

REPORT OF THE DEPUTY CHIEF EXECUTIVE

LICENSING SUB COMMITTEE – 30 JANUARY 2014

LICENSING ACT 2003 – CONSIDERATION OF OBJECTION NOTICES GIVEN WITH REGARD TO A TEMPORARY EVENT NOTICE

Mr Chris Bungoni
13 Stansfield Street
Sunderland
SR6 0JX

1.0 PURPOSE OF THE REPORT

- 1.1 To consider objection notices given by Northumbria Police and Environmental Health with regard to a temporary event notice.

2.0 DESCRIPTION OF DECISION

- 2.1 The Sub-Committee is requested to consider the objection notices and, having regard to them, give the premises user a counter notice if they consider it necessary for the promotion of all of the licensing objectives to do so, namely the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Mr Bungoni has given the Council a temporary event notice outlining his intention to use Unit 6 Shaw Building, Ropery Road, Sunderland for the sale by retail of alcohol and the provision of regulated entertainment during the period commencing on Saturday 22 February 2014 at 22:00 and finishing on Sunday 23 February 2014 at 04:00. A copy of the temporary event notice is attached at Appendix 1
- 3.2 Northumbria Police have objected to the temporary event notice. Their objections are based on the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm and are detailed below:-

I refer to the Temporary Event Notice submitted by Chris Bungoni in respect of the event on 22/02/14.

Northumbria Police have a statutory requirement under the Licensing Act 2003 in relation to the Prevention of Crime and Disorder, Public Nuisance, Protection of Children from Harm and Public Safety. We are satisfied that allowing the events to proceed would undermine all of the Licensing objectives therefore we object to the TEN.

The Police and other responsible authorities have a duty of care to make sure such events are safe for people to attend. The event is

proposed to be held in a warehouse and there is not a satisfactory safety plan in place for the event

Details below of similar events that have been held by the applicant highlight the dangers that such events pose to party-goers and why a robust Policing response is necessary.

21st-22nd September 2013 – Noses Point, Seaham

- 23:21hrs Call received to inform of a rave ongoing at Noses Point, Blast Beach, Seaham. Several persons with alcohol and some believed to be drink driving.
- 23:23hrs Call received of hundreds of persons in Nose Point car park near to the sea, persons have alcohol and numerous cars are parked up. Further reports received from taxi drivers in the area of large gathering.
- 23:43hrs Police attend and report more than 500+ persons at the beach most of whom are intoxicated and under the influence of drugs. An illegally organised rave was taking place with generators, sound systems, projectors and a big screen. Police identified the two organisers as Christopher Bungoni and Michael Watson who stated they had organised a few of these events. Location is hidden away and access to the site is very difficult and treacherous. Decision made due to safety and available resources not to close the rave and officers will remain on scene to maintain a Police presence and assist public safety.
- 01:39hrs Report that a male has fallen from cliff and broken his ankle. Ambulance contacted.
- 02:27hrs Report from female that someone has been glassed.
- 02:36hrs Ambulance have advised coast guard of event.
- 02:40hrs Update by officers that various people have injuries to their heads but have refused to give their details. Ambulances have been called to attend and check their injuries.
- 02:57hrs Call taker has phoned female reporting glassing incident who states that the male that has been glassed has left in ambulance.
- 03:13hrs Male found with two large gashes to his head and a second male with a large hole to the back of his head. Both males tried to give false details to Police. Male with

hole to his head has been taken to James Cook Hospital and placed into intensive care on a ventilator as his airways were closing, hospital staff were unsure if this was a result of his head injury or the result of him having taken drugs and having too much alcohol.

- 04:22hrs Male taken to Sunderland Hospital with two lacerations to his head, male was extremely agitated and was shouting and swearing at ambulance crew who were concerned that he may have a fractured skull, a Police officer has travelled with him in ambulance. Police remained at the hospital with him and he has received staples to the cuts on his head but refused any further treatment and signed himself out of hospital.
- 06:01hrs Police Officers from Durham attended Sunderland address to arrest male on suspicion of GBH. Male was aggressive so assistance had to be called from Northumbria Officers.
- 06:15hrs Police attend the Blast Beach and recover a dumb bell bar that is believed to be used to assault male with serious head injuries.
- 06:38hrs Male Arrested driving unfit.

20th July 2013 – Substation Foxcover Road

- 18:40hrs Call received that several vans and lots of young people are climbing over a gate on Foxcover Road on a track leading to the electric substation in the woods. Caller concerned they are going to have a rave.
- 18:57hrs Police attend and identify the two organisers Christopher Bungoni and Michael Watson. They have a sound system in place and there is currently in excess of 100 persons present. They have no licence, insurance, medical cover etc. for the event. Organisers state they are expecting 300 persons however they have no means of knowing or controlling the numbers attending. The organisers state the event will go onto 0500hrs.
- 19:51hrs Update by local neighbourhood Sergeant who is concerned at the potential for disorder and the risk to public safety caused by the gathering of large numbers of persons in a darkened area who are consuming alcohol where there are no safety procedures in place. Event will be closed by consent in a low key fashion by liaising with the organisers. Police mindful of the possibility for serious disorder as a result of intervention and the number of

resources available. If event can not be curtailed by consent the event will be allowed to go ahead and monitored.

20:18hrs Event closed down by Police and will now be moved to a premise within Sunderland City Centre.

20:39hrs Police to remain at scene to advise any persons turning up that the event will no longer take place.

Report from neighbourhood Sergeant that at one point there were 300 persons present, most whom left by taxi. The organisers had gone to some lengths to arrange the rave hiring vans to transport electrical equipment, generators and rubbish bins. They were both advised about liaison with the local authority to legalise any such event in the future. It was felt that if the event was not shut down the numbers would have swelled and the event would have potentially lead to serious disorder.

1st June 2013 – Tunstall Hills

20:22hrs Call received of party ongoing at the quarry, they have windbreakers, alcohol and DJ's with loud speakers.

20:29hrs Police attend and confirm that an organised event is taking place, advice has been given about the noise. Details of organisers obtained.

23:11hrs Call from resident who is not happy as the noise from the rave is blasting out.

23:34hrs Call from resident that their family can not get to sleep with the noise.

00:10hrs Police attend quarry and can hear music from the quarry and hills. There were approximately 200 persons there on arrival, organisers have been told to reduce the noise.

01:52hrs Party has been broken and persons are going on their way. Generator has been seized and taken back to Police station.

- 3.3 The Council's Environmental Health Section have also objected to the temporary event notice. Their objection is based on the licensing objective of the prevention of public nuisance and public safety and are detailed below:-

'I refer to the Temporary Event Notices submitted by Mr Bungoni in respect of the event which is scheduled to take place on the 22nd February 2014 at Unit 6, Shaws Building, Deptford Terrace, Sunderland between the hours of 22:00 and 04:00. Having considered the application I wish to submit our objection on the grounds of public nuisance and health and safety for the following reasons:

1. The provision of amplified music at the proposed venue is likely to cause a noise nuisance to local residents living in the vicinity of the premises. The application submitted has no detail as to how noise nuisance to noise sensitive premises will be prevented, the proposed venue appears to be acoustically weak, is not constructed with specific requirements for sound insulation and has particular issues in relation to the likely escape of noise through weak parts of the structure.

The nearest residential property is approximately 250m to the east with further properties located to the north and south. Whilst there are no adjacent residential properties it is considered likely that the level of noise from the proposed event and the time that it will be taking place is likely to cause a public nuisance to surrounding residents.

In addition the potential for disturbance from up to 400 patrons attending the event and leaving early in the morning will also contribute to the impact of noise.

2 . There was no scale plan of the premises showing sizes and positions of fire exit doors, stage areas, etc.

3 . There was no indication of Fire detection and alarm systems, including certification.

4 There was no indication of Fire fighting equipment types, numbers and positions, including certification.

5 . There was no indication of Emergency lighting to the premises including certification.

6 . There was no indication of Certificated electrical supply to the premises.

7 . There was no indication of Sufficient Management Controls demonstrating that the proposed occupancy level is safe.

8 . There was no indication that the Fire exit doors are inspected and maintained in a operational condition.

9 . There was no indication of how escape routes will be kept clear.

10 . There was no indication of provision of fire safety signs that comply with the current legislation.

11 . There was no indication of Structurally certified temporary structures with adequate guarding to stairs, balconies, landings etc.

12 . There was no indication of General condition of floor surfaces which do not create trip hazards.

13 . There was no indication of Structurally certified suspended lighting units and amplification units.

14 . If you intend to use special effects such as lasers, pyrotechnics, foam machines etc. demonstrate the safety precautions to be taken.

15 . Demonstrate that appropriate instruction, training and supervision is given to employees to secure the safety of all attending the event.

16 . Provide information on first aid provision and the number of qualified First aiders will be in attendance at the event.

17 . Please provide further information on the numbers of portaloos and how these facilities will be serviced during the event.'

4.0 CURRENT POSITION

4.1 The Council must hold a hearing to consider the objection notices and, having regard to them, give the premises user a counter notice if it considers it necessary for the promotion of all of the licensing objectives to do so. A counter notice will prevent the temporary event notice from being used.

5.0 REASONS FOR THE DECISION

5.1 To comply with the requirements of Section 105 of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

6.1 None.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 There are no other considerations.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 APPENDICES

9.1 Appendix 1 – Temporary Event Notice.

10.0 BACKGROUND PAPERS

10.1 None.

Appendix 1

* required information

Section 1 of 8	
You can save the form at any time and resume it later. You do not need to be logged in when you resume.	
System reference	<input type="text" value="Not Currently In Use"/> <p>This is the unique reference for this application generated by the system.</p>
Your reference	<input type="text"/> <p>You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.</p>
Are you an agent acting on behalf of the applicant?	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Applicant Details	
* First name	<input type="text" value="Chris"/>
* Family name	<input type="text" value="Bungoni"/>
* E-mail	<input type="text" value="chrisymenace@me.com"/>
Main telephone number	<input type="text" value="+447516135998"/> <p>Include country code.</p>
Other telephone number	<input type="text"/>
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone	
Are you:	
<input type="radio"/> Applying as a business or organisation, including as a sole trader <input checked="" type="radio"/> Applying as an individual	<p>A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.</p>

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="13"/>
* Street	<input type="text" value="Stansfield Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="Sunderland"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="SR6 0JX"/>
* Country	<input type="text" value="United Kingdom"/>

Section 2 of 8

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="13"/>
Street	<input type="text" value="Stansfield Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Sunderland"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="SR6 0JX"/>
Country	<input type="text" value="United Kingdom"/>

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Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail
Telephone number
Other telephone number

Section 3 of 8

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name
* Street
District
* City or town
County or administrative area
* Postcode
* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

Shaws Building is situated in an industrial location of the city without residential properties within the vicinity. There is more than 3 different routes lead to the warehouse from the closest main road. Plan to have taxis pulling up on both sides of the main road outside of the warehouse dropping customers off and carrying on in the direction they are heading to cause no congestion what so ever, a drawn out plan will be available to those attending to make them aware and also make taxi drivers aware when getting dropped off. There will be adequate parking within the grounds for those who intend to drive to the event.

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

The premises comprises of a large room which will be sectioned of and made to cater a capacity of 450. It is expected that no more than 400 people including staff, organizers stewards and performers will attend the events on the premises.

Describe the nature of the premises below (see also guidance on completing the form, note 4)

The premises has a large hall which is ideal to hold a musical dance event. The size of the hall will be restricted to hold a maximum of 400 persons. The premises will be used to feature a selection of musical and DJ performers, one who we will be flying in from Grease to perform a live act to which attendees can listen and take part in dancing.

Describe the nature of the event below (see also guidance on completing the form, note 5)

The event activities will include a limited selection musical DJ performers to which attendees can listen and take part in dancing.
A fully licensed company Bar4Hire will operating the bar on behalf of the applicant for the licence to sell alcohol.
A licensed security company has surveyed the building and have a safety plan which they will put in place to control and maintain a safe environment.
Provisions are in place with a portaloos company who will provide adequate amount of toilets over the duration of the event.
A business account will be set up with station taxis to allow customers to ring taxis at any time in the morning and then wait inside the grounds safely under supervision of the security company until they receive a ring back service and and know there taxi is about to pull up at the main gates.

Section 4 of 8

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

Continued from previous page...

(see also guidance on completing the form, note 8)

Event start date / /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 11):

- On the premises only
 Off the premises only
 Both

Section 5 of 8

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 12)

Do you currently hold a valid personal licence? Yes No

Section 6 of 8

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 13)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 7 of 8

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

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Section 8 of 8	
CONDITION	
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. (See also guidance on completing the form, note 16)	
PAYMENT DETAILS	
This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21	
ATTACHMENTS	
AUTHORITY POSTAL ADDRESS	
Address	
Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
DECLARATION	
This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"	
* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>
<input type="button" value="Add another signatory"/>	
One you're finished you need to do the following: 1. Save this form to your computer by clicking to file/save as... 2. Go back to https://www.gov.uk/apply-for-a-licence/temporary-event-notice/sunderland/apply-1 to upload this file and continue with your application Don't forget to make sure you have all your supporting documentation to hand.	



12 January 2014

Dear Sir or Madam,

This letter is to confirm that TM Security will be providing at least 4 SIA Licenced, fully experienced, first aid trained Door Supervisors for the following event:

Date of event 22nd February 2014
Premises Unit 6, Shaws Buildings, Deptford Terrace, Sunderland, SR4 6DD
Hours 22:00 to 03:00-04:00

TM Security will control the inside of the venue and also the main entrance, smoking area and taxi points. We will also aim minimise any disruption at other nearby areas outside of the venue.

Licence numbers of all attending Door Supervisors can also be provided if requested.

Please feel free to contact me if you have any questions.

Yours faithfully

Martin Ruddy
Co-owner
TM Security



Phone 07502 392 344
07890 529 742
Web www.tm-security.co.uk
Email tony@tm-security.co.uk
Email martin@tm-security.co.uk

NEW YORK PRODUCTIONS

Unit 6 Shaw Buildings, Deptford Terrace, Sunderland, Tyne & Wear SR4 6DD
Tel 0191 5651222 0191 5651444 0191 5651333 (fax)
www.newyorkproductions.co.uk

Internal

Fire evacuation procedure.

In case of fire the fire alarms will sound and the sprinkler system will operate. All electrical systems will be switched off leaving high-level metal halide security lighting operational. A 999 call will be made to the local fire service.

The fire steward will mute any music output and make an announcement over the public address system. (Announcement points available at 4 positions within the building)

"there is an emergency situation and we would ask everyone to leave the building by the nearest emergency exit. There are 3 exits. These are located at the front and rear of the building. Leave all personal effects and leave immediately by the nearest exit. Please assemble in the car park to allow stewards to check that all personnel have left the building."

Should the fire be at the offices end of the building then the main shutter door should be opened to allow egress. The fire steward will have wireless remote control of the main roller door.

Should the fire be located within the warehouse area then the main front door and roller door will be used.

Fire extinguishers (water) are located at the loading area and the access doors within the warehouse area and at the front shop with CO2 extinguisher and fire blanket within the rear kitchen area.

Powder and CO2 extinguishers are located in the workshop area at the front of the building.

All personnel will be counted on admission to the building.

On evacuation a head count or roll call will be made within the containment area outside.

The fire steward will assist and advise the Fire Service of the situation when they arrive on site.