



Statutory Licensing Sub-Committee

Date **Wednesday 16 May 2018**
Time **10.00 am**
Venue **Council Chamber, Spennymoor - Council Offices,
Spennymoor**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Application for the Grant of a Premises Licence - Durham Pride UK,
The Sands, Durham (Pages 3 - 68)
5. Such other business as, in the opinion of the Chairman of the meeting,
is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
8 May 2018

To: The Members of the Statutory Licensing Sub-Committee

Councillors L Brown, G Darkes, C Hampson and I McLean

Contact: Jill Errington

Tel: 03000 269703

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Statutory Licensing Sub-Committee

16th May 2018

Application for the Grant of a Premises Licence



Report of Ian Thompson, Corporate Director, Regeneration and Local Services

Name and Address of Premises: Durham Pride UK, The Sands, Durham.
DH1 1SF

1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Durham Pride UK, The Sands, Durham received from Ms Alison Ashton on behalf of Durham Pride UK.

A plan showing the location of the premises is attached at Appendix 1.

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 29th March 2018. A copy of the application is attached as Appendix 2.

The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

The application was in respect of the following licensable activities and for the hours detailed:

Activities	Days & Hours Requested
Provision of live music and recorded music, Provision of performances of dance (Outdoors)	Sunday only – Annually - 12:00 – 19:00 hrs
Supply of Alcohol	The event will take place annually on the Sunday of every last May bank holiday weekend.

Following discussions with Durham County Council's Environmental Health (Noise Action Team), Durham Pride UK agreed to amend the content of the Event Manual.

Details are attached as Appendix 3.

Durham Pride UK also mediated additional conditions with Durham Local Safeguarding Children Board to be included in the operating schedule. Details are attached as Appendix 4.

3. The Representations

The Licensing Authority received three letters during the consultation period in relation to the premises licence application. All letters were deemed relevant representations from the following, namely 'other persons':

- Cllr David Freeman (other person)
- Cllr Richard Ormerod (other person)
- St Nicholas Community Forum (other person)

The three relevant representations relate to the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

A copy of the outstanding representations are attached as Appendix 5.

For Members' information – Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Durham Constabulary
- County Durham Fire and Rescue Service

Copies of these responses are attached at Appendix 6.

4. Parties

The Parties to the hearing will be:

Ms Ashton - Durham Pride Ltd (Applicant)
Cllr David Freeman (other person)
Cllr Richard Ormerod (other person)
Ms George – St Nicholas Community Forum (other person)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 7.0 Crime & Disorder
- 8.0 Public Safety
- 9.0 The Prevention of Public Nuisance

Relevant information is attached as Appendix 7.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.1 – 2.6 The Prevention of Crime and Disorder
- 2.7 – 2.14 Public Safety
- 2.15 – 2.21 The Prevention of Public Nuisance

Relevant information is attached as Appendix 8.

7. For Decision

The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representation received.

Background Papers:

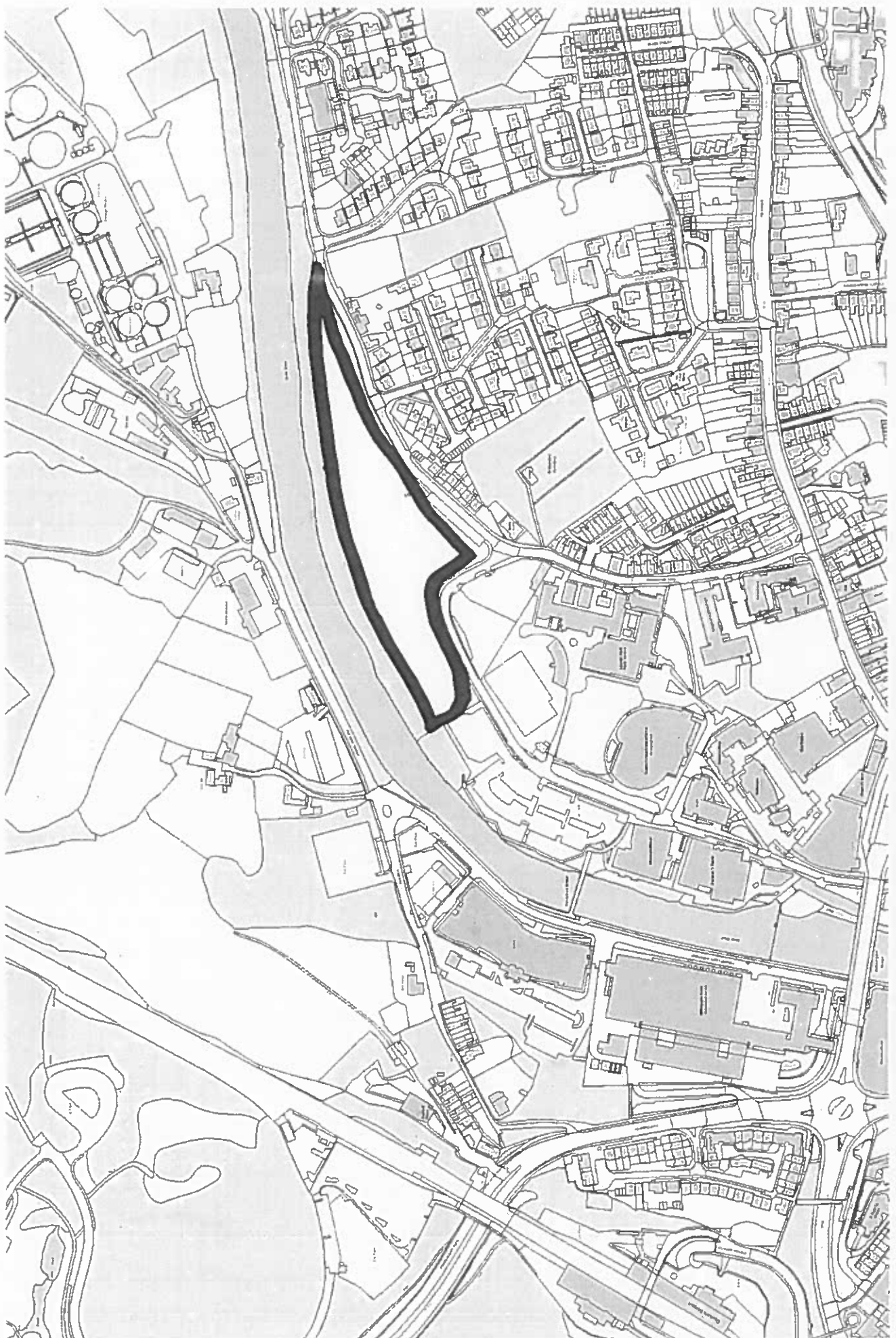
- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2017)

Contact: Karen Robson

Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1- LOCATION PLAN







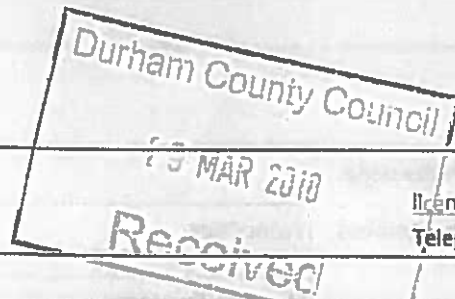
APPENDIX 2 – APPLICATION FORM

067592

by 26/3



County Durham
Application for a premises licence
Licensing Act 2003



For help contact
 licensing@durham.gov.uk
 Telephone: 03000 261016

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Alison

* Family name

Ashton

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☐ Yes

☒ No

Is your business registered outside the UK?

☐ Yes

☒ No

Note: completing the Applicant Business section is optional in this form.

Business name

Durham Pride UK

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Charity or Association

Continued from previous page...

Your position in the business Volunteer

Home country United Kingdom

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name The Sands

Street

District

City or town

Durham

County or administrative area County Durham

Postcode

DH1 1LF

Country

United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☒ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Durham Pride UK

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Durham Pride UK is a registered charity responsible for organising and managing Durham Pride UK annually on Sunday of every last May Bank Holiday weekend

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

dd

mm

yyyy

* Nationality

British

Documents that demonstrate entitlement to work in the UK

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start?

27

dd

05

mm

2018

yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

dd

mm

yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The Sands is an open grassed area adjacent to the River which is a suitable outdoor venue for entertainment events and gatherings.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors

☒ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

the entertainment will be musical acts provided on a stage with amplification.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

This activity will happen on the last May bank holiday weekend each year.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

Continued from previous page...

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors

☒ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

recorded music may be used during intervals between acts.

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

☐ Indoors ☒ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Some of the musical acts may include dance performances as part of the show.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Continued from previous page...

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

MS

Deborah

Family name

Corbett

Date of birth

/ /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Continued from previous page...

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 12:00

End 19:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Our Events manual sets out our commitment to public safety, preventing public nuisance and the protection of children from harm. The event is planned with the Safety advisory group and with the emergency services to ensure safety of all is at the forefront of the planning process and risk of crime and disorder is mitigated.

Continued from previous page...

b) The prevention of crime and disorder

Durham Pride UK work closely with the Durham Constabulary and Durham PCC throughout the planning process for the Pride Event.

Elite Security have been appointed to manage security at the event. They are experienced and are part of the planning process.

Risk assessment covers risk of violence and aggression and the event of a major incident. Appendix 9 Event Manual

c) Public safety

All health and safety considerations are reviewed during the planning process and are written into the Events Manual. Durham Pride UK work closely with the Safety Advisory Group to develop the Event Manual and ensure the safety procedures are fit for purpose. There is a designated safety officer on site throughout the event to ensure the agreed procedures are followed and to respond to any event arising on the day. Details can be found on page 5 of the Events Manual.

All available Pride personnel will be redeployed to help manage any site-specific overcrowding problems, and key personnel will be briefed on the strategies to deal with both gradual and sudden overcrowding problems prior to the event.

d) The prevention of public nuisance

The event manual and risk assessment covers actions to be taken to prevent public nuisance in relation to crowd management, potential violence and aggression, (appendix 9 the control of noise (appendix 8). There will be a controlled area for viewing the stage of about 200 square meters allowing for approximately 3000 people at any one time.

e) The protection of children from harm

There is a detailed policy in appendix 27 of the Durham Pride UK Event Manual. The chair shall ensure that adequate child protection and vulnerable person procedures are in place and all Pride Angels/Commissioned services are adequately briefed regarding their responsibility for safeguarding and our procedures for reporting concerns.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my

* licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

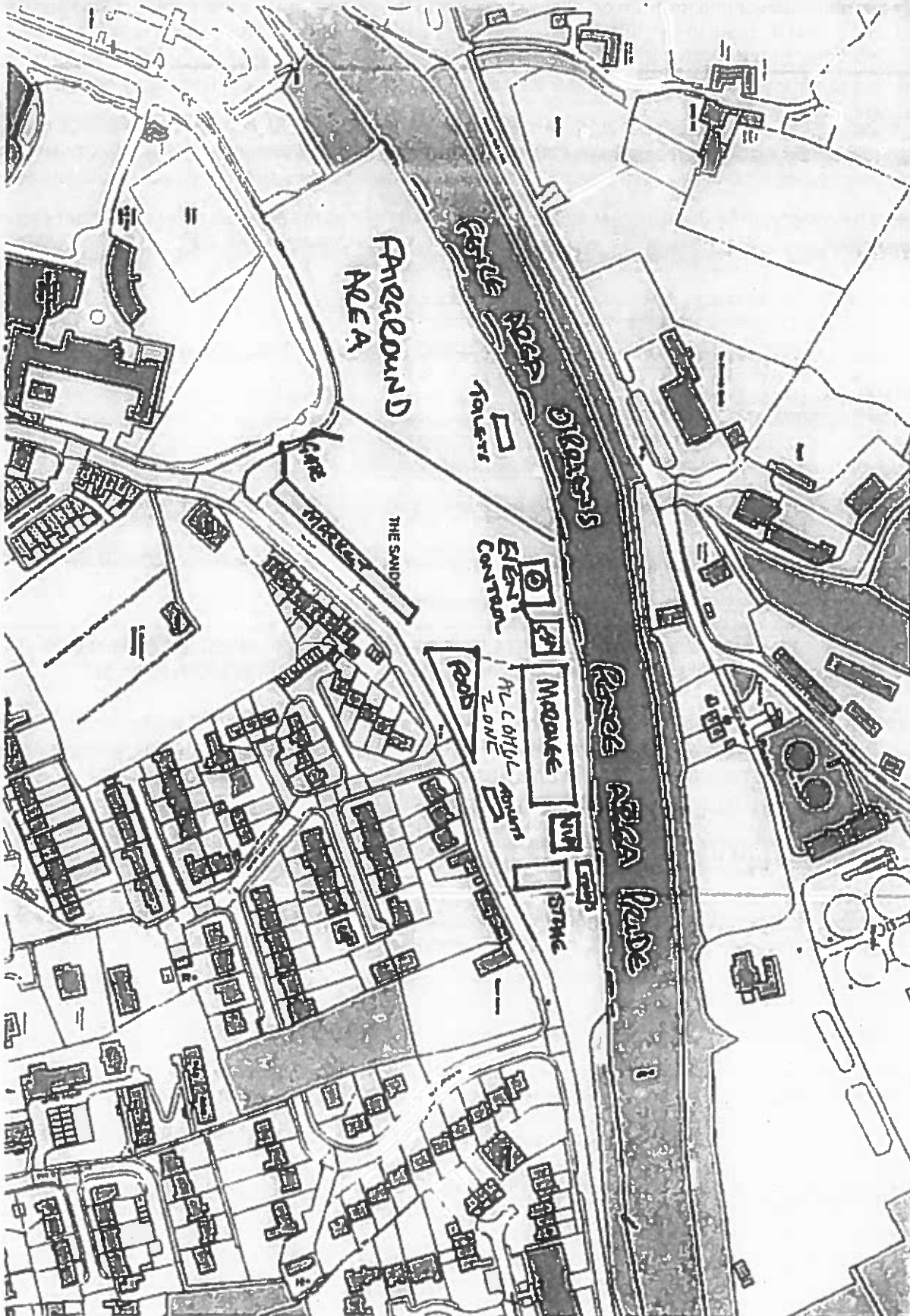
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Site Plan (Provisional)



APPENDIX 3 – MEDIATION WITH ENVIRONMENTAL HEALTH (NOISE ACTION TEAM)

From: Ruth Ashton
Sent: 27 April 2018 16:32
To: Karen Robson
Subject: Fwd: noise management plan
Attachments: pride noise mgt plan amendments v.1.docx

This is the first email with the amendments to the noise management plan. Mel has confirmed that we are now on version 7 of the event manual.
Thank you for all your help.

Ruth

From: Ted Murphy
Date: 17 April 2018 at 14:54
Subject: noise management plan
To:

Hi Ruth,

I've made a few changes which I've attached. It would be useful to add the proposed monitoring locations on the site plan and add to the NMP. Once you do that can you send it back for me to look at please.

I've removed the references to NPSE, the NPPF and COPA 1974. They aren't really relevant to your event. I've also added a line about subjective assessment of bass levels, referenced complaints received 2017 and the importance of pre-event communication.

If you could have a look and see what you think.

thanks

Ted Murphy

Senior Environmental Health Officer

Environment, Health & Consumer Protection

Adult and Health Services

Appendix 8

Sound Control

Introduction

This Noise Management Plan (NMP) sets out the requirements for noise monitoring and control with regards to the Sands, Durham. This Noise Management Plan is required in order to ensure compliance to environmental health relating to the event.

- This NMP considers the potential for noise from the following sources:
- Rig and de-rig noise;
- Event noise (including sound check, rehearsals and show);
- Crowd Noise during event;
- Crowd noise arriving and departing event;
- Delivery vehicles;
- On site vehicles (including forklifts);
- Event specific plant noise;

This NMP identifies how noise arising from the use of the site should be monitored and controlled, by establishing reasonable methods to measure, assess and, if necessary, reduce the impact from noise sources associated with the site, in order to comply with the requirements of the environmental health.

In addition to environmental health, this noise management plan also seeks to identify and assess the potential liaison between the noise control engineer, sound system supplier and environmental health team at the council.

The site is located in the Sands, Durham.

This noise management plan consists of five sections:

Summary of planning and statutory requirements;

Site location and NSRs;

Schedule of event

Noise assessment and management;

Complaint process and monitoring;

Forecast report and summary of past events.

Summary of Planning, License & Statutory Requirements

Control of Pollution Act 1974 [2]

2.1 While most of the provisions of the 1974 Act in respect of noise were superseded with the commencement of the Environmental Protection Act 1990 the sections specifically dealing with noise from construction were left in force. Section 60 empowers local authorities to serve notice of its requirements for the control of site noise during construction and civil engineering works. Such a notice can include specifying the hours of work, imposing noise level limits or prohibiting or requiring certain machinery and/or procedures to be used.

Under section 61 a contractor or procurer of works takes the initiative and approaches the relevant local authority or authorities to ascertain their noise and vibration requirements before construction works start. Although not a mandatory requirement, a section 61 consent means a local authority cannot take action under a section 60 of the Control of Pollution Act 1974 or Section 80 of the Environmental Protection Act 1990. The practical consequence is that the contractor is effectively immunized against enforcement action. Such s.61 agreements have commonly been adopted in major infrastructure projects and project-specific Codes of Practice have been enforced through them.

Noise Policy Statement for England;

by three aims: avoid significant adverse impacts The Noise Policy Statement for England (NPSE) seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relates to noise. The statement applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise but does not apply to noise in the workplace. The Government recognises that the effective management of noise requires a coordinated and long term approach that encompasses many aspects of modern society.

The long term vision of Government noise policy is set out: Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

This long term vision is supported on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and, where possible, contribute to the improvement of health and quality of life.

National Planning Policy Framework, 2012;

The NPPF provides for the production of distinctive local and neighborhood plans by local authorities, in consultation with local people, which should be developed to reflect the needs and priorities of their communities.

Section 109 indicates that the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Section 123 is specifically related to noise, according to which, planning policy decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health

and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Although the NPPF does not provide specific guidance on assessing the impacts of noise from construction sites, BS 5228:2009 Parts 1 & 2 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' is currently the principal Code of Practice document where detailed guidance is available. This methodology provides guidance on how to assess potential impacts using quantitative methods of estimating construction noise and with reference to measured ambient noise levels in the study area. We envisage no noise issues with stage and market stall construction on the day.

Noise Assessment & Management

1.0 Rig and De-Rig Noise:

1.1 Noise emissions from load-in activities relating to Rig and De-Rig activities will be kept to a minimum by adopting good working practices. should be considered for noise effects. However, it is unlikely that an assessment in accordance with BS 5228:2009 'Code of practice for noise and vibration control on construction and open sites', would be applicable.

4.2 The Licensing Authority will be approached in order to agree an appropriate level for noise levels to NSRs. ~~Temporary Plant (Mechanical & Electrical) Noise~~

1.2 If new elements of plant (mechanical or electrical) are to be incorporated as part of the event, consideration should be given to the effects of noise to NSRs and if deemed necessary noise monitoring will take place at NSR's and appropriate action taken to reduce intrusive noise levels. An assessment in accordance with BS 4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas' will be undertaken as agreed with the local authority.

2.0 Noise from Crowd Activities:

2.1 Noise emissions from crowd activities should be considered for effect on NSRs. This would include crowd movements to and from the site, as well as crowd noise during the event itself. The crowd will enter the site via Durham Gala entrance, and then into the site. The PA Company has considered the layout of the speakers.

3.0 Control of Noise from Amplified Music Events & PA Systems:

3.1 Code of Practice on Environmental Noise Control at Concerts (Pop Code) states that Music Noise Levels (MNL) should not exceed 65dB (A) over a 15 minute period at the façade of any noise sensitive premises between the hours of 09.00-23.00; and inaudible inside the premises with typical ventilation / windows open between the hours of 23.00-09.00.

3.2 Noise levels will be monitored subjectively and objectively. Noise measurements will be taken at the boundary of the closest noise sensitive properties with a calibrated sound level meter. The threshold levels stipulated in the pop code will be adhered to and action taken to reduce MNLs should the threshold of 65 dB LAeq (15 mins) be exceeded.

3.3 In addition to the MNL's, specific attention will be given to bass levels. Subjective assessment should be made and should bass levels deemed to be intrusive then appropriate action will be taken to reduce bass levels. ~~should be No further action is required regarding the music or the crowd noise as the whole event is kept under 65dB LAeq(15 mins) as stipulated by the Pop Code and the NCC SAG conditions in the Event Manual, Appendix 8.~~

3.4 Noise emissions from amplified music and PA announcements should be considered for effect. The PA Company has considered the layout of the speakers and suggests 2 flying stacks of mid/high cabinets and 1 mono bass.

Direction of the speakers will be considered at the point of the erection to minimise noise pollution.

The sound technicians will undertake sound checks prior to the event commencing to determine a correlation between sound levels on and off site.

Durham Pride will provide consultants and technicians to monitor the noise levels on and off site.

Music and crowd noise will be monitored in 4 locations. These same 4 locations will be used for pre-event checks to get reference levels on background noise.

~~Noise monitoring and levels will comply with the guidelines stated by the Code of Practice on Environmental Noise Control at Concerts (CoP). Music Noise Levels (MNL) should not exceed 65dB(A) over a 15 minute period at the façade of any noise sensitive premises.~~

Hand held radios with ear pieces will be used by all staff on duty to ensure there is a structured communication process which will also ensure that any noise issues are dealt with immediately

4.0 Complaint Process & Monitoring:

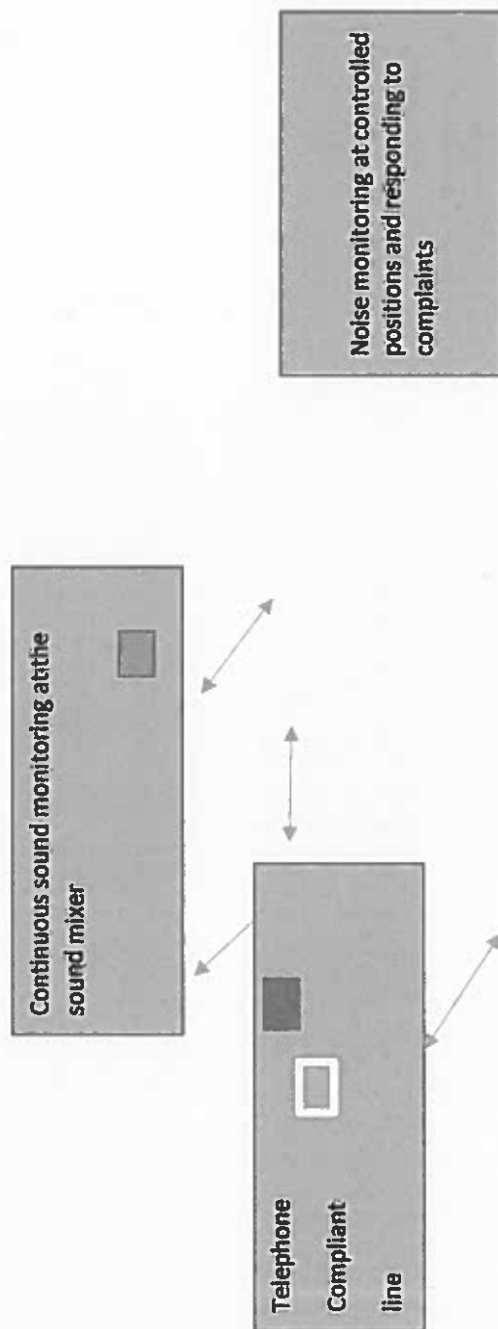
4.1 Complaints about loud music from the 2017 event were received by Durham City Council and Durham Constabulary. Advice from both DCC and Durham Constabulary about the importance of pre-event communication to residents and businesses in avoiding complaints. Event organisers will ensure that this takes place in sufficient time before the event for residents and businesses to prepare and make alternative arrangements, should they wish to, for the duration of the event.

4.2 In the event of a complaint relating to noise, a designated member of the events team from Durham Pride will investigate the complaint. Durham Pride will designate constant cover for a designated complaint telephone number. A member of Durham Pride events team will speak personally with the complainant to ascertain the nature of the complaint.

Should a complaint be received we will instantly inform FOH to monitor their levels and the appointed noise consultant will visit the complainant's location and speak to the complainant to ascertain the issue and act a necessary.

A hotline telephone number will be provided to handle noise complaints and will be staffed during the event hours; a member of staff will be on duty during the whole event to specifically cover the telephone. Event Personnel will coordinate the response to a complaint and details of any noise complaints, and subsequent actions, will be logged and made available to the Local Authority.

5.0 Site



Two way radio communication between key members of the event team.

A summary report will be produced after the event which will include all the noise level reports made at each position. This will be made available to the local authorities.

To ensure that all residences are aware of the event taking place and when, posters displayed and leaflets dropped prior to the event.

6.0 Summary of Past Events

This will be Durham Prides fifth event in the vicinity of Durham City Centre. To date we have followed protocol on each and every event. We have no log of any complaints made directly to the event.

APPENDIX 4 – MEDIATION WITH DURHAM LOCAL SAFEGUARDING CHILDREN BOARD

From: Ruth Ashton
Sent: 13 April 2018 10:27
To: AHS Licensing
Subject: FAO Sean Barry re Durham Pride UK premises licence application.

Dear Sean,

Thank you for the feedback. We confirm that we have agreed to include your recommendations in both the application and in our events manual.

Kind Regards

Ruth (on behalf of Durham Pride UK)

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at Durham Pride UK The Sands Durham DH1 1LF

I welcome your proposal for age verification, refusal log and the training of staff within your events manual.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that some steps require more clarity as there is not enough information to satisfy me. Although you mention Challenge 25 - you do not specify what ID you will accept (however you do list the accepted ID for a missing child); incident log - you do not state these will be available to police upon request; and the training of staff - you do not specify that staff responsible for selling alcohol will be trained to implement Challenge 25. I would like to see that training include the risk from proxy sales (This is alcohol purchased or obtained for young people by relatives or older friends). Training records for staff to be maintained and refresher training to be provided at least annually.

The steps I consider should be included are identified in the proposed wording below:

- **Verification of age** – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. A 'Challenge 25' age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.
- **Maintain a refusals register** – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.
- **Training of staff** – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales, (this is alcohol purchased or obtained for young people by relatives or older friends). Training records for staff to be maintained and refresher training to be provided annually.

The purpose of this email is to make the LSCB representations to you and for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm so by replying to me and the Licensing Section Licensing@durham.gov.uk

These recommendations will then be included in your application, the matter is deemed resolved and your application would progress.

The Durham Local Safeguarding Children Board are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps, like those above in an attempt to safeguard children. I consider these steps are proportionate and have proven to be successful when implemented in similar applications.

Please don't hesitate to contact me if you require further information.

My Ref: SB/2018/26

Regards
Sean

Page 40
Sean Barry
Strategy and Development Officer
Local Safeguarding Children Board

APPENDIX 5 – LETTERS OF REPRESENTATIONS

Karen Robson

From: Carol Graham - Licensing Assistant (N'hoods)
Sent: 06 April 2018 13:29
To: Yvonne Raine; Karen Robson
Subject: OBJECTION - Durham Pride

Yvonne/Karen

Please see below.

thanks

Carol Graham
Licensing Assistant
Environment, Health & Consumer Protection
Adult and Health Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at facebook.com/durhamcouncil
Follow us on linkedin.com/company/durham-county-council
Follow us on Instagram @durham_county_council

From: Cllr David Freeman
Sent: 06 April 2018 13:21
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: Cllr Richard Ormerod
Subject: RE: Licensing - new premises licence application received - Durham Pride Event, The Sands, Durham

Dear Carol

As the local ward councillor for The Sands I oppose the application for a premises licence for the Durham Pride Event which is held on the Sunday of the last May Bank Holiday Weekend. I welcome the event happening in Durham City each year but do not accept that this location is the right place for the event, the sale of alcohol and the playing of outdoor live & recorded music from 12:00 – 19:00. The licensing ground would be on public nuisance.

In previous year I understand the event occurred on the Durham University Racecourse which is well away from a residential area and a very suitable location. The Sands however is next door to around 400 residential properties.

Last year I received numerous complaints from nearby residents. Below is a selection of the points raised:

- On Monday the Pride festival was held at The Sands. A stage was set up directly outside our house, which shook from the volume of the music. Part of the fence on the field and road boundary is broken following the event. A lot of rubbish was strewn all over this end of the field until Tuesday afternoon, fortunately it wasn't too windy and remained more or less where it had been dropped.
- We had no prior notice of this event from the organisers. If we had known we would have arranged our daughter's birthday party at a different time!
- I have nothing against the field being used for public events or for Pride. But it was completely inconsiderate of the organisers not to inform the local residents beforehand.
- While I was aware it was to take place there are a number of areas where the Council clearly failed in its planning, i.e. the unacceptable amount of noise, the litter, car parking and damage done. If the event is to happen again in a year's time lessons must be learnt. Alternative venues should also be considered. Last years was on the racecourse which is a better venue as it is not near residential properties.
- I am writing on behalf of neighbours and residents of The Sands, Durham with regards to the above festival that took place 29/5/17. We are used to having loud events on the sands but the pop concert yesterday was beyond anything that we have experienced before. It was advertised as a family fun day but it seemed to be two different events. On one side we had the fun fair and stalls and on the other beer tents and an inflatable sound stage featuring professional pop group "Jedward". The stage was no more than 20 metres from residents houses and was at such volume peoples windows were shaking. There were at least 25 police officers on duty but they seemed bewildered by the event and ignored incidents that would be picked up on a normal day. The next morning the sands were left in such a state. Broken fences, litter everywhere, on the ground and across the road into residents gardens. On the other hand where "clarks" had the funfair, all litter was picked up and bagged. You would not have known they had been there. We put up with a lot down the sands and on the whole take it in good faith as part of living in the city but yesterday was not acceptable.
- As you may know and event took place yesterday on The Sands, which involved a march or parade followed by various attractions including a concert on a 'main stage' erected on the grass towards the Ferens Close end of The Sands. The event would have been fine but for the level of noise being generated by the music from the stage. It was so loud as to be unbearable. I am not sure who would have given permission for this. Can you help at all in ensuring that this level of noise is not repeated? My neighbour tells me that the police received a number of complaints about the noise, but clearly they were unable to do anything about it. I measured the sound level at one point and it was 90 decibels. I have a feeling that last year the event may have taken place on the Racecourse, which would be much more appropriate because it is not so enclosed and not surrounded by housing.
- Please see attached photos taken the day after yesterday's family fun day and pride event, litter everywhere, fences smashed bottles and wrappers left on people's gardens. This is not to mention the noise and transport disturbance. We had to go out for the afternoon due to the excessive noise levels as we could not hear for the pounding base speakers. I feel sorry for a couple on the front street 15m from the stage who were trying to have a kids birthday party. Where is the respect for the residents. We have a lot of events on down the Sands but never have we had such noise levels or mess.
- The event was well set out with ample bins across the site .so litter should not be a problem to this extent. How can the fun fair end be packed up and gone on the same day with no evidence of them being there and the other end be a city dump . There was also problems with groups of youths in the beer tents after the event finished due to no security on site.
- Yesterday we were subjected to 6 hours of noise levels in excess of acceptable levels in a residential area over the 100Db level for most of the time. Cars parked on double yellow lines obstructing my garage the police says it traffic wardens job with no wardens working. Very few toilets for VIPs only Rubbish all over the area this morning. No sign of council employees taking noise levels. Who gave this event permission in a

residential district with all the alternative on the edge of town even County Hall. The main stage was 50 feet from my neighbours windows and shock the house.

It is quite clear that last year's event caused major issues which certainly breaches the 'public nuisance' licencing condition.

My colleagues Cllr Ormerod and I passed on resident's complaints to the Council but never got a satisfactory response as to whether the issues would be addressed.

The Sands appears to have been agreed as the future venue for the event. I would hope the above shows why this is not a suitable location. Better management and the location of any stage well away for residential properties would be a marginal improvement but only marginal. I would hope that this licence is refused. If however members do not agree I would hope that they would insist that the Licensing Team significantly improve how the venue operates particularly the location of any stage and have noise monitors on site during the event.

Yours sincerely

David Freeman

Councillor David Freeman

Representing the Durham City communities of Elvet, Gilesgate, Crossgate, Sidegate, Claypath and The Sands

Karen Robson

From: Cllr Richard Ormerod
Sent: 24 April 2018 17:11
To: Karen Robson
Subject: Re: Durham Pride Event, The Sands, Durham

Dear Karen,

As the local ward councillor for The Sands I oppose the application for a premises licence for the Durham Pride Event which is held on the Sunday of the last May Bank Holiday Weekend. I welcome the event happening in Durham City each year but do not accept that this location is the right place for the event, the sale of alcohol and the playing of outdoor live & recorded music from 12:00 – 19:00. The licensing ground would be on public nuisance.

In previous year I understand the event occurred on the Durham University Racecourse which is well away from a residential area and a very suitable location. The Sands however is next door to around 400 residential properties.

Last year I received numerous complaints from nearby residents. Below is a selection of the points raised:

- On Monday the Pride festival was held at The Sands. A stage was set up directly outside our house, which shook from the volume of the music. Part of the fence on the field and road boundary is broken following the event. A lot of rubbish was strewn all over this end of the field until Tuesday afternoon, fortunately it wasn't too windy and remained more or less where it had been dropped.
- We had no prior notice of this event from the organisers. If we had known we would have arranged our daughter's birthday party at a different time!
- I have nothing against the field being used for public events or for Pride. But it was completely inconsiderate of the organisers not to inform the local residents beforehand.
- While I was aware it was to take place there are a number of areas where the Council clearly failed in its planning, i.e. the unacceptable amount of noise, the litter, car parking and damage done. If the event is to happen again in a year's time lessons must be learnt. Alternative venues should also be considered. Last years was on the racecourse which is a better venue as it is not near residential properties.

I am writing on behalf of neighbours and residents of The Sands, Durham with regards to the above festival that took place 29/5/17. We are used to having loud events on the sands but the pop concert yesterday was beyond anything that we have experienced before. It was advertised as a family fun day but it seemed to be two different events. On one side we had the fun fair and stalls and on the other beer tents and an inflatable sound stage featuring professional pop group "Jedward". The stage was no more than 20 metres from residents houses and was at such volume peoples windows were shaking. There were at least 25 police officers on duty but they seemed bewildered by the event and ignored incidents that would be picked up on a normal day. The next morning the sands were left in such a state. Broken fences, litter everywhere, on the ground and across the road into residents gardens. On the other hand where "clarks" had the funfair, all litter was picked up and bagged. You would not have known they had been there. We put up with a lot down the sands and on the whole take it in good faith as part of living in the city but yesterday was not acceptable.

As you may know and event took place yesterday on The Sands, which involved a march or parade followed by various attractions including a concert on a 'main stage' erected on the grass towards the Ferens Close end of The Sands. The event would have been fine but for the level of noise being generated by the music from the stage. It was so loud as to be unbearable. I am not sure who would have given permission for this. Can you help at all in ensuring that this level of noise is not repeated? My neighbour tells me that the police received a number of complaints about the noise, but clearly they were unable to do anything about it. I measured the sound level at one point and it was 90 decibels. I have a feeling that last year the event may have taken place on the Racecourse, which would be much more appropriate because it is not so enclosed and not surrounded by housing.

Please see attached photos taken the day after yesterday's family fun day and pride event, litter everywhere, fences smashed bottles and wrappers left on people's gardens. This is not to mention the noise and transport disturbance. We had to go out for the afternoon due to the excessive noise levels as we could not hear for the pounding base speakers. I feel sorry for a couple on the front street 15m from the stage who were trying to have a kids birthday party. Where is the respect for the residents. We have a lot of events on down the Sands but never have we had such noise levels or mess.

The event was well set out with ample bins across the site .so litter should not be a problem to this extent. How can the fun fair end be packed up and gone on the same day with no evidence of them being there and the other end be a city dump . There was also problems with groups of youths in the beer tents after the event finished due to no security on site.

Yesterday we were subjected to 6 hours of noise levels in excess of acceptable levels in a residential area over the 100Db level for most of the time. Cars parked on double yellow lines obstructing my garage the police says it traffic wardens job with no wardens working. Very few toilets for VIPs only Rubbish all over the area this morning. No sign of council employees taking noise levels. Who gave this event permission in a residential district with all the alternative on the edge of town even County Hall. The main stage was 50 feet from my neighbours windows and shock the house.

It is quite clear that last year's event caused major issues which certainly breaches the 'public nuisance' licencing condition.

My colleague Cllr Freeman and I passed on resident's complaints to the Council but never got a satisfactory response as to whether the issues would be addressed.

The Sands appears to have been agreed as the future venue for the event. I would hope the above shows why this is not a suitable location. Better management and the location of any stage well away for residential properties would be a marginal improvement but only marginal. I would hope that this licence is refused. If however members do not agree I would hope that they would insist that the Licensing Team significantly improve how the venue operates particularly the location of any stage and have noise monitors on site during the event.

Councillor Richard Ormerod
Elvet & Gilesgate Division

Representing the Durham City communities of Elvet, Crossgate, Sidegate, St Nicholas and Gilesgate Bank

Karen Robson

From: Carol Graham - Licensing Assistant (N'hoods)
Sent: 23 April 2018 08:40
To: Karen Robson
Subject: FW: Durham Pride application SNCF representation
Attachments: SNCF representation re Durham Pride application April 2018.docx

Hi Karen

Please see attached.

Thanks

Carol Graham
Licensing Assistant
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

From: SNFC Durham <[redacted]>
Sent: 22 April 2018 12:08
To: Carol Graham - Licensing Assistant (N'hoods) <[redacted]>
Subject: Fw: Durham Pride application SNCF representation

Dear Ms Graham

Please find representation from St Nicholas Community Residents Forum re the application by Durham Pride UK to hold an annual event on The Sands, Durham City.

We sincerely hope you will take notice of our comment.

Kind regards
Janet George Hon Sec.
SNCF Durham



St Nicholas' Community Forum

Honorary Secretary: Janet George,

Email:

Carol Graham
Licensing Assistant
Environment, Health & Consumer Protection
Adult and Health Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Re Application for a new Premises Licence
Applicant Durham Pride UK
Premises The Sands, Durham, DH1 1LF
Application details Premises licence is for Durham Pride Event which will be held annually on the Sunday of the last May Bank Holiday Weekend.
Sale of alcohol, outdoor live & recorded music and performance of dance from 12.00-19.00.

22nd April 2018

Dear Ms Graham

I am writing on behalf of the St Nicholas Community Forum (SNCF), a voluntary grouping of residents of the St Nicholas Ward of Durham City.

I should explain that the Objects of SNCF are essentially to promote community awareness and quality of life in our area. The Forum has a formal constitution and elects its officers at an Annual General Meeting.

At our monthly meeting held on 10 April 2018, we discussed the above application and wish to offer the following comments.

Residents of the Sands have come to us and have stated they feel very strongly that their residential area is not an appropriate place for this weekend event to take place.

Comments given to us from those living in the area include that in their experience of the event last year they felt noise levels were unacceptably high throughout. They also complained to us about litter and car parking. There is most certainly a feeling that they do not wish this event to happen again so close to their houses and it would be more appropriate to hold it a distance away from residential homes.

SNCF ask the Licensing committee to remember that immediately by the Sands people are in their own homes. Locals should be allowed a peaceful environment (and some people work shifts and want to sleep in the daytime).

For any future event considered to be held at the Sands, SNCF request that strict controls on noise levels including music, entertainers, crowd noise and noise from revellers leaving the area are maintained and there is also control on parking, litter and policing of high alcohol consumption. We would also request that proper discussion with residents is offered.

SNCF urge the Licensing Committee not to grant a license for this Durham Pride event this year or in future.

Yours sincerely

APPENDIX 6 – RESPONSIBLE AUTHORITIES NO COMMENTS

Carol Graham - Licensing Assistant (N'hoods)

From: Daniel Darnton
Sent: 19 April 2018 12:43
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: FW: Licensing - new premises licence application received
Attachments: Durham Pride Premises Application.Mar18.pdf; Durham Pride Plan.Mar18.pdf; Durham Pride Event Manual V1.docx; Durham Pride DPS Consent.Mar18.pdf

Good Afternoon,

Durham Constabulary have no objections to the below application.

Thanks
Dan

Daniel Darnton
Harm Reduction Unit



Durham Constabulary
Altogether Better Policing

Carol Graham - Licensing Assistant (N'hoods)

From: FS-Durham
Sent: 03 April 2018 11:00
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - new premises licence application received

Hello Carol,

I can confirm that the Fire Authority Has no objections or comments to make in respect of this application.

Kind regards

Dave Mitchelson

Dear Sir/Madam

The following application has been received/accepted by Durham County Council and is attached.

Les – please can you check the blue notice

1

Application Type - Application for a new Premises Licence

Applicant: - Durham Pride UK

Premises – The Sands, Durham. DH1 1LF

Date of Application – 29 March 2018

Last date for representations – 26 April 2018

Please note the last date for representations

Carol Graham
Licensing Assistant
Environment, Health & Consumer Protection

APPENDIX 7 – STATEMENT OF LICENSING POLICY

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- ☐ Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- ☐ At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- ☐ At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

8.0 Public Safety

8.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

- ☐ First Aid
- ☐ Public security
- ☐ Event control
- ☐ Polycarbonate Glass
- ☐ Fire Safety
- ☐ Electrical safety
- ☐ Building safety
- ☐ Transport
- ☐ Drink driving issues
- ☐ Occupancy levels

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

9.0 Prevention of Public Nuisance

9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

9.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

- ☐ Assessment of likely noise levels in the premises.
- ☐ Assessment of likely noise levels if outdoor drinking is allowed.
- ☐ The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation).
- ☐ The distance and direction to the nearest noise sensitive premises.
- ☐ Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).
- ☐ Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.
- ☐ Ways to limit noise / disorder from patrons leaving the premises.

9.6 The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of

premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

9.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

9.8 Takeaways and fast-food outlets: The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

APPENDIX 8 – SECTION 182 GUIDANCE

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will

usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their

recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

¹ S 177 of the 2003 Act now only applies to performances of dance.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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