



HILLINGDON

LONDON

Shelley Mickleburgh
Licensing Team
Department For Culture Media & Sport
2-4 Cockspur Street
London
SW1Y 5DH

1st March 2010

Dear Madam,

PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS FROM THE LICENSING ACT 2003

With reference to the DCMS consultation in respect of the proposal to exempt small live music events from the Licensing Act 2003, you are advised that the London Borough of Hillingdon's Licensing Committee was convened on Monday 8th February 2010 to consider the proposal.

You are advised that the proposal and all the questions detailed in chapter 7 of the consultation document were subject to much debate by members of the Licensing Committee.

The Licensing Committee also sought advice and guidance from Mr Paul Connor who is the Council's Senior Environmental Health Officer and who is the Environmental Protection Unit's professional expert in respect of noise nuisance from licensed premises.

On conclusion of the debate the consensus of opinion of the committee was as follows:-

- a) Live music will always have the potential to create a noise nuisance, especially from premises that are sited in residential areas
- b) The current provisions of the Licensing Act 2003 are pro-active in trying to avoid noise nuisance to local residents in that:-

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- i) Applicants for a new premises licence, or a variation of an existing premises licence, are required to address the licensing objective of public nuisance in the operating schedule which has to be submitted with the application.
 - ii) By requiring the applicant to address the question of noise from live music that may escape from the premises, the applicant has to detail in their operating schedule how they would propose to contain the noise within their premises and if necessary propose preventative measures to avoid such noise becoming a nuisance to local residents.
 - iii) If the Environmental Health Officers, in their role as a *Responsible Authority* are of the opinion that the licensing objective of public nuisance has not been correctly addressed, they can then make an *Representation* to the Licensing Authority
 - iv) If a *representation* is made then the whole issue could be discussed in full at a hearing of the Licensing Committee and if considered necessary conditions could be imposed upon any licence granted
- c) The current situation is therefore pro-active by requiring the applicant to focus his / her mind on the possibility of any such live music creating a noise nuisance to local residents, whereas the new proposed system is entirely re-active.

In summary you are advised that Hillingdon's Licensing Committee are against any relaxation of the provisions of the Licensing Act 2003 and are strongly opposed to the proposal to exempt small live music events from this legislation.

Yours faithfully,

Norman C Stanley
Licensing Service Manager.



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