



**Licensing Act 2003 – Application for a new Premises Licence at:  
Brighton City Airport, Cecil Pashley Way, Shoreham-by-Sea, BN43 5FF**

**Report by the Director of Customer Services**

**1.0 Summary**

- 1.1 Members are requested to consider and determine an application made by:  
**SJM Ltd.**  
for grant of a new Premises Licence to authorise the sale of alcohol, late night refreshment and the provision of regulated entertainment.

**2.0 Background**

- 2.1 The Licensing Act 2003 (the Act) obliges an applicant for a premises licence to present an application & plan to the licensing authority, in this case Adur District Council, and forward copies of these documents to the 'responsible authorities'. These being:
- Worthing & Adur Licensing Team at Sussex Police
  - Business Fire Safety at West Sussex Fire and Rescue Service
  - Head of Child Protection at West Sussex County Council
  - Housing & Environmental Protection Group at Adur & Worthing Councils
  - Development Control Group at Adur & Worthing Councils Planning Services
  - West Sussex Trading Standards Service
  - Director of Public Health at West Sussex County Council
  - Health & Safety Authority for private premises - Adur & Worthing Councils' Food and Occupational Health Group
  - Health & Safety Authority for publicly owned premises - Health & Safety Executive (HSE)
- 2.2 The applicant has responsibility for publishing a notice in the legal section of the local newspaper within 10 days of making an application. The notice gives a basic outline of the licensable activities being sought and the timings requested. It details the statutory 28 day consultation period, invites interested parties to attend the council offices to view the application and provides the licensing authority's contact details and the council's website which gives details regarding making representation.
- 2.3 The applicant must place a notice (in a prescribed manner) on or adjacent to the premise advertising the same. These notices remain on display for 28 days. Details of all Licensing Act applications are published by the licensing unit on the Adur & Worthing Councils' website at:

- 2.4 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation within the 28 day consultation period. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. Only if relevant representation is received is a hearing necessary to consider the matter.
- 2.5 If relevant representation is received within the consultation period the act dictates that the licensing authority has 20 working days in which to hold a hearing. If the application isn't processed within the timescale then the application receives 'tacit consent' meaning that if the council has not dealt with application within the target period then the application can be deemed automatically to have been granted/approved. In such circumstances an appeal to the magistrates' court would be the only available avenue of challenge for those that made relevant representation within the consultation period. This 20 day period within which a hearing must be held can only be extended if there are compelling reasons and the council would be required to serve notice on all the parties detailing why it has had to take such action.
- 2.6 This application with a plan of the site was received by the council's licensing unit on 6 November 2014.
- 2.7 The application was first advertised in the Shoreham & Worthing Herald Newspapers on that date but the applicant had not pre-notified the licensing unit of an application and consequently officers had not had the opportunity to advise the applicant of the required consultation deadline date. Therefore the original advert was incorrect and rejected.
- 2.8 The application was then re-advertised by the applicant in the Herald on 13 November 2014 correctly.
- 2.9 Notices in the same format as the newspaper advert were displayed, because the airport is a huge site, at 50m intervals along the boundary to the site that the public has access.
- 2.10 All premises licences applied for under the act are subject to the above procedures and natural justice dictates that all must be treated in exactly the same manner. Accordingly criticism by some residents and members that this application wasn't given special publicity by the licensing authority is unjust. However, to address some of the concerns expressed the specific notification of Adur licensing committee members of all new premises licence applications has been introduced and the summary provided on the website for the public to reference has been made more comprehensive.
- 2.11 In this instance further comment has been made by the Police that the applicant in the public notices displayed used font size 14 and that the waterproof paper printed on was extremely pale. The regulations regarding the public notices require that the font used is size 16 and the paper used is light blue A4. However, the question asked when considering if an inaccuracy contained in a public notice makes it invalid is:

*“Did the error significantly affect the public’s ability to read and consider the application”.*

In this case the difference in the font size was minimal, the paper did have a very light blue tinge and the printing was clear. Therefore, using the above criteria the notices were accepted as valid.

2.12 The application and location plan are attached at Annex 1. In summary, the application is seeking authorisation for:

- Sale of Alcohol
  - 12.00hrs to 23.30hrs Monday – Thursday
  - 12.00hrs to 02.00hrs, of the following morning, Friday & Saturday
  - 12.00hrs to 00.30hrs, of the following morning, Sunday
  
- Sale of Late Night Refreshment
  - 23.00hrs to 00.00hrs (midnight) Monday - Thursday
  - 23.00hrs to 03.00hrs, of the following morning, Friday & Saturday
  - 23.00hrs to 01.00hrs, of the following morning, Sunday
  
- Provision of Regulated Entertainment  
(in the form of films, live music and recorded music).
  - 12.00hrs to 00.00hrs (midnight) Monday - Thursday
  - 12.00hrs to 03.00hrs, of the following morning, Friday & Saturday
  - 12.00hrs to 01.00hrs, of the following morning, Sunday

For provision at a two-day music festival to be known as the ‘Worthing Weekender’ which the applicant is proposing to stage on the airport site each year. The application seeks authorisation to provide these licensable activities to an audience of up to 69,999 persons.

It is proposed to open the site on the festival’s two days to the public between

- 12.00hrs to 00.00hrs (midnight) Monday - Thursday
- 12.00hrs to 03.00hrs, of the following morning, Friday & Saturday
- 12.00hrs to 01.00hrs, of the following morning, Sunday

2.13 The first year’s festival is proposed for Saturday 6 and Sunday 7 June 2015.

2.14 As recommended by the Guidance issued under section 182 of the Licensing Act the applicant has completed a comprehensive operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.

2.15 The proposed designated supervisor detailed in the application is Mr Jonathan Howarth, who holds a personal licence issued by the Wigan Metropolitan Borough Council.

2.16 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which relevant representations were received. It therefore falls to this committee to determine.

### **3.0 Representations & Submissions**

- 3.1 Two representations were received from 'responsible' authorities, Sussex Police and the council's Environmental Protection Team.
- Sussex Police are seeking clarification on a number of issues and listed a number of conditions that they consider to be required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.
  - The Environmental Protection Team are engaged in consultation with the applicants consultants to address their concerns
- Copies of both representations and a copy of a mediation letter sent to Sussex Police by the applicant are attached at Annex 2.

- 3.2 One representation was received from 'other persons' in support of the application sixty-nine relevant representations were received from 'other persons' opposing this application and these are shown in Annex 3.

- 3.3 The Licensing Act encourages mediation and this has been on-going between the applicant and the responsible authorities.

- 3.4 The applicant has also attended meetings on 11 & 27 November with the Safety Advisory Group (SAG) which provides advice and recommendations to assist in the safe running of events. The members of the group comprise advisors from the following organisations:

- Sussex Police
- West Sussex Fire and Rescue
- South East Coast Ambulance Service
- Western Hospitals NHS Foundation Trust
- Maritime & Coastguard Agency
- Adur & Worthing Councils' Environmental Health, Health & Safety, Parks & Foreshores and Licencing Services

Further meetings are scheduled subject to a licence being granted.

- 3.5 Mediation between the applicant and members of the public who made representation, because of the number of representations received and the opinions expressed, was considered impractical and unlikely to produce a successful outcome. However, if there are developments members will be informed.

- 3.6 Notices of Hearing have been served on the applicant and all those persons making relevant representation in accordance with the regulations.

#### **4.0 Legislation**

- 4.1 Section 4 of the Licensing Act 2003 requires a licensing authority carry out its functions with a view to promoting the licensing objectives.

- prevention of crime and disorder;
- public safety
- prevention of public nuisance; and
- protection of children from harm.

- 4.2 Licensing authorities are required to disregard any information given by any party or other persons permitted to speak at a hearing which is not relevant to the:

- application or written representation



- licensing objectives.

4.3 The authority must also have regard to its own statement of licensing policy and any guidance issued under Section 182 of the Licensing Act by the Secretary of State.

4.4 Sections of the Act's Guidance considered particularly relevant in this case are:

***Licence conditions – general principles***

1.16 *Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:*

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- *should not replicate offences set out in the 2003 Act or other legislation;*
- *should be proportionate, justifiable and be capable of being met*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave*

***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.....*

2.3 *Conditions should be targeted on deterrence and preventing crime and disorder. 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.*

***Public safety***

2.8 *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.....*

2.9 *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*
- *Considering the use of CCTV in and around the premises*

### **Safe capacities**

2.13 *“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.*

### **Public nuisance**

2.18 *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. 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.*

2.19 *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 is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community.....*

### **Protection of children from harm**

- 2.29 *Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.*
- 2.30 *Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:*
- *restrictions on the hours when children may be present;*
  - *restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;*
  - *restrictions on the parts of the premises to which children may have access;*
  - *age restrictions (below 18);*
  - *restrictions or exclusions when certain activities are taking place;*
  - *requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and*
  - *full exclusion of people under 18 from the premises when any licensable activities are taking place.*

## **9. Determining applications**

### **Representations from the police**

- 9.12 *In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>4</sup>. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

### **Hearings**

- 9.36 *As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.*
- 9.37 *In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:*
- *the steps that are appropriate to promote the licensing objectives;*
  - *the representations (including supporting information) presented by all the parties;*
  - *this Guidance;*
  - *its own statement of licensing policy.*
- 9.38 *The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision*

*must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.*

- 9.39 *Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.*

#### **Imposed conditions**

- 10.8 *The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.*
- 10.9 *It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.*

#### **Proportionality**

- 10.10 *The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.*

The current Home Office guidance can be found on the following link - <https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance>

## **5.0 Council's Policy Statement**

- 5.1 Members are advised that the following sections of the Adur District Council's Licensing Policy may be particularly relevant to the determination of this matter, though the policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the policy itself:

### **6. Main Principles**

- 6.6 *Licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act and the terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.*
- 6.7 *The Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises and how these may affect members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct*

*control of the individual, club or business holding a licence, certificate or relevant permission.*

## **8. Prevention of Crime and Disorder**

8.1 *The Licensing Authority is committed to further reducing crime and disorder within the Adur District and to helping people feel safe.*

8.2 *Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the District Council, Sussex Police, West Sussex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 complements this duty for licensing authorities.*

## **10. Prevention of Public Nuisance**

10.1 *Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Licensing Authority recognises the need to maintain and protect the amenity of residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.*

10.2 *The Licensing Authority understands 'public nuisance' to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.*

10.3 *Applicants will be expected to demonstrate in their Operating Schedule 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 and characteristics of their premises and events.*

## **21. Conditions**

21.1 *Where the responsible authorities and other persons do not raise any relevant representations about an application made to the Licensing Authority, it is the duty of the Council to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any mandatory conditions prescribed in the 2003 Act itself.*

21.2 *The Council may not impose any additional conditions unless its discretion has been engaged by a relevant representation and it has been satisfied, at a hearing, that it is appropriate to impose conditions due to the representations raised. It may then only impose conditions it considers appropriate to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.*

21.3 *When considering any conditions, the Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of people attending the premises when beyond the control of premises.....*

## **23. Duplication and other Regulatory Regimes**

23.1 *When considering any application, the Licensing Authority will, wherever possible, avoid duplication with other regulatory regimes and will not use the licensing regime to achieve outcomes that can be achieved by other legislation.*

## **27. Live Music, Dancing & Theatre**

27.1 *This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. Any Licensing Committee represents the general interests of a community and the views of vocal minorities should not be allowed to dominate such interests. In determining what conditions should be attached to licenses and certificates as a matter of necessity for the promotion of the licensing objectives, the Licensing Authority is aware of the need to avoid measures which deter live music, dancing and theatre, such as imposing indirect costs of a substantial nature.*

The current statement of policy can be found on the following link -  
<http://www.adur-worthing.gov.uk/media/media,98560,en.pdf>

## **6.0 Decision**

- 6.1 Members and all other parties should note that this hearing does not have the authority to decide whether an event or events at this site can go ahead. This is a matter for the airport in consultation with other authorities. Major large-scale events not involving licensable activity could go ahead without application to the licensing authority. For instance sporting events or comedy festivals could go ahead, if licensable activities were not required, without a premises licence.
- 6.2 This application is specifically seeking authorisation to provide licensable activities in the form of alcohol sales, entertainment and late night refreshment at the proposed events run by this applicant on this site to an audience of up to 69,999. Members are being requested to determine whether the representations and the concerns they express regarding licensable activity are relevant & valid to the licensing objectives and if the provision of such licensable activity, as proposed, would undermine those objectives. If this proves to be the committee's view they are requested to decide what steps could be taken to address those concerns expressed and promote the licensing objectives. Only if they consider that the imposition of conditions would still mean the provision of licensable activity at this event would not promote the licensing objectives should they consider refusal.
- 6.3 Section 18 of the Act requires authorities grant an application as applied for unless relevant representations have been made. If representations have been made, the Act requires the licensing authority have regard to them and take such steps as it considers necessary for the promotion of the licensing objects.
- 6.4 When considering this application for a premises licence the following options are available to the Committee:
- Grant the licence, as requested,
  - Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
  - Reject the whole or part of the application.

Members may also:

- Grant the licence but exclude certain licensable activities from the licence,
- Refuse to specify a particular person as a premises supervisor,
- Approve different parts of the premises for different activities.

## **7.0 Legal Implications**

- 7.1 Members must consider each application on its own merits and in accordance with the principles of natural justice, as well as the provision of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 7.2 All applications must be considered against the backdrop of the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 7.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 7.4 In accordance with section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent crime and disorder in its area.
- 7.5 Under Section 181 and Schedule 5 of the Licensing Act 2003 the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence include:
1. An applicant may appeal against any decision to modify the conditions of the licence.
  2. An applicant may appeal against a rejection in whole or part of an application
  3. A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.
- 7.6 Members are reminded that the Act allows for the licensing authority to undertake a review following the grant of a premises licence when requested to do so by a responsible authority or any other person.

## **8.0 Other Implications**

- 8.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account.

## **9.0 Recommendation**

- 9.1 **Members are requested to determine the application for a new Premises Licence made by SJM Ltd. for the site known as Brighton City Airport, Shoreham-by-Sea and give reasons for that determination.**

**Jane Eckford  
Director of Customer Services**

### **Principal Author & Contact Officer:**

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### **Local Government Act 1972 Background Papers:**

Licensing Act 2003  
Adur District Council Licensing Policy Statement – July 2012 [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)  
Home Office Guidance – October 2014 [www.gov.uk](http://www.gov.uk)

### **Appendices:**

Annex 1 – Application & Plan  
Annex 2 – Responsible Authority representations  
Annex 3 – Representations supporting & opposing application



## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Licensing of premises for alcohol sales, regulated entertainment and/or late night refreshment is directly related to crime & disorder and public safety issues.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

4.1 Dealt with in the body of the report.

### **5.0 Community Safety Issues (Section 17)**

5.1 The Council is not obliged to issue a licence unless the Council is satisfied that the licence holder will promote the licensing objectives. The holder of a premises licence is expected to comply with all legislative requirements

### **6.0 Human Rights Issues**

6.1 All applicants have the right to expect that their application will be properly and fairly considered. The public have a right to expect the Council to grant licences that promote the licensing objectives.

### **7.0 Reputation**

7.1 The Committee must balance the rights of individuals (applicants and those making representation) against and the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

### **8.0 Consultations**

8.1 Dealt with in the body of the report.

### **9.0 Risk Assessment**

9.1 Financial - The only consequences identified are those associated with the defence of an appeal if the applicant or those making representation were to pursue the application through the courts following a decision by this committee that they regarded as unsound.

### **10.0 Health & Safety Issues**

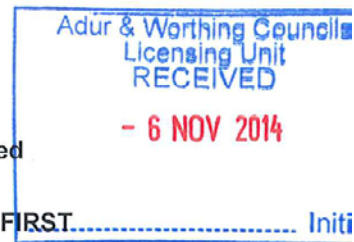
10.1 Matter considered and no issues identified.

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

### **12.0 Partnership Working**

12.1 Matter considered and no issues identified.



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST..... Initi**

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 SJM Ltd  
*(Insert name(s) of applicant)*

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			
<b>Brighton City Airport Cecil Pashley Way Shoreham-by-Sea West Sussex</b>			
<b>Post town</b>	Shoreham-by-sea	<b>Post code</b>	<b>BN43 5FF</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 yes

- a) an individual or individuals \* please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company x 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 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) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales                      please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England                      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 yes

- 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

**(B) OTHER APPLICANTS**

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

Name SJM LTD
Address 5th Floor, 61 Mosley Street, Manchester M2 3HZ
Registered number (where applicable) 2686954
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 0161 907 3443
E-mail address (optional) <a href="mailto:rob@sjmconcerts.com">rob@sjmconcerts.com</a> <a href="mailto:liam@sjmconcerts.com">liam@sjmconcerts.com</a>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day Month Year  

0	6	0	5	2	0	1	5
---	---	---	---	---	---	---	---

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

Day		Month		Year	

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

Brighton City Airport is an airfield on the banks of the river Adur and adjacent to the A27 in the town of Shoreham-by-sea. We will fence off a section of the airfield and within the fenced area construct an entertainment arena with all facilities necessary to stage live concerts. The use of the event area is by agreement with the Adur & Worthing Council

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

69,999

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

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

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B) ✓
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) ✓
- f) recorded music (if ticking yes, fill in box F) ✓
- g) performances of dance (if ticking yes, fill in box G) ✓
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

✓

In all cases complete boxes N, O and P

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1200	0000	Please give further details here (please read guidance note 3) Films shown within one of the tented structures	Both	<input type="checkbox"/>
Tue	1200	0000			
Wed	1200	0000	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	1200	0000			
Fri	1200	0300	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1200	0300			
Sun	1200	0100			



E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	x
Mon	1200	0000	<p><b>Please give further details here</b> (please read guidance note 3)            Outdoor Stages with Live acts &amp; DJ's – amplified music            Tented Structures with Live acts &amp; DJ's – amplified music</p> <p>Amplified musical performances on the main stage will end prior to music in the tented structure in accordance with the noise management plan</p> <p>Full details of performance and sound check times will be contained within the Event Management Plan which will include details of predicted noise levels at the nearest residence so not to cause a public nuisance.</p> <p>Timings include testing of sound equipment.</p>		
Tue	1200	0000			
Wed	1200	0000			
Thur	1200	0000			
Fri	1200	0300			
Sat	1200	0300			
Sun	1200	0100			
			<p><b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)            Live Music may take place between the hours of 1200 &amp; 0300 on a Friday and Saturday; 1200 &amp; 0100 on a Sunday and 1200 &amp; 0000 Mon – Thurs.</p>		
			<p><b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)            None</p>		

F

Recorded music Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	x
Day	Start	Finish			
Mon	1200	0000	<b>Please give further details here</b> (please read guidance note 3) Outdoor Stages DJ's inside tented structures Mix positions in between acts		
Tue	1200	0000			
			Full details of performance and sound check times will be contained within the Event Management Plan. Timings include testing of sound equipment.  Any sound made from the playing of recorded music in any area or structure will be subject to the measures laid down in the Noise Control section of the Event Management Plan to prevent unreasonable disturbance to the neighbouring areas close to the site.		
Wed	1200	0000	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	1200	0000			
Fri	1200	0300	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) None		
Sat	1200	0300			
Sun	1200	0100			

L




Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	0000	<b>Please give further details here</b> (please read guidance note 3) The Operation of food units serving to the public will take place during all public operational hours and continue past 11pm.	Both	<input checked="" type="checkbox"/>
Tue	2300	0000			
Wed	2300	0000	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	2300	0000			
Fri	2300	0300	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	2300	0300			
Sun	2300	0100			



**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) The supply of alcohol will take place between the hours of 12:00 and 23:30 Mon to Thurs, 12:00 and 02:00 Fri and Sat, 12.00 and 01:00 Sun		
Mon	1200	2330			
Tue	1200	2330			
Wed	1200	2330			
Thur	1200	2330	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	1200	0200	None		
Sat	1200	0200			
Sun	1200	0030			

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

<b>Name</b> Jonathan Howarth	
<b>Address</b> 	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b> 	
<b>Issuing licensing authority (if known)</b> Wigan, Lancashire	

**N**

**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)

There will be no activities of concern in respect of children. The ticket conditions will stipulate any under 14 year olds with tickets attending the concert will need to be accompanied by adults over the age of 18 years. Soft drinks will be provided for purchase alongside alcohol. No alcohol will be served to under 18's and a policy in line with Challenge 25 will be in operation for the site and proof of identity will be required.

The provision of health, safety and welfare of children will be part of the event planning and organisation process and measures detailed in the event management plan.

**O**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)</p>			<p><b><u>State any seasonal variations</u></b> (please read guidance note 4) The premises will be open to the public between the hours shown on the left</p>
Day	Start	Finish	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5) None</p>
Mon	1200	0000	
Tue	1200	0000	
Wed	1200	0000	
Thur	1200	0000	
Fri	1200	0300	
Sat	1200	0300	
Sun	1200	0100	

**P** 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)

The Licensed Premises is an airfield in Shoreham-by-Sea which has a history of hosting a variety of regulated entertainments.

Outdoor concerts shall mean concerts which are held outside permanent buildings at the licensed premises but shall include concerts staged in whole or in part in temporary buildings or marquees.

The Premises Licence Holder shall produce an Event Management Plan (see below) for the licensable activity proposed at the Licensed Premises at least three months before the outdoor concert (or such lesser period as the Licensing Authority may reasonably agree) for the licensable activity proposed at the Licensed Premises.

The Event Management Plan will include :

1. Names, addresses and telephone numbers of persons/organisations responsible for :

- \* Overall event safety control
- \* Production
- \* Medical and first aid provision
- \* Site management and the structural integrity of all temporary structures
- \* Crowd management, steward and security
- \* Fire safety and control
- \* Configuration and control of sound systems
- \* Management of any on-site car parking
- \* Management of concessions and franchises
- \* Provision and maintenance of water supplies
- \* Welfare and provision of information
- \* Provision and maintenance of sanitary facilities
- \* Reception collection and removal of litter and other waste

2. The proposed audience capacity including guests.

3. Plans to agreed scales detailing exits, entrances, temporary bars, marquees and all facilities to be provided.

4. Details of proposals for entertainments, together with information regarding any special effects.

5. Details of proposals for concessionary activities including food franchises, bars, restaurants and non food retail sales.

6. An alcohol management plan which will include details of :

- \* The designated premises supervisor
- \* Personal licence holders
- \* Control of the sale of alcohol
- \* Proof of age policy
- \* Promotion of responsible drinking
- \* Appropriate signage

7. A Safety Policy and Risk Assessment for the event.

8. Details of arrangements for co-ordinating and controlling event safety on site.

9. A site safety plan including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements.

10. Incident contingency and emergency plans (including a Major Incident Plan).



11. A crowd management, stewarding and security plan adhering to requests from Sussex Police
12. A medical ambulance and first aid plan.
13. A fire safety plan.
14. A traffic management plan as agreed with Sussex Police, Local Authorities and The Highways agencies
15. A sound assessment with details and proposals for monitoring and controlling sound emission.
16. Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water.
17. Details for the reception collection, litter and disposals of other waste.
18. Details of welfare arrangements facilities and provisions for information on site.
19. Details of the arrangements and facilities for disabled persons.

The Event Management Plan we submit and Multi Agency meetings will not solely focus on the activities taking place within the fenced area of the licensed venue. As this document is focused on the licensable activity we feel it prudent therefore to mention the areas not covered by the license and make assurances we will be giving them our full attention; namely the concerns of the local residents and how the event can least impact on their day to day lives; and our concerns that the audience can leave the site in a safe convenient manner within the parameters of the public transport available.

Full and detailed consultation will be undertaken through the Multi Agency Forum with the Licensing Authority and each of the responsible authorities and those persons/organisations referred to in the Event Safety Guide issued by the Health and Safety Executive (or any replacement guidance subsequently issued). The multi-agency meetings will take place prior to each event and will refine and finalise the Event Management Plan.

The Event Management Plan will provide dates specifying the date by which obligations in the Event Management Plan must be complied with, such as, the provision of final plans, provision of information to responsible authorities for approval and completion of the infrastructure for the event.

All events shall be managed in accordance with the Event Management Plan applicable to the relevant event.

Whilst the Licensed Premises are used for regulated entertainment, the Premises Licence Holder or some other responsible person nominated in writing by the Premises Licence Holder shall be in charge of and present at the Licensed Premises and shall be responsible for the carrying out of all conditions of the Premises Licence. In this connection the Premises Licence Holder shall appoint sufficient staff whose duties it shall be to exercise general supervision and to assist in the observance of the conditions of the Premises Licence.

The Premises Licence Holder will make adequate provision for monitoring and controlling the number of persons entering the licensed site and any temporary structures within it by way of fencing, gate systems, security or other provision to prevent unauthorised access to the licensed site or any part thereof.

Arrangements will be put in place to provide necessary information to persons attending the events to include dealing with lost and found persons and property, the emergency services, promoting responsible drinking and advising of taking care of hearing.

Appropriate information and conditions will be printed on tickets and displayed at entrances.

## **b) The prevention of crime and disorder**

When required by the Licensing Authority the Licence Holder will appoint to the satisfaction of the responsible authorities a full stewarding/security provider and their operational plan will be produced and contained within an Event Management Plan. All stewards will be easily identifiable and have appropriate training for their duties. A register will be maintained of all stewards and security staff employed before, during and after the event containing their full names, dates of birth, home addresses, employers, event specific identification and where appropriate, their SIA registration details.

Where individuals are required on the Licensed Premises to carry out licensable security activities under the Private Security Industry Act 2001 they must be licensed by the Security Industry Authority.

The Alcohol Management Plan will set out procedures to minimise any contribution to crime and disorder from the consumption of alcohol. This Plan will also set out procedures to minimise the occurrence of under age drinking, the supply of alcohol to persons under the age of 18 and the supply to persons who are drunk.

No supply of alcohol may be made under the Premises Licence :

(a) at a time when there is no designated premises supervisor in 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.

Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a personal licence.

The Premises Licence Holder shall take all reasonable steps to prevent drunkenness or other disorderly conduct and shall not permit entertainments which are obscene offensive to public decency or calculated to incite a breach of the peace.

The licence holder shall prepare a drugs policy for events which will be based on 3 core messages :

- \* Prevention
- \* Drug Dealers and users
- \* Welfare and treatment

Random searching will take place at all entrances and within the Licensed Premises for offensive weapons or drugs along with any other prohibited items. Searching of persons shall be carried out by members of the same gender. If appropriate, the ticket conditions shall indicate that searching will be carried out and there shall be signage with this message at all entrances.

A strategy will be put into place to steward areas outside the licensed area

## **c) Public safety**

### **GENERAL**

The venue and all equipment furnishing, fittings and the like shall be constructed, provided and maintained so as to be in a thoroughly safe condition for entertainment purposes.

Suitable records shall be kept by the Premises Licence Holder or his agent regarding fire safety precautions, electrical installations and the construction of the built environment.

Authorised officers of the Licensing Authority, authorised officers of the Fire Authority, the Ambulance Service and Constables shall have free access to all parts of the Licensed Premises for the purpose of inspection at all reasonable times.



The Premises Licence Holder shall ensure that the Premises Licence and all conditions attached thereto are retained at the Licensed Premises and are available for inspection at all reasonable times by authorised officers of the Licensing Authority, Fire Authority, Ambulance Service and Constables.

#### CAPACITY AND ENTRY CONTROL

The ticketed capacity will not exceed the maximum capacity permitted by the premises licence.

The agreed capacity will not be exceeded for that event.

Appropriate arrangements by way of barriers, gate systems, security or other provision will be made, in agreement with the responsible authorities, to prevent unauthorised access to the Licensed Premises and manage entry to the Licensed Premises.

Admission to the Licensed Premises will be by ticket only unless otherwise approved by the Licensing Authority. Ticket printing manifests and sales figures will be available upon request to the Licensing Authority.

#### LIGHTING AND ELECTRICAL INSTALLATIONS

Entrances and exits to the Licensed Premises including temporary structures within the Licensed Premises will be kept clear at all times and will be adequately illuminating during periods of darkness. If required by the Licensing Authority a lighting check will be carried out in consultation with the appropriate Responsible Authorities prior to the premises being opened to the public.

Adequate lighting levels will be maintained within any temporary structure and emergency lighting to the satisfaction of the appropriate Responsible Authority shall be provided in such temporary structures.

All electrical installations and equipment will comply with the general requirements at the Electricity at Work Regulations 1989 and with the general provisions of the Event Safety Guide or any replacement guidance. The Premises Licence Holder will employ competent persons to assess the electrical requirements at the event and the compatibility of the electrical supply with the equipment used and take all reasonable measures to ensure so far as is reasonably practicable the safety of all persons at the event.

All generators on the Licensed Premises shall be diesel driven.

#### FIRE SAFETY

Suitable and sufficient fire fighting provision will be produced and maintained on the Licensed Premises for the duration of each event to the satisfaction of the Fire and Rescue Service.

The Fire Retardancy characteristics of all tents, drapes and scenery used in or on any temporary structures will be to the satisfaction of the Fire and Rescue Service.

The siting of all vehicles, generators, tents, marquees etc., shall be to the satisfaction of the Fire and Rescue Service.

Concessions with cooking facilities shall be positioned to the satisfaction of the Fire and Rescue Service.

No special effects including lasers, strobe lights, stage pyro, smoke, vapor or fireworks shall be used without the prior approval of the Licensing Authority and the Fire and Rescue Service.

#### SAFETY OF THE BUILT ENVIRONMENT

The Licensed Premises shall accord with "the Event Safety Guide - A Guide to health Safety and Welfare at Music and Similar Events" (HSG 195-ISBN 0-7176 -2453-6) in consultation with and to the satisfaction of the sports ground and Licensing Officer.

The Premises Licence Holder when requested by the Licensing Authority, shall provide evidence that the Built Environment is being effectively maintained.

The Built Environment shall not be altered without the written consent of the Licensing Authority.

#### HEALTH AND SAFETY REQUIREMENTS

The Licensed Premises shall conform to all relevant provisions of current health and safety legislation in respect of persons employed in or visiting the venue and the Premises Licence Holder shall comply with all such legislation and the reasonable requests of the Health and Safety Inspectorate.

The Premises Licence Holder shall maintain good order in the Licensed Premises and shall appoint a staff of competent stewards for this purpose. The stewards shall be not less than 18 years of age, shall be adequately trained and instructed in their duties, briefed thoroughly before the performance starts and shall wear distinctive dress (badges or armbands are not a sufficient means of identification). They shall be controlled from the central control point and shall be under the control of supervisors, equipped with suitable means of communication to the Event Control Team. While on duty they shall not be engaged on other activities which would prevent them from carrying out these functions. All stewards shall be made aware of the position and arrangements for First Aid. Stewards shall be positioned at all exits and at key points where control is most needed, particularly in a central area near the stage. Stewards shall exercise proper control over the audience.

Sufficient stewards shall be available to ensure that all access and exit routes are kept clear.

The arrangements for control of crowds and vehicles inside the Licensed Premises shall be to the satisfaction of the Licensing Authority.

#### MEDICAL AND FIRST AID PROVISION

The Premises Licence Holder will appoint a suitably competent provider to manage and provide suitably manned and equipped medical/first aid facilities to the satisfaction of the Responsible Authorities.

#### SANITARY PROVISION

The Premises Licence Holder shall ensure that adequate sanitary provisions and hand cleansing facilities are provided for the number of people expected to attend the event to the satisfaction of the Licensing Authority. Toilets shall be kept in good order and repair and serviced throughout the event to ensure they are kept safe, clean and hygienic. Toilets shall be supplied with toilet paper, in a holder or dispenser at all times. The quantity of toilets provided will be at least the number advised in the Purple Guide

#### STAGING OF STRUCTURES

Details of all temporary structures (including stages) will be included in the Event Management Plan.

#### VEHICLE MOVEMENT



Vehicle movement within the Licensed Premises will be limited to those which are essential and will be controlled to ensure safety of the public and staff. Vehicles moving within public areas will require a Banksman at all times.

#### DISABLED PERSONS

The Premises Licence Holder will ensure that arrangements and provision for disabled persons, namely access and egress, sanitation facilities and viewing areas are provided and maintained for each event to the satisfaction of the Responsible Authorities.

#### REFRESHMENT FACILITIES

The siting of all concessions will be in consultation with the Local Authority and Fire and Rescue Service.

All food concessions will be available for inspection at times suitable to the Council's Environmental Health Officers. Any food concession not complying with food safety or occupation Health and Safety at Work Requirements will be closed upon request of the appropriate Licensing Officer.

No glass containers, glass bottles or cans shall be sold on the Licensed Premises. The Premises Licence Holder shall also take appropriate measures to prevent glass containers, glass bottles or cans being brought onto the premises by the public. Spot searches will take place at the entry gates to prevent any of the items listed being brought onto the premises.

One drinking tap shall be provided for each 3,000 persons and a drinking water supply shall be available at the first aid point.

#### SITE ACCESS AND EGRESS

When required by the Licensing Authority a Traffic Management Plan will be provided within the Event Management Plan.

#### SIGNAGE

Suitable notices shall be provided throughout the Licensed Premises to indicate clearly the location of all available services and facilities such as sanitary accommodation, refreshments, drinking water, first aid points and exits, all of which shall be clearly signposted.

All on site signage will comply with the appropriate guidance given in the Event Safety Guide (or any subsequent replacement guidance).

#### **d) The prevention of public nuisance**

Noise from music and associated sources (such as DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.

When required by the Licensing Authority the Premises Licence Holder will provide an Event Management Plan which will specify details of the steps that the Premises Licence Holder will take to prevent the likelihood of disturbance by noise.

A named person shall be delegated the responsibility of noise control during a concert and during sound tests. The person shall control the sound levels at the mixer throughout the period of the concert and ensure that the agreed levels are not exceeded. This person shall be capable of



communicating with an assistant positioned outside the Premises location who will be monitoring noise levels at local residential dwellings.

The Premises Licence Holder shall carry out a sound propagation test prior to the event to determine a maximum sound level at the mixer which is required to achieve the external conditions. The Licensing Authority and the Premises Licence Holder shall agree the maximum level.

The Premises Licence Holder shall give at least 3 days prior notification to the Head of Public Protection of the intended dates and the times of the testing of the amplification and control system.

Continuous monitoring and control shall take place at the mixer location. The equipment shall provide for the recording of 1 minute Laeq sound levels on a Type 1 sound level meter connected to a level recorder that shall be in a view of the Sound Engineers.

External noise monitoring shall be undertaken at 1 metre from agreed residential facades during the course of the concert to ensure that the maximum permitted 15 minute Laeq is not exceeded.

With regard to the exposure of employees and audience to noise, the requirements of the Guide to Health and Safety and Welfare at Pop Concerts and similar events must be complied with.

The musical performance shall start no earlier and shall terminate no later than the times agreed in the Noise Management Plan without the prior consent of the Licensing Authority.

The Premises Licence Holder shall write to the Licensing Authority at least 28 days before each concert day, the letter shall contain pre-event information, including but not limited to when sound checks may be conducted, the times of the performance and associated firework displays and a hot-line number. Once agreed with the Licensing Authority the Premises Licence Holder shall write to residents of streets specified by the Licensing Authority at least 14 days before the first consent day with the pre-event information.

The sound checks shall take place only at the times agreed by the Licensing Authority.

At least 28 days prior to any event involving lighting or fireworks visible outside the Licensed Premises a scheme containing full details of such lighting or fireworks shall be submitted by the Premises Licence Holder to the Licensing Authority for approval such approval not to be unreasonably withheld or delayed and any such scheme shall be implemented as approved.

No firework displays at the end of an event shall be held without the consent of the Licensing Authority.

At least 28 days prior to the event a scheme for collection and clearance of litter from areas adjoining the Licensed Premises shall be submitted by the Premises Licence Holder to the Licensing Authority for approval, such approval not to be unreasonably withheld or delayed and clearance of litter shall be carried out in accordance with the approved scheme.

The Premises Licence Holder will appoint a litter management company which will produce a litter management plan for the Licensed Premises. The litter management plan will include sufficient suitably trained and equipped staff who will be employed to collect litter during and after the event. This will include areas outside the licensed site including neighbouring residential areas

The Premises Licence Holder will also ensure that waste generated from sanitary facilities is properly disposed of with details being contained in the Event Management Plan.

At least 28 days prior to any event a scheme based on a risk assessment undertaken by the concert organisers for the stewarding of the adjoining areas on the day(s) of the concert(s) shall be submitted by the Premises Licence Holder to the Licensing Authority for approval such approval not to be unreasonably withheld or delayed. The scheme shall include proposals for the control of access to and egress from the Licensed Premises for the control of disorderly behaviour.

Stewarding shall be carried out in accordance with the approved scheme save for any amendments or variations at the direction of the event control or security teams for the concert made necessary in the interests of the safety or security of persons attending the concert or living in the immediate vicinity of the Licensed Premises by circumstances arising on the day(s) of the outdoor concert(s).

#### e) The protection of children from harm

The Premises Licence Holder will carry out a risk assessment for every event to consider the implications of attendance of children at the event. If appropriate information will be given out in advance to say that no-one under the age of 14 years should attend the event unless accompanied by an adult.

A CCTV system shall be operated throughout events and full details of the system including retention of data shall be contained in an Event Management Plan.

#### ALCOHOL

The alcohol policy for all events will take all reasonable steps to minimise the likelihood of supply or consumption of alcohol by persons under 18.

The Premises Licence Holder shall prominently display notices at bars stating it is an offence to purchase or attempt to purchase alcohol for anybody under 18

Bar staff shall ask for proof of age ID whenever the customer appears to be under 18.

All staff will be adapt the "Challenge 25" age recognition policy.

Soft drinks and free drinking water shall be available on the Licensed Premises as an alternative to alcohol.

#### WELFARE

At the point of sale of tickets for events recommendations will be given upon the suitability of the entertainment and the attendance of children whether accompanied or not.

At events when children are present, parents and guardians will be advised to instruct children to contact security, stewards, police or first aiders if they become separated.

Staff at the event will be briefed with the protocol for appropriately escorting and caring for children until they are reunited with parents / guardians.

**Please tick yes**

- I have made or enclosed payment of the fee ✓
- I have enclosed the plan of the premises ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable ✓





- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

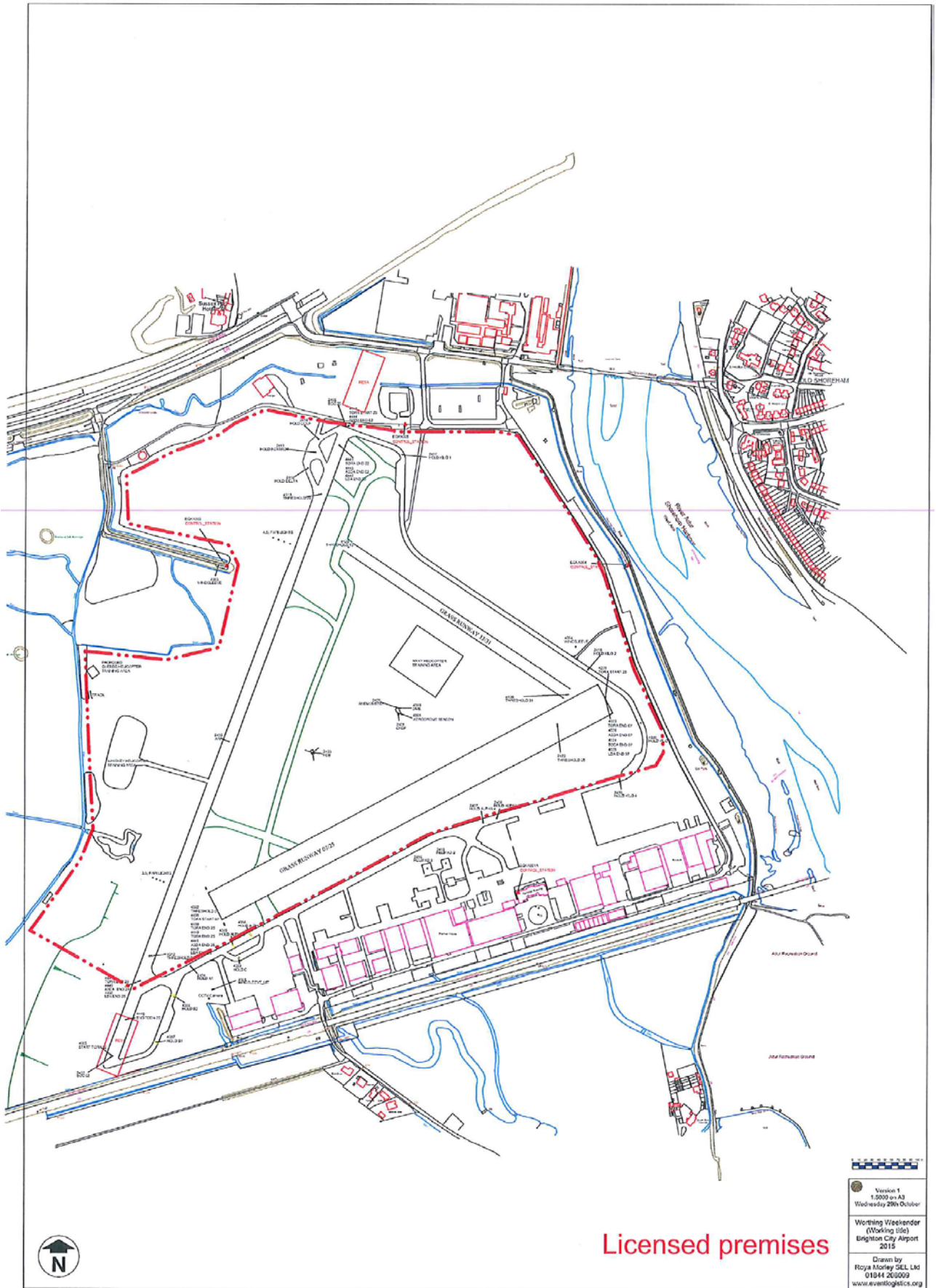
**Part 4 – Signatures** (please read guidance note 10)

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	
Date	05/11/14
Capacity	Director, SJM Ltd

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b> ROB BALLANTINE SJM CONCERTS ST. MATTHEWS LIVERPOOL ROAD			
Post town	MANCHESTER	Post code	M3 4NQ
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional) rob @ SJMCONCERTS.COM			

Plan



Annex 2

Committee  
7 January 2014

Agenda item 6



**Sussex Police**  
Serving Sussex

www.sussex.police.uk

MEMORANDUM

To: Theresa Cuerva Licensing Officer, Adur District and Worthing Borough Council

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From: West Sussex Neighbourhood Licensing Team

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Extension: 01243 404030

Date: 2<sup>nd</sup> December 2014

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Dear Ms Cuerva

**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR BRIGHTON CITY AIRPORT CECIL PASHLEY WAY SHOREHAM BY SEA BN43 5FF MADE BY SJM LTD**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of, the following Licensing Objectives:

- i) Prevention of crime and disorder;
- ii) Prevention of public nuisance;
- iii) Public safety; and
- iv) The protection of children from harm.

The Application seeks the grant of a premises licence seven days a week, 365 days a year for a total capacity of 69,999 persons. The Applicant intends to hold at least one large scale music event at the premises per year, the proposed 2015 event will be targeting 16-25 year olds. If the premises licence is granted as per the Application, an event with a capacity of 69,999 could be held every weekend or day of the week. The proposed site is untried and untested for events which are music and alcohol focused and for the proposed capacity. Sussex Police are concerned that, if granted as per the Application, the licence would permit alcohol to be sold, for example, on a Saturday from midday until 3am Sunday.

Section 17(3) of the Licensing Act 2003 provides that an application for a premises licence must be accompanied by an operating schedule. Section 17(4)(g) of the Act requires an operating schedule to include a statement of the steps which are proposed to promote the licensing objectives. The Applicant has completed the operating schedule, however Sussex Police are not satisfied the proposed steps will promote the licensing objectives and further, have significant concerns that the granting of the licence, in its current form, would pose a threat to public safety.

Sussex Police are concerned that the Application contains no details as to why the proposed

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capacity of 69,999 has been requested and how the people would be evacuated and dispersed.

Sussex Police contend that draft details of the rigorous and robust Event Management Plan to include; Evacuation and dispersal procedures, Traffic Management Plan to include details of the transport plan and dispersal at identified drop-off hubs, must be provided prior to the grant of a licence to ensure the 4 Licensing Objectives are promoted.

The details of these plans must clearly demonstrate how people will be kept safe and public nuisance would be prevented, to date these details have not been provided for scrutiny.

It is due to the high level of risk to public safety and public nuisance associated with an event of this size and nature that Sussex Police request that the Licensing Committee give serious consideration to refusing the grant of this licence in its current form.

Should the Licensing Committee consider it appropriate to grant the licence, with the proposed above amendments, Sussex Police contend it is both appropriate and proportionate for the committee to apply the following conditions to the premises licence:-

#### **General**

1. Notification of any event shall be made in writing to Sussex Police, members of the Safety Advisory Group (or the equivalent), the Licensing Authority, West Sussex Fire & Rescue Service, the ambulance service and any other relevant Responsible Authority at least six (6) months in advance of commencement of the event. In an exceptional circumstance the date of an event may be changed with the unanimous written consent of all Responsible Authorities.
2. No licensable activities otherwise authorised by this licence shall take place unless the Event Management Plan (EMP), is submitted to & approved by Sussex Police, members of the Safety Advisory Group (or the equivalent), the Licensing Authority, West Sussex Fire & Rescue Service, the ambulance service and any other relevant Responsible Authority. The EMP will consist of the relevant detail as specified in the Event Safety Guide.
3. The event shall be managed in accordance with the Event Management Plan.
4. The Event Management Plan, and relevant risk assessment & policy documents must be submitted to Sussex Police, members of the Security Advisory Group (or the equivalent) including the Local Authority, West Sussex Fire & Rescue Service, the ambulance service and any other Relevant Responsible Authority not less than **4 months** prior to the Event taking place. Any amendments to this document as agreed by any relevant party must be circulated to all responsible authorities until the final version is agreed by all parties. This written agreement must be reached **60 days prior** to the commencement of the event.
5. Any alterations to the running of the event made during the time the licence is in operation must be agreed by the joint event control team.

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6. The Licence Holder shall pay Sussex Police for the pre-planned policing of the event.
  - i. The numbers of Sussex Police staff required for the event will be agreed by Sussex Police and the PLH no later than 2 months prior to the commencement of the event. This can be amended by mutual agreement between Sussex Police and the PLH.
  - ii. The Sussex Police invoice for the same shall be submitted to the Licence Holder no later than 1 month before the event and paid within 14 days.
  - iii. No licensable activities otherwise authorised by this licence shall take place until such payment has been made by the licence holder.

#### **The Prevention of Crime and Disorder**

7. No controlled substances will be allowed into the event. Anyone found with these substances in their possession will be refused entry.
8. No "legal highs" or nitrous oxide will be allowed into the event. Anyone found with these items in their possession will be refused entry or ejected if there are grounds to suspect that they are selling them.
9. All bags will be searched in addition to the agreed search ratio within the Event Management Plan
10. The sale or supply alcohol will only be permitted by the Designated Premises Supervisor or by his / her written authority. The DPS will remain on site during the hours of alcohol service.
11. The numbers of SIA licensed security staff and trained stewards working at the event will be set out within the Security & Stewarding Plan.
  - i. A list containing all the names and licence numbers of SIA staff working at the event will be provided to Sussex Police (and to the Licensing Authority) no later than 14 days prior to the event. (subject to minor & unavoidable amendment).
  - ii. The total number of SIA licensed security staff and trained stewards will be finalised in consultation with Sussex Police 4 days prior to the event commencing and will only be amended after that time following written agreement from both parties.
  - iii. All security and stewarding staff will sign in and out of the event and this log will be available to the police and Licensing Authority upon request.
12. An incident and log book/record will be completed for any incident of crime and disorder or anti-social behaviour that takes place within the licensed premises. The book/record will be made available upon request to officers from the Licensing Authority, Trading Standards and Sussex Police.
13. No Alcohol will be allowed into the event or on the buses provided by the organiser to the

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event from the pick up points.

14. Anyone deemed to be drunk and/or disorderly or under the influence of controlled substances will be refused entry to the event. This extends to refusal of travel to the event on the event buses at the point of boarding.
15. A 'Challenge 25' policy will be in place at the main gate, all bars and on the website/ticket outlets. Any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram.

#### **Public Safety**

16. In the inaugural year the audience capacity shall not exceed 25,000 people. After the inaugural year, any capacity increases must be agreed in writing by the Responsible Authorities and the SAG.
17. Event capacity will be monitored constantly by the means of 'clickers' or similar scanning device and the numbers recorded with security control on an hourly basis.
18. Potable water will be available free of charge at all times in the form of clearly marked water dispensers.
19. The Event Liaison Team (ELT) will meet every hour during the event; the frequency of these meetings may be altered if agreed by each member of the ELT.
20. All drinking vessels and bottles provided to those who have paid to attend the event shall be plastic or polycarbonate bottles or glasses. Cans will also be available. No bottles of wine of any kind will be served at any time to members of the public.
21. The event organizer shall ensure sufficient landline telephones are available and monitored to enable communication should the loss of mobile communication occur.

#### **The Prevention of Public Nuisance**

22. Any antisocial behaviour on site, including intoxication or drug use, will result in removal of the offending parties from the event. This shall be recorded in the incident log.
23. A dispersal policy shall be produced by the event organizer and agreed by the Safety Advisory Group, and relevant Responsible Authorities, including Sussex Police.
24. A dedicated landline will be provided and monitored by the event organizer, throughout the opening times of the event. This will facilitate direct communication with the event organisers for members of the public who may need to report matters of concern regarding noise nuisance etc. and for Responsible Authorities. This number will be clearly advertised

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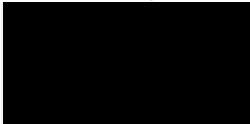
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and provided to local residents prior to the event taking place.

**The Protection of Children from Harm**

25. The Challenge 25 policy will be robustly enforced, and under 16's not be allowed on the site without a responsible adult aged over 18 years old.
26. Wrist bands of two clearly differing colours shall be supplied to all attendees, identifying those under 18 years and those 18 years old and over.
27. In all cases where a person under the age of 16 attempts to obtain entry without an adult or is deemed to be intoxicated; site Welfare Staff will be requested to assist in order to ensure the safety of that individual.
28. All staff employed in the sale of alcohol will be fully trained regarding age-restricted sales and sales to persons who are drunk. All sales training undertaken by staff members shall be fully documented and recorded prior to being allowed to sell alcohol. All training records shall be made available to Officers from the Licensing Authority including Trading Standards and Sussex Police.

Yours sincerely



T/ Chief Inspector Rolls  
District Commander  
Adur and Worthing District  
Sussex Police.

# S.J.M. CONCERTS

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T/Chief Inspector Rolls  
District Commander  
Adur & Worthing District  
Sussex Police

16<sup>th</sup> December 2014

Dear Chief Inspector Rolls

I write in response to your letter on behalf of the Chief Officer of Police for Sussex objecting to the license application we have submitted to Adur District and Worthing Borough Council seeking a Premises License for Brighton City Airport.

Members of Sussex Police attended the Safety Advisory Group convened by Adur District and Worthing Borough Council and at their request we had a follow up meeting with the Police as the Licensing Sub Group of the Safety Advisory Group. At both these meetings we gave assurances as to how we plan to operate our event should a license be granted. I am therefore surprised by much of the content of your representation as it seems to be somewhat regressive given the assurances we have given and agreed to be conditions of the license. For thoroughness therefore I shall respond to your letter point by point which I hope will provide absolute clarity and allow the license hearing to focus on the few points of difference we have. I am available at all times between now and the hearing should you wish to clarify any matters personally by direct email or telephone.

1. **The Premises License:** We have contracted with Brighton City Airport that we will only seek to hold one event on one weekend each year and we have given the same assurance to everyone at the SAG and again at the Licensing Sub Committee of the SAG. The nature of the Premises License is something that does not work for outdoor events and something we have worked closely with the Department of Culture, Music & Sport to change. We believe this change will be forthcoming, however until that time we can only license the event in the existing judicial process. Whilst it makes for great headlines I am sure you do not for one minute believe that we will be running an event with a capacity of 69,999 every weekend or day of the week. We do not wish to operate more than one weekend, the airport will not allow us to operate more than one weekend, the SAG have the ability to turn down any event planned so would be completely in order to refuse any proposed additional event in any year. I did explain this at length to both SAG meetings and I am not sure how to bring further clarity to the matter.
2. **Timings:** You are correct that we will be licensed to sell alcohol on a Saturday from midday until 3am on Sunday. The intention here is to be able to service the festival goers throughout the day

and not become a burden to the licensed outlets in the vicinity. We do not intend opening gates prior to 2pm and we would expect a gradual ingress throughout the afternoon. We do not expect those arriving between 2pm and 3pm to be the ones remaining on site between 2am and 3am. We do however expect some members of the audience to focus on the artists playing between 4pm and 11pm whilst others will be focused more on the 10pm till 3am entertainment. This is replicated throughout Sussex where this age group are catered for by neighbouring licensed premises selling alcohol from midday to 3am. By offering alcohol throughout the hours of the event we are ensuring we can provide services demanded of us so that our audience do not feel the need to find pubs beforehand and clubs afterwards. We believe this approach is that favoured by licensing officers throughout the UK.

3. **Operating Schedule:** As you have acknowledged, we have submitted our first version and will continue to update this document and all others that are shared with all members of the SAG on our Document Sharing Website. Event Planning is very much an inclusive process and therefore these documents are all of a dynamic nature and will be updated as we receive input from all agencies and interested parties. This is in line with how we manage all our outdoor events and generally welcomed by all SAGs.
4. **Capacity:** Our capacity band of a maximum of 69,999 has been applied for as we feel this would be a very comfortable figure to accommodate on this site with the given surrounding infrastructure. We are highly experienced event organisers of music events which, when outdoors, range from 9,000 to 125,000 capacities. There will be full evacuation plans, dispersal plans and traffic plans to accompany our application, however these generally benefit from the input of all members of the SAG.
5. **Public Safety and Public Nuisance:** It would be helpful if you could let us know the exact nature of the “high risk to public safety” Sussex Police have identified. The prevention of Public Nuisance is very high on our list of priorities, again as addressed at the SAG meeting and needs to be minimised if we are to be welcomed back within the community on an annual basis.
6. **Your Suggested Conditions of the Licence:** We believe the Sussex Police are an integral part of the SAG, as are the other agencies mentioned and the SAG is the controlling interest of Adur District and Worthing Borough Council. We therefore believe that all conditions should fall upon the Safety Advisory Group and not, as you propose, individual agencies AND the SAG. However that is a mere technicality for licensing to consider and we are relaxed either way. Therefore of the twenty eight conditions you propose we can agree to: 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 17, 18, 19, 21, 23, 24, 25, 27, 28.

The conditions we cannot agree to in their current format are;

6. We adhere to the national statutory regime with the Police drawn up by ACPO and covered in s25 of the Police Act 1996. This is something we at the Concert Promoters Association have continued to work closely with the police and Home Office on. This means we will request and contract with the Police for Special Police Services. Throughout the UK police forces operate to this contract (drawn up by the Police) and therefore legally more robust than a license condition. We suggest this condition reads “*The Licence Holder shall request Special Police Services as necessary no later than 2 months prior to the event*”. For the avoidance of doubt the payment terms are covered within the contract and we have no issue adhering to those.
13. The application is for a license for the licensed premises so this clause cannot condition that no alcohol will be allowed on buses provided by the organiser to the event from the pick-up points. We agree “*No alcohol will be allowed to be brought into the event by ticket holders*”.

14. As above we cannot condition the bus travel but agree *“anyone deemed drunk will be refused entry to the event”*.
16. We have agreed the audience capacity will not exceed 35,000 people each day in the inaugural year. This is a very comfortable figure to accommodate on a site of this size and nature. There is no reason to reduce this to 25,000. We believe a capacity of 35,000 will ensure everyone who wishes to attend can do so and will therefore not leave anyone turned away who will then need to seek alternative entertainment. We do believe a capacity of 35,000 gives us the financial ability to run the event to the highest standard which includes the surrounding infrastructure, something we do not believe has been done in Sussex in recent history. We believe the Event Management Plan and Traffic Management Plan will demonstrate how we will cater for a crowd of 35,000.
20. In addition to the vessels listed we would also like the option to serve drinks in waxed paper cups. We do not agree that customers should be denied the opportunity to buy wine on site so do not agree to that part of this condition. However all wine will be dispensed in the vessels listed so possibly we are misinterpreting what your objective here is and confirm no glass bottles will be dispensed whatsoever.
22. This is not agreed as it is not practical. The conditions include we should have a stewarding plan and an agreed number of SIA trained stewards. They will act in accordance to their training and planning on a case by case basis as is common practice in all licensed premises. We very much welcome input into the stewarding plan.
26. We do not know of anywhere this wristband concept to differentiate who is over/under 18 has been operated. It is not common place at any concerts, music events or festivals in the UK, either indoor or outdoor. We do not know what it is aiming to achieve. We agree to the nationally recognised Challenge 25 policy and all bars will have a robust procedure to check the age of customers, as contained in our Alcohol Management Plan. The company we use for our bar service are the biggest outdoor operator in the UK and the training they use for their staff exceeds the required training level and is detailed in the A.M.P. The DPS would not recognise an “over 18” wristband as proof of age so they would not run bars on these wristbands. The Challenge 25 photo ID check is carried out by SIA trained stewards at the entrance to the bar lanes. This is a role they carry out throughout the year at licensed premises and is a nationally recognised control measure understood by the public.

Chief Inspector, I do feel there was an opportunity missed to discuss much of this when we met with your representatives. As well as myself I had Tony Ball the managing director of Show and Event Security attend who could have addressed many of these concerns in depth if he had been asked about the issues. Also in attendance were Jonathan Howarth and Paul Grimes from Central catering Services who are respected, highly experienced operators and a wealth of knowledge which again was barely tapped in to. However when we did discuss certain topics it seems the discussion may as well not have taken place which is a bit disheartening at such an early stage of planning for a major event. If therefore there is anything you need from us to try and move the process forward please do not hesitate to contact me at any time and we will respond as soon as possible.

Yours sincerely  
Rob Ballantine  
**Director**



**[Michael Lavender](#)** - Senior Environmental Health Officer, Environmental Health | [Adur & Worthing Councils](#)

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Hi Theresa,  
Re: Worthing Weekender

I have not received the final noise report for the above event yet. Therefore I would raise an objection to the event.

Hopefully any noise concerns can be resolved but I need time to consider the supporting information so that I can advise accordingly. Given the tight deadline now, I cannot guarantee I will have the time to give late information the appropriate attention it requires.

Kind Regards

Michael Lavender