

**APPENDIX B**

2009/01573/LAREV

EB

R-06.08.09  
C-03.09.09

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

I Cathy Rirsch  
(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

|   |                                     |
|---|-------------------------------------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>The New Bush<br>1 Arundel Road |                                     |
| <b>Post town</b> Brighton   | <b>Post code (if known)</b> BN2 5TE |

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|--|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>Brighton Bush Limited<br>93 Wilson Avenue<br>Brighton<br>East Sussex<br>BN2 5PB |
|--|

|   |
|---|
| <b>Number of premises licence or club premises certificate (if known)</b><br>1445/3/2006/01593/LAPREV |
|---|

**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 vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

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| BRIGHTON & HOVE CITY COUNCIL<br>ENVIRONMENTAL HEALTH & LICENSING<br>DATE RECEIVED<br>06 AUG 2009 |
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- d) a body representing persons involved in business in the vicinity 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<br>Cathy Rirsch<br>Environmental Health Officer<br>Environmental Protection Team<br>Brighton and Hove City Council<br>Bartholomew House<br>Bartholomew Square<br>Brighton<br>BN1 1JP |
| Telephone number (if any)<br>01273 292373   |
| E-mail address (optional)<br>Cathy.rirsch@brighton-hove.gov.uk  |

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

I am calling for a review of the New Bush premises licence under the prevention of public nuisance licensing objective.

A noise abatement notice was served on 22<sup>nd</sup> October 2007 on Brighton Bush Limited for noise arising from amplified music occurring at the New Bush, 1 Arundel Road, Brighton.

Further complaints were received on 5 separate occasions and two separate breaches of the noise abatement notice have been witnessed.

I would ask that the committee consider applying the following conditions to the premises licence:

- All live and amplified music will be controlled with a sound limiting to be set and agreed by the Environmental Health department.
- There will be no drinks allowed to be taken outside the front or the rear of the premises between 22.00 and 10.00.
- Windows will be kept closed when regulated entertainment is taking place and after 23.00.
- All external doors, including the internal lobby doors will be kept closed at all times, other than for access and egress.
- Licensees and staff will undertake regular walks around inside and outside the premises in order to monitor noise levels and ensure that both ambient sound and sound generated during regulated entertainment is at a level that does not constitute a nuisance. These checks will be documented.

The licence for the New Bush was granted pre the Health Act 2006 and therefore

smoking was permitted in public places. It would be beneficial to both the Enforcing Authority and the premises if the following conditions could be amended or removed:

- On Friday and Saturday nights there will be no admission or readmission to the public after 22:30 hrs until close.
- Drinking by patrons in the area immediately in front of the pub seated at tables/benches will be allowed in from opening until 21:00 hrs only, after which any remaining patrons must go inside the premises. All drinks consumed in the outside area must be in plastic or shatterproof glasses. Management will not allow patrons to congregate outside of the premises on the pavement, the curb or in the road whilst drinking etc.

Should these conditions be removed/amended I would recommend that the following conditions be applied:

- No more than 5 customers outside on the front terrace area of the premises between 23.00 and closing.
- All drinks consumed in the outside area must be in plastic or shatterproof glasses. Management will not allow patrons to congregate outside of the premises on the pavement, the curb or in the road whilst drinking etc.

These steps are necessary in order for the License Holder to meet the licensing objective of the prevention of public nuisance.

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

Following the serving of the notice a noise limiting device was installed and set in November 2007, but despite this a further complaint was received in February 2008 relating to noise from music and people. The complainant did not return a diary.

A call to the noise patrol service was made on 31st May 2008 and a breach of the notice was witnessed. The entertainment at the time consisted of recorded music. The noise patrol officers also witnessed breach of licence conditions namely:

- All windows and doors will be closed except for ingress and egress from 23.00hrs.
- Drinking by patrons in the area immediately in front of the pub seated at tables/benches will be allowed in from opening until 21.00 hrs only.
- On Friday and Saturday nights there will be no admission or readmission to the public after 22.30 hrs until close.

On 5<sup>th</sup> June 2008 warning letters were sent to the New Bush and Brighton Bush Limited, 5 Nursery Close, Portslade advising of the breach of the notice.

On 9<sup>th</sup> June 2008 I met with Eddie Riley, Mr and Mrs Lakin, Police Licensing, a door supervisor and an area manager of enterprise inns. We discussed the complaints that had been received and the possible causes of action that were available to the Environmental Protection Team having regard to the council Environmental Health Enforcement Policy.

19<sup>th</sup> June 2008 Annie Sparks, Environmental Health Manager and I reset the limiter at the New Bush on the request of Mr Riley as Mr Riley felt that the limiter was not operating correctly. Despite this meeting a complaint was received on Friday 20<sup>th</sup> June 2008 regarding noise from customers outside the premises.

However, at that time the complainants did not want to pursue the complaint.

A further complaint was received on 18<sup>th</sup> December 2008 regarding live music. The evidence was not sufficient to continue investigating the complaint. The complainant was advised of this and didn't contact me further.

On 9<sup>th</sup> March 2009 a complaint was received regarding noise from live bands. A diary sheet was not returned.

On 27<sup>th</sup> June 2009 3 separate complaints were received by the councils noise patrol team. Tim Nichols, Head of Environmental Health and Licensing and Alun Cance, Environmental Protection Officer visited one of the complainants and witnessed a breach of the noise abatement notice. The entertainment on this occasion consisted of karaoke.

On 10<sup>th</sup> July 2009 Annie Sparks and I met with Mr Riley, Mr Greenland and Mr and Mrs Lakin at the New Bush, 1 Arundel Road. We discussed the breach of the notice and the possible courses of action that were available to the Environmental Protection Team. We checked the limiter in the premises which appeared to have been tampered with, the seals were broken.

Current conditions attached to the premises licence are not sufficient to meet the licensing objective of preventing public nuisance.

**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

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**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 responsible authorities 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

**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.**

Signature 

Date *5th August 2009*

Capacity *Environmental Health Officer*

|   |                  |
|---|------------------|
| <b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) |                  |
| <b>Post town</b>  | <b>Post Code</b> |
| <b>Telephone number (if any)</b>  |                  |
| <b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>   |                  |

**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.

