

**LICENSING SUB-COMMITTEE
28 NOVEMBER 2013**

Present: Councillors Charlesworth, Dowling (in the Chair) and Webb, with Finch in reserve.

9. APPOINTMENT OF CHAIR

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Webb moved that Councillor Dowling should take the Chair. This was seconded by Councillor Charlesworth.

RESOLVED (unanimously) that Councillor Dowling be appointed as Chair for the duration of the meeting.

10. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

11. MINUTES

RESOLVED – That the minutes of the meeting held on 22 October 2013 be approved and signed by the Chair as a true record.

12. APPLICATION FOR TWO TEMPORARY EVENT NOTICES: THE FUNKY BUDDHA, 20 ROBERTSON STREET, HASTINGS

Councillor Dowling set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application for two Temporary Event Notices at The Funky Buddha, 20 Robertson Street, Hastings.

Mr Brown, Licensing Manager, presented the report to the committee as a result of objection notices received from Sussex Police and Environmental Protection. The report referred to an application which sought consent for two temporary event notices on (1) Saturday 30th November 2013, from 03.30hrs to 05.00hrs for supply of Alcohol and until 06.00hrs for the provision of regulated entertainment (music/dancing). And (2) Saturday 7th December 2013 for the exact same.

Jean Irving, Head of Licensing at Sussex Police Authority, made her representation under the Prevention of Crime and Disorder and the Prevention of Public Nuisance. Having regard to the terminal hour, she stated that The Funky Buddha was already open later than other premises in the area and therefore when they close at 3.30am, customers will move on to The

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Funky Buddha whilst already inebriated. Furthermore, she raised concern regarding the dispersal and supervision of customers leaving The Funky Buddha, as police officers working on Operation Marble (police response to reduce crime and disorder) finish their shift at 4am along with the Taxi Marshall's. She went onto say the premises is within the Special Saturation (Cumulative Impact) Zone, which is due to the density of licensed premises in the area and issues of crime and disorder and public nuisance, although not applicable to TENS. She believed that if repeated applications were made it would circumvent work by the police to prevent crime and disorder.

Sergeant Vokins from Sussex Police Licensing Team who policed the area, explained the change in policing during the terminal hour, as officers working on late and night shifts are replaced by officers from Operation Marble. He also explained the role of police officers working on Operation Marble and the impact TENs have on their resources. He acknowledged that there would be door staff at the premises, but advised that they have an entirely different role to that of the police. He reiterated Jean Irving's concerns regarding the absence of marshall's on the taxi rank when The Funky Buddha closes.

Councillor Webb sought clarification on additional police resources.

Mr Greg Casey, Principal Environmental Health Officer, Pollution, made his representation on grounds of prevention of public nuisance. He stated that there had been a long standing problem with noise at the premises when it was known as Fluid. The premises had been contributing to noise levels in the area, therefore it was not unusual to hear noise at a distance of 60m to 80m. He believed this demonstrated the sound insulation was insufficient to contain music. He went on to read out feedback provided on Trip Advisor from clientele of a nearby hotel concerning noise as well as complaints received from hotels whose business had been affected by the noise. He stated that The Funky Buddha already had longer operating hours than most premises. He raised concern that by extending the hours, other customers from other clubs would be attracted to the premises.

Mrs Jeffery, applicant and owner of The Funky Buddha, in her submission said she was not responsible for noise disturbance since she recently purchased the premises at the end of July, beginning of August. As the new owner, she said there had not been any incidents; she employed a responsible security firm and kept noise to a minimum. In September she refurbished the premises by creating a nightclub downstairs and a lounge bar upstairs. She asked the Committee to consider granting conditions if they were mindful to approve the application, to close the ground floor bar and keep the bar open in the basement.

Jean Irving stated that even though there hadn't been any incidents at The Funky Buddha and the police had not been contacted, this was because of lack of customers at the premises. Mrs Jeffery said it was not a permanent arrangement, the application sought consent for just for two nights. She confirmed she would stand on the door herself to see who entered the premises.

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Councillor Dowling sought clarification on why the applicant had applied for two temporary events. Mrs Jeffery confirmed the first event was a promotional event with a registered DJ and the second date was for just a normal opening night.

Councillor Webb asked Mrs Jeffery if she thought the sound insulation was sufficient even though Environmental Health had said it was a noisy venue. Mrs Jeffery said there were three other venues in the vicinity and that none of the feedback referred to confirmed that noise was directly coming from The Funky Buddha. Furthermore, she said the report given by the Environmental Health Officer did not state that from August onwards noise was coming from The Funky Buddha. Mr Casey confirmed this to be correct.

Members advised the applicant to undertake sound emission checks with the Environmental Health Department and to speak with local hotels regarding noise concerns they may have.

Mr Brown in his summary said the wording on the existing licence needed to be updated. He stated that the Cumulative Impact Zone did not apply to an application for a Temporary Event Notice.

Jean Irving maintained the objections of Sussex Police concerning the prevention of crime and disorder and public nuisance in that it would not be promoted and raised further concern that the applicant was not familiar with the conditions on the licence.

In his summary, Mr Casey stated that sound insulation was an issue and that he had not seen details of any improvements to the sound insulation since the premises had been brought.

RESOLVED (unanimously) that the application be GRANTED, subject to all the relevant conditions to be applied from Annexe 2 of the existing licence.

Reason for granting this application are:

We have listened very carefully to all parties submissions. We can find no evidence to support the refusal i.e. that undermines the Licensing Objectives of Crime and Disorder and Public Nuisance.

(The Chair declared the meeting closed at 11.30am)