



## Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

**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** *(Insert name)*

Environmental Health

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

### PART 1 – PREMISES OR CLUB PREMISES DETAILS

<b>Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description</b>  The Schooner South Shore Road	
<b>Post Town</b> Gateshead	<b>Post Code</b> NE8 3AF

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

Mr Nathan Paul Smith

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

### PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

Please  
Tick ✓

- |    |   |                          |
|----|---|--------------------------|
| 1) | A responsible authority (please complete (C) below)                                   | X                        |
| 2) | A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) | Other persons (Please complete (A) or (B) below)                                      | <input type="checkbox"/> |

**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes

☐

(Please Tick)

Current Address			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address
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Telephone Number (If any)	
E-Mail address (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address
Environmental Health
Gateshead Council
Regent Street
Gateshead NE8 1HH

Telephone Number (If any)	0191 433 3000
E-Mail address (optional)	Environmentalhealth@gateshead.gov.uk

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This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |    |   |                          |
|----|---|--------------------------|
| 1. | <b>The Prevention of Crime and Disorder</b> | <input type="checkbox"/> |
| 2. | <b>Public Safety</b>                        | <input type="checkbox"/> |
| 3. | <b>The Prevention of Public Nuisance</b>    | X                        |
| 4. | <b>The Protection of Children From Harm</b> | <input type="checkbox"/> |

**Please state the ground(s) for representation** (please read guidance note 1)

- Environmental Health has concerns in relation to the licensing objective 'the prevention of public nuisance'
- Since July 2020, Environmental Health have received 12 complaints of noise from excessive music played outdoors at the premises from live bands/ rehearsal of live bands/ DJ's, causing adverse disturbance and reduction in living amenity to residents on a frequent basis (approximately 4 times per week); early – late evening, as late as 22:00.
- Environmental Health have been in communication with Nathan Paul Smith (DPS) by phone and email regarding the complaints. An informal grace period of 2 weeks was given to make improvements with a proviso that guidance would be taken from a professional acoustic engineer. A noise report was submitted by the DPS, however was unable to be accepted due to it being inadequate. No improvements in terms of noise levels were made.
- Excessive noise levels have been witnessed by Environmental Health from a live band playing at the Schooner on 15 August 2020. It was found that music volume levels were excessive, unreasonable and intrusive causing public disturbance to residents of St Peters Basin. Words of the vocalist and drums/ band could clearly be heard. Patrons cheering and shouting could also be heard at excessive levels.
- Management continued to host live music outdoors, despite complaints raised by residents and did not wish to make a variation to their license.
- Environmental Health have also received complaints last year and in previous years from residents at St. Peters Basin regarding excessive noise from outdoor performances during summer months.

**Please provide as much information as possible to support the representation**

(Please read guidance note 2)

I am employed by Gateshead Council in the post of Environmental Health Officer in the Environmental Protection Team within Communities and Environment.

Since 11 July 2020, I have received 12 complaints from residents at St. Peters Basin, Newcastle regarding excessive noise from the premises; 1 anonymous and 11 who have provided their personal details.

Some comments received from the residents include:-

*'Band rehearsal without volume control. Unnecessarily loud, spoilt many people's enjoyment on a fine summer evening'*

*'The noise is anti-social and affecting the ability to use our homes and to rest or sleep'*

*'the music could be heard clearly from within my home, even with all the doors and windows closed. Indoors it could be heard clearly over the sound of a TV/radio. Outdoors, the music was loud enough that it was difficult to hold a normal conversation'*

*'Totally unacceptable'*

*'Live music again disturbing our peace, unable to sit outside without being overpowered by the music from the Schooner'.*

Three residents have provided video footage of what the music sounded like outside their homes. It was indeed excessive.

I have been out myself to the banks of the Tyne at St Peters Basin on 15 August 2020 and found the music to be completely excessive, unreasonable and intrusive. I took several video recordings on my mobile phone.

On 23 July 2020 I sent an email to Nathan Paul Smith regarding the complaints received and spoke on the telephone the following day. He made promises that he would instruct a professional acoustics company with immediate effect to carry out an assessment and soundproof the stage area within 7-10 days. To give the benefit of the doubt I allowed him this period to try and make improvements.

On 12 August, I received a noise report from the DPS that was basic and inadequate. Certainly not undertaken by a professional competent in environmental noise monitoring. I did not accept the report.

On 13 August the DPS emailed me to advise that he had instructed Apex – a reputable acoustic consultancy firm to advise him. I spoke to Richard Hinton from Apex on 18 August, however he was not confident that tweaks he could potentially make would give the desired effect to the residents to prevent noise disturbance (5dB reduction at best, which doesn't make much difference). He works on 3 principles to improve noise from outdoor venues; i) move the noise source further away (which isn't possible in this case); ii) introduce a barrier by putting something up in between the noise source and the receiver (cost prohibitive in this instance) and iii) make the noise source quieter (which would not be acceptable to the venue/ bands and patrons).

The DPS contacted me by email on 20 August to advise that this weekend would be quieter – acoustic set Friday; and DJ on the Saturday using the house PA system rather than the DJ's own equipment, therefore could manage the sound levels better. The DPS assured that he would be there personally making sure it was a low key quiet event. However, residents at St. Peters Basin reported to me that they could clearly hear karaoke on Thursday 20 August and a DJ on Saturday 22 August.

The DPS emailed me on 25 August to advise that he would suspend all amplified bands with immediate effect until he has obtained and acted upon a professional noise assessment.

To help with moving forward, I have contacted each of the 11 complainants to find out what they would be happy with in future. Their comments are mixed. For information, I have included summaries of the five residents who responded:-

1. 'My thoughts are that we want the outside music stopped permanently, however as we know that the outdoor gigs are popular with the public and we don't want to spoil anyone's fun either, my own suggestion would be that the Schooner be allowed in future six such outdoor concerts during the summer months but that each be at least one month apart, last for no longer than two ninety minute sessions and be concluded by 10pm at the latest. Non amplified music can still be heard clearly from the sound stage, albeit not as loud but I also believe that should carry the same restriction, so the DPS would be granted 12 events per year, six amplified and six non-amplified, equivalent to one a month'.
2. 'My concern remains the nuisance of the volume of noise generated by music live and recorded. The volume of noise from the drinkers that progressively becomes more lairy throughout the evening. The concern that the music is loud at least 3 to 4 nights a week over the weekend. The loudness stops the enjoyment of even indoor space within our homes. Going forward we would just ask that the music is quiet and contained within the venue. We would want to pursue every avenue to stop the nuisance.'
3. 'Residents should be allowed to live and use their residences by being able to sit outside,

live with open windows during the summer and not be affected and have their silence taken over by noise pollution, well into the evening. By blasting out loud music during the times residents wish to use their properties shouldn't be allowed. I am looking for no music to allow me to enjoy my house and surroundings because in my opinion I feel the establishment could not resist the temptation to blast it out again and also how can a reasonable level be set and maintained?'

4. 'My main issue is how frequently the pub hosts bands during the summer, every weekend for 5+ months is disrupted by the noise, often 3 or 4 days running – outdoor gigs should be considerably less frequent, perhaps limited to bank holiday weekends'

5. 'A plausible way forward for The Schooner would be:-

No amplified performances;

No outdoor performances or rehearsals. Indoor only ruling based on the problematic track record of outdoor gigs;

No heavy rock or punk indoor performances;

Internal acoustic or DJ sets only;

Customers to be advised to be considerate of nearby residents;

Improved adherence to venue capacity and sound level regulations;

The promised 'sound insulated' wall to be installed and tested before any live performances (no need for outside stage sound insulation as no outdoor performance or rehearsals permitted);

A more kindly outlook towards nearby residents, many of whom have lived nearby for up to thirty years. Whilst Mr Smith has been licensee for just over two years'.

#### **In summary specific problems raised by residents:-**

- Excessive volume from outdoor music events;
- Noise from patrons outside (increasing as the night goes on);
- Frequency of bands and live band rehearsals each week;
- Residents' quiet enjoyment of their homes is spoilt, indoors and outdoors when live entertainment takes place outdoors.

#### **Potential solutions for review of license:-**

##### **Either**

- No outdoor performances or rehearsals (restrict to indoors only with additional measure in

place e.g. doors and windows closed during entertainment)

Or

- Limit the permitted number of outdoor performances per year;
- Limit the hours that performances can take place;
- Limit length of time of 'sets';
- Limit the frequency of performances;
- Limit outdoor/ indoor performances to acoustic only;
- Implementation of a noise management plan.

Please  
Tick ✓

Have you made any representation relating to these premises before?

NO

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.



### **How We Collect And Use Information**

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

### Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	<i>Lisa Bainbridge</i>	Date	15/09/20
Capacity	Environmental Health Officer		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

### Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH  
Tel: 0191 433 3918 or 0191 433 3178