

**Agenda Item No: 4** **Report No: 60/12**

**Report Title: Application for a Premises Licence. The Nomads Newhaven Football Ground Fort Road Newhaven BN9 9PF**

**Report To: Licensing Sub-Committee Date: 20 April 2012**

**Report By: Director of Planning and Environmental Services**

**Contact Officer(s): Tim Albright Environmental Health Manager  
Garry Clark Licensing Officer**

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**1. The Application:**

**1.1 Applicant:** The Nomads (Dance Haven 2012).

**1.2 Premises:** Newhaven Football Ground situated at Fort Road Newhaven BN9 9PF.

**1.3 Type of application:** Application for a Premises Licence to be granted under the Licensing Act 2003.

**1.4 Licensable activities:**

**1.4.1** Live and recorded music, dance and provision of entertainment facilities for music and dancing. (outdoors) Saturday 12 May 2012. 12noon until 11pm. Supply of alcohol (on premises). Saturday 12 May 2012. 12noon until 11pm.

Premises open to the public 1130am until 1130pm.

All the above 1 day Annual Festival 2<sup>nd</sup> Saturday in May in any calendar year. This year 2012, Saturday 12 May.

**1.5 Steps to promote the Licensing Objectives:**

**1.5.1** The applicant has offered the following conditions to promote the four licensing objectives.

**1.5.2** General. Dance Haven is a fund raising event for local charities consisting of live, recorded music and dance, the sale of alcohol and food. It is a family friendly event organized by The Nomads and controlled by stewards and Security Industry Authority (SIA) licensed staff in consultation with the appropriate authorities.

**1.5.3** Crime and Disorder. An event management plan will be provided to and agreed with Sussex Police 8 weeks prior to event. Stewards and SIA licensed staff will be employed to a number agreed with Sussex Police and this will be included in the event management plan. The event will be ticket only purchased in advance and no ticket sales on the day.

An age verification policy will be in place with 'challenge 25' ensuring alcohol is only served to people over 18 years. All customers after being assessed under the age verification policy will be issued with an ID verified tamperproof wristband.

**1.5.4 Public Safety.** Adequate public liability insurance will be obtained to cover the event for its full duration.

An event management plan shall be prepared which will be strictly adhered to.

All stewards and security will be made aware of the emergency evacuation plan.

A public announcement system will be used to inform the public of any emergency.

**1.5.5 Public Nuisance.** A suitably qualified and experienced noise control consultant will be appointed to the approval of Lewes District Council Environmental Health.

A noise management plan will be submitted to Lewes District Council Environmental Health to include,

Identification of any noise that have the potential to cause public nuisance.

A statement of how these noises will be managed and minimized across the surrounding locality.

A site plan to show how the site is to be designed, identifying where any plant, sound system and stages will be located.

A statement of how the sound equipment and plant is designed, what this system comprises, its orientation and management to avoid noise nuisance.

A statement of how the site will be operated for the duration of the event, including construction, dismantling and activities scheduled for the day.

Live and recorded music shall not be permitted at any location other than the main stage. The licence holders and noise control consultant shall comply with any request from Lewes District Council Environmental Health to modify music levels or sound characteristics during the event.

A dedicated telephone helpline will be made available to the public for the duration of the event.

**1.5.6 Protection of Children from Harm.** All customers who have paid to enter the event will be issued with tamper proof wristbands.

All customers who appear to be under the age of eighteen years (challenge 25) will be required to produce acceptable photo identification and be issued with an ID verified tamperproof wristband.

Alcohol can only be purchased by people with an ID verified wristband.

Anyone caught supplying, consuming or attempting to buy alcohol without a wristband shall be removed from the event.

Anyone though to be under the influence of drugs will be refused entry to the event.

## **1.6 Additional conditions accepted by applicant:**

**1.6.1** As a result of recommendations from the Environmental Health and the Health and Safety Officer at Lewes District Council the following amended conditions have been accepted by the applicant under the licensing objectives.

### **1.6.2 Public nuisance.**

The event shall be limited to a maximum of 5000 people.

The licensee shall appoint a suitably qualified and experienced noise control consultant, to the approval of Lewes District Council Environmental Health no later than 2 months prior to the event. (2012 event time requirement excluded).

The Licensee shall submit for approval a draft Noise Management Plan (NMP) to Lewes District Council Environmental Health no later than two months prior to each event. The approved NMP shall be implemented in full for the duration of each event. The NMP shall identify any potential noises arising from the event and set out how these noise sources will be managed and minimised across the surrounding locality. In particular, the NMP shall incorporate and provide details about how the following criteria will be met:

- a) how the site is designed (a site map should also be included in the NMP);
- b) how the sound system is designed, what this system comprises, and how it is to be orientated;
- c) how any plant (eg. generators) used on the site will be designed or managed to avoid nuisance noise;
- d) how the site will be operated for the duration of the event, including stage and sound system construction and dismantling, ancillary services (eg. licensed bar), hours of operation, and how noise-generating activities will be scheduled; and
- e) how a dedicated telephone helpline will be made available to the public for the duration of the event, from when the site is first occupied until it is closed.
- f) Between 09:00 hours and 23:00 hours music noise levels (MNL) (LAeq) shall not exceed 65 dB(A) over any 15 minute period when measured at 1 metre from the façade of any noise sensitive premises.
- g) Between 09:00 hours and 23:00 hours the music noise levels for 63HZ and 125HZ octave bands shall not exceed 65dB over any 1 minute period measured at 1 metre from the façade of any noise sensitive premises.

Live or recorded music shall not be permitted at any location other than the main stage.

The Licensee or appointed competent person shall monitor and assess noise throughout the event particularly at the boundary of noise sensitive premises.

### **1.6.3 Public Safety**

Adequate public liability insurance will be obtained to cover the event for its full duration.

The Organisers of the event must produce an event safety plan to the satisfaction of the Licensing Authority at least 1 month before the event. The plan must have regard to the guidance contained within the 'Event Safety Guide' (HSG195) published by HSE Books

## **2. Background Information:**

- 2.1** Dance Haven 2012 is the name for a 1 day musical event organized by a local community and charity group called The Nomads. This year it is to be held on Saturday 12 May and thereafter the second Saturday in May every calendar year. The outdoor event consists of live bands and recorded music, dance, alcohol and substantial refreshments to be held at the Newhaven FC football ground in Fort Road, Newhaven.
- 2.2** It is a fund raising event for local charities and community groups and the event will be family orientated with music, lightshow, special effects, food sales, childrens play area and small merchandise stalls within the boundary of the Newhaven football ground. The ground is totally enclosed by a secure and substantial wooden slatted fence on three sides and a large but unoccupied football club stand structure on the west side of the ground which will be utilized as the stage area for the bands and music.
- 2.3** Newhaven football ground is 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.
- 2.4** The Nomads management committee are hoping for a maximum attendance of 4000 people 1000 of whom it is anticipated will be children. All tickets are to be pre-sold and there will be no ticket sales on the day. It is a one day event with the licensed hours applied for from 12 noon until 11pm. An event management plan and a noise management plan to the satisfaction of the responsible authorities has been submitted by the applicants to support the four licensing objectives.
- 2.5** The Nomads have held smaller yearly music events outdoors on two previous occasions at other locations in Newhaven one of which has been held under the authority of a permitted temporary activity notification known as a TEN where the Licensing Act 2003 restricts the capacity to 499 people. There have been no recorded problems or complaints with the running of these music events in previous years.
- 2.6** The chair of the Nomads Management Committee is Mr Spencer Gough of 8 Brighton Road, Newhaven BN9 9NB and the event organiser is Mr Dean Amy of 71 Court Farm Road Newhaven BN9 9DY. The designated premises supervisor for the supply of alcohol at the Dance Haven event is

Ms Anne Pawsey licence number LN/2008/00422 issued by Lewes District Council.

### **3. Representation received:**

#### **3.1 Responsible authorities:**

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| <b>3.1.1</b> <u>Police:</u>                  | No objections.                        |
| <b>3.1.2</b> <u>Environmental Health:</u>    | No objections. Additional conditions. |
| <b>3.1.3</b> <u>Fire Officer:</u>            | No objections.                        |
| <b>3.1.4</b> <u>ESCC – Child Protection:</u> | No comment.                           |
| <b>3.1.5</b> <u>Trading Standards:</u>       | No comment.                           |
| <b>3.1.6</b> <u>Health &amp; Safety:</u>     | No objections. Additional conditions. |
| <b>3.1.7</b> <u>Planning:</u>                | No comment.                           |

#### **4.2 Interested parties:**

- 4.2.1** There have been four letters and one email of representations regarding this application from local residents as follows. Two residents who live at 2 Court Farm Road Newhaven and they also object as the freeholders of a property at 28 Gibbon Road, Newhaven, a married couple who reside at 110 Western Road, Newhaven and residents at 5 Marine Court and 9 Marine Court Gibbon Road Newhaven. Their letters and objections are attached at Appendix 1.

### **5. Licensing Policy Considerations:**

- 5.1** Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol, regulated entertainment which are subject to this licence application.
- 5.2** The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act. Namely;
- Prevention of crime and disorder
  - Public Safety
  - Prevention of public nuisance
  - Protection of children from harm
- 5.3** The following will be taken into account when licensing decisions are being made. The Council as Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives. Each licensing application will be given individual consideration on its merits.
- 5.4** The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.

- 5.5** All residents living in the vicinity of licensed premises have 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 live.
- 5.6** In each case that arises following representations the Policy states the Council will:
- a) Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities involved and the rights of local residents to peace and quiet.
  - b) Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
  - c) Consider restricting the hours only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.
- 5.7** The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefits of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children and will not allow the views of vocal minorities to predominate over the general interest of the community.
- 5.8** The Council will only attach licence conditions that are reasonable, proportionate and strictly necessary for the promotion of the licensing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.
- 5.9** The Council is aware of the value to the community of a broad range of cultural entertainment, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.
- 5.10** If a responsible authority and/or interested parties do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the Licence subject only to the conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 5.11** The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions that are necessary to promote the Licensing Objectives arising out of consideration of the representations.

**6. National Guidance:**

- 6.1** The Council may tailor its own conditions or draw from the model conditions in the National Guidance issued under section 182 of the Act.

**7. Financial Implications:**

There are no financial implications to this report.

**8. Environmental Implications:**

I have completed the Environmental Implications questionnaire and there are no significant effects as a result of these recommendations.

**9. Risk Management Implications:**

I have completed the Risk Management questionnaire and this report does not require a risk assessment.

**10. Equalities Implications:**

I have completed the Equalities Implications questionnaire and there are no significant effects as a result of these recommendations.

**11. Background Papers:**

Application for a premises licence by The Nomads.

**12. Appendices:**

Appendix 1. Letters of representation/objection.

**13. Plans:**

Plans of premises and site layout.  
Street plan of premises location Fort Road Newhaven.  
Photographs of site location and surrounding area