

## Appendix C

Emily Fountain  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 6 January 2023  
Our Ref: 2023/00046/LICREP/EH  
Phone: 01273 292494 / 07717 303114  
Email: [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

Dear Emily Fountain

**Licensing Act 2003**  
**Representation in support of an application by Sussex Police seeking a review of**  
**the Premises License - 2022/04320/LAREV**  
**Antidote Bar, 5-6 Western Road, Hove BN3 1AE**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application made by Sussex Police seeking to review the Premises Licence for Antidote Bar, 5-6 Western Road, Hove BN3 1AE.

This representation is made as the Licensing Team have concerns that the licensing objective of the Prevention of Crime and Disorder and Prevention of Public Nuisance are not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

On 4 December 2021, a joint with Police Licensing visit was carried out to the premises. Following this meeting, on 9 December 2021, I sent an email to Mr Roberts. A copy of this email and Mr Roberts reply is attached as Appendix A.

On 4 January 2022, following a complaint received regarding the premises, I wrote to Mr Roberts advising of the complaint. On 17 January 2022, I received a response from Mr Roberts. Both emails are attached as Appendix B.

On 22 and 24 January 2022, a further two complaints were received.

Following these complaints, on 2 February 2022, Environmental Protection Team sent Mr Roberts a letter advising that further complaints had been received. On 23 February 2022, I received an email from Mr Roberts responding to this letter. I replied informing Mr Roberts that I had forwarded his response to Environmental Protection Team who had sent the letter. A copy of this letter, email received, and response sent is attached as Appendix C and Appendix D.

On 8 July 2022, I accompanied Police Licensing on a visit to the premises. At the time of this visit Police Licensing carried out further drug swabbing.

On 13 July 2022, I attended a meeting at Brighton Police Station which was also attended by Mr Roberts. At the time of this visit a discussion was had with Mr Roberts regarding the high

drug readings, ongoing complaints regarding noise etc. Mr Roberts advised that the premises was closing in a couple of weeks for a refurb.

On 4 September 2022, I was forwarded a letter sent to the premises following further noise complaints by the Councils Field Officers. A copy of this letter can be seen as Appendix E.

It is my opinion that the premises are poorly run, and I have no confidence in the management of the venue. This venue is situated in CIZ area in the city, where there are already high levels of crime and disorder.

In the circumstances, I fully support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives of the Prevention of Crime and Disorder and Prevention of Public Nuisance are met.

Yours sincerely

**REDACTED**

Donna Lynsdale  
Licensing Officer  
Licensing Team

**Appendix A** – Email sent 9 December 2021 following joint visit with Police Licensing

**Appendix B** – Email correspondence in January 2022 following a complaint received

**Appendix C** – Letter sent by Environmental Protection

**Appendix D** – Email correspondence following letter sent on behalf of Environmental Protection

**Appendix E** – Letter sent by Field Officers following further complaint received

## Appendix A – Email sent 9 December 2021 following joint visit with Police Licensing

**From:** Donna Lynsdale

**Sent:** 09 December 2021 14:11

**To:** REDACTED

**Subject:** Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2021/02757/LICPRM/EH

Dear Francois

Please see below details on registering with Environmental Health Food:

<https://www.brighton-hove.gov.uk/business-and-trade/food-safety/start-and-register-new-food-business>

### Food Business Registration Form

[Food premises registration form](#) 122KB PDF **Published** May 2020

[Food premises registration form](#) 27.3KB DOCUMENT **Published** May 2020

Also attached forms and examples of carrying out a Risk Assessment.

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>

I hope the above is of assistance.

Regards

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
Brighton BN1 1JP  
**T** 01273 292494 | **M** REDACTED | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

**From:** Francois Roberts REDACTED

**Sent:** 09 December 2021 14:16

**To:** Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>

**Subject:** Re: Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2021/02757/LICPRM/EH

Dear Donna,

Thank you so much for sending those bits over, they will be very helpful.

Many thanks,

Francois roberts

## Appendix B – Email correspondence in January 2022 following a complaint received

**From:** [Donna Lynsdale](#)

**Sent:** 14 January 2022 11:40

**To:** REDACTED

**Cc:** [Brighton.Licensing@sussex.pnn.police.uk](mailto:Brighton.Licensing@sussex.pnn.police.uk)

**Subject:** Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2022/00020/LICPRM/EH

Dear Francois

### **Licensing Act 2003**

#### **Antidote Bar, 5-6 Western Road, Hove BN3 1AE**

This authority has received a complaint from a local resident that they are being disturbed by noise from your premises. The complainant has advised that *'there doesn't seem to be anyone in control of the customers drinking outside. As the music is so loud inside everyone outside has to shout to hear each other. It's now nearly half 12 at night and I can't sleep'*.

I would remind you that your Premises Licence conditions states:

#### **Annex 3 – Conditions attached after hearing by the licensing authority 26th January 2009.**

##### **The Prevention of Public Nuisance:**

5. The front doors and windows on the ground floor must be kept shut when any regulated entertainment is being performed except for entry and exit.
6. No drinks are to be taken outside between 23:00 and 10:00.
7. All Live and Recorded music to be controlled via noise limiting devices and these are to be set at levels agreed by the Licensing Authority.

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder

- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

A copy of this email has also been sent to Police Licensing.

Please do not hesitate to contact me if you wish to discuss the contents of the email.

Yours sincerely

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
Brighton BN1 1JP  
T 01273 292494 | M REDACTED | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

**From:** Francois Roberts REDACTED  
**Sent:** 17 January 2022 22:05  
**To:** Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>  
**Cc:** Brighton.Licensing@sussex.pnn.police.uk  
**Subject:** RE: Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2022/00020/LICPRM/EH

Dear Donna,

I hope this finds you well.

Thank you for your email and I apologise for the delay on responding.

I have had multiple meetings with the team here at Antidote and wanted to plan carefully how we move forward with this matter and how we avoid this occurring in the future.

After multiple conversations with my staff and the security here at Antidote we have decided to implement rules on people smoking outside and leaving the premises. We have decided on the following:

1. 5 people are allowed out at one time from 11pm till close with security and staff monitoring this at all times
2. Seating outside will be removed from 10pm.
3. People will be asked to leave the area quietly and to disperse quickly and efficiently by the team and security.
4. No drinks will be allowed outside from 10pm.

5. Any non smokers after 11pm will be asked go back inside or leave the premises.
6. Moving forward with bands, we are changing to more acoustic bands rather than amplified bands.
7. We will be starting to do food from mid February which will include a lunch and dinner service where the music will have to be much quieter.

I hope you see we are taking serious precautions to avoid this matter from happening again.

Please do not hesitate to contact me with any further issues or advice that we can put in place.

Kindest regards,

Francois Roberts

## **Appendix C – Letter sent by Environmental Protection**

C/o Antidote Bar  
5-6 Western Road  
Hove  
Sussex  
BN3 1AE

Date: 2<sup>nd</sup> February 2022  
Our Ref: MH/00176  
Contact:  
Phone: (01273) 292259  
Email: Mylene.hayward@brighton-hove.gov.uk

Dear Mr Roberts,

### **Environmental Protection Act 1990** **Re: Noise Nuisance**

I write to inform you that this Department has received complaint's alleging that loud music both recorded and live bands coming from inside your premises and shouting from customers using the outside area is causing a disturbance to neighbours.

In light of this I have a duty to investigate the matter to establish if legal action is required. Where investigations are undertaken this Department employs a number of ways of gathering evidence. This may be by the complainant's keeping a disturbance diary, an officer of this Department witnessing the noise or by use of monitoring equipment

It is your responsibility to ensure that noise from your premises does not cause nuisance to others. Where sufficient evidence is gathered to satisfy this Department that legal action is necessary a Noise Abatement Notice can be served under the above legislation. Such a notice will require you to take whatever practical steps are necessary to stop the disturbance

Failure to comply with a Noise Abatement Notice could result in a prosecution with unlimited fines. In addition to this in extreme cases we have the power to seize any noise making equipment

Alternatively, an aggrieved person may complain direct to the Magistrates Court which can if satisfied that it is appropriate, make an order requiring the abatement of the nuisance.

I am normally available on the above number. I would suggest that it is very much in your own interest to contact me as soon as possible to discuss the matter.

Yours sincerely,

**M L Hayward**

**Environmental Protection Officer**

## Appendix D – Email correspondence following letter sent on behalf of Environmental Protection

**From:** Donna Lynsdale  
**Sent:** 02 March 2022 16:45  
**To:** Francois Roberts **REDACTED**  
**Subject:** Noise Complaints Antidote Bar

Dear Francois

Thank you for your update.

I will forward your email to Mylene Hayward to also update as she was dealing with the Noise Complaints.

Please keep me updated with any changes.

Many thanks

Regards

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
Brighton BN1 1JP  
T 01273 292494 | M **REDACTED** | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

**From:** Francois Roberts **REDACTED**  
**Sent:** 23 February 2022 21:10  
**To:** Donna Lynsdale <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>  
**Subject:** Noise Complaints Antidote Bar

Dear Donna,

I hope this email finds you well. I have written to you regarding some issues we've been having with residents. Some of the neighbours have shared their concerns about noise. While we have made this our utmost priority, we have decided to further review our current operational measures.

We have had a couple of conversations with residents in the surrounding area regarding how they feel and how we can make amends, therefore we have implemented the following...

1. Security every night of the week.
2. Acoustic bands only During the week except on Wednesdays.
3. We are putting in noise cancelling seals in the door frames and are looking into in putting noise cancelling glass over the top of the current single glazing.

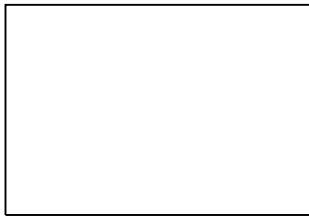


4. Renovating and changing the business model upstairs to then not have bands at all and only do events with bands on weekends once or twice a month which this hopefully attract a different crowd and this will be implanted during the month of March.

Once we have implemented all the above changes will be also working closely with all residents/neighbours so we can continue to trade and not have these issues.

Kind regards,  
Francois

**Appendix E – Letter sent by Field Officers following further complaint received**



**Regulatory Services**  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

Antidote Bar & Club  
Ground Floor  
5 - 6 Western Road  
Hove  
BN3 1AE

Date: 4th September 2022  
Our Ref: 2022/02025/NOI/EH  
Phone: **REDACTED**  
E-mail [FieldOfficers@brighton-hove.gov.uk](mailto:FieldOfficers@brighton-hove.gov.uk)

Dear Sir or Madam

**Environmental Protection Act 1990**  
**Re: Complaint of Noise Nuisance at Ground Floor**

I write to inform you that this office has received a complaint which alleges that noise from your premises is causing a disturbance to neighbouring residents.

The details of the complaint are - loud music comes from the bar through, larger open windows and cause a disturbance.

Thank you for talking with me today.

Whilst I am unable to confirm if these complaints are justified, I hope you understand that it is this Department's duty to make enquiries following the receipt of such complaints.

The aim of bringing this problem to your attention is to give you the opportunity to consider the matter and, if necessary, to take all suitable steps to resolve the issue.

I must advise you that should this Department receive further complaints regarding this matter we are obliged to carry out a formal investigation.

Mediation between you and your neighbour could help ease the situation. Brighton & Hove Independent Mediation Service Offers a free and confidential help line on 01273 700812. Alternatively, you can email them at [mediation@bhims.org.uk](mailto:mediation@bhims.org.uk) or see [www.bhims.org](http://www.bhims.org). Please advise the mediation service to contact the Field Officer Team to discuss your request

Yours sincerely  
**REDACTED**  
Field Officer

Enc: Advice sheet