

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) ADDENDUM 2

10.00AM, FRIDAY, 15 MAY 2020

VIRTUAL MEETING - SKYPE

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ADDENDUM

ITEM		Page
6	HOVE SF CONNECT LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)	5 - 8

From: Annie Sparks <Annie.Sparks@brighton-hove.gov.uk>
Sent: 13 May 2020 12:50
To: Robert Botkai <rbotkai@wslaw.co.uk>; Becky Pratley <Becky.Pratley@brighton-hove.gov.uk>
Cc: Jim Whitelegg <Jim.Whitelegg@brighton-hove.gov.uk>; Andrew Sanders <asanders@wslaw.co.uk>
Subject: RE: BP Hove

Dear Becky

I wish to confirm that Audrey Sharma, Environmental Health Officer, has recently left Brighton and Hove City Council. Audrey submitted the representation for this licence variation on behalf of the Environmental Protection Team, and in relation to the licencing objection prevention of public nuisance.

I am a Regulatory Services Manager, and I was Audrey's line manager. I am a Chartered Environmental Health Officer with over 30 years of experience investigating noise complaints and latterly enforcement of the Licensing Act 2003. I have looked through Audrey's representation, and the case history of this site, and the licensing papers relating to this variation. I have also visited the site and surrounding area, and understand that it is already operating 24 hours. Even though noise complaints relating to air handling equipment, and deliveries have been received a statutory noise nuisance under the provisions of the Environmental Protection Act 1990 has never been identified and therefore a noise abatement notice has never been served.

I have recently spoken to the applicant and discussed our concerns in relation to the potential for public nuisance, and the impact on neighbouring residential premises in St Leonard's Gardens, and St Keyna Avenue. I have discussed various conditions to address the concerns raised in the representation and how best to prevent public nuisance. This includes the ability to have a condition restricting deliveries with cages to between 07.00 and 21.00. If the conditions 1 to 7 listed below are applied I am satisfied that the concerns addressed in the representation have been addressed and I will withdraw the representation relating to the prevention of public nuisance.

- 1. Signage shall be displayed at the entry and exit of the site to request that customers consider and respect those local residents living in the immediate vicinity.**
- 2. The CCTV shall cover the forecourt of the premises.**
- 3. The cashiers will be trained to monitor the use of the forecourt of the premises by customers and will log any noisy or disruptive behaviour in the incident log/register.**
- 4. The licence holder shall ensure that regular litter patrols are undertaken to keep to a minimum any litter on the forecourt and in the immediate vicinity of the premises.**
- 5. The delivery of shop goods using cages on wheels shall not take place before 0700 or after 2100.**
- 6. The licence holder will take all reasonable steps to keep delivery noise to a minimum.**
- 7. A direct contact number for the licence holder's area manager will be made available to nearby residents on request**

Yours Sincerely

Annie Sparks
Regulatory Services Manager
Brighton and Hove City Council
01273 292436

From: Robert Botkai <rbotkai@wslaw.co.uk>
Sent: 13 May 2020 11:00
To: Becky Pratley <Becky.Pratley@brighton-hove.gov.uk>
Cc: Annie Sparks <Annie.Sparks@brighton-hove.gov.uk>; Jim Whitelegg <Jim.Whitelegg@brighton-hove.gov.uk>; Andrew Sanders <asanders@wslaw.co.uk>
Subject: BP Hove
Importance: High

Hi Becky

Further to my discussions yesterday with Jim and Annie I am authorised by the applicant to add the following conditions to the operating schedule:

1. Signage shall be displayed at the entry and exit of the site to request that customers consider and respect those local residents living in the immediate vicinity.
2. The CCTV shall cover the forecourt of the premises.
3. The cashiers will be trained to monitor the use of the forecourt of the premises by customers and will log any noisy or disruptive behaviour in the incident log/register.
4. The licence holder shall ensure that regular litter patrols are undertaken to keep to a minimum any litter on the forecourt and in the immediate vicinity of the premises.
5. The delivery of shop goods using cages on wheels shall not take place before 0700 or after 2100.
6. The licence holder will take all reasonable steps to keep delivery noise to a minimum.
7. A direct contact number for the licence holder's area manager will be made available to nearby residents on request.
8. There shall be no sale of single cans of beer, lager or cider from the premises.
9. The premises licence holder shall not sell beer, lager or cider with an alcohol content over 6% ABV (alcohol by volume). This restriction shall not apply in respect of the specialist branded, premium priced products – for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.

I understand that on the basis of conditions 1-7 Annie will withdraw the EHO representation.

Annie I should be grateful if you will confirm.

Many thanks all of you for your time yesterday.

Robert

Robert Botkai
Partner

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Sherwood

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