

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

16 November 2023

Chairman: To be appointed

Venue: G01e/G02e,
Church Square House

Time: 10.00 am

E-Mail Address:
sophie.smith@northlincs.gov.uk

AGENDA

1. Appointment of Chairman
2. Declarations of disclosable pecuniary interests, personal or personal and prejudicial interests, and significant contact with applicants, objectors or third parties (lobbying), if any
3. Application for a review of a Premises Licence for CrosbyOne Centre, Digby Street, Scunthorpe, DN15 7LU (Pages 1 - 52)
4. Any other items which the chairman decides are urgent by reason of special circumstances which must be specified.

NOTES: Enclosed in these papers are –

(a) Information to accompany the notice of hearings, including the procedure to be followed at meetings.

(b) A counter-notice to be completed and returned to both aforementioned email addresses above, by Wednesday 8 November 2023.

(c) All appropriate and available documentation required at the time of notice.

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COUNTER NOTICE

LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE CROSBYONE CENTRE, DIGBY STREET, SCUNTHORPE, DN15 7LU

(please return this counter notice as a matter of urgency)

To: sophie.smith@northlincs.gov.uk

From: (Applicant for the Review / Responsible Authority / Premises Licence Holder) (name and address) (please print)

.....
.....
.....

I confirm that I have received the Notice of Hearing for the meeting on **Thursday 16 November 2023**, commencing at **10:30 am** in the **Conference Room G01e/G02e, Church Square House, Scunthorpe**, together with a copy of the procedure which is to be adopted at the Hearing.

Please tick box as appropriate

1. I shall be attending the hearing

2. I shall not be attending the hearing because ¹.....
.....
.....

3. I do not consider a hearing to be necessary because².....

4. I intend to be represented at the hearing by ³.....(name of representative)

¹ See point 3 of the attached Information

² See point 7 of the attached Information

³ See point 1 of the attached Information

5. I request permission for the following supporting person(s) to appear at the hearing⁴:

Name of person(s):

Point(s) the person(s) will be covering:

6. I consider that the application can be dealt with on the date of the hearing

I do not consider that the application can be dealt with on the date of the hearing and would request an adjournment on the following grounds⁵

.....
.....
.....
.....

7. I enclose the full written statements of evidence⁴ upon which I intend to rely

Dated the day of 2023

Signed.....[Applicant for the Review / Responsible Authority / Premises Licence Holder]

Contact address:

Telephone number:

⁴ Evidence given by supporting persons must be seen to assist the authority in relation to the application. Also see point 4, footnote 2 of the attached Information

⁵ See point 6 of the attached Information

INFORMATION TO ACCOMPANY NOTICE OF HEARING

In the interests of timely, efficient and cost effective decision making the Authority strongly urges all parties involved in any hearing to ensure that they provide advance disclosure between the parties of any information on which they intend to rely at any hearing. Failure to do so may lead to discussions over the admissibility of such information and/or the adjournment of the hearing.

1. Right of Attendance

A party attending the hearing may be assisted or represented by any person whether or not that person is legally qualified.

2. Representations and Supporting Information

2.1 A party at the hearing shall be entitled to –

- a) give further information in response to the points raised (if any) under point 5 of this information. Any documents upon which you intend to rely should be served with the Counter-notice¹
- b) address the authority, and
- c) if given permission by the authority, question any other party.

2.2 A party who wishes to withdraw any representations they have made may do so -

- a) by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or
- b) orally at the hearing

3. Failure to attend the Hearing

- a) Where a Party informs the Authority that they do not intend to attend the hearing, then the hearing may proceed in their absence.
- b) Where a party has not so indicated and fails to attend or be represented at the hearing the Authority may –
 - (i) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (ii) hold the hearing in the party's absence.
- c) Where the Authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

¹ Papers served on the day of the hearing will only be considered if all parties to the hearing consent. If the document is particularly long or complex, this may lead to the hearing being adjourned.

- d) Where the Authority adjourns the hearing to a specified date it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

4. Procedure at Hearing

1. Opening remarks and formalities, introduction by the Democratic Services Officer
2. Chairman is elected, opens meeting and explains procedure to parties present
3. Summary of the application by the Licensing Officer
4. Applications (including any applications for supporting persons to be allowed to address the Sub-Committee² and applications for adjournment)
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
6. Questions (by Members)
N.B³
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police
Followed by Questions by Members
 - b) Other Responsible Authorities
Followed by Questions by Members
 - c) Interested Parties
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
9. Questions to Premises Licence Holder (or their representative) (by Members).
10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes
14. Chairman concludes the hearing and all parties leave the room. (The sub-committee may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, all parties will return to the meeting).
15. Sub-Committee consider decision and the reasons for the decision.
16. Democratic Services Officer will notify all parties of the decision in writing within five working days of the hearing.

² Regulation 8(2) states that where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, permission must be requested from the authority in the counter notice, for such a person to appear. Details of the name of the person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request, will be required.

³ Regulation 23 states that cross examination by other parties shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, applications or notice as the case may require

5. Points upon which the authority requires clarification

If the Local Authority wish you to clarify certain points/issues arising from your application/objection this will be indicated under point 7 of the Committee Report.

6. Powers to extend time limits/adjourn the hearing

- a) The relevant parties must notify the Authority if they consider that the time limits set out in the procedure of hearing will not be sufficient.
- b) The Authority may extend the time limits if it believes that it shall be in the public interest to do so and shall forthwith give notice to the parties stating the period of the extension and the reason for it.
- c) The Authority may adjourn a hearing to a specified date or arrange for a hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party.
- d) Where the Authority adjourns the hearing to a specified date or additional dates, the parties must be notified forthwith of the date, time and place to which the hearing has been adjourned.

7. Right to dispense with hearing if all parties agree

- (1) The Authority may dispense with holding a hearing if all relevant persons agree that such a hearing is unnecessary and that they have given notice to the Authority that they consider a hearing to be unnecessary.
- (2) Where all relevant persons agree that a hearing is unnecessary and have given notice of this then the Authority shall forthwith give notice to all parties that the hearing has been dispensed with.

8. Hearing to be in public

- 8.1 The hearing shall place in public, however;
- 8.2 The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 8.3 For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

9. Disruptive behaviour

The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may-

- (a) refuse to permit that person to return, or
- (b) permit him to return only on such conditions as the authority may specify, but such person may, before the end of the hearing, submit to the authority in writing any information, which they would have been entitled to give orally had they not been required to leave.

10. Record of proceedings

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. **NB** ⁴

⁴ It is the Councils policy to tape record the proceedings of the Licensing sub-committee. Only the open part of the hearing shall be recorded. The tape recording shall then be kept in a secure environment.

PROCEDURE AT REVIEW HEARINGS

1. Opening remarks and formalities, introductions by the Democratic Services Officer.
2. Chairman is elected, opens meeting and explains procedure to all parties present.
3. Summary of the application by the Licensing Officer
4. Applications and Variation of Procedure (includes applications for supporting persons to be allowed to address the committee, applications for adjournment, applications for extension of time limits and consideration of cross examination).
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
6. Questions to Applicant for the Review (by Members).
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police (if applicable)
Followed by Questions by Members
 - b) Other Responsible Authorities (if applicable)
Followed by Questions by Members
 - c) Interested Parties (if applicable)
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
9. Questions to Premises Licence Holder (or their representative) (by Members).

10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes.
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party.
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes.
14. Chairman concludes the hearing and all parties leave the room. (The sub-committee may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, all parties will return to the meeting).
15. Sub-Committee consider decision and the reasons for the decision.
16. Democratic Services Officer will notify all parties of the decision in writing within five working days of the hearing.

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE FOR
CROSBYONE CENTRE, DIGBY STREET, SCUTHORPE, DN15 7LU**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to review the premises licence for CrosbyOne Centre. A summary of the application is attached as Appendix A to this report and a copy of the review application as Appendix B.
- 1.2 The application to review the Licence has been submitted by Environmental Protection. There has been one further representation received from the Licensing Authority, which has been deemed relevant. A copy of this representation is attached as Appendix F.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for the review of a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
- The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so. Where Members do deviate from the statutory guidance or policies then full reasons must be provided.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-

Committee should not hear or decide on any applications for premises licences in their own ward.

- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided which is relevant to the licensing objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence
 - To remove the designated premises supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
 - To take no action
- 2.7 Members of the Sub-Committee should be advised that the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for review of a premises licence for CrosbyOne Centre was received on 7 September 2023. A copy of the application is attached to the report at Appendix B.
- 3.2 A copy of the application and accompanying documents has been given to the holder of the Premises Licence and to each responsible authority, by the applicant on the same day as the day on which the application for review was given to the licensing authority.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and responsible authorities the same day as the Licensing Authority receives its copy.
- 4.2 The other Responsible Authorities and anybody affected by the premises may join the review.
- 4.3 Ward Councillors have been made aware of the application.
- 4.4 In relation to this application, there has been one further representation received from the Licensing Authority, which has been deemed relevant. A copy of this representation is attached as Appendix F.

5. OUTCOMES OF MEDIATION

- 5.1 In accordance with ~~paragraph~~ **Page 10** 29(3) of our Licensing Policy no mediation is carried out on an application for a review.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 Prevention of Crime & Disorder

6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 33-42.

6.1.2 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 43-49.

6.2.2 Representations have been received raising concerns with regard to this objective.

6.3 Prevention of Public Nuisance

6.3.1 Further information regarding this objective can be found in the Licensing Policy, pages 50-55.

6.3.2 Representations have been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 Further information regarding this objective can be found in the Licensing Policy, pages 56-62.

6.4.2 Representations have not been received raising concerns with regard to this Objective.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A copy of the current Licence is attached to the report as Appendix C and a copy of the plan accompanying the Premises Licence is attached as Appendix D. A location plan is attached to the report as Appendix E.

8. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

8.1 Not applicable.

9. RECOMMENDATIONS

9.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the parties/authorised bodies making relevant representations.

- 9.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6.
- 9.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR: COMMUNITIES

Church Square House
Scunthorpe
North Lincolnshire
DN15 6NL

Author: Alice Cowell
Date: 17 October 2023

Background Papers used in the preparation of this report: Nil

Summary of Application

Name of Premises	CrosbyOne Centre	Type of Application	Premises Licence Review
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Point Number	Detail	Action
1	<p>A review was submitted on 7 September 2023 by North Lincolnshire Council's Environmental Protection Department on the grounds of the Prevention of Public Nuisance.</p> <p>The application for the review states that a duty officer on the out of hours service responded to allegations of a noise nuisance emanating from the licence holder's property on 8 July 2023 and 26 August 2023. The duty officer determined, on both occasions, that the activities taking place constituted a statutory noise nuisance under section 79-81 of the Environmental Protection Act 1990. On the grounds of prevention of public nuisance Environmental Protection is requesting a review of the premises licence.</p>	

Summary of Representations/Conditions Requested (Responsible Authorities)

Point Number	Detail	Action
2	<p>Appendix B – North Lincolnshire Council's Environmental Protection Department.</p> <p>A review was submitted on 7 September 2023 on the grounds of the Prevention of Public Nuisance.</p> <p>Further documentation will be provided by Environmental Protection prior to the hearing.</p>	
3	<p>Appendix C – North Lincolnshire Council's Licensing Authority</p> <p>The Licensing Authority joined the review on 4 October 2023 on the grounds of the following licensing objectives:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder • Public Safety • The Prevention of Public Nuisance <p>Further documentation will be provided prior to the hearing.</p>	

Summary of Statutory Guidance Issued under s182 of The Licensing Act 2003

Point Number	Detail	Action
4	Page 91-92, paragraph 11.16 – 11.23 – Powers of a licensing authority on the determination of a review	



North Lincolnshire Council, Operations Directorate, Licensing,
Church Square House, PO Box 42, Scunthorpe, DN15 6XQ
Tel: (01724) 297750 Fax: (01724) 297692 Email: licensing@northlincs.gov.uk

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Environmental Protection

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Crosby One Centre
Digby Street
Scunthorpe
North Lincolnshire
DN15 7LU

Post town
Scunthorpe

Post code (if known)
DN15 7LU

Name of premises licence holder or club holding club premises certificate (if known)

Crosby Together
Registered Charity Number: 1168932

Number of premises licence or club premises certificate (if known)

PRM0537

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

--	--

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Protection Economy & Environment North Lincolnshire Council Church Square House 30-40 High Street Scunthorpe DN15 6NL
Telephone number (if any) 01724 297000
E-mail address (optional) environmental.health@northlincs.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

A duty officer on the “out of hours” service responded to allegations of noise nuisance emanating from the license holder’s property, on 08 July 2023 and 26 August 2023. The duty officer determined, on both occasions, the activities taking place constituted a statutory noise nuisance under section 79-81 of the Environmental Protection Act 1990. On the grounds of prevention of public nuisance this department is requesting a review of the premises license.

Please provide as much information as possible to support the application (please read guidance note 3)

This department has been involved with investigations into allegations of noise nuisance arising from the Crosby One Centre. This department received the initial complaints relating to noise nuisance on 18 July 2022, a telephone call was made to site on 19 July 2022 and a letter was sent on 20 July 2022 to advise on the site's obligations in relation to noise and to seek their cooperation in resolving the issue. A Further communication was sent to the licensing department as windows and doors were alleged to be left open, in breach of licensing conditions.

This department contacted Crosby One Centre on 07 July 2023 after receiving internal communication regarding allegations of noise nuisance on 29 June 2023. Following a reactive site visit by the "out of hours" officer, on 08 July 2023, a statutory nuisance was witnessed arising from the Crosby One Centre. A warning letter was sent by the licensing department on 13 July 2023 regarding breaching licensing conditions, as a result of open windows and doors. This department is aware that investigations are still ongoing regarding waste offenses and anti-social behaviour linked to Digby Street, Scunthorpe.

A duty officer witnessed a second noise nuisance, on 26 August 2023. On both occasions music was clearly audible in nearby residential premises. The duty officer identified windows and Doors of Crosby one Centre were left open, in breach of the premises licensing conditions. The duty officer also identified patrons engaging in noisy activities on public areas, nearby residential properties.

This department has received diary sheets and statements from residential properties relating to activities at Crosby One Centre which also allege noise nuisance. Further contact with Crosby One Centre was made on 30 August 2023 to discuss the noise nuisance witnessed. Email communication provided by Crosby One Centre indicated no further parties would take place until sound controlling equipment is installed. A letter was sent on 05 September 2023, giving formal notification of 7 days to take steps to prevent recurrence of the noise nuisance.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:



Date: 07.09.2023

Capacity: Technical Officer, Environmental Protection

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Environmental Protection Economy & Environment North Lincolnshire Council Church Square House 30-40 High Street Scunthorpe DN15 6NL	
Post town: Scunthorpe	Post Code: DN15 6NL
Telephone number (if any) 01724 297000	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) environmental.health@northlincs.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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NORTH LINCOLNSHIRE COUNCIL

North
Lincolnshire
Council

Schedule 12

PREMISES LICENCE

Premises licence number

PRM0537

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
CrosbyOne Centre Digby Street Scunthorpe North Lincolnshire	
Post Town: Scunthorpe	Post Code: DN15 7LU
Telephone Number: (01724) 277757	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Performance of a Play (Indoors) Performance of Live Music (Indoors) Playing of Recorded Music (Indoors) Performance of Dance (Indoors) Entertainment similar to Live Music, Recorded Music or Performance of Dance (Indoors) Making Music (Indoors) Dancing (Indoors) Entertainment similar to Making Music and Dancing (Indoors)

The times the licence authorises the carrying out of licensable activities

Performance of a Play - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Performance of Live Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Playing of Recorded Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Performance of Dance - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Entertainment similar to Live Music, Recorded Music or Performance of Dance – Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Making Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Dancing - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Entertainment similar to Making Music and Dancing – Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

The opening hours of the premises

Unrestricted

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Crosby Together
Digby Street
Scunthorpe
North Lincolnshire
DN15 7LU

██████████
████████████████████

Registered number of holder, for example company number, charity number (where applicable)

1168932

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Annex 1 – Mandatory Conditions

No Conditions Attached

Annex 2 – Conditions consistent with the operating Schedule

General Conditions

Occupancy

The maximum number of persons in the Main Hall shall not exceed 136 persons; or 186 persons closely seated.

Dance Floor

Where the Licence permits the provision of dancing, suitable clearly identifiable and defined areas in positions acceptable to the council must be available for this purpose.

The minimum area to be set aside shall be:-

- i) Sixteen square metres where the licence permits a maximum capacity of between 1 and 99
- ii) Thirty six square metres where the licence permits a maximum capacity of between 100 and 199
- iii) Eighty one square metres where the licence permits a maximum capacity of over 200

In the event that the minimum areas cannot be accommodated a reduced dance area may be acceptable with the consent and approval of the council.

Management and Control

In the absence of the licence holder, or if the licence holder is a Corporation, control of the premises shall be exercised through a competent and responsible persons not less that 21 years of age.

No poster, advertisement, programme or other item containing unsuitable material shall be displayed, sold or distributed on or about the premises.

For the purpose of this condition, material is unsuitable if in the opinion of the Council, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it.

Patrons leaving the premises shall be encouraged to conduct themselves in an orderly manner so as not to cause disturbance or annoyance to local residents or passers-by.

All parts of the premises and curtilage associated with the premises shall be kept in a clean and wholesome condition.

Prevention of Crime and Disorder

No Conditions Attached

Public Safety

Closely Seated Audiences

- i) The premises shall not be used for a CLOSELY SEATED AUDIENCE except in accordance with plans previously submitted to and approved by the council and in accordance with any special conditions attached to such approval. A copy of the seating plans shall be kept readily available at the premises and shall be shown to any person authorised by the council on request.
- ii) In any portion of the premises which is used for a CLOSELY SEATED AUDIENCE exceeding 200 persons where possible all seats shall be securely fastened together in units of not less than four and not more than 12 seats.
- iii) If more than 400 persons - chairs adjoining front, back, or cross gangways and chairs adjoining exits to be securely fixed to the floor.
- iv) In such cases there shall be an unobstructed seat way or space of at least 300 mm (12 inches) measured between perpendiculars between the back of one seat and the foremost portion of the seat arm or frame immediately behind.
- v) Where tiered seating is provided, the back of the highest level and the ends of the rows must be provided with an effective safety barrier to the satisfaction of the council.
- vi) Wheelchair users should only be allowed access to areas where adequate emergency evacuation procedures are available.
- vii) Wheelchairs must be sited in approved positions where they are unlikely to obstruct other persons in an emergency and where a ready means of exit is available.
- viii) Where seats are removed in approved positions to allow wheelchairs to be sited in line with general seating, no part of the wheelchair shall project into gangways.
- ix) Members of staff must be made aware of the position of any occupied wheelchairs within the premises and shall see that as a part of the normal evacuation process that wheelchair users are safely out of the premises in the event of an emergency.
- x) Where a disabled person leaves their wheelchair to occupy a seat, the wheelchair should be left readily available, but where it will not cause an obstruction to an exit route.

- xi) No member of the public shall be allowed to sit or stand in the gangways, passages or staircases during any performance or entertainment. The gangways, passages and staircases shall be kept entirely free of chairs or any obstruction.
- xii) If the number of persons on any floor or tier exceeds one hundred, there shall be at least two attendants aged over 18 on duty on that floor or tier.

Fixtures, Fittings and Decorations etc.

- i) The premises and all fixtures, fittings, equipment (including electrical fittings and equipment), furnishings, decorations and curtains on or about the premises shall be constructed and arranged safely and maintained in a safe and clean condition and in good order (including where appropriate, good working order).
- ii) Temporary decorations associated with festive occasions shall be confined to the main body of the premises and shall not be displayed on escape routes and shall be so hung that there is no danger of them coming into contact with a source of ignition.
- iii) Decorations of a combustible nature shall not be used without the prior consent of the Council.

Lighting

All parts of the premises to which patrons have access shall be adequately illuminated by natural or electric lighting save that external stairs, ramps and passages need only have electric lighting readily available for use by persons using such stairs, ramps or passage.

Any lighting or electrical apparatus likely to generate heat shall be provided with adequate protection to prevent contact with any combustible materials.

A battery operated torch shall be provided at the premises for use in an emergency, any such torch shall be available for immediate use at all times, readily accessible and in a location known to the holder of the licence and any person through whom he is exercising control of the premises.

Electrical and Gas Safety

- i) Any temporary electrical installation shall be installed by a competent person and shall be intrinsically safe.
- ii) No temporary electrical installation shall remain connected to the permanent electrical installation when not in use.
- iii) Any electrical cable not forming part of the permanent installation shall be heavily and adequately insulated and protected, and any metal clad switch gear, spot lamp frames or similar equipment shall be effectively earthed and each circuit adequately fused or protected by earth leakage circuit breakers.
- iv) The Licencee shall supply a copy of a safety report from a CORGI registered gas installer who has inspected all gas fittings (including pipework, meters, appliances, etc) at

the premises which declares the gas fittings etc are safe. All gas fittings and associated flues etc must be maintained in a safe condition and safety checked every 12 months. Appropriate records of such checks must be maintained (Gas Safety Installation and Use)(Amendment) Regulations 1996).

- v) The Licencee shall test all Residual Current Devices at least once in every period of 28 days and shall maintain a record of all tests made, and such record shall be kept readily available for examination.
- vi) The Licencee shall supply when requested by the Council a copy of the current installation inspection certificate issued by a competent person in accordance with the requirements of British Standard 7671 (current IEE Wiring Regulations) for examination. The certificate should cover the Residual Current Devices provided and all portable equipment available.

Fire Safety

Smoking shall be forbidden within any stage area or dressing rooms and notices shall be prominently displayed to that effect.

No rubbish waste, paper or flammable liquids shall be stored or allowed to accumulate in any part of the premises other than any designated waste collection area or receptacle.

All persons employed at the premises (whether for payment or not) shall be instructed in safety precautions to be observed including the following:

- i) action to be taken in the event of fire or other emergency;
- ii) the location of external telephones and the procedure for contacting the emergency services;
- iii) the location and use of any fire fighting equipment provided at the premises;
- iv) the location of switches controlling emergency and other lighting;
- v) any code word or other device to be used in the event of fire or other emergency;
- vi) the procedure to be followed for evacuation of the premises.
- vii) The method of giving warning in case of fire shall be tested weekly and a record kept of the tests.
- viii) The emergency lighting system shall be tested regularly (at least once a month and a record kept of the test which shall be made available on request of an authorised officer of the Council, Fire Officer or Police.

All fire fighting appliances shall be maintained in good order and examined by a competent person at annual intervals.

The dates of examination, company details and details of the person completing the examination shall be marked on all fire fighting appliances or a certification of testing provided.

Accidents and First Aid

A first aid kit shall be readily available at all times when the premises are being used for entertainment. Such a kit is to be provided and maintained in accordance with Appendix A, as attached to annex 2.

Heating and Ventilation

Heating of the premises shall be provided and maintained in a manner satisfactory to the Council. Every heating appliance situated in any part of the premises to which patrons have access shall be fixed in position and no portable paraffin or liquefied petroleum gas heaters shall be situated at the premises.

Any mechanical means of ventilation provided at the premises shall be in continuous operation to the extent necessary to adequately ventilate all parts of the premises to which patrons have access whilst any entertainments is being provided.

Sanitary Provisions

Adequate and separate public sanitary conveniences shall be provided on the premises. New premises or those having undergone major refurbishment shall provide sanitary accommodation in accordance with the current British Standard Guide to Sanitary Installations and be clearly and legibly identifiable for persons of each sex.

Hand washing facilities shall include a constant supply of hot and cold water, or hot water at a controlled temperature, soap and drying facilities. All parts of the sanitary accommodation shall be kept clean and be maintained in good working order.

In relation to the provision of sanitary accommodation, regard shall be given to the needs of disabled persons who may visit the premises.

Special Risks

Except with the consent of the Council:

Performances involving change of costume, scenery or properties, the use of real flame, the use of smoke generators, firearms, pyrotechnics or any other special risks shall not be given. Performances involving the use of special lighting effects including lasers, strobes or any other flashing or flickering lights shall not be given. NB At least 28 days notice in writing shall be given to the Council of any proposal requiring its consent under this condition.

Prevention of Public Nuisance

Noise and Disturbance

External windows and doors shall be kept closed when any entertainment consisting of music or singing is being provided. All exterior windows and doors shall be maintained in a good state of repair and working order.

All mechanical ventilation must be maintained in a satisfactory condition and if considered necessary by the Council, noise reduction devices shall be fitted as necessary to reduce any noise emissions.

External doors shall be fitted with self-closing devices which shall not be restricted or disconnected.

Protection of Children from Harm

No person under 16 years of age shall be permitted to be employed or perform at any entertainment without the benefit of the appropriate licence issued by the Education Department of the Authority.

APPENDIX 'A'

FIRST AID BOXES

HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981

First aid boxes should be made of a suitable material designed to protect the contents from damp and dust and should be clearly identified first aid containers : the markings should be a white cross on a green background in accordance with the Safety Signs Regulations 1980.

First aid boxes should contain a sufficient quantity of suitable first aid materials and nothing else. In most cases these will be:-

- 1 A guidance card
- 2 Twenty individually wrapped sterile adhesive dressings (assorted sizes) appropriate to the work environment which should be coloured and waterproof when used by food handlers.
- 3 Two sterile eye pads with attachments.
- 4 Six individually wrapped triangle bandages.
- 5 Six safety pins.
- 6 Six medium sized individually wrapped sterile unmedicated wound dressings (approximately 10cm x 8cm).
- 7 Two large sterile individually wrapped unmedicated wound dressings (approximately 13cm x 9cm).
- 8 Three extra large sterile individually wrapped unmedicated wound dressings (approximately 28cm x 17.5cm).
- 9 Where mains tap water is not available for eye irrigation, sterile water or sterile normal saline solution (0.9%) in sealed disposable containers should be provided: each container should hold not less than 300 ml and should not be re-used once the sterile seal has been broken; at least 900 ml should be provided. Eye baths/eye cups/re-fillable containers should not be used for eye irrigation.

Sterile first aid dressings should be packaged in such a way as to allow the user to apply the dressing to a wound without touching that part which is to come into direct contact with the wound.

That part of the dressing which comes into contact with a wound should be absorbent. There should be a bandage or other fixture attached to the dressings and consequently there is no reason to keep scissors in the first aid box. Dressings, including adhesive ones, should be of a design and type which is appropriate for their use.

Notwithstanding the minimum requirements detailed above careful consideration should be given to any other supplementary equipment that may be required in particular circumstances.

Annex 3 – Conditions attached after a hearing by the licensing authority

No conditions attached

Annex 4 – Plans

As attached

NORTH LINCOLNSHIRE COUNCIL

Part B

Premises licence summary

Premises licence number

PRM0537

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

CrosbyOne Centre
Digby Street
Scunthorpe
North Lincolnshire

Post Town: Scunthorpe**Post Code:** DN15 7LU**Telephone Number:** (01724) 277757**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

Performance of a Play (Indoors)
Performance of Live Music (Indoors)
Playing of Recorded Music (Indoors)
Performance of Dance (Indoors)
Entertainment similar to Live Music, Recorded Music or Performance of Dance (Indoors)
Making Music (Indoors)
Dancing (Indoors)
Entertainment similar to Making Music and Dancing (Indoors)

The times the licence authorises the carrying out of licensable activities

Performance of a Play - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Performance of Live Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Playing of Recorded Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Performance of Dance - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Entertainment similar to Live Music, Recorded Music or Performance of Dance – Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Making Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Dancing - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Entertainment similar to Making Music and Dancing – Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to 23:00 hrs

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

The opening hours of the premises

Unrestricted

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

N/A

Name, (registered) address of holder of premises licence

Crosby Together
Digby Street
Scunthorpe
North Lincolnshire
DN15 7LU

Registered number of holder, for example company number, charity number (where applicable)

1168932

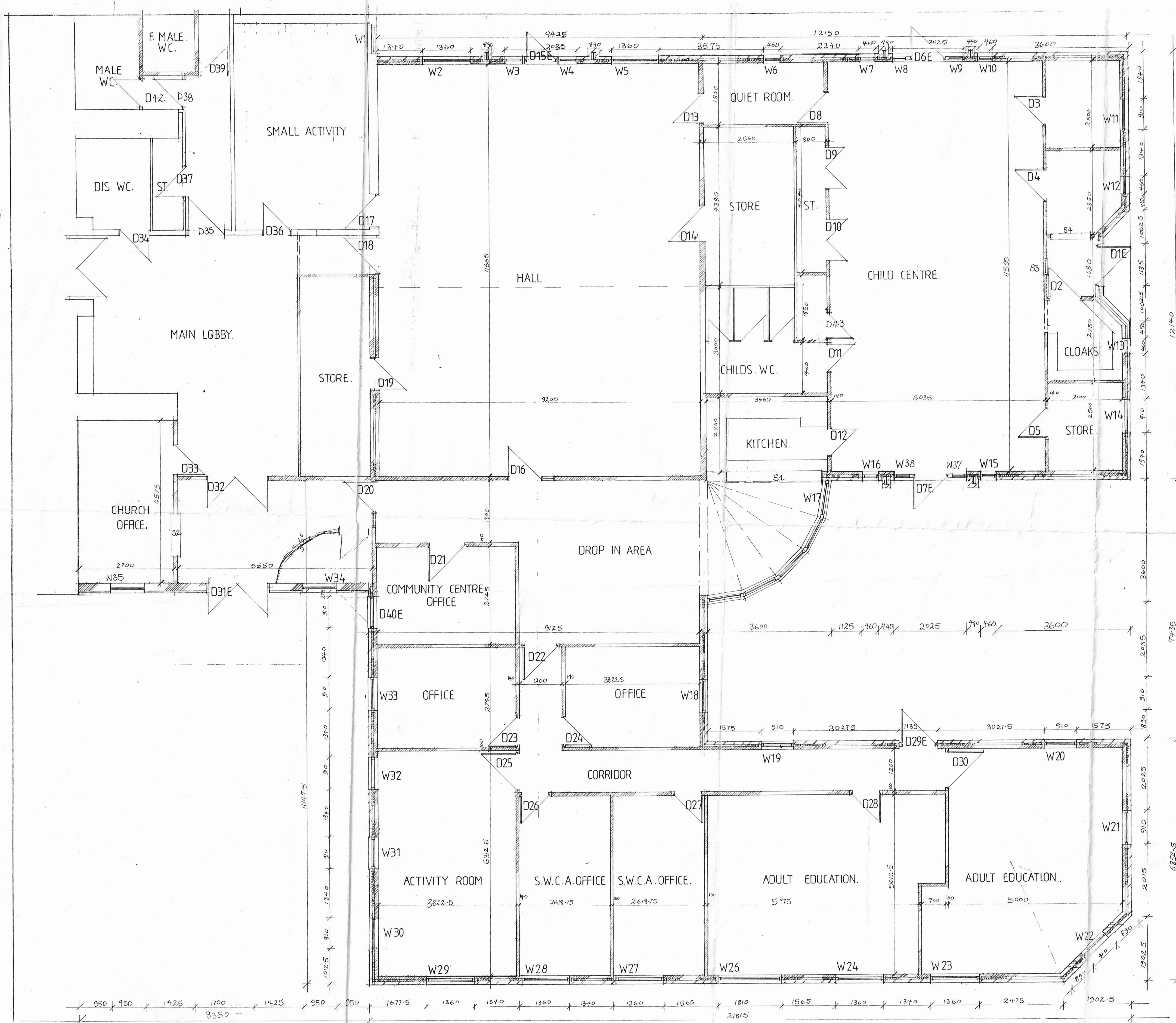
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

State whether access to the premises by children is restricted or prohibited

Unrestricted

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PR10537
Gresson Hall
Community Centre
Dwg 8
Scale
DN15 7LU

NORTH LINCOLNSHIRE COUNCIL

Design Consultancy
Head of Design Consultancy
D.J. Bonner D. Arch. RIBA, MBIM
Glenford House
Bellwin Drive
Flitborough
Scunthorpe DN15 8SN
Tel: 01724 276256
Fax: 01724 276978

Project: **GRESSON HALL
ST. GEORGE'S
COMMUNITY CENTRE
(CROSBY)**

Title: **PROPOSED PLAN - NEW BUILD**

Project No. 10082 Drawing No. A(1)01 Rev. PROPERTY CODE

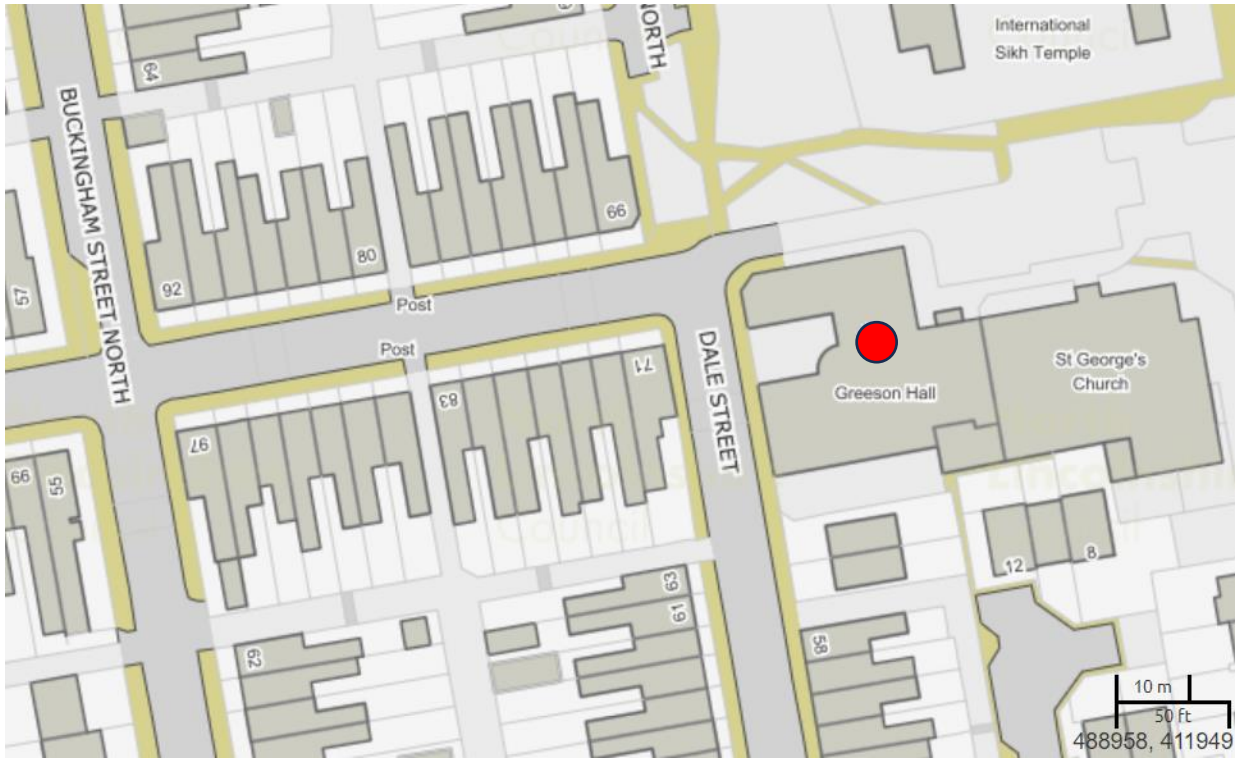
Drawn: A
Approved:
Scale: 1:50
Date: 24/5/06

BLOCK REFERENCES

A	B	C	D	E	F	G	H	I	J	K	L	M
N	O	P	Q	R	S	T	U	V	W	X	Y	Z

The contractor is to check all dimensions on site before commencing any work.
Dimensions are not to be scaled from this drawing.

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Crosby One, Digby Street, Scunthorpe

Nicholas Bramhill [REDACTED]

Wed 04/10/2023 13:35

To:Licensing <Licensing@northlincs.gov.uk>

Cc:Rachael Holtby [REDACTED]

Good afternoon

Further to the Application to review the aforementioned premises, I hereby Inform you that I am making a representation on the basis of the prevention of crime and disorder, Public safety and prevention of public nuisance. Further information will follow.

Best wishes

Nick Bramhill

Assistant Group Manager – Food & Licensing

North Lincolnshire Council

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Application for Review of Premises Licence PRM0537, Crosby One Centre, Digby Street, Scunthorpe, North Lincolnshire

Information submission by Environmental Health for Hearing at Licensing (Activities) Sub-Committee Dated 24 October 2023

1. Summary

- 1.1 The representation to be presented on behalf of Environmental Health has been prepared by _____, Technical Officer for Environmental Protection.
- 1.2 The Crosby One Centre holds music events which have resulted in **public nuisance** caused by unacceptable noise disturbance for local residents due to the playing of amplified music. A witness statement has been provided as evidence of noise nuisance in appendix A.
- 1.3 Members of the Environmental Health Department received the initial complaints relating to noise nuisance on 18 July 2022, a telephone call was made to site on 19 July 2022 and a letter was sent on 20 July 2022 to advise the premises of their obligations in relation to noise and to seek their cooperation in resolving the issue. A Further communication was sent to the licensing department as windows and doors were alleged to be left open, in breach of licensing conditions.
- 1.4 Members of the Environmental Health Department contacted Crosby One Centre on 07 July 2023 after receiving internal communication regarding allegations of noise nuisance on 29 June 2023. Following a reactive site visit by the “out of hours” duty officer from the Environmental Health Department, on 08 July 2023, a statutory nuisance was witnessed arising from the Crosby One Centre. A warning letter was sent by the licensing department on 13 July 2023 regarding breaching licensing conditions, as a result of open windows and doors.
- 1.5 A duty officer from the Environmental Health Department witnessed a second noise nuisance, on 26 August 2023. On both occasions music was clearly audible in nearby residential premises. The duty officer identified windows and Doors of Crosby one Centre were left open, in breach of the premises licensing conditions. The duty officer also identified patrons engaging in noisy activities on public areas, nearby residential properties. The Environmental Health Department are of the opinion that the activities at Crosby One Centre gave rise to a public nuisance, in contravention to the licensing objective. A definition of public nuisance is attached as Appendix B.
- 1.6 The Environmental Health Department applied for the review of this premises licence on 8 September 2023. This document has been prepared for the licensing sub committee hearing for the application for licensing review, due to be heard on 02 November 2023 at Church Square House, room G01e/G02e.
- 1.7 Under the Licensing Act 2003 section 51 (1) the Environmental Health Department as a responsible authority are calling the licence in for review, as the activities did not meet the licensing objective of the prevention of public nuisance. Evidence for the presence of public nuisance is presented in Appendix A.

1.8 The Environmental Health Department have therefore applied to review the premises licence for the Crosby One Centre and modify the existing licensing conditions. In order to draft the amended conditions, this department has considered the following aspects including the opinion of the licensing department, and the professional opinion of Environmental Health officers. A summary of the proposed conditions is attached as Appendix C.

APPENDIX A

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2015, r.16.2;
Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)*

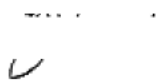
STATEMENT OF

Age of witness (if over 18, enter "over 18"): OVER 18

Occupation: ENVIRONMENTAL HEALTH OFFICER

This statement (consisting of 8 pages each signed by me) **is true to the best of my knowledge and belief and I make it knowing that, if it is introduced in evidence, it would be an offence if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

Signed:



(witness) **Date:** 24/10/2023

My name is _____ and I am employed by North Lincolnshire Council as an Environmental Health Officer within the Environmental Health & Housing Team. I hold an MSc honours degree in Environmental Health from the University of Derby and am a voting member of the Chartered Institute of Environmental Health. I have been employed by North Lincolnshire Council since 2008. In my current capacity as an Environmental Health Officer I provide technical knowledge when needed to the Technical Officers, Enforcement Officers and Community Wardens. My job entails dealing with a variety of environmental issues, with particular attention to statutory nuisance, anti-social behaviour and public health.

As part of my role at North Lincolnshire Council, I operate the Councils Out of Hours (OOH) Noise Service. This service allows for members of the public to have access to a response noise officer 24 hours a day, 7 days a week. To be placed on the OOH Noise Service, the complainant must have been actively involved in an ongoing or complex noise case and their details added to a list held at the Security Control centre. The complainant receives a telephone number to call which will be answered by officers at the Security Control Centre. They in turn will check the list. If they are on the list, the Security Officer will contact the Duty Officer and pass on the details of the complainant. The Duty Officer will then contact the complainant and arrange to visit in order to witness the noise in person. This service allows North Lincolnshire Council to investigate cases which are sporadic, only occurring late at night or at the weekend.

Whilst employed as the duty Out of Hours Environmental Health Officer for North Lincolnshire Council, I received a telephone call from the complainant at 19:50hrs on 8 July 2023, via the CCTV Contact Centre, alleging that there was loud music coming from the premises known as Crosby One. After speaking to the complainant over the telephone I agreed to attend and arrived at the complainant's home at 20:20hrs.

I attended the complainants address on Digby Street at 20:18hrs on Saturday 8 July 2023. As I passed Crosby ONE, I could see that all the doors and windows were open and I could hear loud music being played. I parked outside 81 Digby St and could still hear the music with my car windows closed.

When I went inside the complainants property at 20:20hrs I could still hear the music inside despite the windows being closed. The weather was very warm and muggy and I would expect the windows to be open to allow for ventilation. When the windows were opened, the music, laughter and voices were loud enough to be heard over the TV and general conversation. At 21:00 I returned by my vehicle. The music was still audible inside the car with the windows

closed. I drove to Buckingham Street and parked up outside Number 55 which is approximately 90 metres away from Crosby One. There are also houses between where I parked and Crosby One which would provide screening and therefore lower the noise levels. The music was still audible in car my with windows closed. The music then stopped at 21:05 hours however as I drove past I could still see people outside, the doors and windows were still open and I could hear chanting and clapping from inside Crosby ONE. I did not go in the premises. There were shutters at the front of the premises, one of which was open. I believe that, if this shutter was closed then it may have reduced the noise somewhat but am unable to say by how much. The noise was also audible on Buckingham Street.

In my professional opinion, The music I witnessed during my visit was loud and intrusive enough to interfere with the complainant's enjoyment of their property thereby constituting a statutory nuisance for the purpose of section 79(1)(g) of the Environmental Protection Act 1990

On 20 August 2023 at 18:37hrs, the complainant once again called the Out of Hours Noise Service. The complainant advised the Security Control officers that "for the last 2 hours there has been loud music coming from the premises (Crosby One) and that she had attended the community centre to find out who was in charge, to find out that no one was in charge and the children inside were just running amuck." She also advised that she had contacted the Deacon. On the Duty Officer returning the complainants call, the complainant advised that the music had stopped and that the deacon had called her back. She also advised that all the doors to the centre were wide open. I did not attend for this call.

Whilst employed as the duty Out of Hours Environmental Health Officer for North Lincolnshire Council, I received a telephone call from the complainant at 21:00hrs on 26 August 2023, via the CCTV Contact Centre, alleging that there was loud music coming from the premises known as Crosby One. After

speaking to the complainant over the telephone I agreed to attend and arrived at the complainant's home at 21:30hrs

As I drove past Crosby One, I could clearly see that the doors and shutters were open and there were people spilling out all over the street. There was loud music and voices clearly audible from where I parked close to 55 Buckingham Street. . The music was bass heavy and was intrusive inside the complainants property. Again the windows were closed despite the muggy weather. The party had clearly spread into the street as there were people shouting in the street and children screaming and running up and down. The noise was still ongoing at 22:30 when I left. The constant noise from voices and music was intrusive and clearly audible over the tv and conversation in my professional opinion, was sufficient to constitute a statutory nuisance for the purpose of section 79(1)(g) of the Environmental Protection Act 1990. The noise would also prevent the average person from sleeping.

APPENDIX B

Definition of Public Nuisance from the Revised Guidance Issued under Section 182 of the Licensing Act 2003 (April 2017)³

Public nuisance

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

APPENDIX C

Summary of the Proposed Conditions

The following proposed changes to the existing Premises Licence (PRM0537) at Crosby One Centre, Digby Street, Scunthorpe, North Lincolnshire are to ensure the Prevention of Public Nuisance Licensing Objective is complied with.

Proposed Changes to Licensable Activities Hours

To be reduced to **22:30hrs** as below:

Performance of a Play - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Performance of Live Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Playing of Recorded Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Performance of Dance - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Entertainment similar to Live Music, Recorded Music or Performance of Dance –
Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Making Music - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Dancing - Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Entertainment similar to Making Music and Dancing – Authorised Hours (indoors)

Monday to Saturday 11:00 hrs to **22:30 hrs**

Sunday 12:00 hrs to 22:30 hrs

No such entertainment shall take place on Christmas Day

Changes to existing conditions:

Management and Control

Existing Condition

In the absence of the licence holder, or if the licence holder is a Corporation, control of the premises shall be exercised through a competent and responsible persons not less than 21 years of age.

Proposed condition

In the absence of the licence holder, or if the licence holder is a Corporation, control of the premises shall be exercised through a competent and responsible persons not less that 21 years of age, **independent of the event.**

Additional conditions to be included:

1. The competent and responsible person(s) shall be approved by the Trustees of Crosby Together.
2. Boundary checks shall be carried out by a responsible person(s) at hourly intervals throughout periods of regulated entertainment. The date, time, location and signature of the person carrying out the check shall be recorded in a log book. The log book shall be kept on the premises and be made available for inspection upon request.
3. The Licence Holder or a nominated representative shall produce an Event Management Plan and submit to the Licensing Department for written approval 28 days prior to the first event.

The Event Management Plan shall be reviewed at the request of the Licensing Department and submitted for written approval no later than 28-days prior to the start date of the next event.

The Event Management Plan shall include:

- Details of how noise shall be controlled throughout the period of the event and during the periods of regulated entertainment.
- A procedure for receiving and investigating complaints made during and after the event.
- Management of bookings and use of rooms
- Manament of persons vacating the premises in a quiet manner
- The premises shall be vacated by all persons attending events with regulated entertainment by 11pm.

4. All periods of regulated entertainment shall be run in accordance with the approved Event Management Plan.