

# Appendix 1



## LICENSING ACT 2003

FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

On-Line payments can be made at:  
[http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

### Application for a premises licence to be granted under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We (Insert name(s) of applicant) SIMPLICIOUS Community Interest Company (CIC)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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.

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<p><i>The premises licence will cover the use of Calvert Avenue (from the junction with Boundary Road) up to and inclusive of the Arnold Circus / and Arnold Circus Roundabout) on Sunday 30<sup>th</sup> July 2017. Premise license from 08:00 to 20:00. Licence activity (ie performances etc) from midday to 7pm</i></p> <p><i>The licence will enable the use of the site for a public event (African Street-Style Festival). The area will be designated, car- free. The premise will enforce a strict non-alcohol rule, with no alcohol sold or permitted on site</i></p>	
Post town <b>Shoreditch, London</b>	Post code <b>E2</b>

Telephone number at premises (if any)

Non-domestic rateable value of premises

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick as appropriate  Please complete section (A)
- a) an individual or individuals\*  Please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity / **community interest company (CIC)**  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick as appropriate

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr

**Surname**

Lennon

**First names**

Jeffrey

**I am 18 years old or over**

Please tick yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

Please tick yes

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

### Part 3 Operating Schedule

#### When do you want the premises licence to start?

**08:00 Sunday 30<sup>th</sup> July 2017**

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

**20:00 Sunday 30<sup>th</sup> July 2017**

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

#### **Please give a general description of the premises (please read guidance note1)**

*The 'premises' will simply consist of the outdoor public (street) space. The area is curated to facilitate a programme of activity as part of the African Street-Style Festival 2017, representing the fourth instalment of this emerging event. The day combines performance of dance, acoustic music, fashion, film/visuals and photography. These activities are supplemented by the provision of street-food, and a Children's Area.*

**As with previous years, no alcohol will be sold or served as part of the festival programme.**

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**The following items are the list of licensable activities that will be delivered from the premises. All activities will take place outdoors, between the hours of midday and 7pm.**

1. **Film** – a series of short films, forming an arts installation that shall be displayed on screen.
2. **Recorded music** – a DJ will provide music as a backdrop to the day's activities
3. **Live Dance** - established dance teachers and choreography will combine to deliver presentation of African infused movement and dance
4. **Live music** – Artists will combine tradition and the contemporary to share their music and energy at the event

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

**Name**

Jeffrey Lennon, Director SIMPLICIOUS CIC

**Address**

c/o Impact Hub Kings Cross  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

The African Street-Style Festival is a family event. It has been successfully planned, and delivered in the same location since 2013. We have established good links with officers within the Council, and the emergency services.

There are no activities, or content that would be deemed prohibitive to children. A Children's area will be facilitated, providing activities for children, under the supervision of a commissioned organisation with the experience and expertise of providing such provision. This area is usually located on the Arnold Circus.

The Premises will benefit from a team of commissioned stewards; WC facilities and St John Ambulance Services.

**Describe the steps you intend to take to promote the four licensing objectives:  
a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

Of the four licensing objectives, the event is proposing commissioning the following licensing objectives: films; performance of dance; live music; and recorded music. Click here for the official film [of African Street Style Festival 2016](#)

Promotion for the event will be led via our extensive networks, and mailing list, accumulated over the previous four years of hosting this event.

The event will also be promoted via the main cultural networks, social media and press.

**b) The prevention of crime and disorder and c) Public safety**

Planning an event that reduces the opportunity for any crime and disorder, alongside ensuring the safety of individuals is always our priority as festival organisers. We work closely with the local police and TH officers in the planning of the event. Over the previous four years, our event has benefitted from meetings, liaison and ongoing correspondence with PC Alan Cruickshank and PC Kelly Barnes, where clear outlines of the area plan, programme, and supporting provisions are discussed. Community Police attend the festival. We shall take advice from the Met Police for the planning of this year's event

We commission [leading festival security company, Show and Events](#) (part of the SES group) to patrol our event. We work closely with them to ensure that stewards are appropriately situated across the site, monitoring activity across both the site area and surrounding areas. **25 Stewards are commissioned for this event**, supported by a team of supervisors, based at a Security and Steward point designated at the Arnold Circus.

This year, as in previous years, Show and Events will provide a full security briefing for the management of the event that is signed off by Tower Hamlets officers within the Festivals and Events team. The day represents fun, enjoyment, and relaxation. Although the site area is busy people can move around the site, as the African Street Style Festival aims to bring communities together, by avoiding a hedonistic, experience for attendees, Our festival experience is not to be seen as such, and this is not the expectation from those who attend.

The event is promoted as a family event, and we enforce a strict non-alcohol policy on the day with **no alcohol sold on the festival site**, and the site area remains the same as in previous years.

Local residents and business are advised of our plans, months before the event, with letters delivered to the businesses during April, and residents advised in May, with follow up correspondence delivered in June, and early July. The previous four years have resulted in the sole complaint from a local resident and no record of criminal activity or disorder. The festival area is pedestrianised, with cars prohibited from entering the site from 8am to 8pm to administrate the site set-up.

**d) The prevention of public nuisance**

Delivering any event in a local space, regardless of the scale, requires the organiser to ensure that any inconveniences amongst stakeholders (residents, traders, and attendees, those passing through the area) 'are kept to minimum.

In addition to the stewarding provision, we are obliged to follow strict guidelines in terms of Noise levels, set by TH Environmental officers and, as with previous years, we commission a noise consultant to monitor these levels, and to advise the PA / AV supplier on any adjustments that have to be made throughout the duration of the event. The Noise consultant works with the TH Environmental prior to the event, and maintains contact throughout the duration of the event. A full report regarding noise monitoring is made available to the council post event.

As per previous years portaloos (15) will be delivered on-site and situated at the Rochelle School/ Rochelle Street. Two of these will have facilities for Baby Changing and will be fully accessible.

Additional Waste Bins and refuse sacks will be provided on site with volunteers assisting in the

Correspondence is delivered (by hand) to every household within the immediate area of the Calvert Avenue and Arnold Circus, at least two months prior to the event, advising them of the date of the event. The details provided to residents include contact details for the festival organisers.

A traffic plan is signed off by TH Highways officials, and appropriate signage is located across the local area advising of the temporary traffic changes and restrictions.

The area across which the event takes place (the licensed area) remains exactly the same since the inception of the festival.

### e) The protection of children from harm

Each year, we provide children & family activities, facepainting, etc .

We commission suppliers and performers who are trained and experienced in working with children in the scope of their activity. This year, once again, we propose to work with Open the Gate, an established provider of culturally specific They are provided with guidance on procedures they should adopt in the event that they suspect a child or young person may be experiencing, or be at risk of, harm. All practitioners are all DBS checked. They will seek to safeguard the participating children valuing them, listening to and respecting them, providing effective management for volunteers through supervision and support.

**Please note that the Children area is not a kindergarten/nursery/creche and parents are required to stay with their children during the workshops** (they can participate together) and to always keep an eye on their children.

The Arnold Circus is the area where the Lost Children's point will be clearly highlighted. We will follow the H&S guidance on lost children at outdoor events. We also commission St Johns Ambulance services to ensure an on-site provision, as well ensure that an additional number of DBS checked stewards are permanently stationed at the Children's Area throughout the day.

Adopting this approach has resulted in a safe and well-administered event for families.



**Signatures** (please read guidance note 10)

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 11) **If signing on behalf of the applicant please state in what capacity.**

Signature



**PRINT NAME: *Jeffrey Lennon***

Date ***10<sup>th</sup> April 2017***

Capacity ***Founder, African Street-Style Festival, Director, SIMPLICIOUS CIC***



**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 13)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

## Notes for Guidance

1. Describe 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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 un-amplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

# Appendix 2

## African Style Street Festival

### Event Footprint Area and Capacity



#### Area of event footprint.






- Calvert Avenues estimated available area from the front of stage to Arnold Circus is: 1,440 m<sup>2</sup>.
- Arnold Circus estimated available area including roadways, Boundary Gardens and the Bandstand is: 3,361m<sup>2</sup>.
- The event footprint area is estimated at 4,801m<sup>2</sup>.

#### Capacity of event footprint.

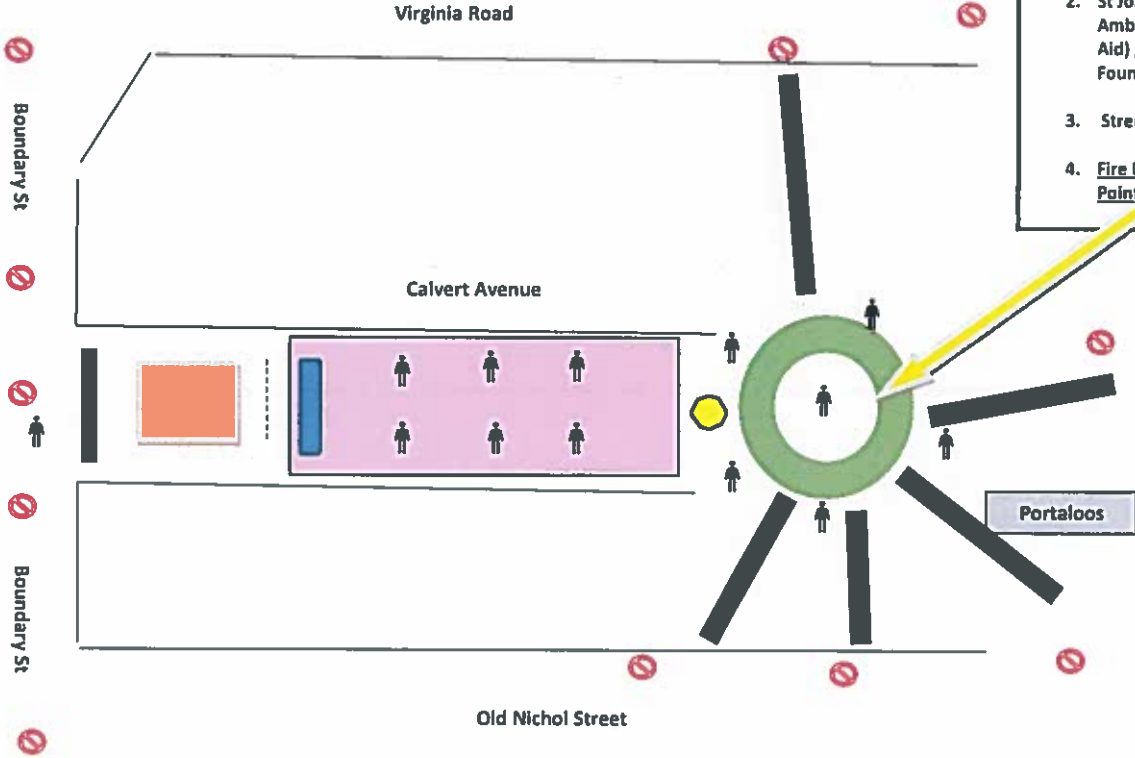
Taking an average of 25% unusable space due to infrastructure and plantings on Arnold Circus and stalls on the footprint; the area is calculated at: 3,600.75m<sup>2</sup>. The capacity ratio is:

- At 0.5 persons per m<sup>2</sup> capacity is:- 1,800
- At 1.0 persons per m<sup>2</sup> capacity is:- 3,600
- At 2.0 persons per m<sup>2</sup> capacity is:- 7,200
- At 3.0 persons per m<sup>2</sup> capacity is:- 10,800

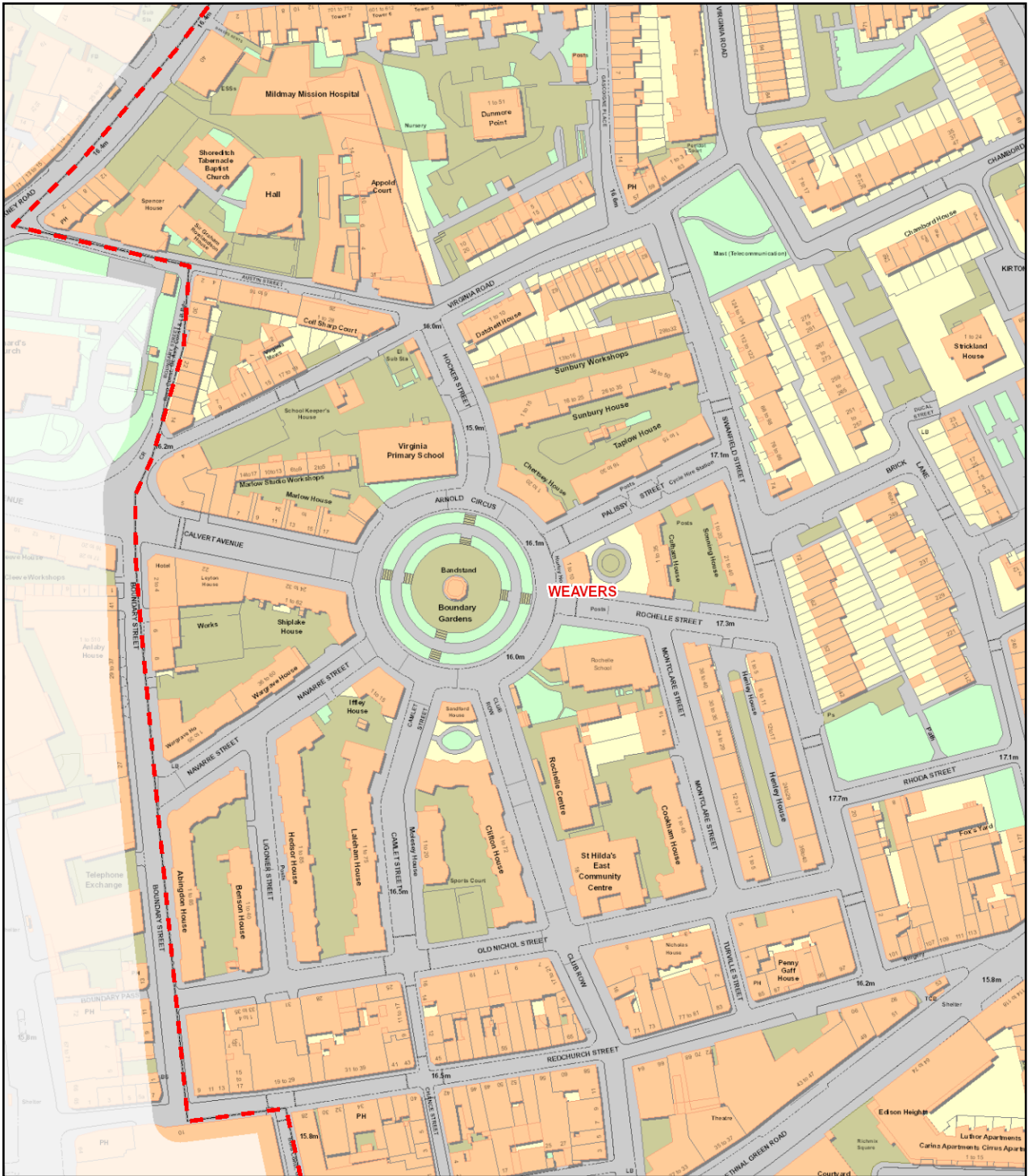
**African Street Style Festival 2017**  
 Sunday 30<sup>th</sup> July  
 Midday to 7pm SITE PLAN

 Stewards ( 25 stewards will be stationed throughout site)  
 Traffic Signs (*ROAD AHEAD CLOSED, DIVERSION, DRIVE SLOWLY etc*)  
 Noise Monitoring  
 Main event area  
 Stage

- Arnold Circus**
1. Children's Play Area'
    - Face-Painting
    - Massage and relaxation
  2. St John's Ambulance (First Aid) / Lost and Found Point
  3. Street Food Stalls
  4. Fire Evacuation Point



# Appendix 3



# Arnold Circus

## Arnold Circus



Scale 1:2270

20 0 20 40 60

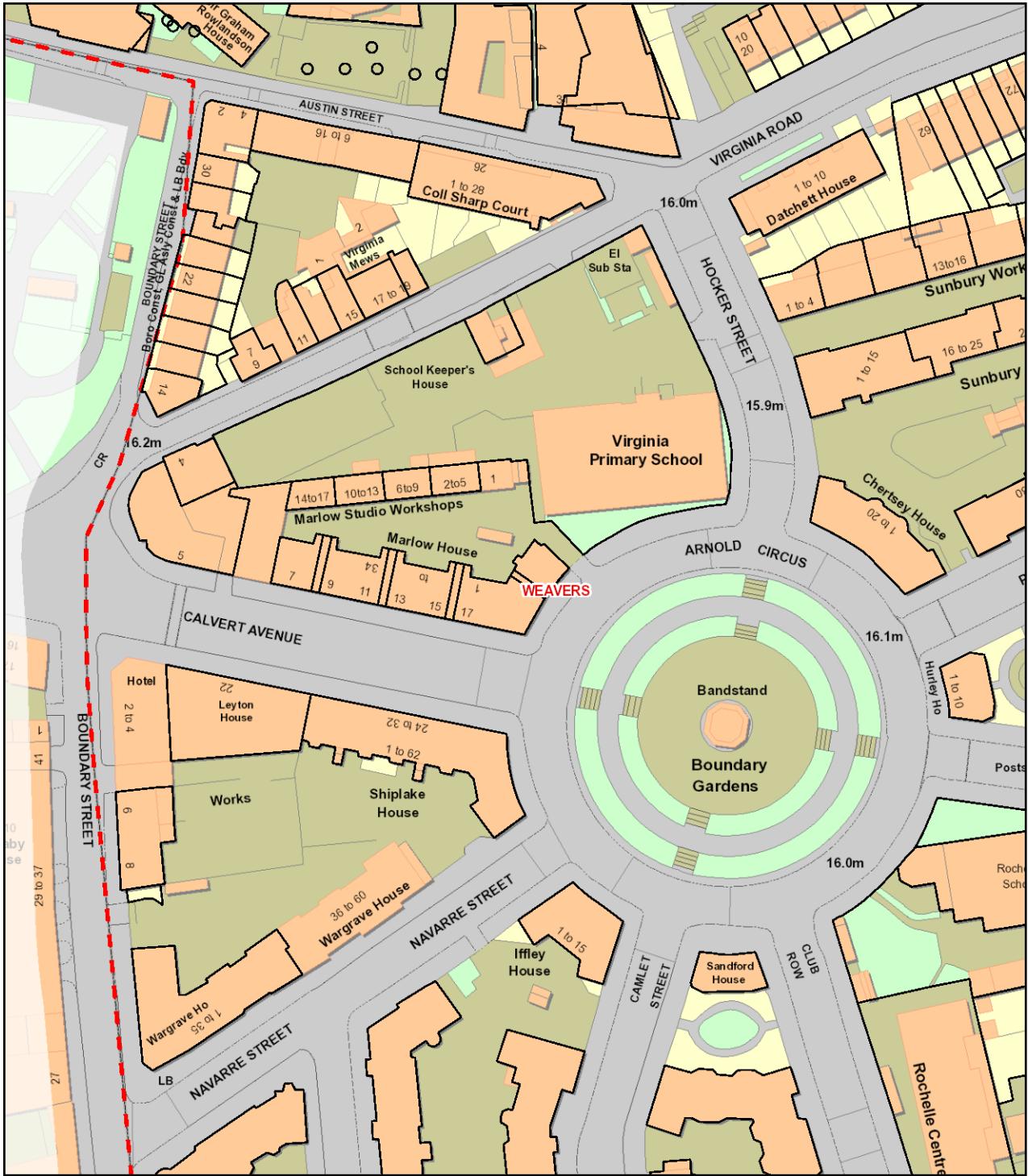


Metres



**TOWER HAMLETS**



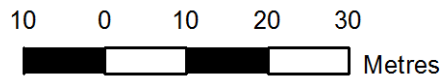


# Arnold Circus

## Arnold Circus



Scale 1:1135





# Appendix 4

## Kathy Driver

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**From:** Corinne Holland on behalf of Licensing  
**Sent:** 08 May 2017 11:05  
**To:** Kathy Driver  
**Subject:** FW: Premise License Application - Representation

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**From:** Emma Love [REDACTED]  
**Sent:** 08 May 2017 08:25  
**To:** Licensing  
**Subject:** Premise License Application - Representation

By Email

The Licensing Section  
London Borough of Tower Hamlets  
Mulberry Place  
5 Clove Crescent  
London  
E14 1BY

8th May 2017

Dear Sir / Madam,

RE: Notice of application for a Premises license - African Street Style Festival, Sunday 30th July 2017, Calvert Avenue and Arnold Circus.

I would like to object to the above Premises license applied for on 11-April on the basis of public nuisance.

Please note that I have only just become aware of the application having seen the public notice attached to a streetlight at the corner of Calvert Avenue and Arnold Circus on Saturday 6-May. I do not recall seeing the notices before this date (which I find odd because I park my Motorbility car daily in the residents' bays on [REDACTED]).

I am a tenant of [REDACTED], Arnold Circus. My flat is located on the ground floor. The walls and windows of the living room and bedroom face directly onto Calvert Avenue and the kitchen directly onto Arnold Circus. I am disabled with multiple sclerosis (MS) and an important part of managing my MS symptoms is to get proper rest and avoid stressful situations.

Having experienced the festival in 2014, I found it impossible to be in my home. During the event, the volume of the music and crowds denied me the right to peace and quiet. The window sills outside my bedroom and living room were used by attendees to rest bottles, cans and food containers. After the event had 'officially' ended, crowds of people remained outside my windows chatting loudly and playing musical instruments. The overall impact of this event was to render my home uninhabitable for the day causing me unnecessary upset and stress. I know of other local residents who were also affected.

In 2015 I reached an agreement with the event organisers whereby I would relocate for the weekend (at my own expense) in return for them making a donation to the MS Trust. In 2016 I was contacted by the organisers but unfortunately the discussions never concluded and I once again had to relocate for the weekend (again at my own expense).

I would like the Licensing Committee to consider the impact of granting this Premises license on myself and others in what is a predominantly residential area, and would like to question why this event cannot be held in a more appropriate location within the borough.

Yours sincerely,

Emma Love (Ms)

Attached - 2 x Photo of License Application Notice.

- ASF-2017\_Notice\_1: photo showing notice attached to lamp post at junction of Calvert Avenue and Arnold Circus

- ASF-2017\_Notice\_2: photo of notice attached to lamp post near the Boundary Community Launderette on Calvert Avenue



# Appendix 5

## **Section 182 Advice by the Home Office Updated on March 2015**

### Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

# Appendix 6

## **Noise while the premise is in use**

### General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 of the Licensing Policy)**.

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.11)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 8.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells



- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

### Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

### Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

# Appendix 7

## **Access and Egress Problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

### General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

#### Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Measures can include ensuring the safe departure of customers, these can 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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

# Appendix 8

## Public nuisance - S182 Updated March 2015

- 2.14 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.
- 2.15 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.
- 2.16 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 15). 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.
- 2.17 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.

- 2.18 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.
- 2.19 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.
- 2.20 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.

# Appendix 9



## **Prevention of Nuisance** – Licensing Policy, updated March 2015

- 10.1 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.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

# Appendix 10

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 15.8 of the Licensing Policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 15.9 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 11

## **Planning**

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.