

# LICENSING SUB-COMMITTEE HEARINGS

## 1 AUGUST 2008

*Present :-* Councillor Barrie Cook (Chairman)  
Councillors Elizabeth Blundell and Ann Quarrie

### 1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

### 2. Declarations of Interest

There were no declarations of interest.

### 3. Applications under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

### 4. Colchester Community Stadium, United Way, Colchester. Essex

The Sub-Committee considered an application in respect of the Colchester Community Stadium, United Way, Colchester for a premises licence.

#### **In Attendance**

Applicants: Mr Rankin, Counsel for the applicant, Ms L Bland, Solicitor for the applicant  
Officers: Mr R Essex, Legal Services and Mr Harvey, Licensing Manager  
Objectors: Mr & Mrs Billingham, Mr Knight, Mr Nicholson, Councillor Goss, speaking on behalf of local residents, and Parish Councillor Sutcliffe speaking on behalf of Myland Parish Council and local residents

#### **The Application**

Sarah White, Committee Services Officer (Licensing), briefly introduced the application, advising that representations had been received from Environmental Control and Essex Police. 17 representations had also been received from local residents, one from a local business and a letter of representation had been received from Myland Parish Council.

Mr Rankin on behalf of the applicant confirmed that in the response to the representation made by Essex Police the Football Club now sought the provision of all licensable activities from 07.30 to 02.30 Mondays to Sundays inclusive except for New

Years Eve when all licensable activities would take place between 00.001 and 00.00. The premises would be open to the public from 07.00 to 03.00 with the exception of New Years Eve when the premises would be open from 01.00 to 00.00. A representation had been received from Environmental Control and the applicant had agreed to the conditions requested. These conditions would be applied to the grant of any licence.

17 letters of representation had been received from residents and one from a local business whose properties could reasonably be regarded as being in the vicinity of the premises given the unique and individual nature of the stadium and the licensable activities that would take place there. The representations referred to the potential for alcohol related vandalism and antisocial behaviour occurring in the area as a result of the grant of any licence. A number of residents expressed their concern that police would only be present on match days and at other times there would be a reliance on CCTV and door supervisors at the stadium because of the concentration of police in the town centre at weekends. Reference was made to the rural and residential nature of the area and the likely impact on this of any alcohol fuelled anti-social behaviour by patrons of the stadium as they made their way home either on foot or by car. In their letters of representation residents referred to a number of concerns regarding public nuisance and in particular to noise nuisance in the early hours of the morning from performances, traffic and patrons of the stadium if the licence was granted.

Councillor Goss, speaking on behalf of local residents, stated that residents were not opposed to the stadium but were concerned at the alcohol fuelled problems which they believed would result for the grant of any licence. Residents wished to see a reduction in the terminal hour sought to 12 midnight. Parish Councillor Sutcliffe, speaking on behalf of Myland Parish Council, welcomed the reduction in hours outlined by the applicant but felt that these did not go far enough. Residents in Myland already suffered from anti social behaviour and he considered that if the application were granted, police resources would be stretched to breaking point.

Mr Billingham addressed the Sub-Committee and expressed his main concerns which were the noise and disturbance the grant of any licence was likely to cause to local residents. He explained that noise was already leaking out of the stadium from the various tests being carried out. He reminded the Sub-Committee that any imposition of conditions should be necessary and proportionate and he considered that the conditions agreed between the applicant and Environmental Control were not achievable or reasonable. Mrs Billingham addressed the Sub-Committee on the matter of noise pollution. Even accepting that they had the noise of the A12 in the background she informed the Sub-Committee that there was still significant noise pollution from the stadium testing the sound system. The design of stadium was such that noise could escape from the four corners. Mr Knight in addressing the Committee stated his belief that the crime and disorder implications of the grant of the licence were predictable and the peaceful nature of the semi rural area would be shattered if the licence were granted. A number of residents in both their letters and in addressing the Sub-Committee considered that the hours of the licence should be restricted to those of the licence held by Colchester United at Layer Road.

Mr Rankin, Counsel for the applicant, informed the Sub-Committee that Mr Turner had

considerable experience of running a large sporting venue having been at Essex County Cricket for 12 years and had a number of relevant qualifications. Mr Rankin explained that as the premises was a community stadium the licence had been kept deliberately wide to enable it to respond to as many requests for use by the community as possible and to avoid the need to apply for temporary event notices. It was not anticipated that the full extent of the licence would be used at all times.

Mr Turner gave further details on a number of operational matters and confirmed that the whole premises including the car park would be non-smoking. He explained that a risk assessment would be completed for each function held at the stadium and outlined the measures proposed to deal with traffic. Stewards would be placed on the Boxted Road and there were proposals to make part of this road a clearway to prevent event parking. Shuttle buses would be used on match days to move patrons between the stadium and the station and this arrangement might be used for other events if appropriate. At smaller events it was suggested that people would be kept within the premises whilst waiting for public transport to arrive to minimize disturbance to residents.

In responding to residents' concerns regarding noise, Mr Rankin explained that the conditions agreed with Environmental Control were some of the most stringent he had seen and that the stadium management would have to abide by them. The problems with light pollution had been largely resolved by ensuring that the lights in the car park were not left on although questions were raised concerning the use of the lights during events. With regard to the policing of events, there would be police in the control room at matches and 24 hour security was present on the site. SIA registered door staff would be used for events with under 500 people attending. There was considerable debate concerning the capacity of the premises but it was accepted that capacity figures were not a matter that could be determined by the Sub-Committee. It was suggested and agreed by both parties that regular liaison takes place between local residents and the stadium management to resolve any difficulties that may arise from time to time.

## The Decision

RESOLVED that the Sub-Committee gave careful consideration to the relevant parts of the Section 182 Guidance, the Council's Licensing Policy, the contents of the report, the representation received from Essex Police and the submissions made at the hearing by all parties and determined to grant the application as applied to permit-

- The supply of alcohol on and off the premises, the provision of plays, films, boxing or wrestling entertainments, live music, recorded music, performances of dance and anything of a similar description, facilities for making music, facilities for dancing and anything of a similar description indoors and outdoors, and the provision of indoor sporting events for the following hours-

10.00 to 02.30 Mondays to Sundays inclusive

- Provision of late night refreshment for the following hours-

23.00 to 02.30 Mondays to Sundays inclusive

- The premises to be open to the public for the following hours-

10.00 to 03.00 Mondays to Sundays inclusive

Subject to the following conditions:-

Imposed by the Sub-Committee at the Hearing

1. Outside amplified music shall cease at 01.00.
2. The sale of alcohol and all licensable activities in the car park shall cease at 24.00.
3. Alcohol shall only be sold to persons attending an organised function.
4. Regular liaison meetings shall be offered to local residents every two months.
5. Free water is to be made available to those attending organised functions other than football matches.

Conditions offered by the applicant on the Operating Schedule

1. Regulated entertainment shall only take place and alcohol shall only be sold at the premises in accordance with the operating schedule and the conditions on the premises licence.
2. Alcohol shall only be sold from public bars and/or private facilities in the premises and in accordance with the trading hours.
3. The initial risk assessment in relation to any event shall expressly address:
  - (a) in relation to any regulated entertainment – the nature, location in the premises and timings of such entertainment; and
  - (b) the extent of the trading hours in respect of all public bars and those private facilities with a direct view of the pitchThe final risk assessment shall confirm, or if appropriate, restrict the above details.
4. Accredited proof of age cards, photo driving licences and passport will be requested by the bar staff and/or bar supervisor to establish the age of any person attempting to purchase alcohol who appear to be under the age of 18.
5. High quality digital CCTV system with cameras to be installed and focused on areas to be agreed with the police and marked on an agreed plan in order to deter incidents, in accordance with the Colchester Crime and Disorder Strategy and Section 17 of the Crime and Disorder Act 1998. The codec format of digital computers must be made available to the police and the local authority, in order to download quality images of DVD discs for a period of 31 days. Sufficient staff shall be trained efficiently, in the use of the CCTV system.
6. High quality definition DVD/CCTV images shall be recorded and maintained for a period of no less than 31 days so that police officers investigating all incidents are able

to retrieve quality CCTV images within this period.

7. When the premises are open to the public, community stadium management (including personal licence holders) shall ensure that a suitable number of bar supervisors, bar staff and (when appropriate) door supervisors, are allocated to the public bars and private facilities with a view to maintaining good order and safety and with a view to preventing nuisance and harm to children.

8. In addition to 7 above, when the premises are open for the sale of alcohol past 24.00 on any day, door supervisors (of a sufficient number and gender mix) shall be employed after 21.00 hours, in the public bars and private facilities (as appropriate and necessary with a view to maintaining good order and safety). A log will be kept by community stadium management in which the names and dates/times of such door supervisors on duty and any incidences that may occur, and this log will be shown to the police or other responsible authorities on request.

9. When the premises are open to the public at an event, community stadium management (including personal licence holders) shall, in addition to condition 7, ensure that any agreed measures (relating to public order, safety and the prevention of nuisance and harm to children) pursuant to the final risk assessment are put in place.

10. Community stadium management shall use its reasonable endeavours to consider the provisions of and/or to follow the recommendations in, the publications set out below, in relation to events, so far as it is reasonable practicable and appropriate to do so:

§ The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999) (“The Purple Book”) ISBN 0 7176 453 6

§ Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

§ Five Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804

§ The guide to Safety at Sports Grounds (The Stationery Office, 1997) (“the Green Guide”) ISBN 011 300095 2)

§ The London District Surveyors Associations “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1

§ BS5588 Part 6 (regarding Places of Assembly), Part 9 (regarding ventilation and air conditioning systems), Part 8 (regarding means of escape for disabled people), BS5839 Part 5 (regarding fire alarm systems and buildings and BS5266 (emergency lighting systems).

11. For the avoidance of doubt, nothing in the operating schedule to the premises licence or the appendices thereto shall operate or exclude or limit the application of the exemption for in-house football stewards (acting as door supervisors or otherwise) from licensing under the Private Security Industry Act 2001, as announced by Ministries of the Government on September 2005.

12. Conditions 13 to 21 below will apply (where appropriate) to regulated entertainment events at which the pitch area and surrounds and/or the seating area in the stands

and/or the car park is in use

13. A Noise Council Code of Practice for Environmental Noise Monitoring at Concerts is to be used for target levels at existing community sites.

14. During night time entertainment noise should not be audible within existing noise sensitive premises with windows open in a manner typical for ventilation.

15. The control limits for any event or activity involving amplified sound shall be set to ensure that the sound shall not exceed 15dBA (leq 15 min) above the background noise level at existing noise sensitive premises over the duration of the event.

16. Community stadium Management shall nominate a person who is competent to monitor noise no later than two weeks prior to the event. This nominated person shall liaise between all parties including the promoter, sound systems supplier, sound engineer and the Council, etc and all matters relating to noise control prior to and during the event.

17. A noise propagation test shall be undertaken at the earliest opportunity prior to the start of the event in order to set appropriate control limits of the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.

18. Community stadium management shall ensure that the promoter, sound systems supplier and all individual sound engineers are informed of the sound control limits and that any instruction from the person nominated to control noise regarding noise levels shall be implemented.

19. The person nominated to control noise shall continually monitor noise levels of the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing authority shall have access to the results of the noise monitoring at any time.

20. Throughout the loading, rigging and dismantling days, no amplified sounds shall be played through the speakers external to the stadium, except for operational and emergency announcements. On event days, low level background music can be played as entertainment to queuing crowds between the hours of 11.00 and 19.00. These levels would be discussed and agreed with Environmental Control before any event takes place at the stadium. Background music shall cease once the event has started.

21. No sound checks or rehearsals shall commence before 09.00 and they shall not continue after 21.00 so as not to cause any undue disturbance to existing community sites and existing noise sensitive premises.

**Mandatory Conditions**

- Where licence authorises supply of alcohol

1) No sale of alcohol may be made under the premises licence-

a) at a time when there is no designated premises supervisor in the respect of the premises licence, or

b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- Exhibition of films

1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

3) Where-

a) the film classification body is not specified in the licence, or

b) the relevant licensing authority had notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4) In this section-

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

- Door supervision

1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

2) But nothing in subsection (1) requires such a condition to be imposed-

a) in respect of premises within paragraph 8(3) (a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

b) in respect of premises in relation to-

- i. any occasion mentioned in paragraph 8(3) (b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- ii. any occasion within paragraph 8(3) (d) of that Schedule (occasions prescribed by regulations under that Act).

3) For the purposes of this section-

- a) "security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and
- b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **5. Close of Meeting**

The meeting closed at 16.45.