

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) ADDENDUM

10.00AM, FRIDAY, 19 JUNE 2020

VIRTUAL MEETING - SKYPE

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ADDENDUM

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MY SUMMARY TO CIRCULATE:

To give a true sense of the community attitude to our application I should point out that at least seven supportive submissions to the council were not registered as valid submissions because they did not include the correct terminology to explain the relevant grounds (such as “public nuisance”) for their submissions, or because they missed the deadline.

Unfortunately they were simply genuine neighbours operating without the benefit of the coaching and “cut and paste” assistance provided by the anonymous circular to potential objectors. The technical deficiencies in their submission were obviously exacerbated by the current pandemic restrictions, which have made it very hard for people to meet face to face to discuss the issues.

If the panel agrees, I would like it to hear briefly from two of those rejected supporters, [REDACTED] as part of my own submission, which I believe will give a better understanding of our business and true community attitudes to it.

[REDACTED] lives about [REDACTED] from our beer garden and says that when music is played outside the volume is not excessive and the hours are reasonable. “The clientele are mostly local regulars and are generally polite and well-behaved. The pub is a great asset to the neighbourhood. It has enabled me [REDACTED] to make a circle of friends locally which would not have been possible without it. Indeed it is pretty much the only centre of real community activity for some distance around.”

“Nonetheless... we have received circular letters through the door which are quite frankly scaremongering.”

[REDACTED] explains that [REDACTED] also live very close to our beer garden.

“Although we can hear a little noise from there on summer days and early evenings, it’s never a problem - and we like hearing it! The noise always stops when it should, and the staff do everything they can to prevent any disruption to neighbours. We have never had a single complaint about the Garden Bar or its customers. It’s had a very positive impact on the area, and it’s great to have a friendly and responsible business like this in our community.”

The five other unsuccessful submissions were largely from very long-standing members of the community who argued that the Garden Bar “serves our local community very well indeed”, is a friendly venue with “a great vibe” for business meetings, office gatherings and family events and has not caused crime or disruption, with one complaining that “due to it closing too early” [REDACTED] often has to move from the Garden Bar to a neighbouring pub. A regular theme is their fear that without council assistance the pub is likely to join many others in being unable to stay in business after the Covid lockdown.

Could you please circulate the following to the panel members as part of my submission:

“Attached is the anonymous letter (ANONYMOUS) that was distributed to our neighbours attacking our application, encouraging objections and complaints to the council about noise, and setting out local statistics on arson, violence and criminal damage that have nothing to do with the Garden Bar. This is important context for the panel to understand why there have been such a large number of objections. A cursory comparison of the anonymous material and the subsequent objections will show the enormous influence it had on many of those objections.

More than one resident has since contacted us to say that they were so alarmed by that anonymous letter that they were spooked into lodging their own objections, only to realise later that the claims were unfair. Two separate neighbours who live very nearby [REDACTED] subsequently withdrew their objections saying they had come to realise that the anonymous claims were greatly exaggerated.

One [REDACTED], and has now written to us saying that they no longer object and instead trust us to work closely with them to resolve any concerns they have. They wrote: “We admit that when we received the letter from the anonymous neighbour we were frustrated as it appeared the application was made 'under the radar', and we vented some of the points highlighted in the letter in our own objection, such as the concerns around people coming from afar creating additional noise, and highlighting the concerns around crime, disorder and public nuisance.”

They subsequently decided that many of the claims were inaccurate, adding that the pub is actually well-run and “over the past year the ambience of the pub has further improved under the good management of Annamari.”

Even in their initial objection to extended trading hours [REDACTED] had always supported our application to have children permitted to stay on the premises with their families until 10pm. Another resident [REDACTED] emailed us saying: “I feel I owe you an apology over this. My reaction to the letter circulated was rather harsh and a bit of a knee-jerk reaction if I’m honest.”

“I feel I should also apologise for casting aspersions at your clientele, I’m afraid to say that I listened to the voices around me on that one and regretted it pretty much as soon as I submitted my objection.”

From: [REDACTED]
Sent: 16 May 2020 19:49
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Application ref: 1445/3/2020/01549/LAPREV

Dear Sir/Madam,

I am writing to voice our **support** of the above application. It is important that local businesses are offered every chance to succeed in these difficult times and The Garden Bar serves our local community very well indeed. We are local residents and The Garden Bar's licencing extension request seems to us to be very reasonable.

Best regards,

[REDACTED]

From: [REDACTED]
Sent: 19 May 2020 12:15
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Cc: 'thegardenbarhove@gmail.com' <thegardenbarhove@gmail.com>
Subject: 1445/3/2020/01549/laprev

Dear Sirs

I have been a resident of [REDACTED] for nearly 20 years and would like to say since the Garden Bar was taken over in 2012 the clientele and pub have changed dramatically and I cannot in all that time think of any trouble in our street. – The pub now attracts families , and as [REDACTED] I m always happy to take clients there for lunch and when we have friends staying for weekends they are more than happy to visit the bar for lunch etc

[REDACTED] is always very accommodating and I believe runs a good pub which now attracts more functions , events

I have lived through era s of Golden cross, Jamaica inn and would not wish to return to those days when 100% objection would have been made

I would not object to the proposals as long as restraint and common sense prevails which I have no doubt will

Kind Regards

[REDACTED]

From: [REDACTED]
Sent: 19 May 2020 22:21
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Subject: Garden Bar: Licencing support - 1445/3/2020/01549/LAPREV

Hi,

I am writing to you to express my support for the Garden Bar and their application to extend their licensing hours.

The pub is the one that I frequent the most in the area and have often had to leave and visit a pub down the street due to it closing too early. I also feel that due the current situation that the hospitality sector face, it is the council's duty to support them however possible and this is a great example of that.

From [REDACTED]

Supporting The Garden Bar, 324 Portland Road, Hove, BN3 5LF.

Application reference: (1445/3/2020/01549/LAPREV)

REF - Licensing Support
1445/3/2020/01549/LA Rev

Dear Council

I understand the Garden Bar Pub at 324 Portland Road Hove BN3 5LF are applying for extension on their opening hours which I have no objection

to. I live
and have seen no

trouble, nor outside - In fact over the last 5 years, they have transformed the pub by attracting families both young and old but with the new hours they would be able to attract more locals knowing that they can eat out for more sensible hours. All this gives a great vibe when you look in from outside.

The pub has a great local community feeling and attracts local office parties - weddings Birthdays etc.

In these vitally important times I hope you will allow them their request

From: [REDACTED]
Sent: 28 May 2020 13:15
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>
Cc: Robert Nemeth <Robert.Nemeth@brighton-hove.gov.uk>; Garry Peltzer-Dunn <Garry.PeltzerDunn@brighton-hove.gov.uk>
Subject: Licencing support - 1445/3/2020/01549/LAPREV

Hello,

My name is [REDACTED] and I live on [REDACTED]

The premises are The Garden Bar, 324 Portland Road, Hove, BN3 5LF application reference: 1445/3/2020/01549/LAPREV

I'm writing in support for the Garden Bar in Portland Road. As someone who grew up in the area, I can say that I have never had a problem with the Garden Bar. The staff are friendly and I've never felt intimidated whilst in the pub or walking past it as the patrons keep to themselves. I would like to point out that I am a [REDACTED]-year-old [REDACTED] and would happily wait in the bar by myself. To my family and friends, the pub is known as a family/functions pub.

Yours Sincerely

Hi neighbour,

I hope you are safe and well.

I wanted to drop you a note as you've probably had a letter through your door from the Garden bar, they are applying for a change to their license (<https://licensingregister.brighton-hove.gov.uk/licence/14453202001549laprev>)

The application is to permit:

- 1) Extended opening hours, Fri & Sat until **1.30 am**
- 2) Extended playing of amplified music, Fri & Sat until **1 am**
- 3) Allowing **under 16's** to stay everyday until 10 pm
- 4) Playing of amplified **outdoor** music from midday to 7pm, everyday

The application effectively affects residents of Mansfield, Jesmond, Rothbury, & Woodhouse roads, Portland Ave & Road, and Ingram Crescents. In general, the application is driven by a desire to attract more/larger private weddings, functions and parties, probably a reaction to the loss of business that recent events have caused.

Whilst the noise at our house is already quite loud from Garden bar during events, we understand it might not be for everyone and as such you might not have strong views on this application. Personally, we do, and thought that co-ordinating ourselves might help convey these in the strongest possible way to the council. We've had text chats with a few people since receiving the letter, so far concerns that have been raised include:

- 1) The garden bar is in extremely close proximity to a densely populated residential area. To the south of the bar there are more than 120 houses within a 200 meter radius. To the north there are approximately 100-150 flats within the same radius. As such, noise from the Garden bar already affects over 1000 people.
- 2) The local demographic is largely families, with children present in more than half of the homes within 200 meters, many of those under 10. Their safety, and weekend rest is hugely important. There has already been broken glass in our street, all day & late night noise (past 11pm), increasingly anti-social behaviour (yelling in the streets etc)
- 3) The application identifies private parties as the target audience for the Garden bar. Over the last 2 years the bar has evolved to act as a low cost venue for weddings, sporting events and large parties. Far from being a neighbourhood pub attracting local custom, this already means that large, noisy groups make noise disturbance throughout the spring and summer months, yelling in the garden, being loud and aggressive outside the pub, smoking and continuing to make noise as they leave through the neighbouring streets. The route home for people is past residential doors and bedrooms, which is disturbing the wellbeing of its neighbours, and is already late at night.

- 4) Attracting large groups, who don't live locally, creates behaviour that is not in keeping with that of local pub. Customers drink more, care less about local disturbance and make more noise. This is out of keeping with residential behaviour, and also means large numbers of people have to travel to and from the venue, in taxis, buses and on foot. On leaving, customers move around a dense residential area, drunk and noisy. Extending opening hours, allowing outdoor music and promoting extended attendance from under 16s is not in the interest of anyone but the Garden Bar landlords.
- 5) Noise carries further at night when temperatures are low and ambient sound is reduced. Amplified sound exacerbates this, and bass (which penetrates farthest) is heaviest in party dance music (which the application identifies as the main purpose).
- 6) The Garden bar was not designed as a modern venue. The building materials, walls and insulation are not effective at retaining sound. Sound penetrates easily and travels through the neighbouring streets easily.
- 7) The outdoor area, windows and doors face residential streets and houses on all sides. Indeed the outdoor area directly abuts a number of residential gardens. There is no speaker orientation that won't lead to noise for neighbours for some distance in all directions.
- 8) Smoking laws mean people have to be outside. Extending licensing hours means more people will be outside, directly on residential streets, later at night. This is anti-social.
- 9) Crime is highest in BN3 in the warmest months (April to July), the same time period for which the application will benefit from outdoor music. The monthly crime rate increases 10-20% during this period. The highest monthly crimes being (in July 2019):
 - Anti Social Behaviour (164 incidents)
 - Violent (215 incidents)
 - Criminal Damage and Arson (108 combined incidents)

Extending late night venue licensing hours, especially outdoors and in residential areas will not alleviate this.

There will likely be many more concerns that you will have thought of that we haven't yet.

So what action can you take? The main thing is to get organised. If you do feel the same way, and we appreciate you might not, then we need to come together as a group in order to have a voice.

- 1) Make your voice heard on the application. This needs to be done before 28th May. You can express your views citing any of the reasons discussed here, plus any others that you believe to be pertinent. The more people that do this, the less likely the application is to be approved. While you might not live next door to the bar, indoor noise at 1 am will carry some distance, outdoor noise **all day** in the warm months even further, and the people leaving between 1am and 2am will walk and drive

through the neighbouring streets on their way home. The application will likely affect everyone in some way for 3 or 4 surrounding streets.

If you do want to raise your concerns, you can do this in several ways.

Environmental Health & Licensing

Email - ehl.safety@brighton-hove.gov.uk (recommended)

Phone - 01273 294429 (Mon - Fri - 09:00 - 17:00) (not recommended during lockdown as no-one will answer)

Letter - Environmental Health & Licensing, Bartholomew Square, Brighton, BN1 1JP (not recommended as no-one will be opening post)

We would suggest that you Email, and that you make the subject of your Email - *Licensing objection - 1445/3/2020/01549/LAPREV*

Specifically, your Email should address:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

When raising your concerns, you should include:

- Your full name and address
- Name and address of the premises (Garden Bar, 324 Portland Rd, Hove BN3 5LF)
- The application reference (1445/3/2020/01549/LAPREV)
- Your concerns, specifically focussed on the above 4 points

The Garden Bar will be informed of your objection and the council will take into consideration all objections received.

- 2) Let your Ward councillors know how you feel. You can simply copy them into the email at the same time.
 - Garry Peltzer Dunn - garry.peltzerdunn@brighton-hove.gov.uk
 - Robert Nemeth - robert.nemeth@brighton-hove.gov.uk(you can also Tweet Robert on twitter.com/robert_nemeth)

- 3) Report noise to the council directly by emailing outofhoursnoise@brighton-hove.gov.uk or calling 01273 294266 when the pub re-opens.

If you do have concerns, and do wish your voice to be heard, emailing the council **and** emailing your councillors is probably the best course of action. The sooner you can do this, the more time the objections will have to be heard.

