

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 16 MAY 2019

ROOM G90, HOVE TOWN HALL - ROOM G90, HOVE TOWN HALL

MINUTES – DRAFT

Present: Councillors O’Quinn, Deane & Theobald

Officers: Becky Pratley– Licensing Officer, Mark Thorogood – Police Licensing Officer

Reps: Councillor Phelim MacCafferty,

106 TO APPOINT A CHAIR FOR THE MEETING

106.1 Councillor O’Quinn was appointed Chair for the meeting.

107 PROCEDURAL BUSINESS

107a Declaration of Substitutes

107.1 There were none.

107b Declarations of Interest

107.2 There were none.

107c Exclusion of the Press and Public

In accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2003, the Licensing Panel considered whether the public interest in excluding the public and press from all or any part of the hearing outweighed the public interest of the hearing taking place in public.

107.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of Item 108.

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107 PROCEDURAL BUSINESS

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107.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of Item 108.

108 HOVE LAWNS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

108.1 The Chair introduced the Panel

108.2 The Panel considered a report of the Director of Neighbourhoods, Communities and Housing to determine an application for a Variation of a Premises Licence under the Licensing Act 2003.

The Chair wanted to ensure that everyone had seen the letter sent 18 April 2019 from Sussex Police and she checked with the residents present in the meeting that they had seen this letter. The Chair confirmed that there was currently an understanding that Sussex Police would be part of the application. Mark Thorogood, the Police Licensing Officer stated that he was present to assist in answering questions. The Licensing Officer stated that this was not a formal record and usually the email sent was for Licensing records. The Police Licensing Officer stated that the Police were keen to see at this meeting how residents felt about the proposals so that the situation could be clarified. The Chair stated that it would have been more helpful to receive this letter earlier. The Licensing Officer stated that the letter had been sent out at an earlier date, but then due to one point of discussion between licensing and the applicants, it was kept on hold and then released as soon as it was known that the Panel was going forward.

Introduction from Licensing Officer

108.3 The Licensing Officer Becky Pratley stated the following:

“This application is for a variation to the current Premises Licence for Hove Lawns, which covers the grassed section between the Peace Statue and Courtenay Gate.

The variation application seeks to extend the terminal hour for all licensable

activities already on the licence by half an hour, until 10.30pm daily, and to add the licensable activities of Sale of Alcohol on the premises and Provision of anything of a similar description to live music, recorded music or performances of dance to the licence for the same hours, that is, 9am -10.30pm daily.

The application states that the license will still continue to be used for one off events and not on a daily basis. The applicants do not expect there to be an increase of events to what has taken place in previous years. The applicant has also submitted additional information in the form of a letter of support from Sussex Police (which appears as an addendum).

The current Premises License permits Regulated Entertainment on the Premises Licence for the hours of 9am -10.00pm daily;

The section of Hove Lawns from the Peace Statue to the west side of Holland Road falls with the Cumulative Impact Area.

The section of Hove Lawns from the west side of Holland Road to Courtenay Gate falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them.

The policy states that new applications for premises within the Special Stress Area will not be subject to the presumption of refusal, but 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.

The licensing Authority received 39 representations. They were received from a Local Councillor, Resident Associations and local residents.

The Representations had concerns relating to the Prevention of Crime and Disorder Public Safety and the Prevention of Public Nuisance. These can be found in Appendix C, from pages 35-90 of today's agenda.

No representations were received from any of the Responsible authorities, however, as stated earlier, Sussex Police have written a letter of support, which the applicant has submitted as additional supplementary information supporting the application. This appears as the addendum to today's agenda.

Hove Lawns are regularly used every year under Temporary Event Notices for the provision of alcohol. Examples of Events where the provision of alcohol has been covered by a TEN are; the Foodie Festival, Paddle round the Pier, runs, cheese festival.

As mentioned, part of Hove Lawns does fall within the CIA. Variation applications that are likely to add to the existing cumulative impact should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they can show that their application will have no negative cumulative impact on licensing objectives including the Prevention of Crime and Disorder and Public

Nuisance. The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case.

The SoLP makes reference to outdoor events, stating that outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open-air including tents and marquees should have a maximum closure hour of 23.00 hrs. Earlier hours may be imposed in sensitive open spaces or near residential areas.

The Council's event planning process is a series of multi agency meetings where the Event Management Plan for an event scrutinised by emergency services and relevant council departments. In addition, the Safety Advisory Group undertake further scrutiny of the Event Management Plan.

The special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. (3.1.7 p10. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances.

Each application is still considered on its own merits and there is discretion to depart from the policy where justified."

Questions to the Licensing Officer

- 108.4 The Chair asked how many TEN notices had been applied for within the past year. The Licensing Officer replied that 3 separate TENS had been applied for the Lady Boys performances and in total 16 days of TENS had been applied for Zone B of Hove Lawns. She also confirmed that for Zone A there had been a total of 4 days which included the 12 April Running event and the Food festival. She confirmed that the Police Licensing Officer had the numbers of complaints regarding the past year. The Police Licensing Officer gave the number of TENS applied for in the previous year – 2018 which totalled to 15 TENS used which included: 3 TENS for the Big Cheese event in May, and 3 TENS for Paddle Round the Pier, and Disability Pride and Triathlon events.
- 108.5 The Chair asked about the finishing times of the TENS notices. The Licensing Officer confirmed that the latest was the Ladyboys on 4th May at 11 pm, with the hours being from 6pm – 11pm on two days and from 5 – 8 pm on one and 6pm – 9.30 pm on one day and that the later finishes were at weekends at 11pm. She confirmed that no alcohol was sold and the public had to leave at 11pm. She also stated that the hours for the Food Festival was 10 am – 10 pm and the Running event on 12 April was 5 – 7 pm.

- 108.6 The Chair asked whether the Police were contacted regarding these TEN days and the Licensing Officer replied that the council's noise team together with the Police would have been contacted.
- 108.7 The Chair stated that often the Licensing Committee might refuse a TEN and she stated that with TENS you cannot add extra conditions to go before a panel. The Licensing Officer stated that an objection would have to be received to do to this and that the nature of a TEN is that there is a 10 working day submission window before it is sent and that due to this tight timescale, a formal objection was required to implement this. She confirmed that the Police will pre-consult on a TENS notice.
- 108.8 Councillor Theobald asked if there were any new events coming up in the future and the Licensing Officer replied that there was only the current run of the Lady Boys for 15 – 20 May, so that there were currently four more days covered by TENS notices and that the situation would change next year due to the Valley Gardens scheme.
- 108.9 Councillor Mac Cafferty asked whether the description inside the Agenda pack was inaccurate, since the ward covered was Central Hove in addition to Brunswick & Adelaide. He also asked about why noise complaints had not been included. The Licensing Officer replied that there were 4 noise complaints in 2018 at the Big Cheese event on 5th March. She stated the Noise Team procedure for a TEN licence was looking at contacting organisers and Ian Taylor, Events Manager and the Events team and if this was after the event it should be fed into the debrief. She also gave other examples such as the Food Fest May Bank Holiday weekend 2018 where complaints were discussed with organisers and the No Fit State Circus from 3rd May 2018 where the TEN notice ran from 9 – 14 May from 6.30 – 11pm and complaints were taken via the Mayor's office. The Events Manager responded together with Environmental Protection colleagues to this. Another example on 5 May 2019, was where Field Officers had witnessed the complainant's situation but could not close the case. There was also another complaint opened for the Food festival where there had been noise after 6pm which had been intrusive and had been witnessed by two complainants with Environmental Protection contacted. She confirmed that in summary there had been five complaint cases with one active at present.
- 108.10 Councillor Mac Cafferty stated that he felt that was a small number and was not representative of the volume of complaints he received, since he had as many complaints in his Inbox over the Bank Holiday weekend. The Licensing Officer questioned whether these were being logged and sent to Environmental Protection and Councillor Mac Cafferty confirmed that they had already been forwarded to EHL protection, the Field Officers and other departments and that he still queried these figures. The Licensing Officer stated that they could not get evidence unless it qualified as a statutory nuisance.
- 108.11 Councillor Mac Cafferty stated that this seemed to be a hit and miss approach to capturing a realistic picture of the situation on complaints, since there were lots of queries in 2006 and then the licence was originally agreed in 2013. The Licensing Officer then related a short history of the application and confirmed that the Police had put in a representation on all outdoor spaces when they had had meeting. She also confirmed that there had been a condition that alcohol had never been a regular activity condition of the licence. She summarised that the current license is dated from

2013 and this had gone through a process of several consultations. The only change was made to the Conditions in 2013.

108.12 The Chair then asked residents to give their representations and questions:

Juliette Hunting, resident stated that she was surprised that there was so much discussion about the TEN notices and asked what the difference in cost was between a TEN and the full licence. The Licensing Officer replied that there was a £21 fee for a TEN licence and a premises licence might be £190 for a variation in the licence for a pub. There was then some discussion around the issue that Hove Lawns was not a premises and the Chair replied that the Council held the premises Licence for this area.

108.13 Another resident asked why there was a magic number of 15 TENs and the Licensing Officer replied that premises could have a maximum number of 15 TENs per year to cover 21 days. Fiona then asked whether you could increase the number of events by having a blanket licence and the Licensing Officer replied that it depended on the nature of the original licence and the length of the events.

108.14 David Watkins, resident, asked whether the Ladyboys were expected to apply for a licence next year and the Licensing Officer stated that that was a question for the Applicant, since this would come in ten days before the event.

108.15 Lynn Moore, resident asked if selling alcohol in the morning was already covered by the original licence and that this was the reason that TENs were applied for and the Licensing Officer replied that this was the main reason that TENS were applied for.

108.16 David Messent, resident, asked about safety and access to the beach in the area, which he felt was special to Hove Lawns, since he had witnessed a cycle accident in the area during an event and said that areas needed to be sealed off for public safety. The Licensing Officer replied that this was not an issue for Licensing to deal with and should be handled by the Events team. David Messent also asked whether there was the same amount of planning for TENs in other areas and the Licensing Officer replied that the TEN was supposed to be a light touch scheme used for schools' events and street parties and that the Police and Environmental Health authority were the anchors who looked at concerns on these applications. She confirmed that the application was to extend the hours for this. David Messent also asked whether the impact of the extra hours requested on the local community was covered by this hearing and the Licensing Officer replied that these issues were only triggered when there was an Objection registered.

108.17 Councillor Carol Theobald stated there were total of 5 complaints over the years and asked what kind of complaints were lodged. The Licensing Officer replied that intrusive music noise was the main one especially during the recent Cheese Festival.

108.18 Councillor Mac Cafferty stated the following:.

"Before I start I want to ask why it was felt that the applicant would email objectors and ask them to withdraw their objections. I was asked to do this too, Is this now normal practice? Is this what other applicants do? I have to say it really doesn't cover the applicant, in this case, the City Council itself, in much glory if this is what is deemed to

be acceptable. Further I have to say I don't look too kindly on this practice and I have questions about the ethics of attempting to encourage people from making representations- this is surely not something that this licensing authority wants to be associated with?

The report at 3.5 in the report that the area in application which is under the CIZ *"this area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them"*

The CIZ runs for virtually all of the Brunswick and Adelaide ward while all of Central Hove and the remainder of the application site is within the Special Stress Area. Under 3.2.1 of the report you are reminded that the Special Stress Area (SSA) is *"of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it..."*

The council's policy states that licences will be granted in the SSA provided that, and I quote, *"their operation will not add to the problems faced in these areas."*

But the neighbouring area already has many problems in relation to licensed premises and this isn't just newspaper articles for e.g. Central Hove according to the *Brighton & Hove Public Health Framework for Assessing Alcohol Licensing* ranks fourth in the entire city for 'alcohol suspected ambulance call outs' While the same report tells us that Brunswick and Adelaide is 8th in the city for 'Police recorded alcohol related incidents' Both together tell us a rich picture that this area already has a problem with too much freely available alcohol.

The report reminds you that our neighbourhood is in the CIZ because of the concentration of licensed premises in an area of the city centre and it is that concentration that is causing problems of crime and disorder and public nuisance. Within 5 minutes of walking from the application site, there are dozens and dozens of licenced premises- I stopped counting at 67. In any case, this area is a densely residential area in fact my ward is one of the most densely populated in the entirety of the European Union.

Appendix A paragraph A lays out the argument from the applicant viz that *"The Council intends to use the Premise License only on occasions when events have been granted permission by the council, which would not be every day"*

But, with respect, that isn't the point. The Lawns **could** be used every day, whether or not they **should** or **would** not be. Our community feels very strongly that we currently put up with enough later evening events on the Lawns and this is a step too far.

Under paragraph B in Appendix A- prevention of crime and disorder- we are told that Sussex Police are involved in the consultation and planning of all events in line with the Council's Outdoor Events Policy. But our neighbourhood is already suffering from the fact that we don't have effective or comprehensive policing as it stands. What this report doesn't tell you is what we all know: the cuts to the police mean that this new variation will put even more strain on an area that day in day out is seeing all the strains of too much alcohol which is far too available. The Lawns are in a neighbourhood that has current and historic anti-social behaviour hotspots. Norfolk Square to the west of the application site is such a hot spot while even in the past number of weeks, Brunswick Square which is to the middle of the application site, has been the subject of what Sussex Police call a 'problem profile'- the quantity of anti-

social behaviour that the square has attracted means they say they are keeping close tabs on it. If it's not obvious, our area doesn't need even more access to alcohol. Extended hours of opening and access to alcohol will add to the number of venues in the immediate area serving alcohol into the night and to the already high risk of anti-social behaviour. A disproportionate quantity of the volume of emails and calls I take on the issue of anti-social behaviour are residents reporting the consumption and over-consumption of alcohol. Policy 4.1.4 of the Statement of licensing states: "*The location of ...anti-social behaviour may be used to justify closing times.*"[5]

The comments under Paragraph C- public safety- are wholly unsatisfactory and don't seem to overcome many of our current objections about public safety. Our neighbourhood all too recently saw a young person tragically killed because they were intoxicated falling onto Western Rd. A premises serving alcohol until 22:30 in this area on an arterial road into the city can only add to this danger. I am worried that the proposed premises for the extension is accessed only across one of the busiest A roads in the city which I know from my casework has speeding vehicles on it most days. An extension of the hours could lead to more intoxicated clientele attempting to cross the road unsafely. Now King's Road, which is the main road between the application site and most people's journey home, is a very busy road. Are we seriously to believe that the very limited information in paragraph c will reassure you Councillors or indeed anyone casually observing what is happening here. This road is one of the busiest thoroughfares in the city and it shouldn't be a road that an applicant, never mind the City Council, should be encouraging people to traverse especially when they have been consuming alcohol.

Paragraph D prevention of public nuisance is similarly bereft of information. What is really obvious to me and residents in my ward is that the only thing we know that will happen if this application gets granted is that we will have yet more public nuisance as people get back into town or travel home through our streets. So my residents won't just have to pay with their amenity in terms of yet more time for noisy events, they will have to pay with intoxicated punters walking up their streets at 11PM and beyond at night. Once again my residents are expected to have their amenity suffer on behalf of everyone else.

If you need assurance of that- look at the many representations made by residents. One states that the noise spills over from the Lawns with rowdiness and loudness, making them feel safe unsafe. Another talks about how the impact of the extension won't be just felt on the Lawns but all over our neighbourhood, which many residents remind you is densely residential. Yet another makes the very clear point that as licensed events run all day, the likelihood of highly intoxicated people is much higher.

Every single one of the green spaces in my ward has seen a large spike in anti-social behaviour in the past year and pouring even more booze into the mix is only going to make matters worse. We need to prevent crime not encourage it.

Policy 4.1.4 of the Statement of Licensing states that the location of anti-social behaviour may be used to justify closing times. And on that, just how sure are we that events that used to finish at say 7 or 8 PM won't now choose to finish at 10:30PM because the licensing regime permits it.

Residents who live along Brunswick Terrace, Brunswick Square, Holland Road, Lansdowne Place, Adelaide Crescent, Palmeira Square, St Johns Road, First and Second Avenues are already disproportionately hit by noisy, late finishing events and the rowdy behaviour from events on the Lawns. The last thing they deserve is for events to carry on even later.

For many of my residents a front or back garden isn't possible, so the Lawns are our garden and where we as a community need to be able to relax. With more events taking over more of our public space especially in the summer months when the community just wants to be able to use a city amenity, our access to our own public back garden is severely limited and will be even more curtailed by licensed events which will deter families from using the Lawns.

I'm afraid the generic information about noise doesn't quite cut the mustard either. Many of my residents on the Bank Holiday weekend contacted me all over the weekend telling me about having to suffer lots of noise nuisance because of the events on the Lawns. This is now routine for my residents and it isn't fair.

I think what we have seen in the significant quantity of objections is that people are fed up with the Lawns being taken over by events that rarely give anything back and that cause us noise nuisance. We are sick to the back teeth of noisy events which take over the Lawns followed by drunken anti-social behaviour, vandalism and litter for days."

- 108.19 The Chair asked Cllr Mac Cafferty whether he was concerned about the beach as there was no beach patrol available in Hove, since there was more danger of drowning in the central area of the Beach. Cllr Mac Cafferty replied that residents wanted to sit on grass - not on pebbles, so the lawns were the place where they wanted to relax. He added that there would need to be a change of attitude by the Seafront team and RNLI in order to change this.

Questions to the Licensing Officer

- 108.20 Councillor Deane asked if coastguards were consulted on this issue and the Licensing Officer replied that they were not.

Questions to Councillor MacCafferty

- 108.21 Councillor Deane asked if there was a problem with displacement of people from Brunswick and Norfolk Square? Cllr MacCafferty replied that these areas were not available for residents to relax in and therefore the Lawns were an important area for them to escape to – especially on Bank Holiday weekends.
- 108.22 Cllr Deane asked about whether there was a discrepancy in the level of complaints Cllr MacCafferty had received versus those received by Licensing. Cllr MacCafferty replied that he regularly received complaints from residents every Bank Holiday, he had received approximately 25 complaints in the last year, which included video recordings of events. He confirmed that he passed these on to the relevant people, but there seemed to be gap in numbers received.

- 108.23 Councillor Deane asked if the situation had changed over the past 8 years and Councillor MacCafferty replied that it felt like there had been a greater intensification of the use of the Lawns recently and that he had made an early representation due to the noise of the Ladyboys event which was to be held at the Kings House area site.
- 108.24 Councillor Deane asked whether the road that Hove Lawns was situated on, the A259, was controlled by The Highways Agency and therefore whether a speed restriction could be placed in this area. Councillor Mac Cafferty replied that there was no speed camera in the area, as there was in the Kemptown part of this road and that he did not receive an encouraging response from the Highways Agency on this. He confirmed that cars were speeding up and down from the viewpoint of Embassy Court and the flats in Palmeira Square and that this issue had been handed back from Lisa Bell that this area is the remit of Sussex Police – so the council is unable to put a speed restriction in place.
- 108.25 Councillor Theobald asked if the complaints were all the same repeated issues and Councillor Mac Cafferty replied that it was mainly noise since most of the buildings in the area did not have insulation and also some behavioural issues.
- 108.26 The Chair stated that residents do have a right to peace and quiet and asked if people had anticipated the events would extend until the evening. Councillor Mac Cafferty replied that people had concerns about the concentration of licensed events over time and he could not understand why more licensed premises were needed in the area, since he felt the CIZ was set up in order to stop the bath that was already overflowing.
- 108.27 David Watkins, resident stated that he had experience of dealing with these problems for a previous 12 years prior to Councillor Mac Cafferty and that the problems had increased considerably over time.
- 108.28 Pamela Hoad, resident, stated that the complaints about noise should not be taken lightly and that they had had four different bands playing different music at the same time from morning until night, and that on one occasion, her windows had rattled with the noise.

Residents' Representation:

- 108.29 David Watkins confirmed that he would represent the residents as Chair of the Brunswick Town Association since Ron De Witt was on holiday and was also representing 5 resident associations who represent 10 – 11 thousand residents – making it one of the most densely populated areas in Europe. He summarised the history of Hove Lawns stating that it had been under council jurisdiction since 1997. He confirmed that Brunswick Square was a Grade 1 conservation area and thus double glazing was not allowed to be installed. He stated that he lived in a stable area and that the noise echoed through it from anywhere and thus any further noise from the seafront is exacerbated. He stated that he did not understand why Hove Lawns was trying to be used as a commercial area and thus pushing it towards music use. He confirmed that the public who attended these events were not careful and therefore the area became a public toilet for use by the public after drinking in other premises. He confirmed that he felt Public Health should be looking at this issue since there was a lack of public toilets available. He stated that there was not good communication

between council officers and resident associations. He confirmed that since he represented all residents it almost comprised the numbers of a parish council. He referred to the letter from the Police Authority that had been pointed out earlier and confirmed that he had not had a single communication from any organisation or individual and that therefore the residents were not being recognised as being important and were definitely being ignored. Even though he stated that he had experienced twelve years of Lib Dem and eight years of Green councillors for the area, he confirmed that all the parties spoke to them. He concluded that the Panel should vote against this variation since the decision had been made without all the background information being taken into account. Residents needed their lawns as a substitute for having no back gardens in the area and that it was important for residents to have open space.

Further questions to the Licensing Officer and Representatives

108.30 The Chair discussed point about the area description with Councillor MacCafferty and both councillors felt that it should be described as Brunswick and not Central Hove, as stated by Councillor Moonan. The Chair also asked about the issue of withdrawing objections and Councillor MacCafferty replied that he had a copy of the written email from the Applicant. The Licensing Officer replied that from a Licensing Authority perspective, when an objection was received, once it was deemed valid, it had to be passed to the Applicant so that they had a chance to talk to each of the reps before a hearing in order to see if anything could be done or any agreements reached and that it was standard practice for Licensing to try and open up the dialogue. She gave examples that, in some instances this approach worked in order to stop a hearing having to go ahead. She also confirmed that the representatives had every right not to withdraw also.

108.31 Speaking as the Applicant, Nick Hibberd, Executive Director of Economy, Environment & Culture stated that he wanted to apologise on this issue if these communications had been seen as inappropriate and if any upset had been caused. He explained that he had been following the advice of an officer in order to see if the objector was clear about the Applicant's reasons for making the application. The Events Manager stated that he was acting on given advice and that there had been good feedback.

108.32 David Messent stated that the email had given the impression that the licensing procedure was standard and that he should withdraw his application with just a support letter from Sussex Police.

108.33 Councillor Lizzie Deane asked if the Chair could read out the email letter as the panel had not seen this.

108.34 The Chair then read out the following email from Ian Taylor, Events Manager:

"I am contacting you regarding your representation against the variation of the Premises Licence for Hove Lawns. Please let me explain what we are trying to do with this application, I don't think the posted notices really cover our aims.

In 2003, with the arrival of the new Licensing Act, the council licensed 19 of its' parks and open spaces for a broad range of licensable activities – most notably the provision

of various entertainments and the supply of alcohol. All of the main outdoor venues in the city including Preston Park, Old Steine, Victoria Gardens and the beach (in various sections) were licensed alongside Hove Lawns. For some reason at the time Hove Lawns was not licensed for the supply of alcohol, unlike our other sites. I believe this was because of concerns around Public Space Protection Orders (street drinking) at the time.

What this has meant is that events taking place on Hove Lawns that have wished to sell alcohol have applied for Temporary Event Notices (TEN's) to cover this. This is not best practice and is not popular with either the police or our own licensing colleagues, the regulations and enforcement around TEN's are not nearly as stringent as they would be under the conditions of this application. I have attached a letter of support from Sussex Police Licensing and Events Unit which makes their position clear and explains the differences between TEN's and the Premises Licence.

So this application does not materially change what you would see on Hove Lawns, if not granted events would still apply for TEN's when wishing to include the supply of alcohol, it seeks to provide better regulation and potential enforcement than is currently the practice.

The other important thing for me to say is that this is most definitely not about getting more events on Hove Lawns. Hove Lawns already has a strong annual calendar of events, in line with other parks and open spaces throughout the city, and we do not want to see the number of events increased from what it currently is.

I am happy to talk through this application further if you would like to call me on the direct number listed below or meet with you as individuals or through associations.

Given the information above and attached I would ask if you would consider withdrawing your representation to the application?"

108.35 Juliette Hunting, resident, stated the Hove Lawns were a citywide asset – not just of importance to Brunswick residents. She stated that within the City Plan there was a statement about having open space for all to enjoy and that it was a Local Heritage site and an integral part of the seafront, which could be lost for a whole city. She also stated that there were two primary schools in the area and that Hove Lawns was vital as an open space to all children the area.

108.36 Pamela Hoade, resident stated that the recent 3 day Food Fest event started at 8am on a Wednesday and was not finally cleared until a week later on the following Wednesday afternoon and that there was high metal fencing around the whole area for the whole period. The Chair commented that usually strict conditions were enforced on this and she realised the importance of this to local residents and that she hoped that the Events team took this on board.

108.37 Lynn Moore, resident stated that she was concerned that this will encourage more events to take place and that both the grass and the railings had been damaged a lot by the events and no repairs or replacements had been made. She confirmed that sections of the railing were left damaged where vehicles had run into them, with the railings now sad and broken. There were also a lot of barbecues that had caused

damage. David Watkins, resident, stated that there was no council budget to replace these railings.

- 108.38 Councillor Clare stated that she had noted the strength of feeling around this area and that other spaces had a blanket licence. She confirmed that the area suffered from having a large number of premises within a small area and that after a Bank Holiday weekend they had received so many emails on noise complaints that it was describing the area as a noise tunnel where residents could not get their children to sleep due to two different bands playing. She confirmed that Hove Lawn events had been on every local action team's agenda since complaints were raised so regularly – not just about licensing issues.
- 108.39 Councillor Deane wanted to raise the point about residents' access to the area and when events took place, how did this impede the residents?
- 108.40 Resident David Messent stated that the size of events appeared to have increased so residents had to walk further around fenced off areas. He stated that 15 years ago, vehicles could not go on the grass and now it was a given permission so parking on the grass meant that events take up more and more space.

Applicant

- 108.41 The Executive Director of Economy Environment & Culture thanked residents for their feedback and stated that in 2005 the councils licensed many parks and open spaces in line with the earlier Licensing Act, so that they did not have to apply for a licence every time there was an event. He confirmed that the usual time event were allowed was up to 11pm on the seafront, with a later time for the Old Steine for a festival. He also confirmed that the licenses for Hove Lawns did not include alcohol and that TENs notices were required to cover this. Since the beginning of the Valley Garden scheme the council were now creating new event spaces in this area and therefore the number of events had not increased and this application was not intending to increase the number of events. He confirmed that previously TENs had covered the licensing of alcohol as a light touch process and that steps were needed to be taken for a TEN application. He confirmed that the Police supported the application since the license would strengthen the management of events.

He confirmed that Mark Thorogood – Police Licensing Officer would give some data on crime later on, but that overall this application was designed to provide better clarification of the management of events. He also stated that it was key that Panel members made decisions on how many events were allowed and that although the food events had got larger the number of events had been consistent. He confirmed there was a process in place to protect residents and to increase safety and that anti-social behaviour should never be tolerated. He also wanted to apologise to David Messent that he did not receive the council notification letter regarding the events.

- 108.42 Mark Thorogood, Police Licensing Officer gave a summary of crime figures for the area. He stated that last summer there were 9 calls in July 2018, 8 in June and 8 in September, but none were linked to events on the site. In August there were 3 related to protests and 3 to thefts linked to the circus event. He confirmed that he felt it was safer for the public to vary the application rather than rely on TENs notices.

108.43 The Events Manager stated that there was a big difference between a TEN notice and varying the licence and confirmed that he did not receive any of the noise complaints previously stated and that concerns around noise should come directly to officers. Recently the Ladyboys was finishing at 11pm and this was due to be earlier at 10.30 pm for the next run. The Chair added that people could apply for TENs notices to extend hours on top of a variation and the Head of Events replied that they would require landlords' consent from the council to do this.

Questions to Applicant:

108.44 The Chair stated that there were 60 % of events without alcohol including 5 or 6 TENs and 21 days used up asked if there were many events held which did not have alcohol licences. The Executive Director of Economy, Environment & Culture replied that the events mentioned had not applied for TENs notices and that this would result in more alcohol being drunk and therefore this offered more options to control the sale of alcohol.

108.45 Councillor Deane asked how big the events held were and how many people they attracted. The Events Manager - Events Manager replied that with the Ladyboys there were 434 people per performance in one tent. Other outdoor events attracted 15 – 20 thousand people and the Foodies event attracted 10 thousand people. Councillor Deane then asked about the numbers of people dispersed at the end of an event and the Events Manager replied that it depended on the type of event since everyone left at the same time for the Ladyboys and other events may have 2,000 people leaving at one point. The Executive Director of Economy, Environment & Culture replied that this was managed through the Event Management Plan and that there had not been any safety issues around the number of people, since the Fat Boy Slim concert many years ago which was bad, but that since then this issue has now been well-managed.

108.46 Councillor Deane stated that she felt that communications had become a lot more intense with the number of complaints increasing and a notable lack of communication from the licensing and events teams towards the public and therefore she asked the Applicant teams what was being done to mitigate these criticisms for the year coming up. Nick Hibberd replied that all the points were taken seriously and that he was not sure whether the number of events had actually increased although visitor numbers to the city had increased, crime numbers were low and not linked to events in the city. The Events Manager, Events Manager replied that Licensing had passed complaints on to Events and they had received one directly regarding the Ladyboys. He confirmed that Events had a debrief after each event and would continue to do this in the future.

108.47 Councillor Deane asked if the panel were minded to grant a limit on the number of days would the Applicant be happy to limit the number of licensed event days over a year. The Executive Director of Economy, Environment & Culture replied that it was a fair point that over the summer months the seafront was a very pleasant venue and if this was limited to 40 days then there would not be more events than at present. He confirmed that this proposal went to the Tourism, Development & Culture committee and that they wanted to strengthen the regulations on this.

- 108.48 Councillor Deane asked if the Applicant would be interested in specifying non-alcohol led events and the Events Manager said he would if this were possible. The Executive Director of Economy, Environment & Culture added that the Council did manage events well and it had contributed a major part to the city's economy. Councillor Deane then asked if there were an application for a convenience store, would the Applicant consider a limit on space although it was alcohol-led. The Chair stated that the Ladyboys and the Gin festival were two very different events and that there had been a lot of alcohol available at the Food festival which led to problems with people leaving an alcohol-led festival. She stated she was concerned about the availability of alcohol making the events more profitable, but that the council owed it to residents to keep events which were not alcohol-led. The Executive Director of Economy, Environment & Culture replied that the council had public health responsibilities and that this was easier to regulate within a TENs notice. The Events Manager, Events Manager stated that there had been 8 events over 9 days and only 3 involved alcohol. He confirmed that there was nothing from 10th July – 12 September involving alcohol and that 21 days was the maximum number of licensed days. The Executive Director of Economy, Environment & Culture stated that he was not aware of the licensing zones and The Events Manager Event Manager stated that the Ladyboys was mostly in Zone B and most of the events entered the zone near the Peace statue. He stated that they would not put on more events at that end of the area opposite Kings House and that they had received five noise complaints, four of which were from those days of TEN notices.
- 108.49 The Chair stated that residents had appeared to have lost faith in reporting complaints and The Executive Director of Economy, Environment & Culture replied that it was useful to have the information regarding the resident's association and its history and that they definitely wanted to engage with residents.
- 108.50 Councillor Deane asked if the proposal was to serve alcohol at 9am as she feared this was feeding into the alcohol problems around the events. She asked if the Applicant would consider a later start time of 12 Noon. The Events Manager Events Manager agreed that a later start time may be possible and that most licences requested 11 am or 12 noon as the start time.
- 108.51 There was a brief discussion between all parties about the number of days events that may be suitable for Hove Lawns. The Chair stated that the number of days for licences - 40 was a lot. The Events Manager stated that 28 days were used for the Ladyboys this year. The Executive Director of Economy, Environment & Culture stated that they would need advice from the Licensing Dept regarding zoning and The Events Manager, Events Manager said that they would need enough days to cover the Foodies event, Paddle Round the Pier with 8 – 10 days for the Ladyboys. The Chair stated that there had been 10 days for the Peace Statue Zone B area and 30 days for the Zone A areas just to regulate the supply of alcohol. The Executive Director of Economy, Environment & Culture stated that they wanted to deliver a program and then the Committee would have the option to object. The Chair stated that regular meetings had been requested and that a condition could be added within the Licence so that residents could have an input. David Watkins, resident, stated that this would be a golden opportunity for all residents to liaise with the Council and the Chair stated that this could happen through the Residents Association and the Events Manager

agreed that this had been done in other areas such as Preston Park and that he was happy to liaise with local residents.

- 108.52 Councillor Mac Cafferty stated that there had been a considerably different experience of numbers and that they wanted a different way of communicating between the police and the community. Since Kings House now had planning consent it was important to think ahead and that the most populated part was near the Peace Statue – which had the most traffic around it and was in a bad state. He confirmed that before a decision was consented to, they needed to remember overall what was happening to the Lawns. He stated that the Applicant had said that the Committee determined the result but that he could not determine and vote against individual events. He questioned the quantity of complaints to the police as he explained that there had been residents who had rung 101 for 40 minutes until it had rung off and not been answered and thus he wondered how many people had tried to raise a complaint - especially as PCSOs had been cut from the police. He confirmed that there had been a serious sexual assault in his ward and Sussex police had recorded 2 incidents, but the Councillor had received many more reports on this directly from residents and he was concerned that complaints were not being logged properly onto the system and that a more robust mechanism for recording complaints was required. He also wondered if the police had factored in to their arguments the problem with the lack of PCSOs. The Police Licensing Officer replied that he agreed there was a problem, but that online reporting was also possible, and that resident could go to councillor or others to do this on their behalf.
- 108.53 Councillor Carol Theobald stated that the Ladyboys had a longer period and it had been agreed that they would pay for repair to the grass after this. The Events Manager, Events Manager stated that a deposit was taken and that he personally checked the course afterwards to decide what reparations were required and around £2,000 had been spent on this, including railings.
- 108.54 Councillor Theobald asked what time the alcohol License ended for the Food Festival and Licensing Officer Becky Pratley replied it was 10 pm and 11pm for the Ladyboys and The Events Manager confirmed that supply would cease from 10.30 pm.
- 108.55 A resident stated that the number of adjacent events had to be factored in such as the July Trans Pride and August Brunswick Festival and the Executive Director of Economy, Environment & Culture agreed that this was important and fitted with what Councillor Mac Cafferty stated that there was an option to consider that it is possible to put in an amendment from the Landlord's point of view. The Police Licensing Officer stated that Trans Pride in its third year normally had a TEN notice but had now been pushed to change to a temporary licence so that the event could be conditioned better. He confirmed that the Police were there to support residents and that this was a better option than a TEN notice. Resident Lynn Moore asked if this was relevant if the event could outgrow the size of the square and the Police Licensing Officer replied that this was relevant. Lynn Moore then asked why money from the organisers was not spent on the infrastructure for the area and Nick Hibberd replied that the council did receive an income as landlord and that this covered two posts in the Events department. The Events Manager, Events Manager confirmed that the income generated was fed back into Events. Lynn Moore replied that it was not spent on railings - which were needed in the area and the Executive Director of Economy, Environment & Culture stated that

he realised residents felt neglected and that if any damage could be evidenced, then re-instatement bonds could be put in place.

108.56 The Chair then cut short this discussion confirming that this was not do with licensing and suggested that local meetings should be arranged with Councillor Mac Cafferty on these local issues. The Events Manager stated that they tended to have these meetings twice a year at the beginning and end of the Event season. The Chair then said that this was done with Brighton Pride and she suggested meetings should take place every 3 months to discuss these matters fully. Juliette Hunting, resident stated that the document suggests the community contributions should be clearly written out in a document and The Events Manager, Events Manager stated that the Ladyboys contributions such as new flowerbeds had taken place. David Messene, Resident stated that in addition to reasonable licensing terms he had witnessed a safety concern and that it was not until he had contacted his councillor that it had been addressed and thus requested a better system for complaints of Health & Safety. The Chair then requested that all parties gave a brief summing up.

SUMMARIES

108.57 The Licensing Officer, Becky Pratley stated the following:

“This is an application for a variation to the licence for Hove Lawns. The variation application seeks to extend the terminal hour for all licensable activities already on the licence by half an hour, until 22.30 hours daily and to add the licensable activities of Sale of Alcohol on the premises and Provision of anything of a similar description to live music, recorded music or performances of dance to the licence for the same hours, that is, 09.00-22.30 hrs.

The premises falls within our cumulative impact and special stress area. **The question for the Panel is whether they consider that the application is likely to add to the existing Cumulative impact?**

If it is unlikely to add to the Cumulative Impact or the Applicant has demonstrated that it won't impact then the Panel should consider granting the application, and any conditions to meet Licensing Objectives and to control cumulative impact should be clear, precise and enforceable. The penalties for breaching conditions are severe, with an unlimited fine and/or 6 months imprisonment, so this is particularly important

If the panel believe the application will add to the existing Cumulative Impact and the applicant has failed to demonstrate how they would counteract that negative impact, then the Panel should consider refusal. If the Panel decides to refuse, it would need to demonstrate that granting would undermine a licensing objective and conditions would be ineffective in preventing problems (13.34).

Licensing Guidance (9.37) states that: In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;

- the representations (including supporting information) presented by all the parties;
- the Guidance;
- its own statement of licensing policy

It is important to note that each application will be given individual consideration on its own merits.”

108.58 Councillor Mac Cafferty summed up and stated the following:

“Chair, Councillors, If you grant this variation today my residents will feel a profound and detrimental impact on their living conditions which comes in an area where neither visitors nor residents need any more access to alcohol. This application will have an undue impact on my residents in terms of public nuisance. One of the aspects of community safety that has been raised repeatedly by my residents is that both Sussex Police and the City Council do not have the resources to adequately enforce conditions to licensed premises in our area as it stands- so this will just add further strain and further frustration and anger from residents. It is a false argument, they say, that we should have a new licensed premises with any conditions attached because they will be hard if not impossible to enforce. It is for this reason and the reasons that I have outlined for you this morning that I therefore urge you to refuse this variation.”

108.59 David Watkins stated that he wanted to echo Councillor Mac Cafferty’s point that the main problem was access to the main road which did not connect with buses to the city centre. He stated that the public had to walk up through the residential roads in their thousands to get to the Hove Lawns events and that this needed to be taken into consideration.

108.60 The Executive Director of Economy, Environment & Culture summarised the Applicant’s case and stated that he agreed that the Council should be able to address the licensing objectives and would plan to give extra assurance to support this. He stated that in terms of conditions, there could be 10 days for Zone B and 30 days for Zone A in any calendar year that could be covered. He confirmed that he would give a commitment to have regular meetings every three months with residents in order to explore whether the community could work with the Council on the possibility of keeping the events in this area and specify the start and end times of events. He also stated that they would give a commitment to the Tourism, Development and Culture Committee on how the reporting and landlord consent process could be solidified. He also stated he was happy to liaise with bus operators on the issue of whether there is a service that could be introduced to the area, as he recognised today the strength of feeling from residents.

108.61 The Chair suggested that more information on licensing should be provided to the TDC Committee about the event including timing details such as the 12 Noon start for the licence. The Events Manager Events Manager replied that he agreed this could be done.

Decision

108.62 **RESOLVED** – The Panel’s decision was as follows:

The panel has considered all the papers and the relevant representations and listened carefully to all the submissions made today. It has also had regard to the statutory guidance and the Statement of Licensing Policy.

The section of Hove Lawns from the Peace Statue to the west side of Holland Road falls within the cumulative impact zone (CIZ) and is subject to the special policy on cumulative impact. The policy states that applications for variations which are likely to add to the existing cumulative impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. The special policy can only be overridden in exceptional circumstances. However, the policy is not absolute. The panel must consider the individual circumstances and merits of the application. If an application is unlikely to add to the cumulative impact of the area, it may be granted.

The section of Hove Lawns from the West side of Holland Road to Courtenay Gate falls within the Special Stress Area as defined in the policy. This area is deemed an area of special concern in terms of the levels of crime, disorder and public nuisance experienced within it.

The application has been made by Brighton & Hove City Council by the Events Team in the Economy, Environment and Culture Directorate. It seeks to extend the hours for all licensable activities on the licence by 30 minutes to 22:30 daily and add the sale of alcohol from 09:00 until 22:30 daily.

39 representations were received from local councillors, residents’ associations and local residents. The representations had concerns around all 4 licensing objectives but especially the prevention of public nuisance, public safety and the prevention of crime and disorder. Most of the residents lived in the vicinity of the premises i.e. the lawns and were concerned about the addition of sale of alcohol and extension of hours. They already experienced noise, anti-social behaviour and general disturbance and loss of amenity from the events that took place on the lawns and were concerned that the variation would add to this impact and further undermine the licensing objectives. There was also concern about a lack of effective communication with the Council about these issues including communication of complaints.

The Director Nick Hibberd for the applicant along with The Events Manager and Ian Shurrock, from the Events Team, explained the purpose of the variation application and why it should not add to the number of events taking place on the premises. Currently the events were largely covered by a series of Temporary Events Notices (TENs). Bringing all the licensable activities within the auspices of a premises licence with appropriate conditions would avoid the need to apply for TENs and provide better management and accountability and ensure a stronger presence by the applicant team. This would promote the licensing objectives and have a positive impact upon the area. This approach was supported by Sussex Police who supported the variation on these grounds. Landlord consent for the events was necessary and the number of events was decided annually by the Tourism, Development and Culture committee.

The panel has considered the application within the context of our special policy and special stress provisions. We found the residents' concerns real and compelling. During questioning of the applicant we were able to canvass a number of conditions and measures to ensure that the variation would not be likely to have any negative impact. These included stipulation of a maximum number of event days in each zoned area of the premises and later start time for the sale of alcohol. The applicants were receptive to such measures and conditions.

Overall the panel consider that granting the variation with conditions will strengthen the management and control of the events and thus promote the licensing objectives. Granting the variation with an appropriate number of events specified will avoid the need for TENs to be applied for and thus will not increase the number of events taking place. It will ensure that those events that are held are managed and controlled with better accountability. We have received assurances in this respect from the applicants. For these reasons the variation will not in our view add to negative cumulative impact and by controlling the number of events in the most sensitive zone of the premises and avoiding TENs it should have a positive impact on the area and promote the licensing objectives.

The panel has thus decided to grant the variation with the following additional conditions to be attached to the licence:

1. There shall be no more than 10 days of events involving the sale of alcohol in any calendar year in Zone A (which runs from the Peace Statue to the western end of Adelaide Crescent as shown on the licence plan). There shall be no more than 30 days of events involving the sale of alcohol in any calendar year in Zone B (which runs from St John's road to the eastern side of Fourth Avenue as shown on the licence plan).
2. The sale of alcohol to commence from 12pm (midday) to 22:30 hours each day.
3. Every 3 months a senior representative from the premises licence holder such as Nick Hibberd, The Events Manager or Ian Shurrock shall meet with the residents' associations from both Zone A and B to ensure they are kept up to date with developments and are able to express any concerns they may have.

In addition, the panel would recommend that steps are taken to make sure that residents' complaints are properly communicated to the licence holder and the licensing authority. It was further agreed that a more informative way of presenting the events report to the Tourism, Development and Culture committee would be explored by the applicants.

The meeting concluded at 11.47

Signed

Chair

Dated this

day of

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of