfully,

REC : 12.12.08
CONS: 09.01.09

PPN ✓

2008/02285/LAREN JW

BRIGHTON & HOVE
ENVIRONMENTAL HEALTH

DATE RECEIVED

5 January 2009

09 JAN 2009

The Assistant Director
Public Safety
Health and Safety and Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP



Dear Sir/Madam,

License for White Horse, 30 - 31 Camelford Street, Brighton, East Sussex, BN2 1TQ

This letter regarding the review of the license of the White Horse is in response to your notice of 12 December 2008.

We have lived at 8 Margaret Street since 1990. During this time we have never had cause to complain or be concerned in any way regarding the White Horse. To our knowledge the pub has coexisted in harmony with the surrounding houses even when Mr Thompson was the Manager for some time prior to his becoming the Landlord.

Our main point of contention is the use of the outside area at the rear of the premises as an extended smoking area to the pub. This area is surrounded by three walls and three quarters of it can be roofed. This is located just feet away from surrounding houses, gardens, windows and doors. The area is impossible to soundproof, it is located in a courtyard and therefore the noise amplifies and reverberates.

This noise could start from as early as 12.00 noon and finish as late as 2.30 am. Whether this noise is friendly banter, laughter and jokes, arguments and shouting, swearing, happy or drunken singsongs with or without karaoke it is intolerable. It denies us our right to peaceful enjoyment of our homes, i.e. reading or studying, conversation, sleeping or watching T.V. The noise levels range from background to a din and deafening outbursts.

The fact that the area up to the street door is unsupervised adds to the problems. For the above mentioned reasons we believe that this area is unfit for purpose and its use should be prohibited.

Yours sincerely,



REC: 12.12.08
CONS: 09.01.09

PPN

2008/02285/LAREL DU

The Assistant Director
Public Safety
Health and Safety and Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH SERVICES
7 January 2009
DATE RECEIVED
09 JAN 2009



Dear Sir/Madam,

Review of License for White Horse, 30 - 31 Camelford Street, Brighton, East Sussex, BN2 1TQ

This representation to your review of the above license is in response to your notice of 12 December 2008. My main request regarding the review is that the small rear yard of the White Horse between Camelford Street and Margaret Street, with a current exit/entrance onto Margaret Street, is no longer permitted to be used as a drinking and smoking area by the pub's cliental.

The justification for the above request was fully outlined in the letter sent to Mr T. Nichols, Head of Environmental Health and Licensing on 3 October 2008 and signed by over seven residents of Margaret Street. I will not repeat all the points made there but will only emphasise those made about the use of the backyard and some developments since the letter was written.

Following the noise abatement order placed on the White Horse and particularly following your notice of the review of their license, there has been a substantial reduction in the noise levels. However, on those occasions that some of the pub's cliental have used the backyard they have still made a lot of noise although for very much shorter periods of time. It is also to be noted that the notice to persons seeking to make a representation for the review, of 12 December 2008, was taken down from the back entrance to the pub within a few hours of it being put up and was not replaced. Furthermore, I understand that the one in the window in the front of the pub was obscured by another notice until the Landlord was instructed to display it clearly.

My concern is that the noise reduction in the open back yard is partly due to the very cold weather that we have been experiencing, partly due to the threat of the costs of violating the noise abatement order and fear of loss of the license. Once we move towards the summer and if the noise abatement order is removed and no changes are made to the license then I fully expect the situation to return to that of last year when we had more than ten months of unremitting noise and general disturbances. The Margaret Street residents, assisted by the local environmental and licensing departments, have expended a lot of effort in trying to resolve the situation and it is important that a sustainable solution is found.

As emphasised in our letter of 3 October 2008, the key problem is the small size and nearness of the back yard of the White Horse to neighbouring houses which makes it totally unfit for use as a public drinking or smoking area from the point of view of the neighbouring residents. Under the previous licensee the back yard was seldom used as a drinking area, however, following the banning of

smoking in pubs in July 2007 the back yard was increasingly used. Several of the drinking tables in the small back yard are less than 2 metres from the windows of the nearest house. Having a drinking and smoking area so close to neighbouring residents' windows and doors inevitably means that they will constitute a nuisance. Even if all the tables are removed and it is only used as a smoking area a small group of people using the area still make a lot of noise, even if for a much shorter period.

The unsupervised rear door of the pub opening onto Margaret Street should also be used only as a fire exit to further reduce disturbances from cliental exiting onto the street. Although the nuisance from this has also reduced over the last couple of months, a shouting match and serious fight between two people exiting the pub took place only last week without any intervention by pub door staff.

The Human Rights Act 1998 states that residents have the right to respect for peaceful enjoyment of their homes. The usage of the small back yard for drinking and smoking by cliental of the White Horse destroys the peaceful enjoyment of our homes. The consumption of alcohol should be limited to within the confines of the main building of the pub, which is reasonably well sound insulated, and no drinking or congregating for smoking should take place within the small rear yard of the pub.

Yours sincerely,



REC: 12.12.08
CONS: 09.1.09

PPN✓

2008/02285/LAREU JW



BRIGHTON & HOVE
ENVIRONMENTAL HEALTH

7 January 2009

DATE RECEIVED

09 JAN 2009

J

The Assistant Director
Public Safety
Health and Safety and Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Dear Sir/Madam,

Review of License for White Horse, 30 - 31 Camelford Street, Brighton, East Sussex, BN2 1TQ

This representation to your review of the above license is in response to your notice of 12 December 2008. My main request regarding the review is that the small rear yard of the White Horse between Camelford Street and Margaret Street, with a current exit/entrance onto Margaret Street, is no longer permitted to be used as a drinking and smoking area by the pub's clientele.

The justification for the above request was fully outlined in the letter sent to Mr T. Nichols, Head of Environmental Health and Licensing on 3 October 2008 and signed by over seven residents of Margaret Street. I will not repeat all the points made there but will only emphasise those made about the use of the backyard and some developments since the letter was written.

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My concern is that the noise reduction in the open back yard is partly due to the very cold weather that we have been experiencing, partly due to the threat of the costs of violating the noise abatement order and fear of loss of the license. Once we move towards the summer and if the noise abatement order is removed and no changes are made to the license then I fully expect the situation to return to that of last year when we had more than ten months of unremitting noise and general disturbances. The Margaret Street residents, assisted by the local environmental and licensing departments, have expended a lot of effort in trying to resolve the situation and it is important that a sustainable solution is found.

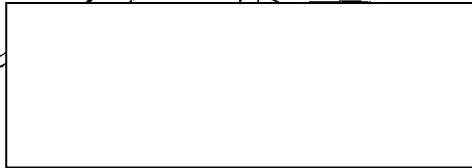
As emphasised in our letter of 3 October 2008, the key problem is the small size and nearness of the back yard of the White Horse to neighbouring houses which makes it totally unfit for use as a public drinking or smoking area from the point of view of the neighbouring residents. Under the previous licensee the back yard was seldom used as a drinking area, however, following the banning of

smoking in pubs in July 2007 the back yard was increasingly used. Several of the drinking tables in the small back yard are less than 2 metres from the windows of the nearest house. Having a drinking and smoking area so close to neighbouring residents' windows and doors inevitably means that they will constitute a nuisance. Even if all the tables are removed and it is only used as a smoking area a small group of people using the area still make a lot of noise, even if for a much shorter period.

The unsupervised rear door of the pub opening onto Margaret Street should also be used only as a fire exit to further reduce disturbances from clients exiting onto the street. Although the nuisance from this has also reduced over the last couple of months, a shouting match and serious fight between two people exiting the pub took place only last week without any intervention by pub door staff.

The Human Rights Act 1998 states that residents have the right to respect for peaceful enjoyment of their homes. The usage of the small back yard for drinking and smoking by clients of the White Horse destroys the peaceful enjoyment of our homes. The consumption of alcohol should be limited to within the confines of the main building of the pub, which is reasonably well sound insulated, and no drinking or congregating for smoking should take place within the small rear yard of the pub.

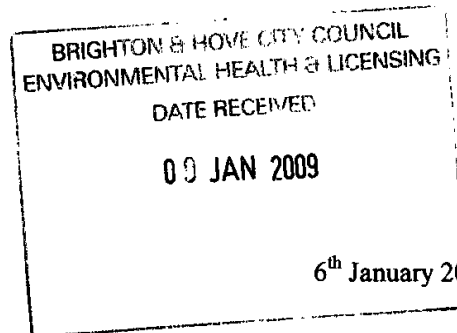
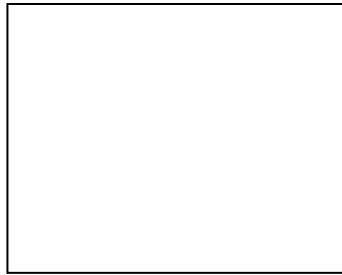
Yours sincerely,



REC: 12.12.08
CONS: 09.01.09

APN ✓

2008/02285/LAREN JW



(K)

Assistant Director
Public Safety
Health & Safety & Licensing
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Dear Sir,

Re: The White Horse, 30-31 Camelford Street, Brighton E Sx - License Review

I would like to make representation to Brighton & Hove City Council's Licensing Committee, regarding the license review for the White Horse Public House. I fully support the review and would appreciate my representations being considered, so as to prevent any future public nuisance issues arising.

Over the past year the noise created by very loud music and karaoke being played has increased dramatically and caused us immense suffering and at times has been intolerable. It would appear that the licensee and staff have had no regard to the residents and the conditions placed within the pub's license, to protect residents from nuisance or disturbance. As residents, we have been subjected, on many occasions, whereby the pub's customers, being the worst for drink, have left the premises at all different times, but mainly late at night or the early hours of the morning, in a completely unacceptable and anti-social manner. This has created additional noise and disturbance through raised voices, swearing and singing, as they depart up and down the street.

Since the action taken by the council, in serving a noise abatement notice in November 2008 and the subsequent review being called, things have improved greatly. However, this has only occurred, due to the continued complaints from residents of both Camelford Street and Margaret Street and the subsequent enforcement action taken by the council.

To allow us continued peace and quiet, which has been prominent and enjoyed by us, over the last 2-3 weeks and to prevent a return to the problems of the past year, please can consideration be given to the following amendments and inclusion in the White Horse's license: -

1. The withdrawal of the pubs access to it's extended opening hours and amended to the times shown as follows:

Sunday - Thursday: 10.00am – 23.00pm, Friday & Saturday: 10.00am – midnight.

2. The license condition allowing performances of live music (including karaoke) be revoked.

3. Recorded music to be background music at all times.

4. Recorded music, live/amplified music or other entertainment noise and vibration shall not be permitted between the hours of 23.00 and 10.00 hours 7 days a week.

5. Windows and doors to be closed at all times when any live or recorded music or performance is being played or taking place.

6. The licensee and employees of the White Horse Public House must take full responsibility for the noise levels and behaviour of its customers towards public nuisance. Particular responsibility to be shown to customer's entering or leaving the premises and of those who stand outside to smoke.

7. Regular noise surveys will be carried out by staff, especially when entertainment is being provided and action taken immediately, to reduce any noise level to prevent any audible noise or disturbance being heard within surrounding residential properties.

Thank you for your consideration of these points.

Yours faithfully

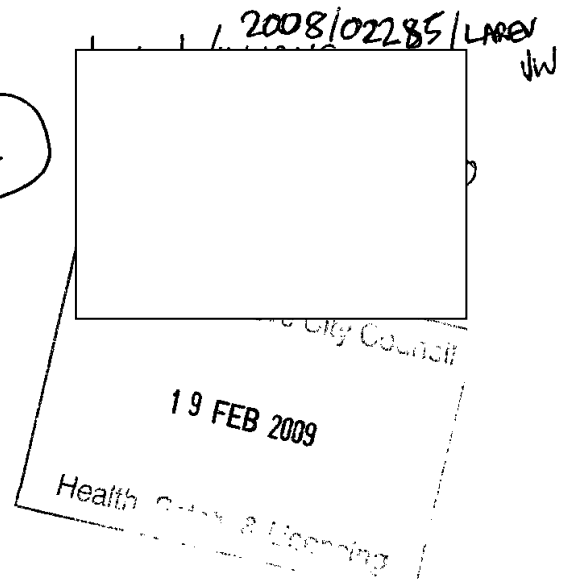


REC: 22.01.09
CONS: 19.02.09

valid ✓
DN

(L)

Health and Safety and Licensing
B & H City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP



Dear Sir/Madam

With reference to: Licensing Act 2003 - Application to
Review the premises licence for, The White Horse,
Camelford Street, BRIGHTON BN2 1TQ.

My house is directly adjoining the White Horse public
house. Over the past year both myself and my surrounding
neighbours in Camelford Street and Margaret Street
have been subjected to a continual cacophony of loud
recorded music, live karaoke and sometimes obscene
language emanating from the pub's back patio and
from outside the pub in Camelford Street.
Music could sometimes be heard very clearly coming
from the pub up until and after one A.M. on
many occasions.

Repeated requests by myself and from other
neighbours to lower the music were ignored.

It is, in my opinion, that the pub should be
turned into a boutique hotel as it would be
more suitable for the location.

There is a saturation of similar pubs in the area and the White Horse seems totally out of character to the residential street that Camelford is.

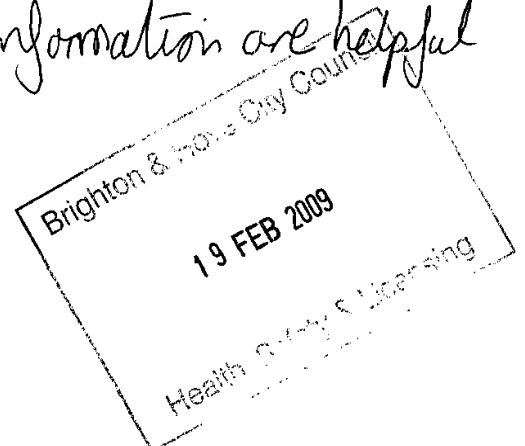
I think it is a telling fact that none of the residents in Camelford Street frequent the White Horse, which was obviously in bygone days built as a pub for the local community.

It is a pub that in 2009 is located in the wrong position and would easily be more successful as a boutique hotel, thereby benefiting its owners, neighbours, community and tourists.

I feel strongly opposed to having any live or recorded music and cabaret at the venue.

I hope my opinions and information are helpful to you.

Yours faithfully



Licensing Panel

(Licensing Act 2003 Functions)

Agenda Item 126

Brighton & Hove City Council

Subject:	Application for a of a new Premises Licence under the Licensing Act 2003 for Sainsbury's Supermarket, 147-148 Western Road, Brighton BN1 2DA		
Date of Meeting:	Friday 13 March 2009		
Report of:	Assistant Director Public Safety		
Contact Officer:	Name:	Sarah Ranger	Tel: 295801
	E-mail:	sarah.ranger@brighton-hove.gov.uk	
Wards Affected:	Regency		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for **Sainsbury's Supermarket, 147-148 Western Road, Brighton BN1 2DA.**

2. RECOMMENDATIONS:

- 2.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for **Sainsbury's Supermarket, 147-148 Western Road, Brighton BN1 2DA.**

- 2.2 The application is for:

A New Premises Licence under the Licensing Act 2003 for

The application proposes:
Supermarket which is to sell a broad range of groceries, household products and alcohol. Situated at 147-148 Western Road, Brighton, BN1 2DA. More information on the layout is shown on the plan attached to this application.

2.3 Summary table of existing and proposed activities

	<i>Existing</i>	<i>Proposed</i>
M Supply of Alcohol	N/A	0700-2300 Monday – Sunday Off the premises.
N Adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children	The premises will sell other age related products.	
O Hours premises are open to public	N/A	0000-2400 Monday – Sunday The applicant may elect not to open the store, or part (s) of the store 24 hours every day, but requires the flexibility to do so subject to statutory or operational restrictions.
P Conditions removed as a consequence of the proposed Variation	N/A	

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Cumulative Impact: The premises falls within the Cumulative Impact Area ("the Area") in the Brighton city centre (see paragraphs Prevention of Crime and Disorder 2.4.10 – 2.4.14 and detailed plan in Appendix A).
- 3.1a The premises already has a Premises Licence for sale by retail of alcohol Off the premises but are extending into the adjoining premises and therefore a new Premises Licence is required as it is a substantial change.
- 3.2.1 **Representations received**
Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.2.2 Two representations were received from local residents and two from a ward Councillor on behalf of local residents.
- 3.2.3 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety and Prevention of Public Nuisance.

4. CONSULTATION

Commentary on licensing policy

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

- 1.2 The licensing objectives are:-
 - (a) Prevention of crime and disorder;
 - (b) Public safety;
 - (c) Prevention of public nuisance;
 - (d) Protection of children from harm.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity.
When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.4 Cumulative impact – the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with ‘need’ which relates more to the commercial demand for a particular type of premises. The issue of ‘need’ is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
- 2.4.1 Special Policy - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

- 2.4.2 The licensing authority after careful consideration has determined that the concentration of licensed premises in a small area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to Cumulative Impact is necessary as part of its statement of licensing policy. This special policy was adopted for inclusion within the statement of licensing policy by Council on 13 March 2008.
- 2.4.3 This special policy will refer to a Cumulative Impact area (“the Area”) in the Brighton city centre, a detailed plan of which is attached at **Appendix A** of the Statement of Licensing Policy (SoLP).
- 2.4.4 The effect of this special policy is that applications for new premises licences or club premises certificates within the Area, or variations which are likely to add to the existing Cumulative Impact, will normally be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 2.4.5 Any variation application will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse effect on Cumulative Impact.
- 2.4.6 This special policy also applies to all new premises licences and club premises certificates, for example pubs, off-licences, restaurants and take-away establishments.
- 2.4.7 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 2.4.8 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether it is justified in departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The Impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant or theatre may not.
- 2.4.9 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing

objectives and that conditions would be ineffective in preventing the problems involved.

- 2.4.10 Special Stress Areas – **Appendix B** of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at **Appendix A** and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.
- 2.4.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.
- 2.4.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. **Appendix C** of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 2.4.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in **Appendix C**. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.
- 2.4.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening; the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area. If it is found that the above problems are receding the Special Policy may be reviewed with a view to revising the areas' boundaries.
- 2.5.1 Diversity of premises
This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it.

This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

In respect of Public Safety

- 3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-**
- (a) provision of close circuit television and panic buttons.
 - (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).
 - (f) the provision of designated and suitably trained first aiders

In respect of the prevention of public nuisance

- 4.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction**

of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke)

- 4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

Strategic Integration

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted: Karen Brookshaw Date: 20.02.2009

5.2 Legal Implications:

The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 20.02.2009

5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

5.4 Sustainability Implications:

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Brighton & Hove City Council - Cumulative Impact Area
2. Appendix B – Brighton & Hove City Council – Special Stress Areas
3. Appendix C – Measures to be considered in SSA's
4. Appendix D – Part P of application
5. Appendix E – Map of area
6. Appendix F – Plan of Premises / Proposed / New Plan of Premises

Documents in Members' Rooms

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

Background Documents

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

Brighton & Hove City Council - Cumulative Impact Area



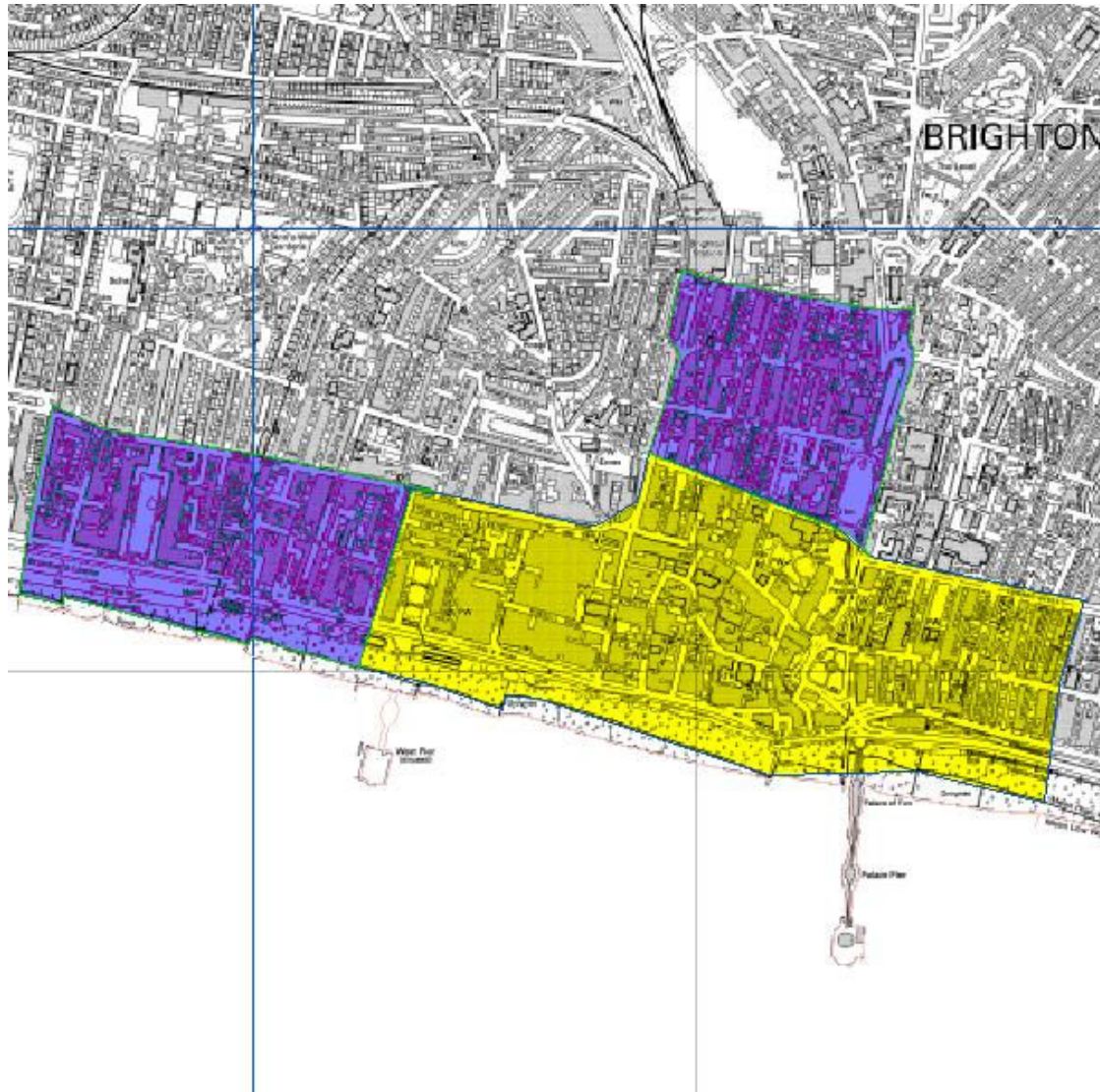
The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston

Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street

APPENDIX B

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary; westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX C

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a “Challenge 21” policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services’ telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA door staff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of ‘nightsafe’ radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

• APPENDIX D

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system is to be to the reasonable satisfaction of the police.
3. The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
4. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
5. The system will display on any recording the correct time and date of the recording.
6. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
7. Notices informing customers of the operation of the system shall be prominently displayed.
8. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

1. A 'Challenge 21' (or equivalent) scheme shall be adopted so that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years, for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
2. All cashiers shall be instructed, through training to enter into a refusal book (or electronic equivalent) details of any refusal to make a sale of alcohol to a customer.
3. All cashiers will be given regular training on company policies and procedures on alcohol. Records of such training will be maintained and be made available to the police for inspection.

APPENDIX E

Sainsbury's Supermarket, 147-148 Western Road, Brighton BN1 2DA



**Brighton & Hove
City Council**

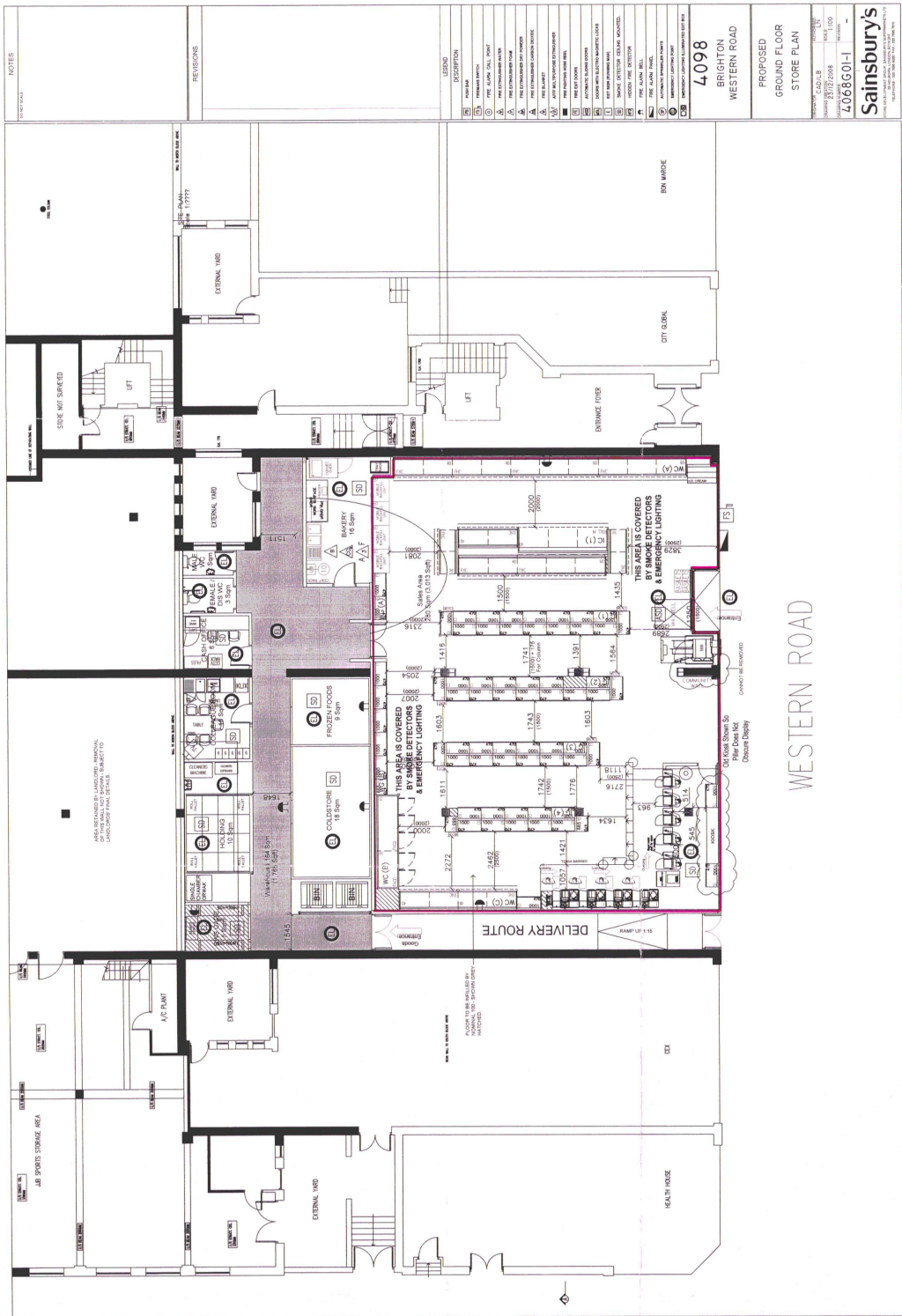
Date: 18.02.09

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Appendix F



16.01.09
13.02.09



**Brighton & Hove
City Council**

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING

DATE RECEIVED

03 FEB 2009

2009/00059/LAPREN
COUNCILLOR JASON KITCAT

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

Valid ✓
CD & CI
PN
PS

SR

27th January 2009

(A)

Dear Licensing

I am objecting to the application 2009/00059/LAPREN for Sainsbury's Supermarket on behalf of Sue Paskins of 10 Marlborough Street, Brighton.

The objection is on the basis of:

* Crime & Disorder: The nearby area recently experienced a murder and regular violent disorder. Further availability of alcohol is likely to only make the situation worse.

* Public Nuisance: The noise from drunken revellers trying to find their next drink at such stores has increased in the last 10 years from being primarily Friday nights to now being every night of the week. Granting this license will only continue this negative trend which greatly disturbs local residents.

* Public Safety: This premises is by an area of bars and restaurants (Preston Street) and numerous other off-licenses making alcohol already easily available. Local NHS services are struggling to cope with the number of alcohol related injuries and diseases caused by excessive consumption of alcohol. The city needs to control the availability of cheap alcohol to reduce the harm it is causing our residents when excessively consumed.

It should also be noted that the premises lies right on the border of the Cumulative Impact Area and given the density of nearby premises the impact of another off license means this application should be discouraged on the basis of negative cumulative impact.

Sincerely,

Cllr Jason Kitcat

Telephone (01273) 296447

Email: Jason.kitcat@brighton-hove.gov.uk

Green Member for REGENCY Ward

REC: 16.01.09
CONS: 13.02.09

2009/00059/LAPREN
SR

(B)

Miss June Averill
24, Hampton Place
Brighton
BN1 3DD

9th Feb 2009

Valid ✓

CD

CI

Ref 2009/00059/LAPREN Sainsburys Licence Application

Dear sirs,

As a resident of Hampton Place I wish to register my objection to a licence application from Sainsburys at 147-148 Western Road. Alcohol is readily available at Waitrose Supermarket nearby and there are pubs in Preston Street.

In December a young man was murdered at 2 am at the junction of Hampton Place and Western Road - a few steps from the expanded Sainsbury's store due to open in April. This incident is reputed to involve drug dealing and I feel the availability of alcohol will encourage crime and violence to a residential area. I hope you will register my strong objection to this project and reject the licence application. I understand you have recently refused to extend the licence requested by the Hampton Arms, a short distance from the crime scene. I trust that Sainsbury's request will receive the same answer.

Yours faithfully

Miss June Averill (CARER FOR MISS AVERILL)

Miss June Averill

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 11 FEB 2009
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REC: 16.01.09
CONS: 13.02.09

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
12 FEB 2009

2009/00059/LAPREN
2 Hampton Street SR

(C) Brighton
BN1 3DB.

12.2.09

The Licensing Team
Brighton & Hove City Council
Bartholomew House
BN1 1JP.

Valid ✓
PN
CI

Dear Sirs.

Re: Sainsbury's Western Road Application
Reference 2009/00059/LAPREN

I am writing to lodge my objection to the application by Sainsbury's to sell alcohol every day from 0700 to 2300.

We already have St. George's Stores on Western Road selling alcohol for similar hours.

This has led to a great increase in street drinkers in the locality and in particular in this road. They sit drinking and pop round to the shop for refills. The police are aware of this and often come to move them on.

I feel that giving Sainsbury's this extended licence will increase our problem. I know that they sell alcohol but surely do not need to do so so early and so late every day.

Yours faithfully

V.E. Kincaid (V.E. KINCAID, HAS)

R 16.01.09
E 13.02.09



**Brighton & Hove
City Council**



2009/00059/LAPREN
COUNCILLOR JASON KITCAT SR
Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

valid ✓

PN
CI

Dear Licensing Team

Please see below another resident who has requested that I object on their behalf over the Sainsbury's application.

Sincerely,
Cllr Jason Kitcat

Dear Jason,

Re:-Sainsbury's Western Road application for a license to sell alcohol 7am to 11pm every day of the week.

I live at the southern end of Hampton Place and am plagued by buskers who frequently position themselves outside Sainsbury's or over the road under Shoe Zone's covered entrance.

Late at night this becomes a huge nuisance. If Sainsbury's get permission to stay open to 11 every night, this can only make the situation worse.

In the last few years Hampton Place seems to have become a main thoroughfare for people going into town and returning home after drinking up to 4 in the morning. Sainsbury's becoming a "off license" up to 11 pm will again attract yet more people up and down what is a residential road.

On these grounds myself and my wife, Maragaret McHugh, would like to ask you to object on our behalf to such a license being granted.

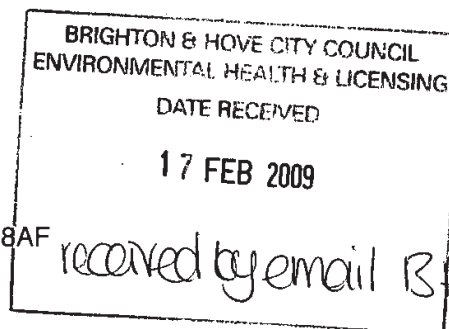
Yours,
Dr Richard Killick
Postdoctoral Scientist
MRC Centre for Neurodegeneration Research
King's College London, Institute of Psychiatry
Department of Neuroscience (PO 55)
De Crespigny Park, Denmark Hill, London SE5 8AF

Office 020 7848 5245
Lab 020 7848 5245
Mobile 07900813611
Email: R.Killick@iop.kcl.ac.uk

11 Hampton Place
Brighton BN1 3DA

Telephone (01273) 296447

Email: Jason.kitcat@brighton-hove.gov.uk



Green Member for REGENCY Ward