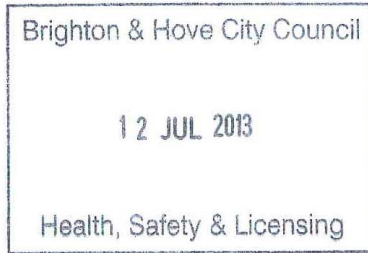


APPENDIX F



Valid ✓
CIZ
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SJC.

SC CON ENDS 26/7/13 (A)

Licensing Team
Bartholomew House
Bartholomew Square
Brighton

Date: 10th July 2013
Ref: 2013/08778/EPLIC/EH
Phone: (01273) 292373
Fax: (01273) 292196
e-mail: Greg.minns@brighton-hove.gov.uk

Dear Sir/Madam,

Re: Al Duomo, 6-7 Pavillion Gardens, Brighton, BNI IEE

Mr A Taverna has applied for a variation of the license of Al Duomo, so that the outside seating area can be extended and remain open until 2am on non club nights and 3am on club nights. It is noted that Al Duomo is situated within the Cumulative Impact Zone of Brighton and Hove City Council.

Environmental Health have concerns that this variation would add to the Cumulative Impact of the area and would undermine the Licensing objective of the Prevention of Public Nuisance. This is explained below.

There have been two noise complaints about Al Duomo which are relevant to this variation. These were made on 18th July 2011 (noise from music and staff packing away the outside tables at the end of the night) and 19th September 2009 (music noise from the restaurant which resulted in a call to Noise Patrol).

Specifically, the complaint in 2011 stated: *'Friday and Saturday nights the staff will often open the doors and play loud music whilst packing up for the night. This keeps residents from the surrounding areas awake. We have been over on a number of occasions to complain but this is now becoming a regular trip for us to make at 1-2am which is inconvenient.'*

These complaints and in particular the complaint in 2011 shows that noise from Al Duomo has the potential to keep local residents awake at night and in particular, at 1am or 2am.

The requested variation is to cater for many parties and to increase the area of seating. These proposals are therefore designed to attract more people to the area and later into the night. The current area of seating is already reasonably large, so the actual number of people that may be allowed outside at any one time until 2am on a non club night and 3am on a club night could be significant.

Further, even if external music noise is controlled, it is extremely difficult (if not impossible) to effectively control people noise and to prevent parties of people from talking loudly,

laughing and occasionally shouting loudly. By their very nature parties of people will be noisy. Such people noise is therefore likely to disturb local residents trying to sleep.

The measures outlined in the application to prevent a public nuisance include: staff to prevent disorderly and noisy behaviour; a noise limiting device to control music levels; no outside entertainment after 23:00 and all patrons using the outside area to be seated. Whilst these measures seem sensible, as previously outlined, Environmental Health considers that even 'reasonable' behaviour at 2 am during the week (it has not been specified what a club night is so assumptions have been made) or 3 am at weekends by large groups of people sitting down and socialising still has the potential to cause a noise nuisance to local residents at those times in the morning.

Therefore to summarise, if this variation is permitted, Environmental Health have concerns that people noise during the week and at weekends will significantly increase and such noise will extend later into the night. It is considered that this could cause problems to nearby local residents and prevent them from sleeping. Additionally, Environmental Health have concerns that once such a variation is permitted, controlling people noise to a level where the noise would not disturb neighbours would be extremely difficult. Consequently, such a variation would likely result in complaints which would require investigations under Statutory Noise Nuisance legislation within the Environmental Protection Act 1990. Therefore, Environmental Health are satisfied that this variation would undermine the prevention of public nuisance licensing objective and that if this variation is granted, it will add to the existing Cumulative Impact. Consequently, a representation is required under the 'prevention of public nuisance'.

However, if the Licensing Authority is minded to grant this application, it would be strongly recommended that:

- The outside area is restricted to the same hours as All Bar One. These are: Monday to Wednesday 07:00 – 00:30; Thursday to Saturday 07:00 – 01:30 and Sunday 07:00 – 00:30;
- There should be no music outside;
- All patrons in the outside area shall be seated and drinks should only be served to those who are seated;
- A Noise Management Plan for the outside area shall be supplied to the Local Licensing Authority.

It should be noted by the applicant, that even if a variation is allowed and the above controls are introduced, there could still be complaints from local residents and potential action under Statutory Noise Nuisance legislation.

Yours sincerely,

Greg Minns
Environmental Health Officer
Environmental Protection

Dean Love

From: Sarah Cornell
Sent: 25 July 2013 15:14
To: EHL Safety
Cc: 'alberto@alduomo.co.uk'
Subject: FW: Al Duomo variation (protect)

*Agreement seen
BC.*

-----Original Message-----

From: Greg Minns
Sent: 25 July 2013 15:14
To: Sarah Cornell
Subject: RE: Al Duomo variation (protect)

Dear Sarah,

In light of Mr Taverna's agreement to your suggested conditions, Environmental Health confirms that their representation shall be withdrawn.

Best regards,

Greg

-----Original Message-----

From: Sarah Cornell
Sent: 25 July 2013 10:52
To: 'alberto@alduomo.co.uk'; Greg Minns; Police Licensing Unit Brighton Police Station (brighton.licensing@sussex.pnn.police.uk)
Subject: Al Duomo variation (protect)

Further to my email yesterday, attached is the plan which shows both the new outside seating area (in red) and the red hatched smoking area for use when the seating area is closed.

Mr Taverna, I await your response.

Kind regards

Sarah Cornell
Senior Licensing Officer
Environmental Health & Licensing
Brighton & Hove City Council
Telephone: 01273 295801

Dean Love

From: Sarah Cornell
Sent: 24 July 2013 16:13
To: 'Alberto Taverna'
Cc: Greg Minns; 'Police Licensing Unit Brighton Police Station (brighton.licensing@sussex.pnn.police.uk)'; EHL Safety
Subject: Dean RE: Variation of License for Al Duomo 6 & 7 Pavilion Buildings (Protect)
Follow Up Flag: Follow up
Flag Status: Red

Dear Alberto,

Thank you for meeting with us today. Below I have outlined the conditions that were previously emailed by Greg Minns and have slightly amended them following discussions about the smoking area outside. Please confirm if you are in agreement with these conditions?

- The outside seating area is restricted for use between the hours: Monday to Wednesday 07:00 – 00:30; Thursday to Saturday 07:00 – 01:30 and Sunday 07:00 – 00:30. Outside of these times the chairs & tables will be cleared and stacked to one side and no drinks will be allowed in the outside areas.
- All patrons in the outside area shall be seated and drinks should only be served to those who are seated;
- A designated smoking area will be available for use when the seating area is closed as marked on the plan by way of a red hatched area and no drinks will be allowed to be taken outside.
- There should be no music outside, and;

Kind regards,
Sarah

Sarah Cornell
Senior Licensing Officer
Environmental Health & Licensing
Brighton & Hove City Council

From: Alberto Taverna [mailto:alberto@alduomo.co.uk]
Sent: 25 July 2013 13:18
To: Sarah Cornell
Subject: Re: Variation of License for Al Duomo 6 & 7 Pavilion Buildings (Protect)

Dear Sarah

Many thanks for coming down to discuss things yesterday.

Yes please go ahead with this,

Kindest regards

Alberto
Bookings Manager
Al Duomo Restaurant

Dean Love

From: EHL Safety
Sent: 25 July 2013 12:07
To: Dean Love
Subject: FW: Ref Al Duomo 1445/3/2013/03846/LAPREV

SC CON ENDS 26/7/13 (B)

Valid ✓
C12
CD

From: Abigail Thomas
Sent: 24 July 2013 17:17
To: Jean Cranford
Cc: David Fisher; Jan Cadge
Subject: Ref Al Duomo

Hi Jean

I'm writing to lodge our objection to Al Duomo's extension of drinking hours in the outside space.

There are a large number of public drinking establishments in the immediate vicinity to the Royal Pavilion estate. We already have an on going problem with alcohol fuelled vandalism, anti social behaviour and street drinking in the Royal Pavilion estate particularly at night. The Royal Pavilion Gardens itself is a designated Public Space where Alcohol restrictions apply and we would not want to see drinking extended into the early hours immediately adjacent to outside the Royal Pavilion Estate due to potential for this causing further knockon effects in the early hours in the gardens

Please do not hesitate to contact me if you require any further information

Many thanks

Abigail Thomas
Head of Enterprise & Business Systems
Royal Pavilion & Museums
4 - 5 Pavilion Buildings
Brighton BN1 1EE
Tel: 01273 292828
Fax: 01273 292871

Email: abigail.thomas@brighton-hove.gov.uk
Web: <http://www.brighton-hove-rpml.org.uk>

