

APPENDIX B



Public Safety
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

Licensing
Brighton & Hove City Council
2nd Floor
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 23 July 2009
Our Ref: EB/2009/02048/NOH/EH
Your Ref: 1445/3/2005/03337/LAPREV
Phone: (01273) 292167
Fax: (01273) 292196
e-mail: edward.bulger@brighton-hove.gov.uk

Dear Sir/Madam

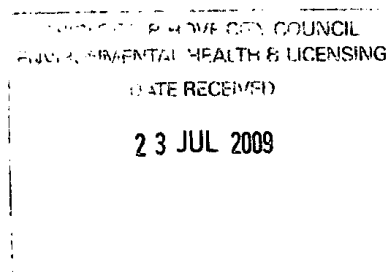
**Review of Premises Licence: Whelan's Lion & Lobster 24 Sillwood Street
Brighton BN1 2PS**

Please find enclosed my application for a review of the premises licence for the above establishment. I enclose a copy of the letter sent with the review document to the premises licence holder. I confirm that I have sent a copy of the enclosed documents to the Responsible Authorities listed below.

Licensing, Brighton & Hove City Council
Licensing Unit, Sussex Police
East Sussex Fire and Rescue Service
Trading Standards, Brighton & Hove City Council
Planning, Brighton & Hove City Council
Health & Safety, Brighton & Hove City Council
Child Protection, c/o Licensing Unit, Sussex Police.

Yours faithfully

Edward Bulger
Environmental Protection Team



Street 24 Lion & Lobster, Letter to licensing 23.07.09 .doc
2009-2010
After dark: managing
the night time economy



INVESTOR IN PEOPLE

Director of Environment: Jenny Rowlands

Web: www.brighton-hove.gov.uk

Telephone: (01273) 290000

Printed on recycled, chlorine-free paper

23.07.09
20.08.09

2009/01499/LAPREV SR

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.

valid ✓
PN
372.

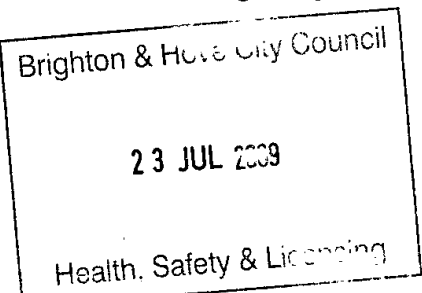
I Edward Bulger

(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 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Whelan's Lion & Lobster 24 Sillwood Street Brighton, East Sussex BN1 2PS	
Post town Brighton & Hove	Post code (if known) BN1 2PS

Name of premises licence holder or club holding club premises certificate (if known) Gary Joseph Whelan 69 Hove Park Road Hove, East Sussex BN3 6LL Mr Patrick Finnbarr Whelan Whelan's Lion & Lobster Sillwood Street Brighton, East Sussex BN1 2PS	
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Number of premises licence or club premises certificate (if known) 1445/3/2005/03337/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) ☒
- 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 Edward Bulger Environmental Protection Team Environmental Health & Licensing Brighton & Hove City Council 2 nd Floor Bartholomew House Bartholomew Square Brighton BN1 1JP
Telephone number (if any) 01273 292167
E-mail address (optional) edward.bulger@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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

☐
☐
☒
☐

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

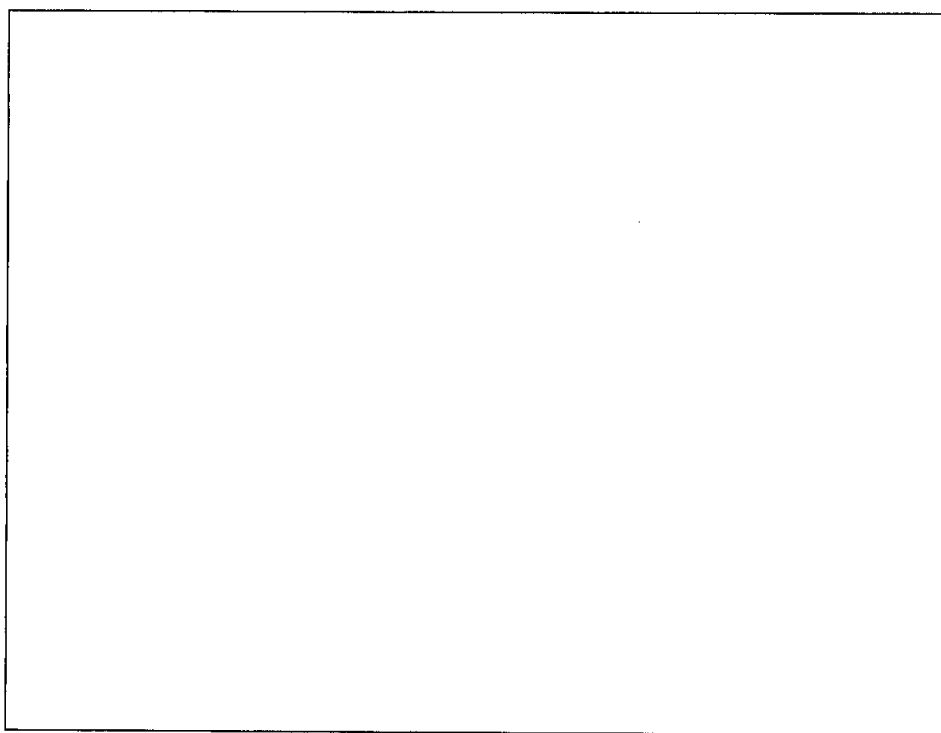
Summary: The Premises Licence Holders have not complied with the licensing objective of preventing public nuisance as set out in the Licensing Act 2003 and have not complied with conditions set out in the premises licence reference 1445/3/2005/03337/LAPREV.

A noise abatement notice under Section 80 of the Environmental Protection Act 1990 was served on the Premises Licence Holders, one of whom is also the Designated Premises Supervisor together with the manager of the Lion & Lobster on the 15th August 2008. This was the result of a statutory noise nuisance witnessed by council officers following a complaint about loud amplified music noise coming from inside the pub.

Further complaints about noise from the premises were received on the following dates: 1 December 2008; 20 December 2008; 9 March 2009; and 22 March 2009.

On the 19th June 2009 officers of the council witnessed a breach of the notice issued on the 15 August 2008. The Premises Licence Holders, Designated Premises Supervisor and the manager are the same personnel who were issued with the notices.

On the same visit officers observed customers drinking on the pavement outside the pub in contravention of a licence condition(Annex 2 -No drinks (except where sold in sealed containers) will be allowed to be taken off the premises. Officers also noted that windows on the first floor were not closed in contravention of a condition of the premises licence. (Annex 3 -External doors and windows will be closed by 23.00 except for access and egress.)



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

For the prevention of public nuisance I put forward for consideration the following amendments:

Add: The operator of the premises shall employ not less than one SIA registered door supervisor from 21:00 on any day when the premises are open at that time until 15 minutes after the premises shall be closed.

Add: All live music shall cease at 22.30 and not restart before 09.30 the next morning.

Add: Recorded music shall be performed only through a sound level limiter which shall be set, using tamper proof technology in conjunction with an authorised officer of Environmental Health and Licensing.

Omit: reference to outdoor areas being closed and cleared by 23.00

Add: Outside first and second floor areas shall be closed and cleared of drinkers by 02.00 and not reoccupied before 09.30 the next day.

Add: Outside first and second floor areas shall be available to smokers only (without drinks) until 15 minutes before the end of the alcohol consumption times permitted by this licence.

The extended use of the outside areas within the curtilage of the premises is intended to reduce congestion and the pressure on customers using the highway outside the front of the building.

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

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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

EMBulger

Date

23 July 2009.

Capacity

Environmental Protection Officer.

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

Edward Bulger
Environmental Protection Team
Brighton & Hove City Council
2nd Floor
Bartholomew House
Bartholomew Square
BN1 1JP

Post town

Brighton & Hove

Post Code

BN1 1JP

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) edward.bulger@brighton-hove.gov.uk