

Licensing Panel (Licensing Act 2003 Functions)

Date: **25 November 2020**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:**, Simson, Appich and O'Quinn

Contact: **Gregory Weaver**
Democratic Services Officer
01273 291214
greg.weaver@brighton-hove.gov.uk

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AGENDA

28 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

29 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(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 Two of the Agenda states in its heading 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 exempt categories is available for public inspection at Brighton and Hove Town Halls.

30 LE VILLAGE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle
Ward Affected: Queen's Park

Tel: 0127329

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Do not re-enter the building until told that it is safe to do so.

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item 30
Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	The Village 2/3 High Street Brighton BN2 1RP		
Premises Licence Holder:	Simon Ebers & Lee Wain		
Date of Meeting:	25 November 2020		
Report of:	Interim Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Mark Savage-Brookes	Tel: (01273) 292100
	Email:	mark.savage-brookes@brighton-hove.gov.uk	
Ward(s) affected:	Queen's Park		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To review a Premises Licence for The Village under the Licensing Act 2003.

2. RECOMMENDATIONS:

2.1 That the Panel review the licence granted to the premises known as The Village under the Licensing Act 2003.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1 Existing licence attached at Appendix A.

3.2 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.

3.3 An application was received by the Licensing Authority on 14 September 2020 from Darwell Court Residents Group, to review the licence granted to the premises known as 'Le Village', 2-3 High Street, Brighton, BN2 1RP. The premises is issued under the name 'The Village'.

3.4 The grounds for the review relate to the following Licensing objectives

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Full details of the grounds for the review are in Appendix B.

3.5 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 appropriate 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 are altered, 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.

Representations received

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

3.7 Seventeen relevant representations have been received from Local Residents, a Councillor, The Environmental Protection Team and an Interested Party, on the grounds of the Prevention of Crime & Disorder and the Prevention of Public Nuisance, supporting the review application submitted by Darwell Court Residents Group.

3.8 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

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

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only

engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

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 Scope

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. 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.

4 Prevention of Crime and Disorder

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects 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 supervisors 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. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

- 4.1.3 It is expected that the 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 and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.3 Care, control and supervision of premises

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 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 may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and

similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.

- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.
- 4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B of SoLP).

6 Prevention of Public Nuisance

- 6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.
 - 6.1.1 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, 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).
 - 6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.
 - 6.1.3 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.
 - 6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.
 - 6.1.5 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.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for

rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

8 Integration of Strategies

8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by: -

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

- 8.5 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, use of the NightSafe radio system or accredited scheme, 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. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

9. Reviews

- 9.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – appendix B.
- 9.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

10 Live Music, Dancing & Theatre

- 10.1 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.
- 10.2 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. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. 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 appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.
- 10.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 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 Michael Bentley

Date: 16/10/20

Legal Implications:

- 5.2 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: 22/10/20

Equalities Implications:

- 5.3 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.

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

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

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

APPENDIX A

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

2019/04851/LAPRET

Part I – Premises Details

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

The Village
2/3 High Street
Brighton
BN2 1RP

Telephone number 01273 693407

Licensable activities authorised by the licence

Exhibition of a Film	Indoor Sporting Event	Performance of Live Music
Performance of Recorded Music	Sale by Retail of Alcohol	

Times the licence authorises the carrying out of licensable activities:

Exhibition of a Film - Indoors

Video entertainment on TV screens and amusement machines
Sunday - Thursday 10.00 - 01.30 Friday - Saturday 10.00 - 02.30

Indoor Sporting Event

To permit pub games that attract an audience, whether by advertisement or spontaneously.
Sunday - Thursday 10.00 - 01.30 Friday - Saturday 10.00 - 02.30

Performance of Live Music - Indoors

Live acoustic and amplified music and amplified voice
Live music Monday to Sunday 20.00 – 23.30

Performance of Recorded Music - Indoors

Recorded music including juke box with or without a DJ, and including audience participation.
Sunday - Thursday 10.00 - 01.30 Friday - Saturday 10.00 - 02.30

Sale by Retail of Alcohol

Sunday - Thursday 10.00 - 01.00 and Friday - Saturday 10.00 - 02.00

The opening hours of the premises

Sunday - Thursday 10.00 - 01.30 Friday - Saturday 10.00 - 02.30

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 and address of holder of premises licence

Simon Ebers	And	Lee Wain
Regency Tavern		Marine Tavern
32-34 Russell Square		13 Broad Street
Brighton		Brighton
BN1 2EF		BN2 1TJ

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

Simon Ebers
REDACTED TEXT

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

REDACTED TEXT

Annex I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. 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
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- (e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
 6. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

S 20; mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where -

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section –

“children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Embedded Conditions:

Alcohol may be sold or supplied from the end of permitted hours on New Year’s Eve to the start of permitted hours on the following day.

All restrictions removed.

Variations to Embedded Conditions:

Annex 2 – Conditions consistent with the Operating Schedule

For the Prevention of Crime and Disorder: None

For Public Safety:

1. On special events and/or occasions numbers will be limited to 80 persons.

For the Prevention of Public Nuisance:

2. No recorded music will be piped into the outside garden area.

3. Recorded music will be reduced to background level during the “wind down” period.

4. A notice will be placed at all exits asking customers to leave the premises quietly.

For the Protection of Children from Harm:

5. Photographic proof of age will be required to be shown by anyone seeking to purchase alcohol who appears to be under 18 years of age.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

1. Sale of alcohol Sunday to Thursday 10.00 – 01.00 and Friday to Saturday 10.00 – 02.00. Opening hours to extend 30 minutes thereafter.
2. Live music Monday to Sunday 20.00 – 23.30.
3. Garden to be cleared of patrons by 23.30, and the door kept closed after 23.30.
4. The main door of the premises to be closed at 23.30 except for access and egress.
5. The Licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

APPENDIX B

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 appropriate.

You may wish to keep a copy of the completed form for your records.

X WE, DARWELL COURT RESIDENTS GROUP
 (Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 LE VILLAGE, 2-3 HIGH STREET, BRIGHTON BN2 1RP	
Post town BRIGHTON	Post code (if known) BN2 1RP

Name of premises licence holder or club holding club premises certificate (if known) LEE and SIMON
--

Number of premises licence or club premises certificate (if known) LE VILLAGE (1)
--

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 area of the premises (DARWELL COURT RESIDENTS GROUP)
 - b) a body representing persons living in the area of the premises
 - c) a person involved in business in the area of the premises
 - d) a body representing persons involved in business in the area 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 DARWELL COURT RESIDENTS GROUP (DCRG) REDACTED TEXT REDACTED TEXT
Telephone number (if any) N/A
E-mail address (optional) REDACTED TEXT

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)

ANTI SOCIAL BEHAVIOUR (FIGHTS AND ARGUMENTS IN THE STREET, CUSTOMERS EXITING THE PUB TO TAKE DRUGS AND THEN RETURN TO THE PUB, SICK OUTSIDE).

NOISE NUISANCE TO NEIGHBOURS.
LIGHT NUISANCE TO PROPERTIES.

EVIDENCE AVAILABLE AND EMAIL TO EDWARD BUGER (ENVIRONMENT OFFICER).

EVIDENCE SUCH AS:

NOISE ABATEMENT, VARIOUS NOISE DIARIES AND EMAILS TO COUNCIL SINCE ABATEMENT ISSUED ON 15TH JANUARY 2020.

VIDEOS AVAILABLE

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

PIPING MUSIC TO THE GARDEN (AS THIS IS AGAINST THEIR MANAGEMENT ORDER, AGAINST LICENCE).

WE HAVE EVIDENCE OF THIS; VIDEOS AND PHOTO OF THE AMPLIFIER BEING PLACED ON FRONT ROOF, NEXT TO THE RESIDENTS. FATS IN DARWELL COURT. AND EMAIL SENT TO DONNA LYNDALE.

FOR THE PREVENTION OF PUBLIC NUISANCE:

2. NO RECORDED MUSIC WILL BE PIPED INTO THE OUTSIDE GARDEN AREA.

3. THE PREVENTION OF CRIME AND DISORDER

CUSTOMERS FROM LE VILLAGE REGULARLY PARTICIPATE IN DRUG USE (COCAINE) OUTSIDE THE RESIDENTS DOORWAY AND GROUND FLOOR WINDOWS, WHICH HAS BEEN WITNESSED BY CHILDREN LIVING IN DARWELL COURT.

(EVIDENCE TO PROVE THIS AND DOCUMENTED)

4. THE PROTECTION OF CHILDREN FROM HARM.
NOTE: No. 3 AS ABOVE APPLIES TO THIS SECTION AS WELL.

LOCAL CHILDREN, IN PARTICULARLY CHILDREN OF DARWELL COURT RG ARE AFFECTED ON ~~THE~~ A DAILY BASIS...

P. T. O

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 other persons 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

COPY SENT TO LE VILLAGE + POLICE LICENSING UNIT.

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. REDACTED TEXT

08/09/2020

Capacity

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

*NEWDA DARWELL COURT RESIDENTS GROUP.
LE VILLAGE
2-3 HIGH STREET.*

Post town *BRIGHTON*

Post Code *BN2 1RP*

Telephone number (if any)

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

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.

APPENDIX C

BY EMAIL AND POST

Licensing Team

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

Please ask for: REDACTED TEXT

Direct Tel:

Email:

Our ref:

Your ref:

Date: 17 September 2020

MSB CON ENDS 12.10.20 VALID PPN (A)

Dear Sirs,

Re: Licensing Act 2003 – Review Proceedings

Le Village, Brighton

Premises Licence number 1445/3/2019/04851/LAPRET

We act on behalf of REDACTED TEXT. Our client is the freehold owner of these premises and we have received a copy of the application for review of the premises licence issued by the Darwell Court Residents Group.

We would be grateful if you would accept this letter as a formal representation on behalf of REDACTED TEXT to that review.

REDACTED TEXT owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Village is the subject of a lease in favour of the current premises licence holders, Simon Ebers and Lee Wain who have been operating these premises since August 2019.

Please note we take a wholly neutral stance with regard to the allegations made given that our client has no operational responsibility for the operation of these premises. Furthermore, we do not seek to comment on the alleged anti-social behaviour contained within the application for review believing that the Police are best placed to comment upon this.

The application alleges noise nuisance caused by the operation of the premises and in particular, the use of external loudspeakers. Our representation is that if the licensing committee is satisfied that evidence of nuisance exists then the licensing objectives can be promoted by attaching conditions to prohibit the provision of live or recorded music in the garden area and the use of such loudspeakers outside. The conditions should also clearly state that imposed under s177A Licensing Act 2003. We respectfully submit that attaching such conditions would be an appropriate and proportionate response to the review.

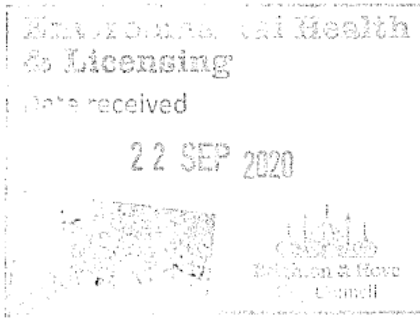
At this stage, we would be grateful if you could acknowledge receipt of this representation. It may be that our client may wish to expand upon this representation if further information comes to light. It may do that either in writing or by appearing before the Committee at the review hearing.

We look forward to hearing from you.

Yours faithfully

REDACTED TEXT

GOSSCHALKS



HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN (B)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

I have a REDACTED TEXT living in my flat and the noise, both from sound systems and the intoxicated clientele causes them and myself severe distress. The noise which often lasts into the early hours of the morning means that we need to keep the doors and windows closed to keep the noise out (usually unsuccessfully). This is both unhealthy and uncomfortable, particularly during the summer.

NAME: REDACTED TEXT

ADDRESS: REDACTED TEXT

DATE...16/09/20

Signed: REDACTED TEXT

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN & PCD (C)

RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

Antisocial behaviour
Fights
noise.

NAME: REDACTED TEXT

ADDRESS REDACTED TEXT
.....
.....

DATE 18/9/2020

Signed:

28 SEP 2020

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN & PCD (D)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

- x Constant NOISE INTO THE EARLY hours
- x Fights
- x Emptying bins (bottle/glass) late at night

NAME.. REDACTED TEXT

ADDRESS: REDACTED TEXT

DATE 17/10/20

Signed: REDACTED TEXT

28 SEP 2020

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN & PCD (E)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

On many occasions I have been disturbed by noise coming from The pub known as Le Village. Recently the noise has got worse, continuing until approx 4:30am. I have witnessed customers urinating out side the flats of Dorwell Court. Today, 15th Sept 2020. I have walked past the pub and witnessed 17 people sitting closely together in the beer garden.

NAME. REDACTED TEXT

ADDRESS . REDACTED TEXT

.....
.....

DATE 13 September 2020 .

28 SEP 2020

Signed: REDACTED TEXT

MSB CON ENDS 12.10.20 VALID PPN (F)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

I start work early every day and finding the weekends tougher due to the noise coming from Le Village. Being kept awake by the noise from there is unfair and very selfish of the owners to not consider residents in the vicinity! They bought the Pub in a built up area so should think of their neighbours and not just about Profit! We have to work to pay our bills but going to work exhausted is NOT fair on myself or my colleagues

NAME REDACTED TEXT

ADDRESS REDACTED TEXT

DATE 15/9/2020

Signed: REDACTED TEXT

28 SEP 2020

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN (G)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

Threat to safety elderly
Noise
Traffic parking
Unsocialable hours
Sleep disturbed!

28 SEP 2020

NAME.

REDACTED TEXT

ADDRESS

REDACTED TEXT

.....

.....

DATE....

Signed:

REDACTED TEXT

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN (H)

RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

GROUPS OF PEOPLE STANDING OUTSIDE
TALKING LOUDLY AND MAKING A LOT OF
NOISE UP WITHIN THE EARLY HOURS OF
THE MORNING 1-2 AM... IN CT KEEPS ME
AWAKE.

NAME..... REDACTED TEXT
ADDRESS.....

DATE 18/9/2020

Signed:

28 SEP 2020

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN (I)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

WHEN THE PUB CALLS LAST ORDERS, PEOPLE TURN OUT ONTO THE STREET AND PEOPLE CONGREGATE, THEY START TO SHOUT ABOUT AND DON'T SEEM TO CARE ABOUT PEOPLE LIVING AROUND THIS AREA. I GET WOKEN UP, AND THEN IT TAKES TIME TO GET TO SLEEP AGAIN. I CALL THIS ANTI-SOCIAL BEHAVIOUR.

NAME REDACTED TEXT

ADDRESS REDACTED TEXT

DATE 20.9.20

Signed: REDACTED TEXT

28 SEP 2020

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN & PCD (J)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

Screaming, shouting, whistling, swearing,
urinating up the side of- REDACTED TEXT
fighting outside loud music up until
about 1 am in the morning at weekends
so its late by the time we get to
sleep, the smoking garden is to small
for all the people at this time for
social distancing.

NAME REDACTED TEXT

ADDRESS.....

DATE 17/09/2020

28 SEP 2020

Signed: REDACTED TEXT

29 SEP 2020

HEAD OF SAFER COMMUNITIES
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

MSB CON ENDS 12.10.20 VALID PPN (K)

**RE: Regulation 38 Notice, Le Village, 2-3 High Street, Brighton, BN2 1RP.
Review of Licence**

I, the undersigned, wish make representation for the review of the licence of Le Village as I have been adversely affected by a variety of issues created by the premises.

Below is a statement on how I have been affected by issues of Crime and Disorder and issues of Public Safety:

We made the council aware of the Ranelagh Public House (Now 'Le Village') in 2008. Whilst the main issue here was noise from live music I believe the issues are generally still the same with late night noise due to the doors being left open and the general approach to 'entertainment' at 'Le Village'. I hope some restriction can be introduced to benefit what is a residential area.

NAME. REDACTED TEXT

ADDRESS.. REDACTED TEXT

.....

.....

DATE 22/09/20

Signed: REDACTED TEXT

From: REDACTED TEXT

Sent: 06 October 2020 09:49

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Re: Le Village : Review of Licence 1445/3/2020/02943/LAREV

REDACTED TEXT

24.9.20

Head of Safer Communities,
2nd Floor Bartholomew House,
Bartholomew Square,
Brighton BN1 1JP.

MSB CON ENDS 12.10.20 VALID PPN (L)

Dear Sirs,

**Licence Review: Le Village, 2/3 High Street, Brighton
1445/3/2020/02943/LAREV**

I live REDACTED TEXT the licenced premises at 2/3 High Street, Brighton.

In late 2019, I spoke with REDACTED TEXT , the sound and light technician who was responsible for instalations, about the volume of amplified music emanating from the premises and causing us disturbance and the effect of the flashing coloured lighting on the facade of the building and in the garden area REDACTED TEXT.

Shortly after the premises became operational as “Le Village” the licencees, Simon Ebbers and Lee Wain, came to my house to discuss any issues. I told them that the level of sound emanating from their premises, particularly when the door opened and closed, was unacceptable and that the lighting was obtrusive. They suggested that they would endeavour to rectify this. Some while later, as I was leaving my home, they called me to join them in their garden where they were seated. It seemed that their objective was for me to agree that there were no issues. I suggested to them that the physical characteristics of the building from which they are operating, single glazed, no double entry system, no air condition, their operating times, their position whithin a highly residential area made it very difficult for them, without adaptations to the premises and stringent people management, to not attract complaints. They mused on the erection of a covered extension to the side door. In due course they did apply for planning permission for such a structure but, probably because it was obvious that this would serve only to remove the problem of noisy customers congregated on the pavement to the garden area at all hours, it was rejected.

Sometime later, when a number of complaints had been lodged by nearby residents, Lee approached me in the street and suggested that he would like to remedy the situation in an amicable way. I reiterated my previous response that unless measures were taken to prevent public nuisance there would continue to be complaints. The Licencees have then, for some time, been fully aware that “Le Village” causes disturbance to neighbours.

Typically what “can” occur is,

Around 11am. Garden furniture is arranged, creating noise. Customers in the garden create noise.

Background music emanates through open doors. Early evening noise increases.

Around 8pm lights go on intruding into homes. Entertainment, using a microphone, begins at a level to disturb within homes. Noise from the garden increases.

11.30pm the garden is closed crowds congregate on the pavement with no doorperson supervision. The front door, if closed, continually opens allowing an escalation of already audible sound.

1.30am or 2.30am closing time. Noise from customers leaving or loitering in street with no marshalling. Lights can or cannot be turned off.

2.00am or 3.00am Noise from clearing of garden furniture.

Whether or not some or all of this occurs is dependent on the day of the week, the weather, how many customers. There are seemingly no measures in place to curtail noise and disturbance. Quite often one or both licence holders are at the premises after midnight so witness the noisy pavement loiterers and disturbing behaviour.

Apart from noise diaries submitted by residents, sound checks carried out by EH, there is documented evidence of projecting light onto building opposite, Christmas/New Year license times issues, breaches of Covid 19 regulations including podcasts by REDACTED TEXT purporting to be a resident (14th June), rubbish disposal issues (3rd August), fracas attended by Police (26th August) fracas attended by Security Co. (28th August), music piped into the garden (6th Sept).

It would appear that there is little or no commitment from the Licence holders to give consideration to residents or to abide by the terms of the licence.

As a result our enjoyment of our home REDACTED TEXT is severely diminished. Noise and light intrusion prevent us from having windows open, enjoying relaxing pursuits, sleeping, having REDACTED TEXT.

It is my opinion that the licence should be revoked from the current holders. The licence for the premises, 2/3 High Street should, with consideration to its locality within the culmulative impact zone, be varied to include further restrictions including a closing time of 11.30, using the same policies which pertained to applications for variations from the Black Dove (1st March 2011) and the Camelford Arms (16th April2012)

Sincerely,

REDACTED TEXT

From: REDACTED TEXT

Sent: 11 October 2020 18:29

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: License review 1445/3/2020/02943/LAREV

MSB CON ENDS 12.10.20 VALID PPN (M)

Dear EHL Safety,

I would like to support the review of the license for Le Village (ref: 1445/3/2020/02943/LARE1445/3/2020/02943/LAREV). Residents in Queens Park ward have communicated with me extensively about being disturbed by noise from customers leaving the premises, music, and light pollution after the end of the current agreed hours for the sale of alcohol and performance of recorded music. These hours seem extremely late, and later than other bars in the same area.

The area around St James street is very residential and there are people living directly behind Le Village who are most affected by the noise and light pollution sometimes until as late as 3am. This seriously affects residents' quality of life as they are unable to sleep, or to open windows during hot weather. Based on what I have heard from residents I think this license needs to be reviewed on the grounds of prevention of public nuisance, and steps taken to ensure residents are not disturbed by noise and light beyond a reasonable time.

Kind regards,

REDACTED TEXT

Cllr Clare Rainey
Brighton and Hove City Council
Mobile: REDACTED TEXT
Email: REDACTED TEXT

From: REDACTED TEXT

Sent: 11 October 2020 20:04

To: Mark Savage-Brookes <Mark.Savage-Brookes@brighton-hove.gov.uk>

Subject: LE VILLAGE REVIEW

MSB CON ENDS 12.10.20 VALID PPN (N)

Dear Mark

Please see below my representation for the Review of Le Village.

REDACTED TEXT

We moved into **REDACTED TEXT** in July 2016 and until August 2019 we were unaware that the pub currently known as Le Village had a licence to be open until 1. 30am Monday to Thursday and 2.30am Friday to Saturday. The previous landlords closed a lot earlier.

The impact on the additional hours and the change in the type of entertainment offered to patrons is great to our household

We have **REDACTED TEXT** and the loud music (both drag artists and DJ) regularly disturbs us as a family. Ranging from making it difficult to relax and watch TV in our living room or master bedroom.

REDACTED TEXT woken in their room. Unable to relax in The bath (**REDACTED TEXT**) It also affects my. **REDACTED TEXT**

Below are some of the dates of excess noise logged on noise diaries for the council:

20/03/2019

Lockdown until 04/07/2020

24/07/2020

25/07/2020

01/08/2020

13/08/2020

14/08/2020

15/08/2020

03/09/2020

04/09/2020

06/09/2020

These are dates when the noise has been unbearable. **REDACTED TEXT** would have triple the amount of instances of loud/distruptive noise logged. I often try and give them leeway and convince **REDACTED TEXT** to do the same. There are additional noise diaries for November. 2019, December 2019 and January 2020 but they are currently part of a Noise Abatement Appeal.

Evidence **REDACTED TEXT 1** attached shows the decibel Reading taken in our doorway (see A on map) on 6th September 2020 at 18.15. It was reading upto 88 decibels and this increased throuout the evening. Evidence **REDACTED TEXT 2** shows the noise on the 6th September 2020 from point B on the map to the front of Le Village. (following pink dots).

We regularly are disturbed by noise from people talking, fighting or arguing outside on the corner of High Street and Ardingly Street (See C On map) . Most times when we get fed up the noise and ask people to go away people return to the pub. This is both pre and post lockdown and often after all other pubs locally have closed. Le Village is the only pub locally open after 12 Monday to Thursday and 1230/1 Friday to Sunday so noise from music and patrons leaving around 130am Monday to Thursday and 230am Friday to Sunday is limited to Le Village.

Evidence **REDACTED TEXT 3** shows an example of sick left on the street directly outside Le Village and Darwell Court. The pictures in **REDACTED TEXT 3** were taken on the evening of the 6th and morning of the 7th September 2020. **REDACTED TEXT** regularly jet washes out 2 to 5 Darwell Court clearing sick and urine.

The Licence for Le Village states (Annex 2 point 2) 'No recorded music will be piped into the outside garden area'

Since reopening following lockdown music inside Le Village has been played loud enough to be heard in the garden and subsequently within the residences in High Street, including our property.

On Sunday 6th September 2020 a speaker was placed in the garden, in top of the storage area. This played loud music, including the drag artists singing, into the garden area and was a large nuisance to residents. See evidence **REDACTED TEXT 4** of the speaker.

We have, on numerous occasions, witnessed people exiting the pub and using the doorway to **REDACTED TEXT** or our kitchen or dining room window ledges to deal or take drugs then return to LE Village. This was brought to the attention of **REDACTED TEXT**, the Manager and Simon, one of the Partners. Both advised managing this problem, as it was outside of the pub, was not possible but thanked me for making them aware. Having to get people to move away from our property and stop taking or dealing drugs where we can see it through our windows is not a situation we want to be in.

COVID 19 Concerns

Problems we had with Le Village on the night of Friday 20th March 2020.

Following the request made by The Government at 5pm that pubs should, at their earliest opportunity, close until further notice Le Village posted on their Facebook page at 18.40 (Evidence **REDACTED TEXT 5**) that they planed to 'go out with the biggest of bangs ' and they opened at 7pm.

By 10pm the music was extremely loud and by 11.22pm I'd had enough and text Simon. I'd left it this late as it was the last evening for a while but we could hear word for word the music/songs and it got to much. You can also see videos on their Facebook page which show to some extent the volume and number of customers.

At 1125 our ring device went off showing the security response team showing up. I went outside and saw lots of security and customers outside and an argument ensuing.

Soon after this, police arrived and the customers dispersed quickly.

I spoke to someone from the security team as well as Simon and Lee expressing how unhappy I was. Lee tried to claim someone must have knocked the bass up! And he's sorted it now....

1st August 2020

Pub was extremely busy and noisy. They has a security guard who, despite government guidelines was hugging customers (evidence **REDACTED TEXT 6**) and was overheard asking Simon Ebers 'i know we're full but can we squeeze my friend in, he's only little' and the customer was allowed in.

Actions like these are very unsettling in times of a pandemic and have increased our anxiety over possible increased risks of infections in the area/city and shows their lack of regarding to the local community.

Additional evidence showing noise nuisance experienced.

REDACTED TEXT 7 dated 6th September 2020 at 6.27pm

REDACTED TEXT 8 dated 9th October 2020 at. 9.10pm

REDACTED TEXT 9 dated 9th October 2020 at 10.02pm. This was recorded after asking them to keep the noise down as they were under our window being very loud. They were all (4 people) carrying plastic pint glasses with drinks in. One member of the group was very abusive and confirmed Le Village had given them their drinks on closing and told them they had to move away from outside the pub. It is the same people seen outside the pub in evidence **REDACTED TEXT 8**

REDACTED TEXT 8 and **REDACTED TEXT 9** are typical example of what we experience regularly at weekends, unfortunately due to a technical problem with my phone we cannot access any further images or videos.

From: REDACTED TEXT
Sent: 12 October 2020 12:12
To: Mark Savage-Brookes <Mark.Savage-Brookes@brighton-hove.gov.uk>
Cc: REDACTED TEXT
Subject: Fwd: REDACTED TEXT Representation

MSB CON ENDS 12.10.20 VALID PPN & PCD (O)

Hi Mark

Please see below REDACTED TEXT Representation for the Licence Review of Le Village.

I live at REDACTED TEXT to Le Village Pub. Previous to the current landlords taking over in August 2019 I have not had any issues with the Pub (formerly The Ranelagh) and have had no reason to complain about noise or disturbance from The Ranelagh or The Zone pubs since August 2016 when we moved in.

The main issue that impacts myself and my REDACTED TEXT) is the level of noise from Le Village and the time of the morning that the noise goes onto. Regularly we are disturbed by loud music, signing by drag artists and customers and loud talking in The garden.

My bedroom window and back door (REDACTED TEXT) is in a position where noise from the pub and garden travels straight into our flat and keep us awake or wake us up. We cannot use our REDACTED TEXT) or bedrooms to relax or for my REDACTED TEXT to be able to study/ REDACTED TEXT due to covid or Do homework when they are open as the general noise from both people talking and music is very distracting.

I have been reporting noise issue to the council In the form of noise diaries since November 2019 and some of this evidence has been used to issue a Noise Abatement Order on 15th January 2020, which I feel the pub breach regularly as the noise nuisance is regular. A particularly bad night was 19th January 2020 as it was very noisy and kept myself and my REDACTED TEXT awake at a time when I needed sleep as REDACTED TEXT , my REDACTED TEXT the next morning. We have found generally Sunday nights are very noisy until 230am and this has a large impact on both of our Sleep and subsequently impacts on work and school on Mondays. There is also regular lockins which carry on after closing time and this means the noise will go on until early hours of the morning.

There have been regular parties on their balcony which adjoins REDACTED TEXT) . These have been noisy with talking, drinking and singing until early hours of the morning. One particular incident on the 9th August 2020 that went on until 430AM. I have attached video evidence REDACTED TEXT of some of the noise and this was reported to the police and Brighton Council.

September 6th 2020 was extremely.loud as they placed a speaker outside in the garden on top of their storage cupboard (marked S on map) which is REDACTED TEXT to my balcony. This meant the music and drag Signing and MC was extremely loud in my flat and meant that in every room in my house the noise was heard.

When the weather has been nice/hot it has also meant that if we wanted our windows open we would have to suffer the noise. This is made worse by the fact that the noise goes on until 130am and 230am, whereas previous landlarsa generally closed by midnight.

On occasions we are woken or disturbed by arguements/fights outside the pub. Friday 9th October 2020 at 10pm I was disturbed by people from the pub under my kitchen window who sounded aggressive and were arguing with my neighbour who asked them move away as they were being noisy.

LIGHT

They have a light projector, laser light that regularly intrudes into our property and lights up the corridor and master bedroom. This has been an ongoing issue since October 2019 and regularly affects our sleep. This is still happening now.

ANTISOCIAL BEHAVIOUR

Regularly myself **REDACTED TEXT** have to Pass through group/s of customers outside The pub who are drinking and smoking. who do not move out of the way for people and its a narrow path.

We also find their customers in our **REDACTED TEXT**) and again they do not step aside when asked. Other concerns I have witnessed in the **REDACTED TEXT** include drug dealing and taking, urinating and vomiting.

COVID CONCERNS

I feel their disregard to the neighbouring residents was also shown when they clearly broke covid guidelines throughout Lockdown in April 2020 having lots of visitors in and out of the Pub risking spreading the virus. This was reported to Environmental Health.

I also feel that the amount of people allowed in to the pub since lockdown has meant social distancing has not been maintained

Finally I want to say that if they had a better regard for their neighbours and thought of the impact of their hours and the noise they make has on a community of families, elderly and vulnerable people then I would have carried on living happily next to the pub as I had before. They seem to be running it more as a club and with regular drinks promotions than a pub and this contributes to the noise nuisance and sick in the street and other Antisocial behaviour I've experienced.

REDACTED TEXT

REDACTED TEXT

From: REDACTED TEXT

Sent: 12 October 2020 13:25

To: Mark Savage-Brookes <Mark.Savage-Brookes@brighton-hove.gov.uk>

Subject: Fw: Licence review

MSB CON ENDS 12.10.20 VALID PPN & PCD (P)

please see below my statement for the review and i will send videos through by separate emails

I live at REDACTED TEXT. I am REDACTED TEXT and REDACTED TEXT and my bedroom window (REDACTED TEXT) is on the REDACTED TEXT. I have loved here over 4 years.

Since the pub on High Street changed over to the new landlords and became Le Village it is my health that was being affected. Things I have had to deal with since September 2019 include:-

- noise of Music, bass and singing from the pub.
- regular noise from people outside arguing, fighting, 'partying' having left the pub
- people outside my window trying to get in
- drug dealers doing deals outside my window and drug users taking drugs outside
- I also have all the smoke coming in through my window and up in to REDACTED TEXT which affects my breathing
- it keeps me awake most of the night if not all the night as once I'm disturbed it is hard to get to sleep and REDACTED TEXT has been contaminated from outside smoke this needs rectifying as I need REDACTED TEXT .

(Since Le Village has been open it has brought alot more drug users and dealers back to the area.)

- following a Noise Abatement Notice being issued, the licencess of le village passed my window and saying 'thats where the twats live that have reported us for noise'. I feel he is discrimating against me because REDACTED TEXT .
- I've had people coming out of the pub pissed up and come along REDACTED TEXT and down REDACTED TEXT and on there way they shout REDACTED TEXT abusive language and then when they are told to go away they try to pull my window off it's hinges.

-I have reported some of these incidents, as well as other things, to the police and the council

I am also very concerned as when the Noise Abatement Appe and Licence Review is over it will just become even worse

The increase in noise, Antisocial behaviour and intimidation has a massive affect on myself and my REDACTED TEXT health. It makes us anxious and stressed and we feel very vulnerable because of it.

I have previously provided the Council with Noise Diaries.

I am forwarding relevant videos for you as my evidence. season 8 episode 79 of judge Rinder about 40 minutes in

From: REDACTED TEXT

Sent: 12 October 2020 15:02

To: Mark Savage-Brookes <Mark.Savage-Brookes@brighton-hove.gov.uk>; EHL Safety
EHL.Safety@brighton-hove.gov.uk

MSB CON ENDS 12.10.20 VALID PPN (Q)

This is a representation on behalf of the Environmental Protection Team under Prevention of Public Nuisance in support of the Review of the Premises Licence of Le Village 2-3 High Street Brighton BN2 1RP.

The first complaint about noise from the premises was received by the council on 23 September 2019. The complaint was that levels of loud music noise from inside the pub and patrons outside and was beyond acceptable. Subsequent complaints were investigated and visits made to the premises by an Environmental Protection Manager, Environmental Protection Officer and Licensing Officer to advise the owners of the types of complaint, the level of the complaints, and number of complaints and what improvements could be introduced. The complaints included intrusive lighting, loud music and karaoke noise from inside and out and was reported to go on occasion until 2am. During November 2019 six individual households complained about the same range of intrusive incidents. The pub owners were kept informed of these complaints, as were Enterprise Inns, the freeholders of the premises.

Five Noise Diaries were returned to the council and recording equipment installed in a neighbour's home.

As a result of the investigation including analysis of the diaries and listening to the recordings, and lack of progress on improvements by the pub, a Noise Abatement Notice was served on the owners under section 80 Environmental Protection Act 1990 on the 15 January 2020.

The owners appealed in the Magistrate's Court against the terms of the Notice. The court has not yet determined the outcome of the appeal consequently it is not known whether the Notice stands.

During the period when pubs were closed as part of the COVID – 19 pandemic restrictions noise complaints were received and were investigated by the police and licensing officers with no formal action taken.

On the 2 July 2020 another Environmental Protection Officer was allocated the task of investigating noise complaints which were reported to the council in the period after the Notice was issued.

On the 4 July 2020 Licensed Premises were allowed to reopen following the COVID shutdown.

Since then correspondence was received by the council from four neighbours concerning noise from the pub and lighting causing distress to residents in the vicinity. This correspondence is dated 27 August 2020, 1 September 2020 and covers noise events on the 3, 4, 6 September 2020.

Further complaint were received on the 7 September 2020 and on the 15 September 2020. A noise diary was submitted detailing noise disturbance between the 24 July and the 15 August 2020. Photographs and video footage was also submitted to the council.

The COVID pandemic restrictions have significantly restricted the ability of the Council to investigate the most recent complaints since the premises reopened.

On the 11 September 2020 an officer from the Environmental Protection Team and a Police Licensing Officer visited one of the neighbours and a breach of the notice was not identified. Complaints received are still being investigated while we await the court hearing to determine the appeal.

I am making this representation on behalf of the Environmental Protection Team.

APPENDIX D



