



Are You Correctly Licensed?

There have been recent incidences where premises licence holders have not notified the Authority of building works etc, which have required a licence variation. Examples where a variation may be required include moving, or extending a bar area, or increasing the footprint of a premises.

In addition there have been circumstances where activities are taking place at licensed premises, for which a licence is not held. For example premises solely being licensed for recorded music yet hiring live bands, or premises licensed solely for recorded music but providing a karaoke machine.

Please be sure to apply for a variation before undertaking any work, or commencing a new activity for which you are not licensed or ask the Authority to clarify the position if you are unsure.

Changes for which an application has not been submitted are likely to cause disruption to your business and could leave you open to enforcement activity such as prosecution.

As a reminder changes to your licence which require an application to vary under section 34 of the Licensing Act 2003 include: -

- Varying the hours during which a licensable activity is permitted;
- Amending, adding or removing conditions within a licence;
- Adding or removing licensable activities;
- Altering any aspect of the layout of the premises which is shown on the plan.

Concerns over Under Age Sales

Following on from the Christmas edition of Licensing News and the information provided on the Proof of Age Standards Scheme (PASS) (www.pass-scheme.org.uk), concerns have been expressed by the Police and Trading Standards over the retail sale of

alcohol to underage persons. In addition a number of adults are known to be buying alcohol for minors. In recent months 11 test purchases have been undertaken which resulted in 9 sales, for which none of the individuals were asked for identification. If you have concerns or queries with regard proof of age or over this type of activity please contact the Police or Trading Standards direct.

Fire Risk Assessment

There is a requirement to include the maximum number of clients that will attend a licensed event within your Fire Risk Assessment. The person responsible for the premises is responsible for this calculation and advice can be found within the Fire Safety Risk Assessment Guides that are free to download from the following website: -

www.communities.gov.uk/fire/firesafety/firesafetylaw/

The Guide for Small and Medium Places of Assembly is suitable for public houses, clubs, village halls, community centres etc accommodating up to 300 people. There is a guide for large places of assembly also.

In addition to the free downloads, guides can be purchased from most bookshops. For more information please contact Devon and Somerset Fire and Rescue Service 01392 872 200.

Annual Maintenance Fees

There are still a number of annual maintenance fees outstanding which were due in November 2008. Please note that these are now being referred to the Council's Finance Department for recovery.

Sound Advice: Control of Noise at Work in the Music and Entertainment Sectors

In April 2008 the existing regulations protecting workers in the music and entertainment sectors from exposure to excessive noise were replaced by the Control of Noise at Work Regulations 2005 (Noise Regulations).

The Health and Safety Executive (HSE) recognise that music is unusual as it is noise deliberately created for enjoyment and therefore practical guidelines are necessary to help workers, employers and freelancers in the music and entertainment sectors protect their hearing and safeguard their careers.

The HSE's web-site, (www.hse.gov.uk/noise/musicsound.htm)
Sound Advice, (www.soundadvice.info)

and HSE's publication HSG260 provide practical advice on controlling noise at work in the music and entertainment sectors, and identify good practice to help avoid the harmful effects of prolonged exposure to noise. The guidance has been developed and supported by representatives from a wide range of music and entertainment sectors in Britain.

The aim of Sound Advice is to control or reduce exposure to noise at work without stopping people from enjoying music, whether you are an employer, freelancer or employee.

Music and entertainment sectors are defined in the Noise Regulations as all workplaces where:

live music is played,

or recorded music is played in a restaurant, bar, public house, discotheque or nightclub, or alongside live music or a live dramatic or dance performance.

Real Life Experiences

The following statements are from supporters of the new regulations, and do not necessarily reflect the views of HSE or Local Authorities.

Paul Gray, rock guitarist, Musicians' Union Regional Officer, Wales & SW England

I spent over 20 years touring and recording internationally as bass guitarist with Eddie & the Hot Rods, The Damned and UFO. Eighteen of

them were tinnitus free. When I realised my ears were still ringing 2 weeks after a tour had finished, I saw a doctor who referred me to the Audiology Department at University Hospital Wales. The tests showed I had significant hearing loss, tinnitus and the onset of hyperacusis. Against their advice I continued touring, during which time the tinnitus levels rapidly reached such high levels in both ears that I was unable to sleep or concentrate. Additionally hyperacusis rapidly precluded me from going to pubs, restaurants etc, performing onstage became stressful (even with the earplugs available at that time), everyday noises seemed excessively unpleasant and I had to concede defeat.

Changing a successful career as a musician was a hard decision to make but I had no choice. Had suitable earplugs been available (eg with a protection factor of 30 dB), I would not be in the situation I am now, having to wear ear protection for everyday life, not least whenever my 2 year old boy gets noisy - which is pretty often! The implications of permanent noise damage go far beyond the working environment - 24 hours a day ringing in both ears, hearing loss, sensitivity to normal noises. And I was one of those who never thought I'd get problems!

Anne Savage, Superstar DJ, Producer and Presenter

I think it's a great idea, I am constantly encouraging young djs and lighting guys to wear earplugs. Most djs say that they can't mix as well with them in but they forget that they could wear them for the rest of the evening whilst at the club as they rarely just turn up, play and leave. I suffer from constant ringing as a result of years of dj-ing and I have to live with the fact that I made a lifestyle choice and have to pay the price. However even short exposure to loud levels of noise can cause tinnitus so even bar staff and security deserve some sort of protection.

Key Messages

- There is evidence that exposure to live music can cause hearing damage
- Regulations require each employer to manage the risk to their employees and where possible, freelancers.
- Control, reduce and monitor exposure to noise.- Many of the controls are simple and cost-effective.
- The audience can still enjoy the performance with the controls in place.

Business Link and Train to Gain Speakers at recent Licensing Consultation Panel (LCP).

Business Link



Peter Stacey Area Partnership Manager for Business Link for Cornwall and the Isles of Scilly, Devon and Somerset kindly attended LCP and provided some background information about Business Link which is a government funded, impartial advice service. Business Link aims to assist some 90,000 Small and Medium Enterprises throughout the 3 counties.

An overview of the information advice and support that is available was provided. In addition to their website and provision of telephone advice, Business Link will be holding outreach clinics. Any business can book into a face to face clinic, open one day per month. Bookings are now being taken for Business Link's North Devon Outreach Provision:-

Civic Centre, Barnstaple:

21st April, 2009,
18th May, 2009,
8th June, 2009.

Caddsdawn Business Centre, Bideford:

27th April, 2009,
11th May, 2009,
29th June, 2009.

For further information please refer to:-
www.busineslinksw.co.uk or telephone

0845 600 99 66.

Train to Gain



Helen Colebrook from Train to Gain provided information on their service which is designed to improve business profitability and competitiveness. The service aims to help businesses of all sizes access training and development, which can include NVQs (levels 2-4), BII qualifications, apprenticeships and leadership and management training. NVQ training and assessment is usually conducted at the employees place of work and during their usual working hours and employers may be eligible for wage compensation if they have less than 50 employees.

For more information: www.traintogain.gov.uk
traintogain@blpeninsula.co.uk
0845 600 9966

Minutes of the LCP meeting and presentations from both speakers are available under the Licensing Act Toolkit on www.northdevon.gov.uk/licensing

Statutory Noise Nuisance – An Addition to Your Licence Conditions

Statutory noise nuisance applies to all properties, domestic and commercial. The provisions for nuisance are contained in the Environmental Protection Act 1990. This legislation is separate to any conditions relating to noise within your licence conditions.

The local authority has a duty to investigate all allegations of noise nuisance. These complaints are investigated by the Environmental Protection Team.

Each year, the Environmental Protection Team receives a significant number of complaints about noise from licensed premises. Most of these relate to music, karaoke, noise from customers congregating outside of licensed premises, together with equipment such as air-conditioning units or fans, sometimes causing problems.

Officers investigate these complaints and liaise with the licensees to control the noise. Where necessary enforcement action can be taken to resolve the problem. This would involve serving an Abatement Notice on the person responsible for the noise nuisance.

When establishing whether an alleged nuisance is enforceable under the above legislation, the frequency, duration, day of week and time of day; and most importantly the degree and effect of the noise on the ordinary reasonable person is considered.

Even if you have a licence condition allowing noise generating entertainment you must still consider whether this entertainment is audible outside of your premises and take steps to ensure that you do not create a statutory noise nuisance.

You should always be aware of the impact of your business and patrons on your locality, especially where residential or other noise sensitive development is attached or in close proximity.

Please discuss any developments or alterations which may effect noise levels in advance. You may also wish to take the advice of an acoustic consultant before any alterations.

For more information please contact North Devon Council's Environmental Protection Team at the Civic Centre – Tel 01271 388870.

A Date For Your Diaries



We welcome you at the next meeting of Licensing Consultation Panel which will be held on: -

10am, Wednesday 16th September 2009.

The meeting will be held in the Council Chamber, Civic Centre, Barnstaple. We would be grateful if you could please ring 01271 388 870 and confirm your attendance. Ideas for agenda items welcomed.

Useful Contacts

South Molton and District Licensees Association,

C/O Derek Sheldon (Secretary),

Velden,

Parklands,

South Molton,

Devon

EX36 4EW (dsheldon@talktalk.net)

Ilfracombe Woolacombe and District Licensees Association,

C/O Christine Falkner (Secretary),

Dedes Hotel,

The Promenade,

Ilfracombe,

01271 86254.

British Institute of Inkeeping (BII),

Wessex House,

80 Park Street,

Camberley,

Surrey,

GU15 3PT

01276 684449, (www.bii.org)

BII Regional Council Members for the South West Region:-

Sam Moyse - 01769 580 045

Lesley Brown - 01271 328 184

(Lesley Brown is also willing to provide information on the Association of Convenience Stores).

Devon and Cornwall Police Licensing Unit,

Barnstaple Police Station,

North Walk,

Barnstaple,

Devon,

0845 2777444

(northdevonlicensing@devonandcornwall.pnn.police.uk)

Trading Standards

County Hall

Topsham Road

Exeter

Devon

EX2 4QD.

01392 381 381 (tsadvice@devon.gov.uk)