





**Brighton & Hove  
City Council**

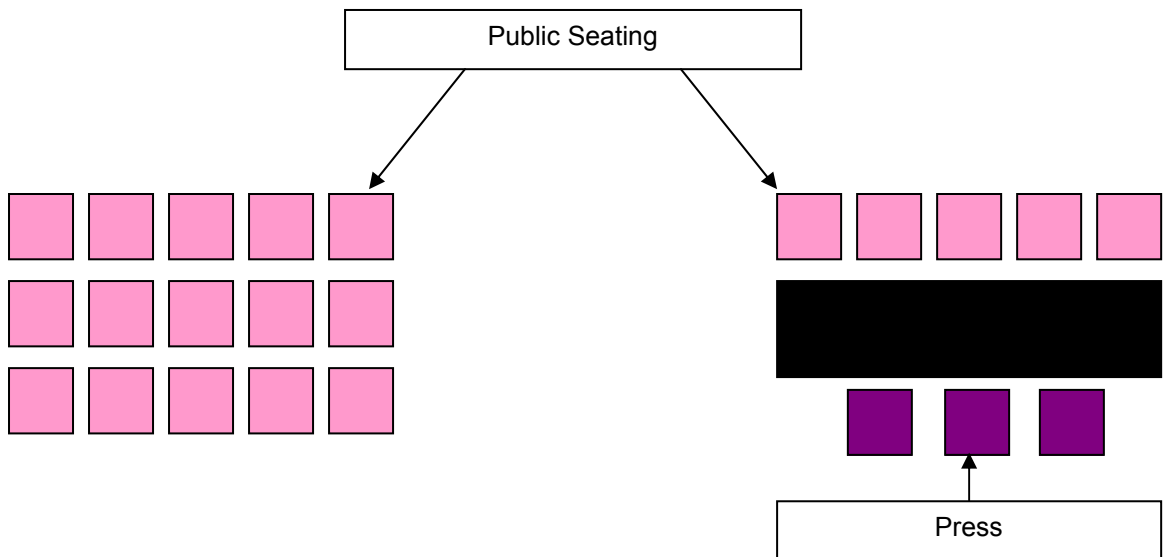
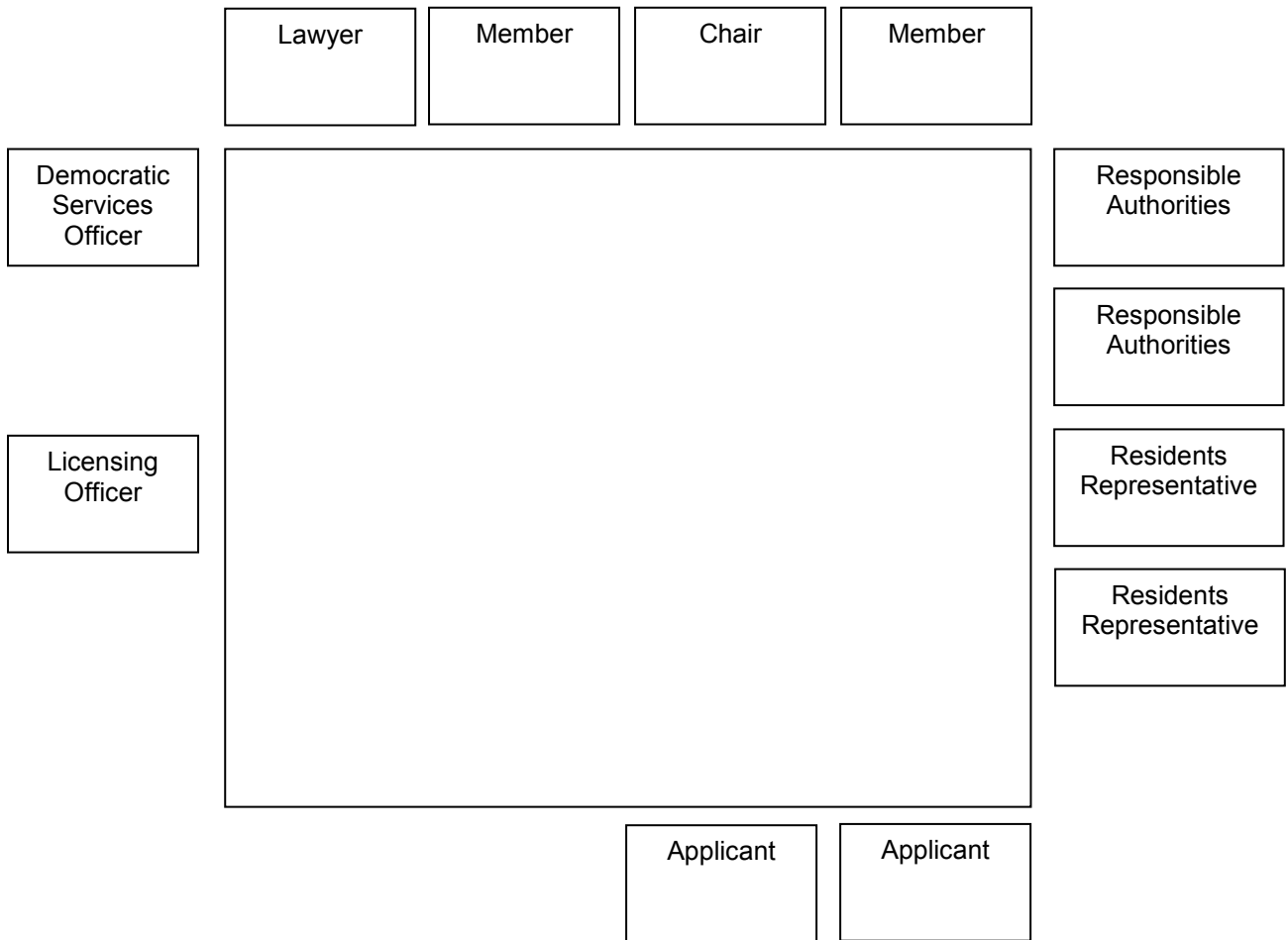
# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>6 March 2009</b>
Time:	<b>10.00am</b>
Venue	<b>Committee Room 3, Brighton Town Hall</b>
Members:	<b>Councillors:</b> Mrs Cobb, Hamilton and Kitcat
Contact:	<b>Jane Clarke</b> Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
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# Democratic Services: Meeting Layout



## AGENDA

### 119. TO APPOINT A CHAIRMAN FOR THE MEETING

### 120. 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.*

### 121. TIN DRUM, SECOND AVENUE, HOVE, BN3 2LJ

1 - 26

Contact Officer: Emma Bricknell  
Ward Affected: Central Hove

Tel: 29-4431

## 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](http://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](mailto:jane.clarke@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Thursday, 26 February 2009

**Licensing Panel  
(Licensing Act 2003 Functions)**

**Agenda Item 121**

Brighton & Hove City Council

**Subject:** Application for a Variation of a Premises Licence under the Licensing Act 2003 for Tin Drum, 10 Victoria Grove, Second Avenue, Hove, BN3 2LJ.

**Date of Meeting:** 6 March 2009

**Report of:** Assistant Director Public Safety

**Contact Officer:** Name: Emma Bricknell Tel: 29-4431  
E-mail: emma.bricknell@brighton-hove.gov.uk

**Wards Affected:** Central Hove

**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 Tin Drum

**2. RECOMMENDATIONS:**

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

- 2.2 The application is for:

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

The variation proposes:

We would like the facility to play live, amplified music from time to time.

2.3 Summary table of existing and proposed activities:

	<i>Existing</i>	<i>Proposed</i>
<b>E Live music</b>	N/A	Indoors Monday - Saturday: 12.00-23.00 Sunday: 12.00-22.00 We require the facility to play live amplified music from time to time including small local bands and a live jazz quartet during Sunday lunchtimes.
<b>F Recorded Music</b>	Indoors Monday - Saturday: 10.00 - 01.00 and Sunday: 10.00 - 22.30.	As existing.
<b>L Late Night Refreshment</b>	Indoors Monday - Saturday: 23.00 - 01.00.	As existing.
<b>M Supply of Alcohol</b>	Sale by Retail of Alcohol. On premises only. Monday - Saturday: 10.00 - 01.00 and Sunday: 10.00 - 22.30.	As existing.
<b>O Hours premises are open to public</b>	Monday to Saturday: 10.00 - 01.00 and Sunday: 10.00 - 22.30.	As existing.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

3.1 This premises does not fall in the Cumulative Impact Area or the Special Stress Areas.

**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 Four representations were received. They were received from local residents and the Environmental Protection team.

3.2.3 Representations received had concerns relating to 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 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.
- 4.8 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.

### **In respect of Live music, Dancing and Theatre**

- 7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where



indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

## **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: 12.02.2009*

### **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: 12.02.2009*

### **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 – Part P of application.
2. Appendix B – Map of area.
3. Appendix C – Part A of Premises Licence.
4. Appendix D – Representations A – D for Tin Drum, Second Avenue, Hove.

### **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

**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)**

On occasions when live music is played the manager will be instructed to monitor noise levels from outside the building and adjust volumes to suit.

**b) The prevention of crime and disorder**

Security will be provided on Friday & Saturday nights as per the conditions of our License.

**c) Public safety**

Security will be provided on Friday & Saturday nights as per the conditions of our License

**d) The prevention of public nuisance**

Security will be provided on Friday & Saturday nights as per the conditions of our License

**e) The protection of children from harm**

**APPENDIX B**

**Tin Drum, 10 Victoria Grove, Second Avenue, Hove, BN3 2LJ**



Date : 18/02/2009 11:16:47

Scale 1:1323



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APPENDIX C

Schedule 12  
Part A

Regulation 33, 34

Premises Licence  
Brighton and Hove City Council

Premises Licence Number

1445/3/2005/02020/LAPREV

Part 1 – Premises Details

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

Tin Drum  
10 Victoria Grove  
Second Avenue  
Hove  
East Sussex  
BN3 2LJ

**Telephone number** 01273 747 755

**Where the licence is time limited the dates-**

**Licensable activities authorised by the licence**

Performance of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Performance of Recorded Music- Indoors  
Monday - Saturday: 10.00 - 01.00 and Sunday: 10.00 - 22.30.

Late Night Refreshment- Indoors  
Monday - Saturday: 23.00 - 01.00.

Sale by Retail of Alcohol  
Monday - Saturday: 10.00 - 01.00 and Sunday: 10.00 - 22.30.

**The opening hours of the premises**

Monday to Saturday: 10.00-01.00 and Sunday: 10.00- 22.30

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

Alcohol is supplied for consumption on the Premises.

## Part 2

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

Drum At The Dials Ltd  
10 Victoria Grove  
Second Avenue  
Hove  
East Sussex  
BN3 2LJ

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

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

Aaron Ole Emerson

**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

### **S 21; mandatory condition: door supervision**

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

### **Embedded Conditions:**

#### **1. Permitted Hours**

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

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:

- 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*

## **(Justices') Licence Conditions**

1. Fifty covers to be retained in the premises at all times.
2. Occupant capacity not to exceed that as directed by the Fire Officer, i.e. 75 including staff.
3. External areas to be defined by way of a substantial barrier.
4. Premises to trade as a bar café/restaurant and not as a public house.
5. CCTV and appropriate recording equipment to be installed, operated and maintained internally and externally following consultation with Sussex Police to a standard specification.

### **Variations to Embedded Conditions:**

References to permitted hours removed where superseded.

### **Annex 2 - Conditions consistent with the Operating Schedule**

#### **For the prevention of crime and disorder:**

Door staff licensed by the Security Industry Authority (SIA) will be used until closing time on Fridays and Saturdays.

#### **For public safety:**

Door staff licensed by the Security Industry Authority (SIA) will be used until closing time on Fridays and Saturdays.

#### **For the prevention of public nuisance:**

Door staff licensed by the Security Industry Authority (SIA) will be used until closing time on Fridays and Saturdays.

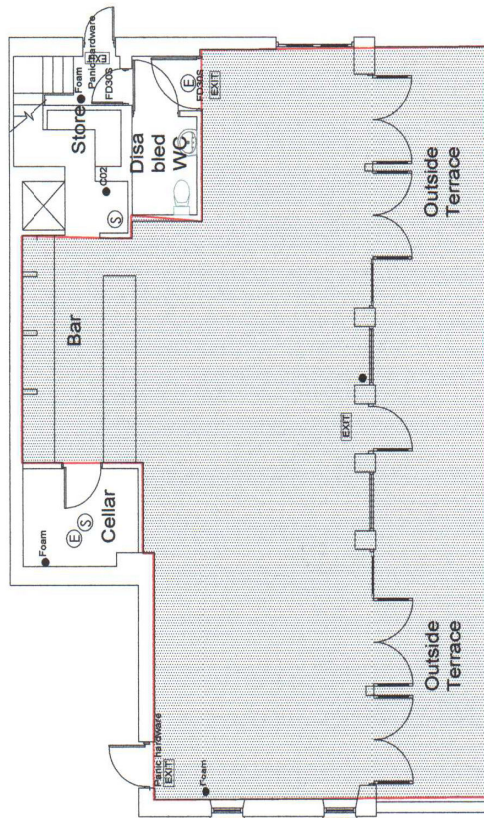
#### **For the protection of children from harm:**

Door staff licensed by the Security Industry Authority (SIA) will be used until closing time on Fridays and Saturdays.

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

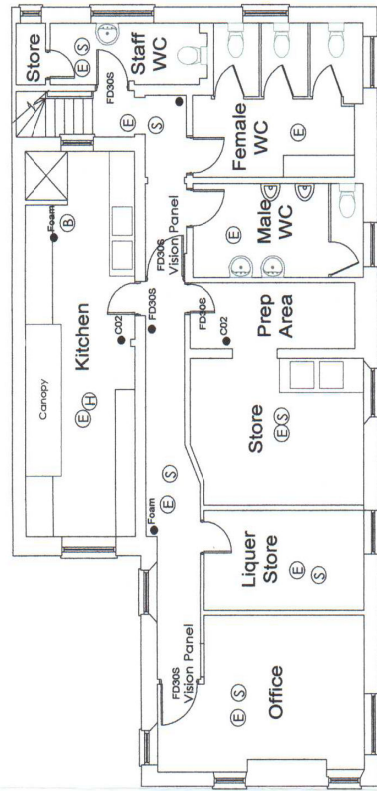
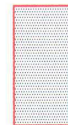
**N/A**

# Annex 4 - Plans



Ground Floor

= Licensed Area



First Floor

### Fire Safety Installation Elements

- Panic hardware**
- FD008** Half hour fire resisting door with intumescent strips, cold smoke seals and self closer
- KLS** Fire Door To Be Kept Locked/With BS Approved Sign
- (E)** Emergency Lighting
- (B)** Fire Blanket
- (H)** Heat Detector
- (S)** Smoke Detector
- (C)** Call Point / Break glass
- (E)** Sounder
- (EXIT)** Illuminated exit sign
- (E)** H2O Extinguisher
- (E)** CO2 Extinguisher
- (FCP)** Fire Control Panel

CLIENT:	The Tin Drum
JOB:	Second Avenue, Hove
DRAWING:	Licensing Drawing
DWG. NO.	HOVE 001
DATE:	Apr. 05
SCALE:	1:100



4 Harrington Road Brighton, BN1 6BE  
Tel: 01273 447888 Fax: 01273 521008



REC: 1201.09  
CONS: 09.02.09

2009/02051/LAPEN  
EB

(A)

FLAT 9 A  
GRAND AVENUE  
HOVE  
BN3 2LF

✓ PPN  
ESTB

4TH FEB 2009

DEAR SIRS,

RE-LICENCE APPLICATION FOR TIN DRUM, SECOND AVENUE  
HOVE BN3 2LJ

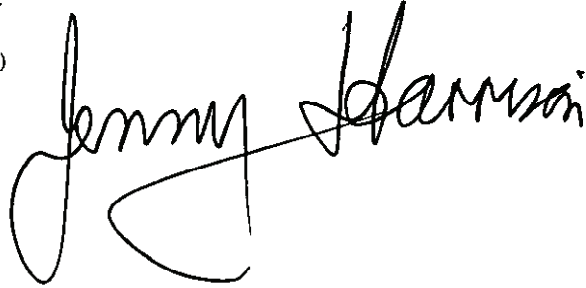
I HAVE JUST SEEN THE NOTICE TO ~~PLAY~~ LIVE AMPLIFIED MUSIC AT THE ABOVE PREMISES AND AM HORRIFIED  
ARE YOU AWARE THAT THE TIN DRUM BACKS ON TO THE GARDEN OF 9 GRAND AVENUE, MY BEDROOM WINDOW  
IS OPPOSITE THE KITCHEN WINDOW OF THESE PREMISES. I ALREADY PUT UP WITH THE NOISE OF CLEARING  
UP EVERY NIGHT, BOTTLES BEING PUT PUT OUT, DOORS BANGING, THE KITCHENS FANS ETC THIS GETS WORSE  
IN THE SUMMER WHEN ALL THE BACK WINDOWS ARE OPEN!!

IT IS NOT JUST ME, THIS WILL EFFECT EVERYONE IN THE HOUSE PLUS SURROUNDING AREA, FLATS ABOVE  
CHURCH ROAD SHOPS ETC

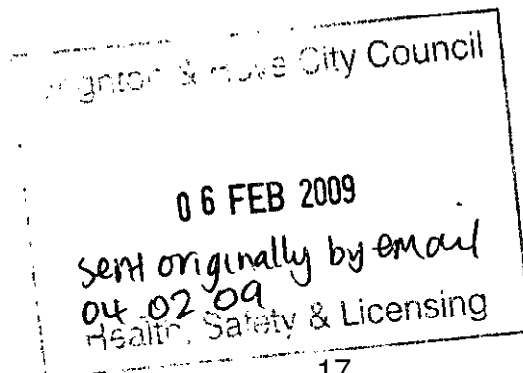
I VERY STRONGLY OBJECT TO THIS APPLICATION, AND TRUST YOU WILL CONSIDER MY VIEWS

YOURS FAITHFULLY

(MRS J HARRISON)



WORK NUMBER - 718531



**Amy McClelland**

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**From:** Amy McClelland on behalf of EHL Safety  
**Sent:** 04 February 2009 15:32  
**To:** Jenny Harrison  
**Subject:** RE: Tin Drum, 10 Victoria Grove 2009/00051/LAPREV

I acknowledge receipt of your representation in respect of Tin Drum, 10 Victoria Grove, Second Avenue.

Please send your representation in writing to Health & Safety and Licensing, Brighton & Hove City Council, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP. Legislation states that you must submit a signed, hard copy of this representation. This should be **received** by us within 5 working days of your electronic copy for it to be accepted.

**Please also note a copy of your representation will be sent to the applicant for their information, again this is required under the new legislation.**

Regards

Technical Support Officers  
Health & Safety and Licensing  
(Tel: 01273 294429)  
(Fax: 01273 292196)

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**From:** Jenny Harrison [mailto:JennyHarrison@howlettclarke.co.uk]  
**Sent:** 04 February 2009 13:28  
**To:** EHL Safety  
**Subject:**

**THIS EMAIL IS TO FOLLOW UP FROM FROM MY LETTER AND TELEPHOVE CONVERSATION THIS MORNING, (I SPOKE TO A VERY HELPFUL GIRL, AMY )**

**MY PROBLEM IS THIS, YESTERDAY I SAW IN LATEST HOME MAGAZINE A PUBLIC NOTICE REGARDING A LICENSE APPLICATION FOR AMPLIFIED MUSIC AT TH E TIN-DRUM, VICTORIA GROVE ,SECOND AVENUE ,HOVE**

**I LIVE AT NUMBER 9 GRAND AVENUE, THE REAR OF THE TIN DRUM,S PREMISES OVERLOOKS OUR GARDEN, MY BEDROOM AND OTHER PEOLPLES FACE ON TO THE GARDEN.**

**WE CAN HEAR THE KITCHEN FANS, THE BOTTLES BEING PUT OUTSIDE, AND IN THE SUMMER WHEN THE KICHEN WINDOWS ARE OPEN, VOICES RADIOS ETC.**

**ALL FAIR ENOUGH, BUT MUSIC , LOUD MUSIC IN A RESIDENTIAL AREA,!!! I DON'T UNDERSTAND WHY THE COUNCIL WOULD EVEN CONSIDER IT, THERE ARE FLATS ABOVE ALL THE SHOPS IN CHURCH ROAD, AND SECOND AVENUE IS VERY POPULATED AS YOU KNOW.**

**I HOPE THIS WILL BE DENIED, PLEASE KEEP ME INFORMED, EITHER BY EMAIL AT MY OFFICE**

**JENNYHARRISON@HOWLETTCLARKE.CO.UK**

**OR MY HOME EMAIL**

**JENNYH1947@HOTMAIL.COM.**

**THANK-YOU**

**Jenny Harrison**

**howlettclarke solicitors  
howlettclarke solicitors  
howlettclarke solicitors  
howlettclarke solicitors**

**8-9 Ship Street  
Brighton  
East Sussex  
BN1 1AZ**

**T: 01273 32 72 72  
F: 01273 32 88 57  
E: [brighton@howlettclarke.co.uk](mailto:brighton@howlettclarke.co.uk)  
DX: 36656 Brighton 2  
WEB: [www.howlettclarke.co.uk](http://www.howlettclarke.co.uk)**

**EST. 1773**

**Partners:**

Richard Dyson, Timothy Fenton, Simon Rowe, Colin Edmonds, Richard Schaverien,  
Sarah Mellish, Tony Newey, Jackie Gillespie, Warren Robertson, Alison Harbour.

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REC: 12.01.09  
CONF: 09.02.09

(B)

2009/00051 /LAPREV  
EB

9C Grand Avenue  
Hove  
BN3 2LF

VETS PPN

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

5 February 2009-02-05

Dear Sir,

I am writing to object in the strongest possible terms to the application of the owners of the Tin Drum, 10 Victoria Grove, Second Avenue for permission to play amplified music from midday until 1am (10 pm on Sundays).

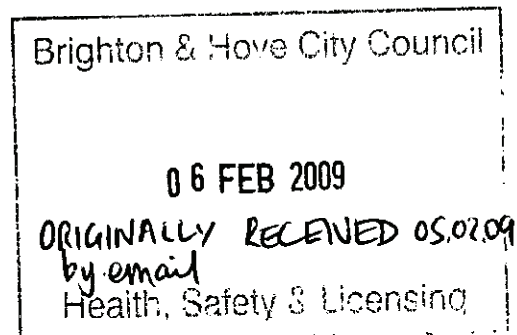
My husband and I are horrified at the prospect of loud music going on eleven hours a day; we live behind the Tin Drum, my husband is retired and I work mostly from home, and we would find the disruption intolerable. It is, surely, completely unacceptable for a premises in a high-density residential area to be given a license for amplified music.

We have only just learnt about the application from a neighbour, and I am concerned that other residents in the area may not know about it and may not therefore be able to object.

Yours sincerely,

*Celia Britton*

Celia Britton



## Gill Lowe

---

**From:** Celia Britton [celiabritton@talk21.com]  
**Sent:** 05 February 2009 16:51  
**To:** EHL Safety  
**Subject:** RE: license application

Thank you for your very prompt response. I posted a copy of the letter this morning. I wrote it very quickly before I went to work, & I now realise it should have said thirteen hours a day, not eleven!

Celia Britton

>Dear Celia,

>

>I acknowledge receipt of your representation in respect of Tin Drum, 10  
>Victoria Grove.

>

>Please send your representation in writing to Health & Safety and  
>Licensing, Brighton & Hove City Council, Bartholomew House, Bartholomew  
>Square, Brighton, BN1 1JP. Legislation states that you must submit a  
>signed, hard copy of this representation. This should be received by us  
>within 5 working days of your electronic copy for it to be accepted.

>

>Please also note a copy of your representation will be sent to the  
>applicant for their information, again this is required under the new  
>legislation.

>

>Regards

>

>Technical Support Officers  
>Health & Safety and Licensing  
>(Tel: 01273 294429)  
>(Fax: 01273 292196)

>

>-----Original Message-----

>From: Celia Britton [mailto:celiabritton@talk21.com]  
>Sent: 05 February 2009 08:21  
>To: EHL Safety  
>Subject: license application

>

>Dear Sir,

>

>I am writing to object in the strongest possible terms to the  
>application from the owners of the Tin Drum, 10 Victoria Grove,  
>Second Avenue for permission to play amplified music from midday  
>until 1 am (10 pm on Sundays).

>

>My husband and I are horrified at the prospect of loud music going on  
>eleven hours a day; we live behind the Tin Drum, my husband is  
>retired and I work mostly from home, and we would find the disruption  
>intolerable. It is, surely, completely unacceptable for a premises in  
>a high-density residential area to be given a license for amplified  
>music.

>

>We have only just learnt about the application from a neighbour, and  
>I am concerned that other residents in the area may not know about it  
>and may not therefore be able to object.

>

>

>Yours sincerely,

>

>Celia Britton

>Notice to recipient:

>The information contained in this electronic mail message is

REC: 12.01.09  
CONS: 09.02.09



**Brighton & Hove  
City Council**

Brighton & Hove City Council

06 FEB 2009

Health, Safety & Licensing

2009/00051/LAPREV EB  
Public Safety

Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

PPN ✓ EJB

Mrs Emma Bricknell  
Licensing Department  
Brighton & Hove City Council  
2<sup>nd</sup> Floor Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 6<sup>th</sup> February 2009  
Our Ref: 2009/00397/EPLIC/EH  
Your Ref: 2009/00051/LAPREV  
Phone: (01273) 294501  
Fax: (01273) 292196  
E-mail: Mark.glasby@brighton-hove.gov.uk

C

Dear Mrs Bricknell,

**Re: Application to vary a premises license at Hove Tin Drum**

I am writing to confirm that I wish to make a representation about the application by Drum at the Dials Ltd to vary their premises licence for Tin Drum, 10 Victoria Grove, Second Avenue, Hove.

I have concerns about the potential for public nuisance arising from the performance of live music at this venue. This department has received five complaints about noise from this venue in the past six years, three of which were in the last two years. The complaints were mainly about music noise but also noise from customers occupying the front terrace. At no time has a statutory noise nuisance under the provisions of the Environmental Protection Act 1990 been identified.

The section of the operating schedule relating to the prevention of public nuisance licensing objective states the following: "Security will be provided on Friday & Saturday nights as per the conditions of our Licence". Whilst I acknowledge that this is one measure which will help to prevent public nuisance, I would like to see the applicant demonstrate further measures to prevent public nuisance. Examples of such measures could include:

- Keeping doors and windows closed during the performance of live music
- Signs asking customers to leave the premises quietly
- Regular noise surveys to be conducted by staff whenever live music is in progress
- Speakers positioned away from the doors and windows
- Installation of a noise limiting device inside the premises
- Restriction of the times of use of the outdoor terrace

I would welcome the applicant's comments on the above and any additional proposals on how they will prevent public nuisance arising from performance of live music at the Tin Drum.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Glasby'. The signature is written in a cursive style with a large, circular flourish around the 'G'.

Mark Glasby  
Environmental Protection Officer  
Environmental Health

REC: 12.01.2009  
CONS: 09.02.2009

BRIGHTON & HOVE CITY COUNCIL  
ENVIRONMENTAL HEALTH & LICENSING

2009/00051/LAPPEV  
EB

PPN - noise ✓ EJB

DATE RECEIVED

13 FEB 2009

Originally received 09.02.09  
by email

Flat 9B Grand Avenue  
Hove

East Sussex  
BN3 2LF

☎ 01273 732219

Email: ashleisky@sky.com

(D)

10th February 2009  
Assistant Director Public Safety  
Health & Safety & Licensing  
Bartholomew House  
Brighton

Ref: The Tin Drum Hove

Dear Assistant Director,

Following on from my emails of 09/02/2009  
Subject: "Intended Loud Live Amplified Music"

I very strongly object to the intended proposal for a license to play Loud Live Amplified Music by The Tin Drum, 10 Victoria Grove, Second Avenue, Hove, BN3 2LJ.

My bedroom faces east and in close proximity behind the Tin Drum.

Sounds echo around this area already. This is a quiet and peaceful residential area and Loud Live Amplified Music will definitely disturb us all which is totally unacceptable.

Yours Sincerely



Ashley Glenday

