

## APPENDIX F

(A)

con: 19/6/12

SJM

Felicity Broder

**From:** Jason Kitcat  
**Sent:** 06 June 2012 18:31  
**To:** EHL Safety  
**Subject:** Objection to application by Bar Synergy, 1 Middle Street 1445/3/2012/01435/LAPREV

VALID  
CI  
CD PN PS.

Dear Licensing Team

As a ward councillor I am objecting to licensing application 1445/3/2012/01435/LAPREV by Bar Synergy of 1 Middle Street.

I am objecting under:

- \* Cumulative Impact,
- \* Prevention of crime & disorder,
- \* Preventing public nuisance,
- \* Public safety.

This street and this specific venue have a history of problems linked to the licensed trade. They are in the centre of the cumulative impact zone and by West Street where the density of licensed premises causes a serious strain on Police resources when dealing with the night-time economy.

Residents in the area already suffer repeated late night disturbance, noise and anti-social behaviour from people moving between and from licensed venues and this also affects guests houses in the street.

Extending the terminal hour to 0500 is too far, extending the race to the bottom which creates a situation when there is no time of night where residents can sleep in peace. Furthermore the Police operation Marble does not usually operate at 0500. This application will certainly contribute to the cumulative impact.

Please refuse this application in its entirety.

Sincerely,  
Jason Kitcat

--  
Cllr Jason Kitcat

Leader of Brighton & Hove City Council  
Green City Councillor, Regency Ward

<http://twitter.com/jasonkitcat>  
<http://www.jasonkitcat.com>  
+ 44 (0) 7956 886 508

PPN  
PPS

(B)

con: 19.612

STM



Anthony D. Pol  
Carol Smallwood  
5, Ship Street Gardens,  
Brighton,  
BN1 1AJ.  
Tel. Day. 01273 670699  
[tonypol@visionantics.co.uk](mailto:tonypol@visionantics.co.uk)  
[cazsmallwood@gmail.com](mailto:cazsmallwood@gmail.com)  
15/06/2012

Head of Planning and Public Protection, Health, Safety & Licensing, B.H.C.C.  
Bartholomew House, Bartholomew Square, Brighton.

Bar Synergy, 1, Middle Street, Brighton, BN1 1AL.  
Variation of premises license. 1445/3/2012/01435/LAPREV  
Copy to Jason Kitcat

Dear Health & Safety and Licensing,

The location of Bar Synergy at No 1 Middle Street, Brighton has a considerable history of problems of public nuisance, disorderly and unacceptably loud drunken behaviour late at night and early in the morning caused by the licenses to serve liquor through the night that its previous owners have held. Regarding that history we have attached a copy of our submission to the licensing review of 03/09/2009.

If a variation to the license were granted allowing the sale of alcohol until 5 am then the high level of noise and loud inebriated conversation that can be heard from smokers outside Bar Synergy even from the top floors of Ship Street Gardens would constitute a truly unacceptable extension of the hours of public nuisance. Late night drinkers invariably gravitate to the bars with the latest (or earliest) hours. With more alcohol consumption comes more inebriation and more noise and nuisance. Drinkers leaving Synergy (no longer the responsibility of Bar Synergy) spill into the twittens and streets to the side of Middle Street. Resident's sleep could then be disturbed and broken throughout the whole night.

With regard to Bar Synergy's request to be able to serve alcohol in glass glasses until midnight. We would hope that they would ensure that no glasses left their premises but given the amount of broken glass that we find outside our house or indeed hear shattering from street or twitten in the night that hope seems quite unrealistic: we therefore oppose this requested variation essentially on grounds of public safety caused by broken glass.

Yours sincerely

Mr. Anthony D. Pol Ms. C. D. Smallwood  
(Co. Chair of The Ship Street, Ship Street Gardens  
and Middle Street Residents Association)

con: 19.6.12

SJM

**Leona House**

Guest Accommodation

74 Middle Street Brighton BN1 1AL

Telephone

Fax

[www.leonahousebrighton.com](http://www.leonahousebrighton.com)

VALID  
C+D  
PN.



Head of Planning and Public Protection  
Health & Safety and Licensing,  
Bartholomew House,  
Bartholomew Square,  
Brighton BN1 1JP

**18 June 2012**

**RE: "Synergy Ltd" 1 Middle Street, Brighton, BN1 1AL.**

**With regards to the extended licence application to 5 am, my  
Objection is as follows:**

**Myself and my wife own Leona House Bed & Breakfast  
Opposite "Synergy" bar and any extension to their opening  
Hours would seriously harm our business. This extension to  
5 am would affect our Guests sleeping in the 3 front rooms  
till potentially 5.30 am ( Allowing Synergy's customers  
approx. 30 minutes to clear the area). Customers leaving  
bar/pub premises very rarely depart quietly. I know this  
having lived and owned a business in Middle Street over the  
last 10 years.**

**This is completely unacceptable being that the area is part-  
residential. We would also be kept awake as we live in the  
premises**

**This will inevitably lead to us having to refund our Guests their money  
and often subsequently they go home and put negative reviews on-line.**

**attracted anti-social behaviour and drug dealing in the vicinity often clearly on view to our Guests and their children.**

**I think 3 am is sufficient opening time and is in line with the other bars in the area.**

**Our property is Grade 2 listed and cannot have double glazed replacement windows installed. I recognise that however well managed a bar premises may be there will always be noise outside with smokers and customers leaving noisily.**

**Our business would not survive this all night disturbance. We are all here to make a living without having these additional burdens put upon us. We have witnessed far too often in the past that crime and disorder occurs mainly after 3 am and this proposed licence application will only enhance this.**

**Thank you  
With best wishes**

**Yours Sincerely**

A handwritten signature in blue ink, appearing to read 'P. & H. Eastman', written over a horizontal line.

**Paul & Hazel Eastman**



con: 19.6.12

STM

Antony Burnet-Smith  
1 Daisy Court  
65 Middle street  
Brighton BN1 1JG

Tel. Day.

①

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENTAL HEALTH & LICENSING
DATE RECEIVED
18 JUN 2012

VALID  
AN  
GD

11 June 2012

Assistant Director, Public Safety, Health & Safety & Licensing, B.H.C.C.  
Bartholomew House, Bartholomew Square, Brighton.


Dear Licensing Committee,

Bar Synergy, 1 Middle Street have applied to extend their hours with application 1445/3/2012/01435/LAPREV. As I understand it, they are actually seeking sale of alcohol and recorded music 1000 - 0500 Wednesday, Thursday, Friday and Saturday. In effect extending their hours of trading by two hours and also removing the condition for polycarbonate glass to ordinary glass.

As a resident I am already seriously sleep deprived by their current hours and this application for a an extension if granted, will just extend the current noise pollution by two more hours. I already have to deal with people urinating on my gate, pressing on the doorbell and damage to my car. The thought of having to deal such alcohol related fall out for two more hours is frankly deeply depressing.

I like a vibrant town centre that is why I live there but it is important that the pannel visits Middle Street in the early hours of the morning to witness at first hand the current consequences of licence applications extensions. To compound this by a further two hour alcohol extension at The Synergy would be a travesty. This application should be rejected.

Yours sincerely



Antony Burnet-Smith

p.s We must not forget the history of this venue. I know it has new mangement (and I wish them luck) but the sign above the door advertising "Free entry and Jagerbombs at £1.50" suggests the strategy has not changed.



con: 19.6.12 STM



## Planning & Public Protection

Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

Mrs Sarah-Jane McNaught  
Licensing Team  
Bartholomew House  
Bartholomew Square  
Brighton

Date: 19<sup>th</sup> June 2012  
Ref: 2012/05926/EPLIC/Eh  
Phone: (01273) 292130  
Fax: (01273) 292196  
e-mail: [alun.cance@brighton-hove.gov.uk](mailto:alun.cance@brighton-hove.gov.uk)

*VALID  
AN.*

Dear Mrs McNaught

### Application to vary a premises licence under the Licensing Act 2003 Re. Synergy, 1 Middle Street, Brighton

I am writing concerning the application for a variation to the existing premises licence for the above premises.

I have concerns regarding the potential for public nuisance, and I am therefore making a representation. My representation is being made in relation to the licensing objective prevention of public nuisance.

This application includes the provision for recorded music. Recorded music is proposed up to 5am. I have concerns regarding the potential for noise nuisance to arise from such activities being undertaken at the premises.

My concerns particularly relate to noise from amplified music, noise from people entering and leaving the premises and noise from smokers. There are residential properties in the vicinity.

I have inspected this licence application and the operating schedule relating to additional steps intended to promote the prevention of public nuisance licensing objective. My observations are as follows:

- The only noise control measures are that 'Doors remain closed during opening hours', 'Premises closed all day and only open after 8pm', and 'Decibel level set by agreement with environmental Health';
- There are no noise control measures, or management details relating to the use of the area outside the bar by smokers;
- There is no reference to how the decibel level will specifically be set;
- There are no controls as to how opening of doors and windows will be managed as obviously customers will be entering and exiting the premises during opening hours.

Telephone: 01273 290000  
[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)  
Printed on recycled, chlorine-free paper

Concerns are further raised by the fact that since 2009, 19 separate complaints about noise from music or noise from customers outside the premises have been received by this department.

On the 2<sup>nd</sup> July 2009 Noise Abatement Notices were served on those responsible for the noise at the premises. The notices required noise nuisance at 43 Providence Place to be abated 'forthwith' but did not specify particular measures or requirements on how the nuisance be abated. Simply managing the volume of the music would be sufficient.

On a License Panel Hearing was called in respect of a review for the premises license of Entourage, 1 Middle Street Brighton. Review documentation was submitted by my colleague Edward Bulger and a local resident. The review related to the licensing objective of the prevention of public nuisance.

The Panel considered the evidence presented and the information that was included in the papers. After consideration the Panel felt that there was strong evidence that there had been definite noise nuisance that contravened the licensing objective in relation to Public Nuisance.

Finally, this premises falls within the councils Cumulative Impact Zone. Such areas have been deemed to be of special concern in terms of the levels of crime and disorder and public nuisance experienced within them. The councils Licensing Policy states that where premises fall within these areas 'operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas.' This has not been demonstrated in the operating schedule included in the application.

Yours Sincerely



**Alun Cance**  
**Environmental Protection**



con: 19.6.12

(F)



**Sussex Police**  
Serving Sussex

www.sussex.police.uk | 101

## Brighton Police Station

Brighton & Hove Licensing Unit  
4<sup>th</sup> Floor  
Police Station  
John Street  
Brighton  
BN2 0LA

Tel: 0845 60 70 999 ext 50826  
Fax: 01273 66 55 96

Email: david.bateup@sussex.pnn.police.uk

12<sup>th</sup> June 2012

VALID  
C+D  
PN  
PS  
CI

The Licensing Technical Support Officers  
Environmental Health  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Dear Sirs,

**Re: application for variation of the premises licence under the Licensing Act 2003 for Bar Synergy, 1 Middle Street, Brighton, BN1 1AL.**

Sussex Police wish to make representations in respect of this variation application on the grounds of the prevention of crime and disorder, public nuisance, public safety and cumulative impact.

Sussex Police oppose the application dated 21st May 2012 for variation of the premises licence by Mr Robert Feld, a director of Bar Synergy Limited.

The licence currently has the following licensable activities seven days a week:

Exhibition of a film	10:00 - 03:00
Making music	10:00 - 03:00
Performance of recorded music	10:00 - 03:00
Dancing	10:00 - 03:00
Late night refreshment	23:00 - 03:00
Sale by retail of alcohol	10:00 - 03:00

Brighton Police Station, John Street, Brighton, East Sussex BN2 0LA Telephone 101 Fax (01273) 665568



Opening hours

09:30 - 03:30

This variation application seeks to:

Increase the hours for recorded music and supply of alcohol on Wednesday, Thursday, Friday and Saturday by two hours from 03:00 to 05:00;

Increase the opening hours on Wednesday, Thursday, Friday and Saturday by 1.5 hours from 03:30 to 05:00.

The licence also contains the following existing condition:

All glasses into which drinks are dispensed will be of polycarbonate or a like substance and no drinks will be allowed in open bottles with the exception of a purchase of whole bottles of wine including sparkling wines when served on the first floor

The variation application seeks to have this existing condition amended so that glassware can be used seven days a week from 18:00 to 24:00.

The basis for Sussex Police's opposition to this variation application is that the granting of a variation for these premises to extend the hours open to the public, play recorded music and serve alcohol will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but will give rise to potential negative cumulative impact. Additionally, Sussex Police consider that the prohibition on glassware is important for the prevention of crime and disorder and public safety and therefore the hours for the use of these receptacles should not be reduced.

The premises in respect of which the application is made is situated within the Brighton & Hove City Council cumulative impact area. This is a mixed-use area with clubs, pubs and restaurants which currently suffers from high level of alcohol-related anti-social behaviour and disorder.

The concentration of licensed premises within this area of the City causes problems of anti-social behaviour, crime and disorder and public nuisance. Consequently, after due consultation and consideration, on 13<sup>th</sup> March 2008 the Licensing authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact.


Paragraph 2.6.5 of the Council 2011 Statement of Licensing policy (as amended 20<sup>th</sup> December 2011) states that "the special policy will only be overridden in exceptional circumstances. The effect of this special policy is that application for new premises licence or club premises certificate within the area, or variations which are likely to add to the existing cumulative impact, will be refused following relevant representation. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact".

Contrary to the Secretary of State's guidance, the applicant fails to demonstrate in its operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The applicant makes no reference to cumulative impact whatsoever, and nothing in the application or the operation schedule either rebuts the presumption of

refusal contained within paragraph 2.6.5 of the Licensing Authority's statement of licensing policy, or provides any reason for the Licensing Authority to depart from its special policy.

Accordingly the Committee is invited to refuse this variation application.

Yours faithfully,



Sub. A4513

Graham Bartlett  
Chief Superintendent  
Divisional Commander  
Brighton & Hove Division

## SUPPORTING REPRESENTATION

con: 19.6.12  
SJM

supporting RUD  
**Reefsouth Ltd**

1 English Business Park, English Close, Hove, East Sussex BN3 7ET.  
T: (01273) 729145 F: (01273) 729146 E: info@reefsouth.co.uk



①

Sarah-Jane McNaught  
Licensing Officer  
Licensing Team  
Brighton & Hove City Council  
2<sup>nd</sup> Floor, Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

13<sup>th</sup> June 2012.

Dear Sir

**Re: Bar Synergy Ltd. Application ref: 1445/3/2012/01435/LAPREV**

I have been the Freeholder of the above property for the last 10 years. I have had 3 different lessees in that period of time. As far as I am aware there has only been one incident involving the police when a fight took place outside of the venue.

The current lessees, who have been running the premises for the last 12 months appear to be very professional in the way they run their operation, with security and staff organisation etc.

I can see no reason why they should not have the extension to their licensing hours along with the use of glass instead of plastic until midnight to help upmarket the venue.

It is, as I am sure you know, a very difficult climate for the licensing trade and do feel that if the application is not permitted then this company may well have to cease trading.

Yours faithfully

  
Chris Weatherstone.



Managing Director: C. Weatherstone. Registered No. 2845584



