



## Lewes District Council

www.lewes.gov.uk

### Licensing Sub-Committee

**Minutes** of a meeting of the **Licensing Sub-Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Friday, 20 April 2012** at 10.00am

**Present:**

Councillor C J Butler (Chair on election)  
Councillors P Gander and B M Warren

**Officers Present:**

Mr G Clark, Licensing Officer  
Ms Z Downton, Committee Officer  
Ms J Fletcher, Solicitor  
Mr R Harris, Senior Legal Assistant  
Ms S Lindsey, Assistant Licensing Officer

**In attendance:**

Mr E Hele, Principal Environmental Health Officer

**Applicant Attending:**

Mr D Amy  
Mr S Gough

**Representors Attending:**

Mr B Boddy  
Mr and Mrs Marchant

**Also present:**

Ms J Adams, Environmental Health Officer  
Councillor Graham Amy, Lewes District Council  
Ms A Blanshard, Admin Team Leader  
Mr A Lofthouse and Ms H Weller, Sussex Police Licensing Officers

<b>Minutes</b>		<b>Action</b>
<b>1</b>	<b>Election of Chair of the Sub-Committee</b>	
	<u>Resolved:</u>	
	<b>1.1</b> That Councillor Butler be elected Chair of the Sub-Committee for this meeting.	
<b>2</b>	<b>Application for a Premises Licence for The Nomads, Newhaven</b>	

### **Football Ground, Fort Road, Newhaven, BN9 9PF**

The Chair of the Sub-Committee welcomed all parties to the hearing. Those attending introduced themselves and the procedure under the Licensing Act 2003 was read out to all parties present.

The Sub-Committee considered Report No 60/12 to determine the Application for a Premises Licence for The Nomads, Newhaven Football Ground, Fort Road, Newhaven, BN9 9PF.

The Licensing Officer presented the Report to the Sub-Committee.

The Application related specifically to:

- Live and recorded music, dance and the provision of entertainment facilities for music and dancing (outdoors) on Saturday 12 May 2012 from 12noon until 11pm.
- The supply of alcohol (on the premises) on Saturday 12 May 2012 from 12noon until 11pm.
- The premises opening hours to the public from 11.30am until 11.30pm.
- All the above licensing activities to be applicable for a one day Annual Festival to be subsequently held on the second Saturday in May in any calendar year.

A one day musical event called Dance Haven 2012 was being organised by a local community and charity group named The Nomads. On Saturday 12 May 2012 and thereafter to be scheduled for the second Saturday in May every calendar year, the outdoor event would consist of live bands and recorded music, dance, alcohol and refreshments to be held at the Newhaven Football Club ground in Fort Road, Newhaven.

Dance Haven was a fundraising event for local charities and community groups. The event would be family orientated, with the provision of music, a lightshow, special effects, food sales, childrens' play area and small merchandise stalls within the boundary of the Newhaven football ground. The ground was totally enclosed by a secure and substantial wooden slatted fence on three sides. A large but unoccupied football club stand structure on the western side of the ground would be utilised as the stage area for the bands and music.

Newhaven football ground was situated in a mainly recreational area providing facilities for cricket, football and tennis on three sides, with Court Farm Road and residential property running east to west along the north boundary of the ground.

The Nomads management committee were hoping for a maximum attendance of 4,000 people at the event, 1,000 of whom it was anticipated

would be children. All tickets would be pre-sold and there would be no ticket sales on the day. An event management plan and a noise management plan to the satisfaction of the responsible authorities had been submitted by the applicants to support the four licensing objectives.

As a result of recommendations from the Environmental Health department and the Health and Safety Officer at the Council, amended conditions had been accepted by the Applicant under the licensing objectives and were detailed under paragraphs 1.6.1 to 1.6.3 of the Report. No other representations had been received from the responsible authorities.

Four letters and one email had been received within the relevant 28 day notice period from local residents who wished to make representations about the Application. They were considered to be relevant to the Application and were not frivolous or vexatious. Copies of their letters and objections were set out in Appendix 1 of the Report.

The Licensing Officer explained that it was important to note that all residents living in the vicinity of the licensed premises had an equal right to make representations concerning applications for premises licences and hours of the licensable activity, and to have those representations given equal weight, regardless of the area of the District in which they lived.

A plan of the premises and site layout, street plan of the premises location and photographs of the site location and surrounding area were included at pages 36 – 42 of the Report.

The Sub-Committee expressed its thanks to the Licensing Officer for providing a comprehensive Report. All parties present confirmed that they had no questions to ask the Licensing Officer regarding the Report.

The Sub-Committee invited the Applicants to present their case. One of the Applicants, Mr Amy, stated that 'Dance Haven' would only be an annual event and that there was no intention in holding more events throughout the year. He explained to the Sub-Committee that it was a DJ-based event with the emphasis on being a family-orientated music festival aimed at the local community. He explained further that the perception by some of an 'organised rave' and attempts to pigeonhole the event, the type of attendees and their likely behaviour based on the dance genre of music to be played, was not strictly fair.

In response to questions from the Sub-Committee, Mr Amy explained the following:

- Measures were to be put in place in order to create a four metre wide emergency exit which would be in addition to the exits already on the site.
- The event was solely DJ-based. There would be no live bands playing although there may be vocalists as part of the DJ sets.

- Ticket sales for the event had been extremely slow. Mr Amy was not sure of the exact figure but estimated it was currently in the hundreds. He hoped to sell at least half of the available tickets.
- Attendees would be encouraged not to use their cars to get to the football ground. As the event was aimed mainly at local people it was presumed that people would walk rather than use cars.
- For those who chose to drive to the event, signage and stewards would be used to direct people to the designated parking area, to be located by the beach. Those details were included as part of amendments to the Event Management Plan which had been submitted and accepted by Sussex Police.
- The Applicants had considered contacting local taxi firms to request that they avoid using Court Farm Road as a pick-up point, although Mr Amy felt that that particular road was not a logical pick-up point in terms of the locality anyway.

The Licensing Officer wished to clarify with the Applicants whether the only licensable activity was for recorded music and not for the provision of live music as stated on the original application. He asked whether the inclusion of live music was necessary as the Applicant had stated to the Sub-Committee that there would be no performances by bands. Mr Amy, Applicant, responded that reference to live music would be best left on the application to avoid confusion, as there would be live vocalists performing with the DJs. The Principal Environmental Health Officer and Licensing Officer both agreed with the Applicants that, due to the vague definition as to whether a 'live' DJ set with vocalists constituted live music it would be wise to retain the provision of live music as part of the license to cover all eventualities.

Mr Marchant, who had made a representation against the Application, asked how the Applicants would ensure that people used the designated parking area instead of using the available residential roads around the football ground, such as Fort Road or Court Farm Road. Mr Amy, Applicant, explained that signage would be used and stewards would be positioned at various points, including at the bottom of Court Farm Road, to direct cars.

In response to questions relating to the monitoring of music noise levels, Mr Amy, Applicant, confirmed that regular readings would be taken at any point around the premises. He had no objection to those readings being made available to the public after the event if requests were made to access them. Mr Amy also explained that music noise levels would not gradually increase throughout the evening as the DJs would have no control over the volume, which was the responsibility of a professional sound engineer.

In response to a question from Mr Lofthouse, Sussex Police Licensing Officer, Mr Amy confirmed that the event would not be cancelled due to poor ticket sales, but that it would take place on a smaller scale at the same

venue if attendance was low.

The Sub-Committee invited the representors in attendance to present their cases. Mr Marchant, who had made a representation against the Application, explained that:

- He had not fully understood the application process and had he known, he would have made stronger objections against the Application in order that those objections could be raised during the hearing and brought to the attention of the Sub-Committee.
- He commended the Applicants on what they were trying to achieve, but suggested an alternative location in Newhaven would be preferable, rather than inflicting other people's entertainment on those who resided in the immediate locality of the football ground.
- His main concerns were the levels of noise over an extended period of time, the likelihood of unsociable behaviour of attendees and parking concerns in the locality.
- The size of the event was alarming. The Applicant had been unable to confirm the exact number of ticket sales to date but the Licensing Officer's Report suggested up to 4,000 possible attendees from a population of around 10,000. Mr Marchant was not confident that that number of people would be managed effectively.

In response, the Applicant, Mr Amy, suggested the population of Newhaven was closer to 12,000. He also made comparisons to another local event (Newhaven Cormorant!) which was similar in size, aimed at families and involved a procession in and around the streets of Newhaven, close to Mr Marchant's residence. As far as Mr Amy was aware, there had been no reported nuisances or incidents connected to that event. The Sub-Committee advised that, as part of the procedure, the Application would be treated on its own merits and similar events would not be taken into consideration.

Mr Boddy, who had made a representation against the Application, asked whether Newhaven Fort would be a more appropriate venue as it was better situated and had the benefit of car parking close by. The Sub-Committee responded that, to its knowledge, there were issues at Newhaven Fort regarding limited access and limited capacity connected to the number of emergency exits which meant that it was not a feasible location for the size of the planned event.

The Sub-Committee invited the Applicants to summarise their case. Mr Amy, Applicant, stated that it was important to note that there were no representations made by the responsible authorities, who in fact were in support of the event. He fully understood the concerns expressed but highlighted to the Sub-Committee that those opinions were from a very small minority of the community. He felt that as Applicants, he and Mr

Gough had put forward conditions to uphold the licensing objectives and had fully complied with the additional conditions recommended in order to address the concerns raised.

The Sub-Committee withdrew to consider the Application. The decision was delivered as follows:

Resolved:

“Having regard to the terms of the application and all of the relevant evidence that has been put before us today; we have decided to deal with this application by GRANTING the application in its entirety subject to the conditions set out in the Licensing Officers Report which includes amended and additional conditions agreed by the applicant.

DPES

Reasons:

The reason for our decision is that we are of the view that there is insufficient evidence to satisfy us of the need to amend or impose further conditions, other than those proposed by the applicant and recommended by Environmental Health and agreed by the applicant, or to refuse the application.

In reaching our decision, we took into account all the representations and submissions that were made. We also took into account the nature and location of the premises.

We considered the potential for public nuisance, crime and disorder and danger to public safety posed by the application and balanced this against the rights of local residents to peace and quiet.

We also gave full consideration to the relevant terms of the Statutory Guidance as well as our own Standard Licensing Policy.

Furthermore, we would like to remind those present that under 51(1) of the Licensing Act 2003, an interested party or responsible authority may apply to the Licensing Authority at any time for a licence to be reviewed.

In any event, there is a right of appeal under the provisions of section 181 and schedule 5 of the Licensing Act 2003 against the decision of the Licensing Committee, should you be aggrieved at the outcome.

This right to appeal extends to the Applicant in the case of refusal or restrictions on the licence or imposition of conditions to the Licence. The right of appeal also extends to persons who have made representations either where the licence has been granted or, where they do not consider that relevant conditions have been imposed.

Full details of the right to appeal can be found within schedule 5 of the Act. Please note that any appeal must be made within 21 days of the notification

of this decision.”

The Chair of the Sub-Committee added an informative at the end of the meeting to request that the Applicant liaised with the taxi companies to pick up from an appropriate place in order to minimise traffic and noise disturbance to residents on Court Farm Road, Newhaven.

The Chair concluded the hearing by thanking all those present for attending.

The meeting ended at 11.30am

C J Butler  
Chair