

APPENDIX E

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2009/01686/LAREV

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To: The Assistant Director, Public Safety
Health & Safety & Licensing
Brighton & Hove City Council

Brighton & Hove City Council

17 SEP 2009

Health, Safety & Licensing

Wednesday September 16th 2009

Please find below our Letter of Representation regarding the application for Review of the Licence of The West Hill, 67 Buckingham Place, Brighton BN1 3PQ.

History and Context

We (Cliff Barnes and Debora Parr, trading as Over the Yardarm Ltd) took over the lease of the above pub (then known as the Belle Vue) on July 7th 2008.

Prior to taking over were warned by our Business Relationship Manager at Punch Taverns (then Henry Grant) that the recent history of pub had been difficult; the issues can be summarised as

- Anti-social behaviour and failure to comply with licence conditions
- Previous leaseholders evicted
- Ongoing issues with noise complaints by residents due to late licensing hours.

Our Business Relationship Manager was pleased that we were taking over due to our excellent track record at our other licensed premises, the Caroline of Brunswick, 39 Ditchling Road, Brighton BN1 4SB. We were happy to do what was required to turn the reputation of the pub around and this included tackling noise issues. As an interim measure we installed sound baffling materials between the wall of the gents toilet and the neighbouring property during our initial refurbishment, prior to starting trading on the 11th July 2008. We also contacted SASSCO Security Solutions prior to starting trading, to subscribe to their mobile support unit service, as we felt this would be necessary to help remove troublesome elements from the pub.

A meeting was arranged with 3 local residents and representatives of the Police and the Local Authority for 22nd July 08. During this initial meeting we discussed the conditions of the premises licence relating to noise nuisance and we stressed that we would be adhering to these rigidly, namely:

- No glasses outside after 11pm
- Closing rear courtyard at 11pm
- External furniture decommissioned at 11pm
- Music at sensible levels i.e. not audible from neighbouring properties after 11.30pm.

We also agreed to an additional voluntary restriction, i.e. to restrict the number of smokers outside after 11pm to a maximum of 5.

We felt this was best done by employing a registered Door Supervisor through SASSCO, as this would also send a strong message to former customers of the pub that anti-social behaviour would not be tolerated. Since that meeting we have had a door supervisor provided to us by SASSCO every Friday & Saturday night between 11pm – 3.30am, or until premises are vacated and all customers away from vicinity.

A second meeting was held on 14th January 2009 attended by 2 of the original 3 local residents, SASSCO management, and representatives of the Police and the Local Authority. Both residents felt that there were distinct improvements on the previous leaseholders but some ongoing issues remained. At this meeting we agreed to organise a taxi freephone service to stop customers calling for taxis on mobiles and hanging around outside, and also to give our e-mail to the residents so they could contact us directly with any issues (we tried using the phone number of the pub but this proved impractical on

busy nights). We also agreed to continue to look at ways to reduce noise from the toilets, and purchased a decibel reader to help us monitor and judge sound levels inside the pub better to prevent music carrying through the party wall.

Our noise reduction actions to date have been:

- Sound baffling between Gents toilet and neighbouring property
- Changing from 'Airblade'-style hand dryers to the quietest provided by PHS
- Disconnecting the speaker closest to party wall
- Fitting heavy duty self-closers to toilet doors to ensure they close as quickly as possible and minimise opportunities for sound to travel through
- Setting a maximum volume for music played in pub and enforcing this through regular checks
- Enforcing maximum numbers of smokers outside
- Internal and external signage around pub (*photos attached; appendix 1*)
- Offering Taxi freephone service
- Training all staff in noise control issues (*copy training sheet attached; appendix 2*)
- Giving two local residents our e-mail address to enable them to feedback to us directly
- Adherence to licensing conditions regarding rear courtyard and drinks outside

Plan of the ground floor of the pub is attached to illustrate. (appendix 3)

Letter from SASSCO describing how we have worked with them to control noise and other issues attached (appendix 4)

Issues

1. Noise from Toilets

We have been in discussion with PHS since March 09 about ways to reduce hand dryer noise. We are currently tied into a contract with PHS for washroom services until January 2010 and pay a monthly fee for the rental and maintenance of hand dryers. We have been offered various solutions but changes of staff and miscommunications have hindered progress, and we are not able to simply remove them as we are contracted in. Since taking over the pub we have already changed from efficient 'Dyson Airblade'-style dryers to the lowest watt / volume they provide.

An e-mail confirming this is attached. (appendix 5)

2. Noise from smokers and customers outside

Although we have had a door supervisor every Friday and Saturday night, and all SASSCO staff are fully briefed by SASSCO management and ourselves, there have been isolated problems throughout the year. Occasionally a new member of staff, despite briefing, has not been able to fully understand what is required of them and has not controlled the numbers outside satisfactorily. Unfortunately this has two or three times coincided with an extremely busy night within the pub resulting in a complaint. When this occurs we are quick to inform SASSCO and that person is either given further training or not sent to our pub again.

There is also an issue regarding the management of expectations. We are doing our best to control outside at all times but even with a very efficient door supervisor (and their performance being monitored by bar staff) it is not always possible to ensure 5 maximum outside at any one time due to people leaving, people entering, groups of friends passing by, etc. Our door staff will always respectfully ask people to be quiet or to move along but, as I'm sure you appreciate, can't physically move people away or actually prevent them from speaking loudly.

It is also worth noting that complaints have on occasion been made even when the number outside has not exceeded 5 all night and there has been no noise issue.

Copy of SASSCO venue instructions for pub attached (appendix 6)

Copy of SASSCO sign-in sheet for staff attached (appendix 7)

Copy of e-mails to SASSCO following neighbour complaints (appendix 8)

Copy of SASSCO venue record detailing complaint when numbers outside were correct (appendix 8a)

It should also be noted that two of our nearest competitors (both in terms of location and demographic) 'The Shakespeare's Head' and 'The Eddy', have small areas of private land* around their exterior frontage where they have seating and, to my knowledge (and from what we have observed) no restriction on numbers, times, or taking drinks outside, despite being in similarly residential areas. Our licence conditions and our own voluntary restrictions therefore do disadvantage us competitively - but we still choose to restrict the numbers outside as we do not wish to create a genuine nuisance.

** We submitted an application for a Pavement Licence to place a small bench and two chairs outside the West Hill in May 2009, but to date have not been informed of a date for a hearing for this.*

3. Noise from recorded music

We have made our own judgement as to the maximum acceptable level of recorded music. We have based this on our decibel meter readings of what is audible at various positions in the pub e.g. in the toilets, in the courtyard after the rear door is closed, by the front windows, etc.

We have adhered to this strictly and record volume levels every hour, both by use of the decibel meter and by standing on the pavement outside the pub. We regularly turn music down when we are approaching our maximum level.

We have only received 4 e-mails from the property next door since giving out our e-mail address in January – isolated incidents - and at the times we received these complaints the music wasn't actually any louder than usual. This erratic pattern of complaint makes it harder for us to judge the situation. Our internal noise control sheets for 3 of these occasions are attached.

We have twice approached Council for official guidance on a maximum level of recorded music however have been told that the role of the Council is one of 'enforcement not guidance'.

Copy of an e-mail requesting further guidance re maximum volumes attached. (Appendix 9)

(Second request by telephone (discussion with Edward Bulger) June 09)

Copies of Noise Control sheets relating to 24th April, 29th May and 7th August attached. (Appendix 10)

We have no particular personal or business interest in playing music at excessively loud volumes and seek only to provide an appropriate ambience for our customers. We have no problem in reducing the volume of music further (as shown in my e-mail to Ms Taylor of 10th August) and have done so since receiving this e-mail; we have attached further sample noise control sheets showing this.

We would be happy to consider the use of sound limiting equipment as this would not only mean that bar staff would be relieved of the task of frequent monitoring and adjustment, there would be no further room for ambiguity or argument.

Copy of e-mail exchange attached (Appendix 11)

Sample recent noise control sheets attached (Appendix 12)

4. Noise from live music

We have had 3 fully amplified gigs at the pub, all on Saturday nights. We have been fully compliant with the terms of our Licence i.e. these being 'not a regular event' and to be finished by 11pm.

We e-mailed the applicant prior to first of these gigs, warning that there would be noise but we would be finished by 11pm. The applicant replied saying that this was not a problem and she would in fact be coming along. The following two gigs were by the same headliners with the same set-up.

In future any live music will be either acoustic or semi-amplified only. We will set a maximum number of 3 performers and specify no drums. This will be added to our internal noise control procedures.

Copy of e-mail exchange attached (Appendix 12)

5. General low-level noise

The applicant mentions general low-level noise e.g. taxi doors, bikes being unchained, people saying goodbye and loitering near the pub, etc.

It is inevitable that there will be some noise from the pub being open.

However it must be noted that this is not a quiet part of town. We are on a main road from Brighton Station which carries all-night buses and taxis, and noises from the station (trains, announcements, and other mechanical noise) are clearly audible throughout most of night. The road is also a main thoroughfare for groups of people passing on their way to and from town who are often noisy. There is a high proportion of flats and houses in multiple occupation where there are often parties and loud music.

All significant noise not to do with the pub is recorded. Details of these (since the beginning of July 09) are attached on the summary of the SASSCO Venue Record. This also shows our due diligence in other licensing areas, e.g. refusals.

SASSCO Venue Record Summary Sheet attached along with full records for selected nights (Appendix 13)

Impact of late licence on neighbourhood.

The majority of residents do not have any problem whatsoever with the pub being open late. The late hours of the pub are used by many shift workers and people who work unusual hours, including workers from the station, professionals arriving late from London, and staff from many of the other local pubs, the Duke of York's cinema, etc. It is a valuable resource for many people allowing them to relax and socialise after they have finished work, and a safe environment for a wide social range of customers including women on their own.

We would particularly draw your attention to the letter from Mr Paul Goodwin, Flat 1, 42 Buckingham Place. As well as being a very local resident, as a taxi operator he is knowledgeable about the customer base of the pub.

Attached letters of support from local residents including those from the flats directly opposite, who do not suffer any nuisance or disturbance from the pub. (Appendix 14)

Attached letters of support from customers who use the pub late at night. (Appendix 15)

18 reps received in support of premises removed as out of area thus invalid.

The applicant feels that the late hours of the pub are inappropriate for a residential area. However it is the location that gives the pub its unique character. A licensed premise with similar hours in the centre of town would struggle to display the characteristics that have been noted by our customers: 'safe', 'friendly', 'relaxed', 'welcoming', 'civilised', 'respectful', etc.

We believe that residents who have any issue with this pub are very much in the minority and that the majority of local residents either use & support the pub or are indifferent to it.

Summary



We have all worked very hard at the West Hill to abolish the pub's previous bad reputation and facilitate its return to what a pub should be, a resource at the heart of the local community. We have put a lot of effort – and money - into reducing noise nuisance as well as the various other anti-social behaviour issues and have been largely successful. Our staff have been extremely professional and supportive in this, and have always understood and acted on our aims, even when these have put them

in difficult situations. We have always been receptive to complaints from the two regular complainants and acted on their e-mails, e.g. by forwarding complaints to SASSCO. In addition to all the measures described above, since the Review was called we have

- Displayed additional signage re: smoker noise and chaining of bikes to railings
- Added information about bikes to the SASSCO venue guide.
- Contacted our Taxi firm to request that all drivers pull up as far away from the applicant's flat as is possible whilst still safe.

This pub is known for its late hours, and income from this is vital to the pub's financial viability. We are working hard to develop early evening trade, e.g. food trade and early evening entertainment, but this is a challenging task, due in some part to the general economic climate and issues affecting pubs in particular, but more significantly due to the difficult legacy we inherited from the previous lessee. If our licensed hours are reduced we may be forced to review our trading position in order to protect our other pub business; or it may simply become impossible for us to continue. As long-time residents of the local area ourselves, we do not believe that the pub lying empty would cause fewer problems to the neighbourhood than the late hours currently do.

Signed:

DEBORA PARR

CLIFF BARNES

(Leaseholders)



LOUISE PREECEY
(Designated Premises Supervisor)

APPENDIX I







**Please help us to
preserve our late
licence by KEEPING
NOISE TO A MINIMUM
while smoking.**

Thank you!



APPENDIX 2

Staff Training - NOISE CONTROL

Remember - this is a residential area and it is our responsibility to minimise any possible disturbance to residents of the area.

1. Licensing conditions

The relevant conditions on our license are:

- Rear courtyard area to be vacated and closed at 11pm
- No glasses outside the front after 11pm
- Furniture out the front to be made unavailable for public use after 11pm (chairs upturned etc)
- Live music performances to stop at 11pm

2. Voluntary restriction

In addition to the conditions on our licence we have put a voluntary restriction on the numbers of people outside.

THERE SHOULD BE NO MORE THAN 5 PEOPLE OUTSIDE AFTER 11pm.

This does not include bar / door staff or customers entering / leaving.

3. Playing of recorded music

We have a decibel monitor to help us control the level of recorded music being played.

RECORDED MUSIC SHOULD NOT EXCEED 90 DECIBELS AFTER 11pm.

(measured while standing next to speaker next to bar)

4. Responsibilities of Bar Staff

After 11pm on weeknights bar staff are responsible for monitoring the number of people outside and asking people to come in / bring glasses inside if necessary, and to leave the venue promptly at the end of the night.

If you are not able to control the situation yourself call SASSCO to ask them to assist.

REMEMBER – DO NOT PUT YOURSELF AT RISK.

On Friday & Saturday nights the senior member of staff has the following responsibilities:

- Ensuring the SASSCO door staff signs in and fills in a record sheet for the night;
- Monitoring the SASSCO door staff and making sure they are enforcing the conditions correctly;
- Monitoring levels of recorded noise both with the decibel monitor and by carrying out 'audible noise' checks from across the road;
- Keeping a record of checks and any actions taken.

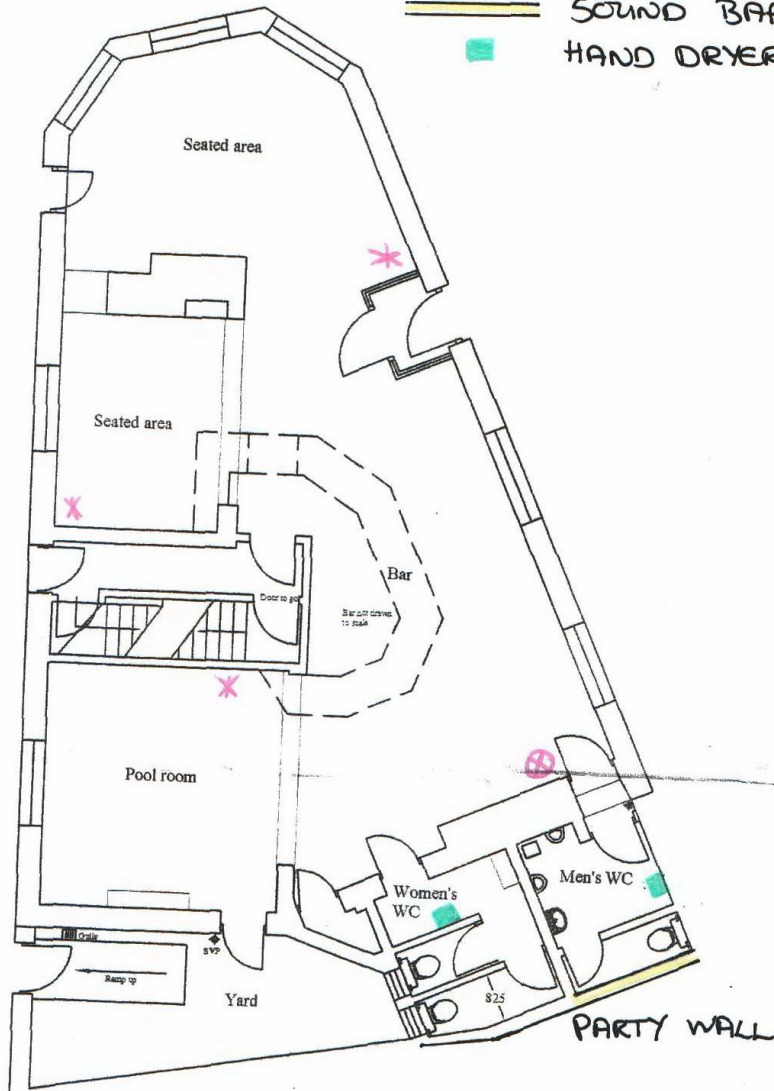
APPENDIX 3

Basement Plan as existing
Scale 1:100

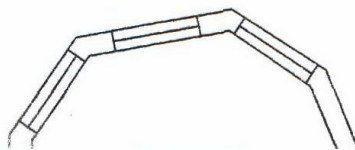


- * ACTIVE SPEAKERS
- ⊗ SPEAKER DISCONNECTED

- SOUND BAFFLING
- HAND DRYERS



Ground Floor Plan as existing
Scale 1:100





SASSCO (Brighton) Limited
38 Grand Parade, Brighton
East Sussex, BN2 9QA
www.sassco.org tel: 08707 666999

Wednesday 16th September 2009

Re: West Hill, 67 Buckingham Place, Brighton.

To whom it may concern,

I write on behalf of SASSCO (Brighton) Ltd with reference to the West Hill Public House run by Debora and Cliff Parr. SASSCO (Brighton) Ltd has worked with both Debora and Cliff for a number of years now at other premises in the City. When Debora and Cliff took over the West Hill Pub, they had already signed an agreement with us to provide services of Door Supervisors, and a 24 hour Mobile Support Unit. During my meetings with them while setting this up, it was clear that these were voluntary services obtained, and did not form part of their licensing conditions.

The Mobile Support Unit commenced with immediate effect from the date they opened. Since this date we have had only a handful of call outs by the staff. A couple of these calls related to offering assistance to members of the public outside, and not related to the pub, as they required medical attention.

Of the call outs recorded, none relate to serious violence or crime, they are all low level anti social behaviour in the form of, domestic related incidents, assisting with refusals (when door staff are not present) and removing abusive customers should people get too highly spirited and loud. Again we have only had a small number of calls and the West Hill features low on our call out list.

During our working relationship the West Hill have had various members of door staff from us. We always strive to provide consistency however unforeseen circumstances, or sickness/holiday may warrant another member of staff to cover. As a result we appreciate the level of knowledge to the local area and customers, will not be that of the regular member of door staff, however they are visited by a member of management, inducted on the site specific instructions (The AI'S, Assignment Instructions) and should Debora or Cliff feel that they have not worked out or have not met their expectations, we have been notified and our Management team has acted promptly in rectifying any issues, and addressing training needs.

I along with my Managing Director Mark Eteen have also attended meetings held at the West Hill, where we had the opportunity to meet with local residents and council licensing representatives. We continue to support the West Hill and will happily attend further meetings to offer advice and suggestions in ways of being able to reduce any anti social behaviour that may occur. I believe it is therefore as a result of a close working relationship such as this, any issues experienced at the West Hill with Door Supervisors, or local problems are dealt with appropriately, and control measures are implemented, and in particular have been at this venue.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Lee Craig". The signature is written in a cursive, flowing style.

Lee Craig (BI)
Operations Manager
Sassco (Brighton) Limited

SASSCO is a trading name of the SASSCO (Brighton) Limited, a Company registered in England,
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