

**Democratic Services**

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Date: 13 August 2014

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**To: All Members of the Licensing Sub-Committee**

**Councillors:-** Manda Rigby, Roger Symonds and Anthony Clarke

Chief Executive and other appropriate officers

Press and Public

Dear Member

**Licensing Sub-Committee: Tuesday, 19th August, 2014**

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 19th August, 2014 at 10.00 am** in the **Kaposvar Room - Guildhall, Bath.**

**Briefing**

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, Sean O'Neill  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic\_services@bathnes.gov.uk or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes, Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

### 3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

## **Protocol for Decision-making**

### **Guidance for Members when making decisions**

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

**Licensing Sub-Committee - Tuesday, 19th August, 2014**

**at 10.00 am in the Kaposvar Room - Guildhall, Bath**

**AGENDA**

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 28 JULY AND 5 AUGUST 2014 (Pages 7 - 28)

6. LICENSING PROCEDURE (Pages 29 - 32)

The Chair will, if required, explain the licensing procedure.

7. APPLICATION FOR A PREMISES LICENCE FOR BATH CARNIVAL, SYDNEY GARDENS, SYDNEY PLACE, BATHWICK, BA2 6NF (Pages 33 - 92)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on [democratic\\_services@bathnes.gov.uk](mailto:democratic_services@bathnes.gov.uk).



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**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Monday, 28th July, 2014, 2.30 pm

**Councillors:** Manda Rigby (Chair), Roger Symonds and Anthony Clarke

**Officers in attendance:** Alan Bartlett (Principal Public Protection Officer), Terrill Wolyn (Senior Public Protection Officer) and Carrie-Ann Rawlings (Senior Legal Adviser)

**41 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

**42 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**43 DECLARATIONS OF INTEREST**

Councillor Symonds noted that he was quoted in the Bath Chronicle of 17 March 2014 as saying that the Undercroft scheme was “brilliant”. He explained that he had made this remark after a presentation on the scheme at the Resources Policy Development and Scrutiny Panel and was referring to the benefits to the people of Bath of the redevelopment of the area. He felt that notwithstanding this remark he was still able to judge the two applications before the Committee today on their merits without prejudice.

**44 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**45 MINUTES: 20 MAY, 3 JUNE AND 3 JUNE**

The Minutes of the 20 May 2014 were approved as a correct record, subject to the deletion of inadvertently repeated paragraphs in item 22 (Wunder Bar). The Minutes for the two meetings of 3 June 2014 were also approved as a correct record.

**46 LICENSING PROCEDURE**

The Chair drew attention to the procedure to be followed for the next two items of business.

**47 APPLICATION FOR A PREMISES LICENCE FOR NEW MARKET ROW UNDERCROFT, BATH BA2 4DF**

Applicant: Bath and North East Somerset Council, represented by Piers Warne (TLT Solicitors), Marie Percival (Senior Development Surveyor, B&NES), Kevin Conibear (Fleurets)

Other Persons: Ian Perkins (The Abbey Residents Association), Ann Robins (The Empire Owners' Association)

The parties confirmed that they had understood the licensing procedure.

The Senior Public Protection Officer summarised the application. She referred to the additional documents that had been exchanged by the parties, which had been circulated to Members. These documents are attached as Appendix 1 to these minutes.

The Chair reminded the applicant's representatives that because the premises were located in the Cumulative Impact Area, the presumption was that the application would be refused, therefore the Sub-Committee would expect them to address this specifically.

Mr Warne stated the case for the applicant. He said that it had been considered that if the Council was the licensee, it would have greater control over the premises. There had been a great deal of interest from prospective lessees. The restaurant would have 80-120 covers. The scheme for the Undercroft was a key element in the Redevelopment Zone Core Strategy. It was expected that the planning application for the scheme would be submitted in October 2014. Mr Warne said that there had been extensive public consultation about the redevelopment scheme, and the Statement of Community Engagement was part of the consultation. Page 4 of the Statement listed "noise breakout from the restaurants" as one of the key themes that the project team had addressed during the design development. He hoped that the operating schedule had struck a balance between the interests of the residents and those of the businesses. The lessees would pay high rents and it was felt that expressions of interest should not be deterred by excessively onerous conditions. There had been exchanges between the parties which had centred on four key areas:

1. Closure of the outside areas. The applicant had agreed that outside areas should be closed at 23.00 and cleared by 23.30.
2. Sundays. The applicant had agreed that licensable activities should cease at 23.00 on Sundays, apart from the 7 Sundays preceding a Bank Holiday.
3. A condition to deal with vertical drinking. This presented problems, because many restaurants nowadays have some kind of bar area, and the applicant did not want to restrict this unnecessarily.
4. A noise condition. This also presented problems, because there were many noise sources in the area and would be difficult to attribute noise specifically to the premises.

Mr Warne then addressed the cumulative impact issues. He referred to the Council's Statement of Licensing Policy. He noted that Paragraph 14 of the Policy deals with the integration of strategies and submitted that this applies to the Undercroft scheme, since it is a key part of the Bath local strategy. Paragraph 16, which deals specifically with cumulative impact, states that different types of premises have different impacts, that applications should be considered on their individual merits, and that an application should only be refused if the licensing objectives could not be furthered by appropriate conditions. He noted that the discussions with the Other Persons had focussed on possible conditions, and that they were not seeking refusal



of the application. He then referred to the paragraph 13.35 of the Secretary of State's Guidance, which states that a Licensing Authority must always be prepared to consider whether it would be justified to depart from its special policy in the light of special circumstances. He suggested that it was a key challenge in the spatial strategy for Bath to regenerate this derelict area, and that this constituted special circumstances.

A Member asked about off-sales. Mr Warne replied that this had been sought so that customers could take an unfinished bottle of wine home. He suggested that a bottle of wine with the cork reinserted would be a sealed container, though to avoid doubt the condition could be reworded to say "the original container".

Mr Perkins stated his case. He said that he was broadly in favour of the redevelopment of the Undercroft. However to get a flavour of what it is like in the cumulative impact area, it would be instructive to stand on Grand Parade or Orange Grove in the evening and observe the level of disturbance and violence and occasionally people jumping into the river. He submitted that in order to mitigate the impact of additional premises on residents, the Sub-Committee should have regard to conditions already imposed on premises in the area and elsewhere. He submitted that there was a need for a condition against vertical drinking as a bulwark against a possible drift in this direction under economic pressures. He suggested there should be a clause in the lease against vertical drinking. Noise was a constant problem for residents. The buildings in Bath made it difficult to predict how sounds would be propagated, particularly low-frequency sounds. Many licensed premises in Bath had conditions about noise attached to their licences. Residents wanted conditions that could be enforced if noise from particular premises became a problem.

Ann Robins stated the case for the Empire Owners' Association. She said that she was not opposed in principle to the application. However, many of the Empire owners experienced difficulty in getting to sleep because of noise, or were woken up in the early hours. She and her husband had experienced two successive nights of disturbance recently. Customers leaving licensed premises congregated around fast food shops and made noise. The streets on both sides of the building were full of people leaving licensed premises. In addition to the noise from customers, there were waste collections and deliveries early in the morning. While people who lived in the city centre accepted there would be noise, many residents (average age now 79) had lived there for many years and circumstances were now radically different from when they had moved in. They wanted some respite from noise, particularly on Sundays. There was a fear that it would prove difficult to maintain the premises as a high-class restaurant, and that it would gradually change its character. That was why she urged the imposition of a condition against vertical drinking.

Members put questions to Mr Perkins and Ms Robins. Ms Robins said that customers exiting premises was a major source of noise. She also suggested that the source of noise would be easier to pinpoint after 23.00

In reply to questions Mr Perkins stated:

- the type of licensed premises was not necessarily a good predictor of noise; one night he had done a tour of the George Street area and had been surprised by the amount of noise emanating from Wood's, which was not an

establishment he had associated with rowdiness; that is why he believed a noise condition was necessary

- he did not think that the review process was a particularly effective protection, as initiating a review was difficult for ordinary people and could be costly; he suggested that the correct approach was for caution to be exercised in the type of licence granted and for licensees to apply for variations if they could show there were no problems; it was difficult to know what conditions should be imposed on an application if the business model had not been defined
- he agreed that a condition about amplified music would be helpful to residents
- well-off people could be as noisy and disruptive as less well-off people
- deaths in the river had been associated with alcohol consumption

The Senior Public Protection Officer advised that the Sub-Committee could not impose tough conditions which the licensee could apply to have varied later; the conditions imposed on a licence had to be proportionate. The conditions made it clear what kind of business the premises could be.

The parties were invited to sum up.

Mr Perkins submitted that the Other Persons had demonstrated that there would be an addition to the cumulative impact of licensed premises in the area. He urged the imposition of a noise condition, as control was much easier if an effective condition was in place.

Ms Robins said that she agreed with Mr Perkins about a noise condition.

Mr Warne said the Council was seeking a tenant who would run a high-class restaurant; he thought that all the documentation made this plain. He referred to the Secretary of State's Guidance, which stated that licence conditions should not duplicate other legislation, should not be standardized and should not seek to control the behaviour of customers after they had left the premises. He said that there were only a few issues disputed by the parties. He submitted that the review process had shown itself to be extremely effective. In addition Environmental Protection Officers had statutory powers to deal with public nuisance. He did not believe that the noise condition proposed by the Other Persons would be enforceable. He submitted that customers from restaurants tend to disperse over an extended period, which would mitigate noise impacts. The applicant was concerned that if conditions were too restrictive, potential lessees would be discouraged. The Council hoped to grant a 20-year lease, which would be a robust protection. He again drew attention to the fact that the Other Persons were not urging the refusal of the application; what was in dispute was the nature and precise terms of conditions. In conclusion he said that the Undercroft scheme would give members of the public access to an area from which they had hitherto been excluded and was well integrated with other policies to develop and regenerate Bath.

Following an adjournment, it was **RESOLVED** to grant the license with conditions as set out in the decision below.

## Decision and reasons

Members have determined an application for a new premises licence at New Market Row, Undercroft, Grand Parade, Bath, BA2 4AN. In doing so they took account of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and that they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information before them. In this case, however, Members noted that the premises are situated in the Cumulative Impact Area and accordingly as the council has a Cumulative Impact Policy a rebuttable presumption is raised that such applications should be refused unless the applicant demonstrates that the application if granted will not undermine the licensing objectives and add to the Cumulative Impact being experienced.

In reaching a decision Members took account of all relevant oral and written representations, including additional documents received and balanced the competing interests of the applicant and interested parties.

The application was for:

- i. The sale of alcohol on and off the premises between 09:00 hours and 00:00 hours daily with exception of the morning following New Year's Eve when an extension until 02:00 hours was sought.
- ii. Indoor regulated entertainment to allow for both live and recorded music between 11.00 hours and 00:00 hours daily with the exception of the morning following New Year's Eve when an extension until 02:00 hours was sought.
- iii. Late night refreshment to be consumed both indoors and outdoors between 23:00 hours and 00:30 hours daily with the exception of the morning following New Year's Eve when an extension until 02.30 hours was sought.

It was also suggested as part of the application that amongst other things, CCTV cameras would be installed and maintained in consultation with the Police Crime Prevention Office, off sales would be in sealed containers only; the premises would be a member of Pubwatch or related scheme and would operate a challenge 21 policy.

On behalf of the applicant Piers Warne of TLT Solicitors addressed the Licensing Sub-Committee. It is estimated that there will be 80 to 120 covers at the restaurant. The application has been made on behalf of BANES which enables more control and can attract the best tenants. Mr Warne indicated that the applicant was fully aware of and had regard to Cumulative Impact Policy, Statement of Licensing Policy and Statutory Guidance. He informed the Licensing Sub-Committee that the planning application is in and running.

Mr Warne made reference to the Statement of Community Engagement and whilst he acknowledged that this was produced as part of the Planning process he sought to illustrate the level of consultation that has gone into the proposal which he said

was extensive. Mr Warne noted that a specialist acoustic consultant was engaged amongst others and that there is room for these restaurants.

Members noted that Mr Warne said he did not think this application engages the Cumulative Impact Policy but if it does he would suggest that the applicant can get over it.

Mr Warne made reference to the consultation response to TARA and Empire Owners' Association under cover of a letter dated 18 July 2014. He suggested that it is useful to have in mind that what is proposed is to enhance the area, make it publicly acceptable and enhance what is already there.

Members noted that the applicant and objectors had agreed to some additional conditions as can be seen from the applicant's letter of the 18 July. They also noted that further conversations have been had today and some further agreement had been reached regarding the outstanding 4 issues. Members noted however that it was still their decision whether or not to grant the application and if so, what conditions were appropriate and proportionate.

Members noted from Mr Warne's submissions that he made reference to "Integrating Strategies" within the Council's Statement of Licensing Policy and went on to contend that a small restaurant was cited as an example at paragraph 16.10 of an establishment that might not add to problems of cumulative impact.

Members noted the questions and answers in relation to glass containers being taken off site and Mr Warne for the applicant, invited members to support the notion of customers being able to take a half a bottle of wine off site and encouraged members to be develop a condition.

Mr Perkins on behalf of TARA indicated that they were broadly supportive of bringing the colonnades into use and thought this was borne out by negotiations which have taken place but objected on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety objectives. To understand the cumulative impact he said you just need to look at Grand Parade and Orange Grove due to premises in the vicinity and traffic links. Members noted that he cited disturbance, violence and jumping in the river as issues in the area. TARA have looked at what is going to mitigate, in line with conditions imposed on competitors and upmarket restaurants elsewhere. He cited specific issues regarding vertical drinking but confirmed that objectors were not pursuing a condition in this regard in the hope that their concerns would be minuted and that there will be robust clauses in leases.

Members noted what Mr Perkins said about this being a sensitive noise area due to architecture and how noise travels within building structures and his assertion that most premises in Bath have a condition that they will not disturb the most noise sensitive premises.

Anne Robins gave views on behalf of the Empire Owners who do not object in principle. She referred to struggles to get to sleep, being awoken by shouting and screaming. Mrs Robins cited the cumulative impact taking into account people frequenting these restaurants and said that noise has grown significantly over the years. She said that the residents' greatest fear is that the applicant will not find the

upmarket tenant they are looking for but they have agreed not to pursue a vertical drinking condition.

Members noted that in summing up the objectors reiterated the points made previously and emphasised their request in respect of a noise condition.

In summing up Mr Warne referred to the nature of the proposed premises. He noted the Statutory Guidance in relation to the general principles of licence conditions and the appropriateness of conditions.

In relation to noise nuisance he contended there were a number of enforcement measures outside of licensing and suggested the condition proposed by the objectors is not enforceable and amorphous. He said that the application was made to balance concerns of residents and attract top operators. Mr Warne informed members that the applicant is looking at 20 year leases and so user clauses should have a 20 year life span which is a robust protection albeit not a licensing protection. Addressing cumulative impact, he said that different premises have different effects but contended there will be no additional effect in any event here.

Members noted that no representations were received from Responsible Authorities.

Members had regard to the Cumulative Impact Policy and did feel that there was likely to be an impact but considered the premises were unlikely to add significantly to the Cumulative Impact and that conditions would be effective. Further members considered the premises were unlikely to have a detrimental effect on the licensing objectives.

The licence shall be granted as applied for with conditions consistent with the operating schedule save for the following additions and amendments:

- (1) In relation to outside areas as marked on the licensing plan cessation of licensable activities at 23:00 hours with outside areas to be clear at 23:30 hours.
- (2) On Sundays all licensable activities to cease at 23:00 hours with areas to be clear at 23:30 hours save for Sundays immediately prior to Bank Holiday Mondays when the originally requested licensing hours will apply.
- (3) Customers will not be permitted to leave the premises (premises to include the outside area as marked on the licensing plan for licensable activities) with glass containers save for sealed or re-sealed containers only.
- (4) All doors and windows to be closed (except for access and egress) after 23:00 hours when regulated entertainment takes place.
- (5) A dispersal policy will be drawn up and implemented to ensure that customers leaving the premises (in particular at the close of the premises for licensable activities) do so without causing disturbance to local residents.
- (6) The premises manager will ensure that staff clear litter from around the entrance/exits at the close of business.

Members noted concerns in relation to noise but did not feel any conditions were put forward which were sufficiently precise and/or enforceable and they were mindful of the Statutory Guidance in this regard. Members however welcomed the offer that this could potentially be addressed in other ways.

Authority was delegated to the Senior Public Protection Officer to issue the licence.

#### **48 APPLICATION FOR A PREMISES LICENCE FOR THE COLONNADES, EMPIRE UNDERCROFT, BATH BA2 4DF**

Applicant: Bath and North East Somerset Council, represented by Piers Warne (TLT Solicitors), Marie Percival (Senior Development Survey, B&NES), Kevin Conibear (Fleurets)

Other Persons: Ian Perkins (The Abbey Residents Association), Ann Robins (The Empire Owners' Association)

The Chair said that as there was great deal in common between this and the previous application, she would be grateful if the parties focussed on what was specific to this application.

Mr Warne stated the case for the applicant. He said that it was expected that this restaurant would have 150-180 covers. There was a prospective lessee who had expressed great interest and was happy with the conditions proposed.

Mr Perkins stated his case. He urged the imposition of a noise condition. He said that the noise condition proposed by the Other Persons was common on premises licences in Bath, so had at one time been thought enforceable.

Ms Robins supported the imposition of a noise condition. A nearby licensed premises had such a condition on its licence.

The parties were invited to sum up.

Mr Perkins said that he would be concerned if there was no effective means of controlling noise from the premises. The Senior Public Protection Officer said that the obstacle to such a condition is noise attribution. Environmental Health, however, would be able to intervene, if it could be shown that the premises was a source of noise at nuisance levels. Mr Perkins responded that his view the Environmental Protection Act had proved very ineffective for dealing with noise. The Sub-Committee had the power to impose a more effective form of noise control and he urged them to use it.

Mr Warne said that he was unable to agree that procedures under the Environmental Protection Act were ineffective. In conclusion he submitted that it would be appropriate for the Sub-Committee to impose all the conditions that it had imposed on the previous application.

Following an adjournment the application was granted with conditions, as set out in the decision below.

#### Decision and reasons



Members have determined an application for a new premises licence at Empire Undercroft, Grand Parade, Bath, BA2 4AN. In doing so they took account of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and that they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information before them. In this case, however, Members noted that the premises are situated in the Cumulative Impact Area and accordingly as the council has a Cumulative Impact Policy a rebuttable presumption is raised that such applications should be refused unless the applicant demonstrates that the application if granted will not undermine the licensing objective and add to the Cumulative Impact being experienced.

In reaching a decision Members took account of all relevant oral and written representations, including additional information and balanced the competing interests of the applicant and interested parties.

The application was for:

- iv. The sale of alcohol on and off the premises between 09:00 hours and 00:00 hours daily with exception of the morning following New Year's Eve when an extension until 02:00 hours was sought.
- v. Indoor regulated entertainment to allow for both live and recorded music between 11.00 hours and 00:00 hours daily with the exception of the morning following New Year's Eve when an extension until 02:00 hours was sought.
- vi. Late night refreshment to be taken both indoors and outdoors between 23:00 hours and 00:30 hours daily with the exception of the morning following New Year's Eve when an extension until 02.30 hours was sought.

It was also suggested as part of the application that amongst other things, CCTV cameras would be installed and maintained in consultation with the Police Crime Prevention Office, off sales would be in sealed containers only; the premises would be a member of Pubwatch or related scheme and would operate a challenge 21 policy.

On behalf of the Applicant Mr Warne of TLT solicitors addressed the Licensing Sub-Committee. Members noted that Mr Warne relied upon all of the same submissions, Statutory Guidance, Policy and points raised in respect of the previous application for the New Market Undercroft. He informed the Licensing Sub-Committee that there is a very interesting bidder involved and that covers for this restaurant are likely to be 150 to 180 maximum.

Mr Perkins reiterated his desire for a condition to address noise. Mrs Robbins noted that these premises will be closer to the Empire and a proposed noise condition would be even more appropriate in these circumstances and wanted to ensure that it was minuted that this should be reflected in the lease.

In summing up Mr Perkins said that he was concerned that there should be protection for noise nuisance. He contended that the Licensing Authority needs to hold some powers in its hand when other legislation fails to do what it should. Mr

Perkins acknowledged that the Licensing Act does not permit Licensing Authorities to impose conditions where such matters are covered by other law.

Members noted that in summing up Mr Warne informed the LSC that the proposed lease does include clauses in respect of noise abatement. He does not necessarily accept that noise abatement notices are ineffective. He contends for the imposition of the same additional/amended conditions as per previous application.

Members noted that no representations were received from Responsible Authorities. Members had regard to the Cumulative Impact policy and did feel that there was likely to be an impact but considered the premises were unlikely to add significantly to the Cumulative Impact and that conditions would be effective. Further members considered the premises were unlikely to have a detrimental effect on the licensing objectives.

The licence shall be granted as applied for with conditions consistent with the operating schedule save for the following additions and amendments:

- (1) In relation to outside areas as marked on the licensing plan cessation of licensable activities at 23:00 hours with outside areas to be clear at 23:30 hours.
- (2) On Sundays all licensable activities to cease at 23:00 hours with areas to be clear at 23:30 hours save for Sundays immediately prior to Bank Holiday Mondays when the originally requested licensing hours will apply.
- (3) Customers will not be permitted to leave the premises (premises to include the outside area as marked on the licensing plan for licensable activities) with glass containers save for sealed or re-sealed containers only.
- (4) All doors and windows to be closed (except for access and egress) after 23:00 hours when regulated entertainment takes place.
- (5) A dispersal policy will be drawn up and implemented to ensure that customers leaving the premises (in particular at the close of the premises for licensable activities) do so without causing disturbance to local residents.
- (6) The premises manager will ensure that staff clear litter from around the entrance/exits at the close of business.

Members noted concerns in relation to noise but did not feel any conditions were put forward which were sufficiently precise and/or enforceable, and they were mindful of the Statutory Guidance in this regard. Members however welcomed the offer that this could potentially be addressed in other ways.

Authority was delegated to the Senior Public Protection Officer to issue the licence.

The meeting ended at 5.27 pm

Chair(person) .....



Date Confirmed and Signed .....

**Prepared by Democratic Services**

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## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Tuesday, 5th August, 2014, 10.00 am

**Councillors:** Manda Rigby (Chair), Roger Symonds and Anthony Clarke

**Officers in attendance:** Alan Bartlett (Principal Public Protection Officer), John Dowding (Senior Public Protection Officer), Andrew Tapper (Public Protection Officer), Kirsty Morgan (Public Protection Officer) and Shaine Lewis (Principal Solicitor)

#### **49 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

#### **50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **51 DECLARATIONS OF INTEREST**

There were none.

#### **52 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **53 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVER APPLICATION**

Members noted the procedure to be followed for the next two items of business.

#### **54 EXCLUSION OF THE PUBLIC**

**RESOLVED** that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

#### **55 CONSIDERATION OF MEDICAL CONDITION - BTG**

The Sub-Committee considered the report, which sought consideration of Mr BTG's medical condition.

Mr BTG was present. He confirmed that he understood the procedure for the hearing.

The Senior Public Protection Officer presented the report and then circulated a hospital report on Mr BT G and a statement of support from his GP. Members took time to study these.

Mr BTG put his case and was questioned. He also made a closing statement.

Following an adjournment it was

**RESOLVED** that Mr BT G's combined Hackney Carriage/Private Hire Driver's licence be revoked.

The Chair reminded Mr BTG that his licence had been due for renewal in February 2015, and noted that he was scheduled to have a further medical examination in December this year. She advised him that if the medical examination showed that his eyesight had improved sufficiently, he could make a licence application then and did not have to wait until February 2015.

### Decision and reasons

Members have had to determine whether to take any action against a licensee having disclosed a medical condition during the duration of his licence. In doing so they have taken account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, Council's Policy, case law and the DVLA current medical guidelines for professional drivers.

Members listened carefully to the representations from the licensee who said he was fine to drive a private vehicle and his insurance is happy to insure him at no extra cost for driving his taxi. He stated the TIA was a minor incident, his physical fitness was fine and the vision in his right eye was improving. He considered the DVLA guidance could be disregarded because a lot of taxi driver's time is spent waiting to pick up fares rather than driving like bus or lorry drivers.

Members noted a letter from his GP raised issues of personal circumstances. Members were, however, careful to disregard personal circumstance as these must only be taken into account in exceptional circumstances but in any event must not override the protection of the public. In reaching a determination therefore Members had regard to relevant representations and disregarded irrelevant representations. Accordingly, Members noted the licensee informed the office on 30 May 2014 that he had suffered a TIA or "mini stroke." The effect of this was a loss of vision in his right eye with a diagnosis of right central retinal occlusion and bilateral open angle glaucoma. Members therefore had regard to the DVLA's guidance which stated a "licence should be revoked for 1 year following a stroke (TIA) and that an application for a licence should be reconsidered at the expiry of this period provided there was no residual impairment affecting safe driving. Members also had regard to an ophthalmic consultant's report which stated the licensee did not meet the criteria required by the DVLA.

Members found the matter fell within the DVLA's guidance and considered the licensee presented a serious risk to the fare paying public and other road users should he continue to be licensed due to his eyesight issues. Accordingly, and whilst there is discretion whether to follow the DVLA guidance, Members had heard nothing

to persuade them not to follow the guidance and therefore revoke the licence with immediate effect.

**56 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - W H**

The Sub-Committee considered the report, which sought determination of Mr WH's application for the grant of a combined Hackney Carriage/Private Hire Driver's licence.

Mr WH was present. He confirmed that he understood the procedure for the hearing.

The Senior Public Protection Officer presented the report and stated that as part of the application process a Disclosure and Barring Service check had been undertaken, which had revealed previous convictions and a caution. He circulated the Disclosure and Barring Service check and references for Mr WH and his personal statement. The applicant and Senior Public Protection Officer withdrew from the meeting while Members took time to consider these documents.

Mr WH put his case and was questioned. He also made a closing statement.

Following an adjournment it was

**RESOLVED** that Mr WH be granted a combined Hackney Carriage/Private Hire Driver's licence.

Decision and reasons

Members have had to determine an application for a combined licence to drive hackney carriages and private hire vehicles. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the applicant's representations, reference, statement and balanced these against the information provided by the Disclosure and Barring Service.

Members noted the applicant had accepted he had made mistakes and noted that the offences had been committed against the background of a personal tragedy. Having found the applicant had put those incidents behind him, moved on in his life and had the responsibility of a young family Members considered him a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's licence.

**57 RETURN TO OPEN SESSION**

The Sub-Committee returned to open session.

**58 LICENSING PROCEDURE - APPLICATIONS FOR MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

The Sub-Committee noted the procedure to be followed for the next item of business.

**59 APPLICATION FOR A STREET TRADING CONSENT - PROPOSED EVENING HOT FOOD VENDOR, FIRST AVENUE, WESTFIELD TRADING ESTATE, RADSTOCK (MAHMUT YURT).**

Applicant: Mahmut Yurt

Other Persons: Cllr Eddie Newman (Westfield Parish Council)

Responsible Authority: Avon and Somerset Police, represented by Sergeant Geoff Cannon.

The parties confirmed that they understood the licensing procedure.

The Public Protection Officer presented the report.

The Applicant stated his case. He said that he ran a similar business elsewhere in partnership with his brother. A Member noted that the pitch on which he intended to operate was on an industrial estate where most of the units closed between 5 and 6pm and that there were no residences nearby. Where would his customers come from? Mr Yurt replied people would come to his van once it was known that he was trading there. He had previously run a successful business in similar circumstances.

Cllr Newman stated his case. He said that he knew the area very well. He believed that young people in fast cars would be drawn to the site as soon as it was known that a burger van was trading there. He foresaw problems of disorder, and in his view the police were already dreadfully overstretched.

Sergeant Cannon stated the case for the Police. He submitted that as there would be no people working or residing in the immediate vicinity during most of the time the Applicant would be trading, the clientele would be people from outside the area attracted by the presence of a van serving food. He suspected many of them would be young people in cars, who would sometimes drive recklessly. There was no CCTV cover in the vicinity. There were problems of anti-social behaviour and disorder nearby and he believed these would migrate to the vicinity of the van. He did not see the need for another hot food outlet, as there was already a chip shop and fast venues not far away.

The parties made their closing statements.

Cllr Newman said the van would be an attraction for young people. He did not believe that there were enough police to cover both ends of the town at the same time.

Sergeant Cannon said that the Police had worked very hard for a long time to reduce crime and disorder on the industrial estate. He believed that it was likely to increase again if the van started trading there.

The Applicant thanked the Sub-Committee for allowing him to state his case.

After an adjournment it was **RESOLVED** to refuse the application.

### Decision and reasons

Members have had to determine an application for a Street Trading Consent at First Avenue Radstock. The application proposes an increase in the number of hours for the operation of the pitch between 4pm and 11pm daily. In determining the application members have taken into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

The applicant stated he would like to work in this area as he works elsewhere in the area with his brother. He was aware that the site would be closed but he had found with his previous business that over a period of time people start to come but that he would need to be patient.

Members heard from the objectors who feared the application if granted would cause a security risk to business and lead to anti-social behaviour and vehicle crime on the estate. These problems would then spread to other areas of the town as more and more customers would be attracted to the area later at night.

In reaching a determination Members were careful to take account of relevant matters, disregard irrelevant matters and balance the competing interests of the application and objectors. In all the circumstances, and whilst having had regard to the Council's policy on Street Trading, Members departed from their policy and refused the application. Members considered that if the application was granted and the pitch operated in the evenings it was likely to cause nuisance and attract vehicle crime and anti-social behaviour back to an area that had been vulnerable in the past but that the police and locals had worked to reduce so successfully.

### **60 LICENSING PROCEDURE - PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES LICENCE OR FOR A VARIATION OF A PREMISES LICENCE**

Members noted the procedure to be followed for the next item of business.

### **61 APPLICATION FOR A PREMISES LICENCE FOR SUBWAY, 31 SOUTHGATE STREET, BATH BA1 1TP**

Applicant: Stores Extra LLP, represented by Michael Parrott (Greg Latchams LLP) and Stuart House (Subway Franchisee and Development Administrator)

Other Parties: Daniel Byrd and Amber Dawkins

The Chair explained the procedure to be followed for this item.

The Public Protection Officer presented the report and invited the Sub-Committee to determine the application.

The Chair advised the Applicant's representatives that the Sub-Committee would expect them to address the issue of cumulative impact.

Mr Parrott stated the case for the Applicant. He said that the application was for late-night refreshment only between the hours of 23.00 and 03.00 the following morning seven days a week. The premises would be able legally to provide cold food and

drink during those hours without a licence; this was done at some Subway outlets, for example in Bristol. Although the application was to provide late-night refreshment seven days a week, in practice it would only be provided in a more limited way. Since the premises were located near the bus station, it was anticipated that much of the late-night trade would come from people heading towards the bus station to catch late-night buses. The provision of late-night refreshment would therefore probably be limited to weekends in University term time. He drew attention to the absence of representations from the Responsible Authorities and the fact that the nearby McDonald's had a 24-hour licence. He said that Subway was an international brand with 760 stores in the UK. Subway had plenty of experience of operating premises in sensitive locations, such as Queen's Road in the Bristol cumulative impact area. At the Southgate shop rubbish was stored at the back and was collected at least five times a week. He apologised that there had been noise from the building work recently completed at the premises. He said that the intention was to close the door leading to the upper floors at 21.00 hours and that the first and second floors of the premises were not part of this application. Their closure in the evening should reduce the transmission of noise. Experience in Bristol suggested that there would be about 20-30 sales per hour if hot food was served late, which would be reduced to 10-15 if only cold food was served. This, he submitted, was a very small addition to cumulative impact. Since McDonald's had a 24-hour licence, there was already a certain amount of late-night activity in the vicinity. He said that Subway always endeavoured to be a good neighbour.

Mr House said that he hope the shop would be a good neighbour. The first and second floors would not be open after 21.00 and rubbish would be collected between 04.00 and 06.00. Waste consisted mainly of cardboard and packaging; there was very little food waste. There was no staff or customer parking at the rear of the premises.

A Member referred to problems with waste at McDonald's. Mr House said that his premises were much smaller than McDonald's and that his waste was collected five times a week. He would be happy to work with local residents to minimise nuisance. In reply to further questions from Members he stated:

- bread was baked in the morning, with a second bake at 14.00; only a microwave would be used during the hours of late-night refreshment, which should minimise nuisance from smell
- the Subway store in Westgate Street sold hot food late at night
- he did not think there was a risk of people congregating outside the store late at night; he thought that most people would stop off to buy food and then move on to the bus station

Mr Byrd put questions to the representatives of the Applicant:

Q: why stay open late at night if there would only be a few customers?

A: he estimated he could make £300-400 during late-night trading; rent, rates and other costs had to be paid anyway

Q: people cannot take hot food on buses or in taxis



A: there is seating in the premises

Mr Byrd stated his case. He said that he and his partner lived behind the premises. It was a quiet residential neighbourhood. There was a Chinese restaurant nearby, other flats and a large student hostel. He said that if the premises traded between 07.00 and 03.00 every day, if preparation and clearing up were taken to account, it would mean that there would be activity at the premises 24 hours a day. There would be doors slamming and rubbish being moved and noise from customers. The building work had been extremely noisy. There had been building work at night. In any case he found it impossible to go to bed before 23.00 because of ambient noise in the vicinity. It was reasonable to expect that there would be quiet by midnight. He had found Subway waste bins outside his home. An independent business might care about its impact on the neighbourhood, but Subway was a large corporation with a high turnover of staff. For every member of staff who considered residents, there were many who did not. Many drunken people patronised McDonald's, which had security staff on the door at night. He was concerned about the safety of people crossing the road near the premises, because cars often came around the corner at excessive speed and drivers not infrequently ignored the traffic lights. He was concerned about the impact of late-night activity on the value of his house.

Ms Dawkins said that she felt that residents had not been consulted about this application. The building work had been very noisy. Subway vehicles parked in front of her garage. The vehicles either had the Subway logo on them or had a piece of paper under the windscreen wipers advising people to contact the store if there were problems with where they were parked. The builders had parked in spaces for which residents paid. In her flat two of the three bedrooms faced out onto the road and did not have double glazing, so people talking in the street were clearly audible. The Chair asked the Other Persons what specific problems they feared arising from the sale of hot food in the early hours. Mr Byrd said that he thought there would be additional problems, because hot food would be what would attract extra custom. Young people, in varying states of sobriety, would be particularly attracted, and they would be at risk from speeding drivers. He also feared there would be more noise. Ms Dawkins said that hot food would attract people who had been drinking and would be more likely to be noisy. Mr Byrd said that noise from customers was not the only problem; there was a great deal of operational noise from the extractor fan, doors being open and closed, cars and bins being moved. He said there was a lot of noise emanating from the back yard. He was unable to go to bed before the noise had ceased.

A Member asked about contact with the management of the premises. Ms Dawkins said that she had been invited to a meeting with them, but had been unable to attend because of work commitments. She had not understood the purpose of the meeting. Mr Byrd said that he was not interested in attending the meeting. He had previously spoken to Subway's regional manager and had made a number of complaints to the premises, without effect. He had not wished to attend the meeting and have to pretend that he was happy with the operation of the premises. Ms Dawkins said that there never seemed to be anyone to speak to at the premises when there were problems. Mr Byrd agreed and said that no one at the premises seemed interested when complaints were made.

Mr Parrott asked whether the provision to residents of a number on which to contact the premises when there were problems would be useful. Mr Byrd thought it would not; there would be no point in speaking to a junior member of staff.

The Principal Solicitor advised that a number of issues raised by the Other Persons in their submissions, such as traffic, did not relate to the licensing objectives, and should be disregarded. Anti-social behaviour, which had not been raised previously by those making oral representations, should also be disregarded. He advised the Sub-Committee to focus on the issue of public nuisance.

The parties were invited to sum up.

Mr Byrd said that because of the disturbance in the vicinity he felt like leaving Bath altogether. Ms Dawkins said that she feared an increase in noise if hot food was served.

Mr House said that staff were recruited locally. He explained that the reason why the premises were not opening late at night at the moment, was that he had not wanted the premises to acquire the reputation of not serving hot food after 23.00. However, if the licence were refused, he would begin opening late to sell cold food.

Mr Parrott underlined that there had been no representations from the Responsible Authorities. He submitted that the addition to cumulative impact of granting the licence would very small. He said that if the Sub-Committee imposed a condition requiring door staff, the premises would of course comply with it.

Following an adjournment it was **RESOLVED** to refuse the application.

### Decision and reasons

Members have today determined an application for a new premises licence at 31 Southgate Street, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of information and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. In this case, however, Members noted the premises are situated in the Cumulative Impact Area and as the Council has a Cumulative Impact Policy a rebuttable presumption is raised that applications for new premises licences should be refused unless the applicant demonstrates that the application if granted will not undermine the licensing objectives and add to the Cumulative Impact experienced.

Members were careful to take account of all relevant representations and were careful to balance the competing interests of the applicant and objectors. Members were however careful to disregard irrelevant matters which included property values, noise from building works, parking issues and people crossing the highway near the bus station. Moreover, the additional objections raised this morning on grounds of crime and disorder and public safety were disregarded although written representations received raising these grounds were taken into account.

The applicant stated the provision of late night refreshment from 23:00-03:00 daily was to give flexibility although it was pointed out that the store could still provide cold food late into the night if it chose to do so. The applicant said it was likely that the late hours would only be used on Friday and Saturday in term-time and would focus on those heading towards and at the bus station. With regard to rubbish the applicant said rubbish was very limited with their operation and that plans were in place to keep bins indoors at the rear of the store rather than outside and that a pest control firm had been employed to deal with any pest issues. So far as noise was concerned when the store opened late it was suggested that closing the door to the first floor at 9pm would reduce noise by preventing access to the first and second floor by staff and customers. Regarding cumulative impact it was stated that as an international brand Subway are experienced in operating at sensitive locations. It was said that in any event there will be a degree of customer flow given the store's location and proximity to the bus station and as Subway could trade in cold food until 3am disturbance would be minimal as the addition of hot food would only give rise to an additional 20-30 people per hour. It was stated that Subway wanted to be good neighbours and is willing to work to ensure that they do not adversely impact on its neighbours in terms of noise and waste and if it was deemed appropriate providing security at the premises would not be a problem.

The Interested parties appearing objected under the prevention of public nuisance objective. They stated they live in a quiet residential area and feared the premises would cause late night disturbance. It was stated the licence if granted would cause nuisance from the extraction equipment and from noisy customers attracted to the premises on their way home from a night out. They stated they would also be affected by the additional litter and rubbish that would increase in the area. It was however stated that whilst they are presently disturbed by the general operational noise of the premises this no more than an annoyance.

Members had regard to the Cumulative Impact policy and considered the premises were likely to have a significant detrimental effect on the licensing objectives of public nuisance and crime and disorder. This was because the application if granted would attract 20 - 30 people per hour to the premises up until 3am. Members considered that these would predominantly be night revellers stopped on their way home who may be drunk and highly likely to cause public nuisance in and around the premises which are situated in an highly residential area. Whilst Members considered the conditions offered by the applicant during the meeting they did not believe these or any others would be effective in the promotion of the public nuisance and crime and disorder licensing objectives. It was therefore resolved to refuse the application.

The meeting ended at 1.46 pm

Chair(person) .....

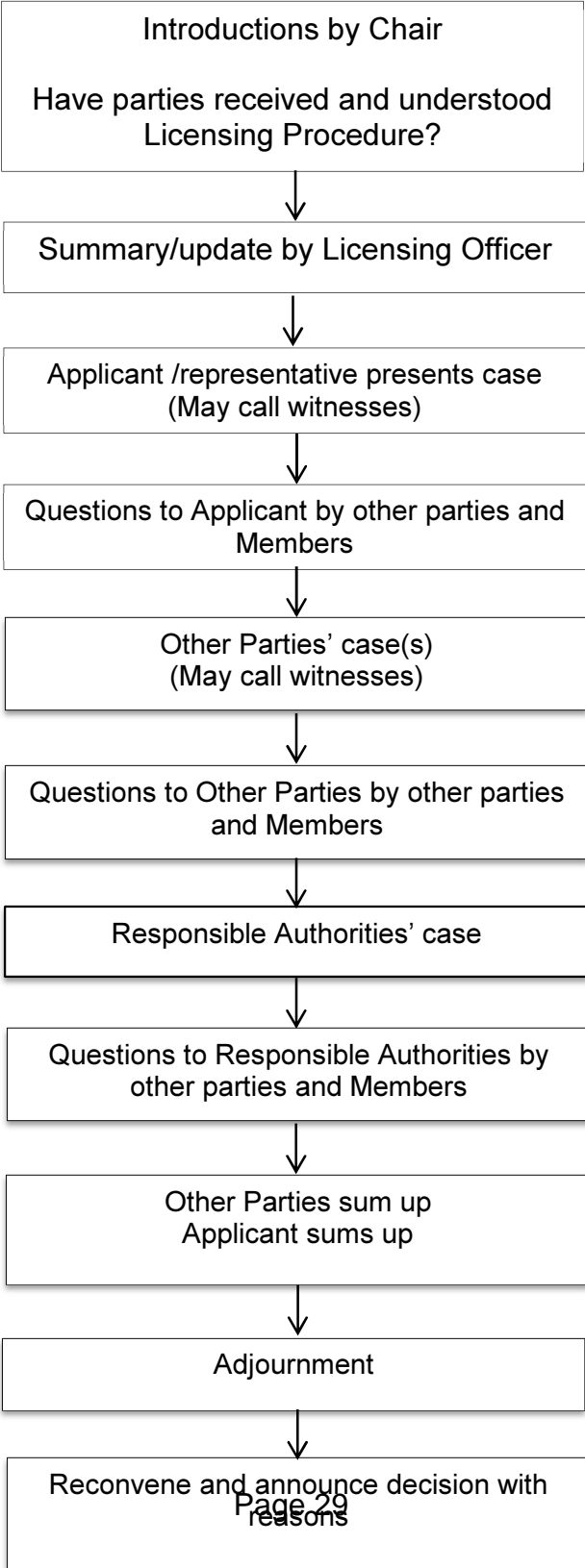
Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**LICENSING SUB-COMMITTEE  
LICENSING ACT 2003  
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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**LICENSING SUB-COMMITTEE  
LICENSING ACT 2003  
PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES  
LICENCE OR FOR A VARIATION OF A PREMISES LICENCE**

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

*The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.*

1. The Chair will introduce Members of the Sub-Committee, the Officers present and explain the procedure to be followed.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.  
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.  
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.*

*Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.*

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits or advise that the decision will be

released in writing with reasons within the statutory time limit, in this instance, 5 working days.

**PLEASE NOTE:**

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.



<b>Bath &amp; North East Somerset Council</b>		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	<b>Tuesday 19 August 2014</b>	
TITLE:	Application for a Premises Licence for <b>Bath Carnival</b> , Sydney Gardens, Sydney Place, Bathwick, BA2 6NF	
WARD:	Bathwick	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Annex A Application for a new premises licence		
Annex B Site plan		
Annex C Representations received from residents and councillor		
Annex D Representation received from Environmental Protection		
Annex E Applicant's response to Environmental Protection		
Annex F Application received from the Licensing Authority		

**1 THE ISSUE**

1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of Bath Carnival, Sydney Gardens, Sydney Place, Bathwick, BA2 6NF

**2 RECOMMENDATION**

2.1 That the Sub Committee determines this application.

**3 RESOURCE IMPLICATIONS**

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £100.

**4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.

4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

## 5 THE REPORT

5.1 An application has been received for a new Premises Licence (Annex A).

5.2 The application proposes the following licensable activities on a Saturday and Sunday on **no more than 2 days per year**.

1) The **Sale of Alcohol** for consumption **on premises only** between the following hours:

Saturday 09:00 - 00:00

Sunday 09:00 - 00:00

2) The provision of **Regulated Entertainment** by way of the Performance of Dance, Live and Recorded Music outdoors only:

Saturday 09:00 - 00:00

Sunday 09:00 - 00:00

3) Opening Hours

The premise is an open public space

5.3 A site plan is attached at Annex B.

5.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

a) The Prevention of Crime and Disorder

b) Public Safety

c) The Prevention of Public Nuisance

d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

5.5 The Licensing Authority may grant the application with or without additional conditions.

- 5.6 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 15, 17, 18, 20, 23, 24, 28, 33 - 38, 41 to 44 of the 2011 policy.
  - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance (as revised in June 2014).
  - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.9 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 Representations have been received from **Cllr Martin** and **local residents**, expressing concern that the applicant's proposals will undermine the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives (Annex C).
- 5.12 A representation has been received from **Environmental Health Officer** Katherine Jones expressing concern that the applicant's proposals are likely to undermine the prevention of public nuisance licensing objective (Annex D). The representation proposes that the following conditions are appropriate to promote that objective:

- Hours for the all licensable activities applied for to have an effect on no more than one day per calendar year on the following days and times:

Saturday 10.00hrs to 22.00hrs

or

Sunday 10.00hrs to 22.00hrs

- Within 28 days prior to an event, a detailed noise management plan shall be submitted to and agreed by the Environmental Protection Team at Bath and North East Somerset Council and shall be implemented as approved thereafter.
- The maximum noise levels expressed as a LAeq should not exceed 65dBA over a 15 minute period within 1 metre from the façade of any noise sensitive receptor(s).

5.13 The applicant has agreed in writing to the conditions proposed by the Environmental Health Officer (Annex E).

5.14 A Representation has been received from **Principal Licensing Officer** Alan Bartlett concerned that the applicant's proposal to host an event for up to 3,000 people will seriously undermine all the licensing objectives due to:

- an inadequate and disproportionate number of SIA staff (4) and stewards (minimum 5) ;
- the impact the aforementioned is likely to have on the applicant's ability to comply with other measures offered in the operating schedule; and
- the application being silent in respect of written notification of the event being given to the Responsible Authorities each year.

The representation proposes that there should be a minimum of 15 stewards on duty at all times, that 3 months' notice of the event should be given in writing each year to the relevant Responsible Authorities, and that the Licensing Sub Committee determines the number of S.I.A. registered staff appropriate for an event hosting up to 3,000 people.

5.1 This report has not been sent to the Trades Union because they would have no involvement.

## 6. RATIONALE

6.1 As representations have been received the Sub Committee must determine the application in accordance with the Licensing Act 2003.

## 7 OTHER OPTIONS CONSIDERED

7.1 None.

## 8 CONSULTATION

- 8.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

## 9 RISK MANAGEMENT

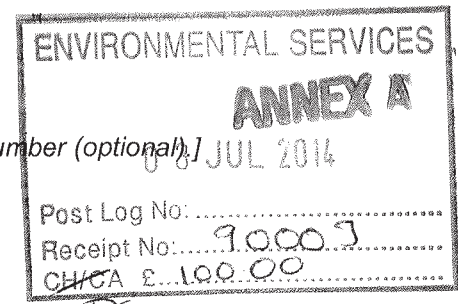
- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## 10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Divisional Director-Legal & Democratic Services), section 151 Officer (Divisional Director-Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Terrill Wolyn, Senior Licensing Officer 01225 396939
<b>Background papers</b>	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy





[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for a premises licence to be granted 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/We Bath Carnival

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Bath Carnival, Sydney Gardens, Sydney Road, BA2 6NT</b>			
<b>Post town</b>	Bath	<b>Postcode</b>	<b>BA2 6NT</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)



- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					



**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Bath Carnival
Address 101 Ringswell Gardens, Bath, BA1 6BW
Registered number (where applicable) N/A
Description of applicant (for example, partnership, company, unincorporated association etc.) A recognised club / Community group
Telephone number (if any) 07914 408242
E-mail address (optional) Robbie@bathcarnival.co.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			
1	4	0	8	2	0	1	4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			
±	±	±	±	±	±	±	±

Please give a general description of the premises (please read guidance note 1)

A park situated behind the Holburne Museum. The main event will be in the central area of the park. The kids area will be on the lawn next to the tennis courts (see plan).

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment  | Please tick any that apply          |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

## B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

## E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3) A small outdoor stage with live bands performing, additional areas for music to accompany dance workshop and demonstration.		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
	09:00	00:00			
Sun					
	09:00	00:00			

## F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3) Music for dancers to practice to. Kids area background music and dance areas.	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	09:00	00:00			
Sun	09:00	00:00			



## G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) Dance workshops		
Mon					
Tue					
			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
	09:00	00:00			
Sun					
	09:00	00:00			

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
	09:00	00:00			
Sun					
	09:00	00:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name: Harry Graham Cochrane	
Address 24 Prospect, Corsham, Wilts	
Postcode	SN13 9AF
Personal licence number (if known) LN005878	
Issuing licensing authority (if known) Wiltshire Council	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) This is an open public space.
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat	00:00	00:00	
Sun			
<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)			

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

This licence will have effect on no more than two days per year.  
Throughout the event plans and risk assessments will be used to meet the licensing objectives.  
Bath Carnival will produce an event that has taken all the necessary action to protect the Health, Safety and Welfare of all those taking part. We shall prepare an Event Management Plan which will set out how the event will be managed and the procedures, roles and specific responsibilities of the management team, security and associated personnel.  
The finalised version of the plan will be submitted and approved by the licensing authority no later than 7 days prior to commencement of the event.  
A minimum of 5 stewards will be on duty at all times to manage the 4 entrance/exit points with 1 available to walk around the site.

**b) The prevention of crime and disorder**

All activities will be managed with a view to preventing crime and disorder by adopting the following policies. All issues arising outside the licensed area of the premises will be the responsibility of the local police force and measures will be taken to minimize impact through consultation with the local police authority.  
We will be working with a security company that has covered events in Bath and has experience of working with the local area. 4 trained SIA and a team of stewards will ensure the event is both safe and an enjoyable experience for the audience and the local residents. – In consultation with the police.  
Effective communication between stewards, SIA staff and event managers will be available at all times.

**c) Public safety**

A professional security firm with SIA security staff will secure the site.  
We will manage the number of people within the premise and restrict the capacity to a maximum of 3000 people at one time.  
These numbers will be available to the Licensing Authority or any other responsible representative upon request throughout the day.  
Access for emergency vehicles will be maintained around the premises at all times.  
A First Aid team will be on site at all times  
Drugs and alcohol policies will be in place. The public will not be allowed to bring alcohol on site.  
All drinks will be served in plastic or polycarbonate drinking vessels.  
Fire points and fire exits will be signed and marked out in the Event Management Plan.

**d) The prevention of public nuisance**

Any individual who engages in anti-social behaviour will be asked to leave the premises.  
We will follow a noise management plan for the event guided by the local authority.  
A dedicated team of litter pickers will manage the waste for the event with clearance and disposal of waste undertaken as soon as reasonable practicable.  
The time of the event will not be exceeded.

**e) The protection of children from harm**

A lost children's policy will be in place with SIA trained staff and stewards to manage it.  
 Trained and fully police checked staff will run the Welfare point/lost children area.  
 Access to this area will be strictly limited and parents must fill out and sign a form to 'claim' their lost child.  
 Robust enforcement of 'Challenge 25' policy.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	Robbie Verrecchia
Date	03/07/14
Capacity	Chair

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Robbie Verrecchia 101 Ringswell Gardens			
Post town	<b>Bath</b>	Postcode	<b>BA1 6BW</b>
Telephone number (if any)	07914 408242		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Robbie@bathcarnival.co.uk			

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Consent of individual to being specified as premises supervisor

I Harry Graham Cochrane  
[full name of prospective premises supervisor]

of 24 PROSPECT  
CORSHAM, WILTS  
SN13 9AF

-----  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises licence  
[type of application]

by

Robbie Verrecchia  
[name of applicant]

relating to a premises licence \_\_\_\_\_  
[number of existing licence, if any]

for Sydney Gardens  
Sydney Road  
Bath  
BA2 6NT

-----  
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Robbie Verrecchia  
*[name of applicant]*

concerning the supply of alcohol at

Sydney Gardens  
Sydney Road  
Bath  
BA2 6UT

*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

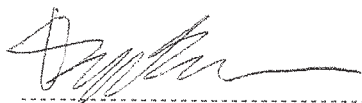
Personal licence number

LN005878  
*[insert personal licence number, if any]*

Personal licence issuing authority

Wiltshire Council  
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed



Name (please print)

Harry Cochrane

Date

1/07/14

<p><b>Bath and North East Somerset: District Online</b></p>	<p>Date: 21-7-2014 Scale: 1:2000</p>	<p>Bath &amp; North East Somerset Council</p>	
<p>Bath Carnival</p>	<p>Map Centre - easting / northing: 375798 / 165311</p>	<p>© Crown copyright and database right. All rights reserved (100023334) 2014</p>	





LICENSING ACT 2003  
INTERESTED PARTY REPRESENTATION

ENVIRONMENTAL SERVICES
21 JUL 2014
TIME: 0.....
DATE: 0.....
.....

**I object to the following application:**

Application number: 14/03513LAPRE  
 Applicant's name : Bath Carnival  
 Premises name and address: Sydney Gardens , Bath  
 Application for a : Premises License

**Objector details:**

Objector's name: Lizzie Millne  
 Objector's address: Flat 3  
 6 Sydney Place  
 Bath BA2 6NF

**Objection details:**

My representation is relevant to the following licensing objectives:

Prevention of crime and disorder )	
Prevention of public nuisance )	all of these objectives
Protection of children from harm )	are a relevant to this
Public safety )	application

My specific objections are as follows:-

This application is for a Premises Licence for a public park ie open space where no actual premises exist.  
 (Sydney Gardens is a Grade II Listed park in the centre of a densely populated area, surrounded on four sides by inhabited dwellings.)

There are currently already four licensed premises within any 50 metre direction of the park (The Crown and The Barley Mow in Bathwick Street, The Pulteney Arms in Sutton Street and the Macdonald Bath Spa Hotel in Sydney Road)

This application covers the proposed sale of alcohol from 9am to Midnight for two days each year in perpetuity in a public park covered by the Alcohol Exclusion Zone, in place by the Avon and Somerset Constabulary. Street drinking and resulting anti-social behaviour is a current PACT priority. The consumption of alcohol in Sydney Gardens is classed as street drinking.

The local residents in the environs of Sydney Gardens have been working very hard with the Police and B&NES Park Staff to stop the consumption of alcohol in the park and the resultant anti-social behaviour which affects all legitimate park users of all ages. This application if granted would undermine this work and send out mixed messages about the consumption of alcohol in an Alcohol Exclusion Zone especially to young impressionable children.

The license is also for the playing of live and recorded music in the park from 9am to midnight . This will cause great hardship and stress to local residents in the environs of Sydney Gardens .(Sydney Gardens is a Grade II Listed park in the centre of a densely populated area , surrounded on four sides by inhabited dwellings).

There is no adequate on street or off street parking in the area to allow for a huge influx of people . The A4/A36 running along the side of the park is currently congested more than usual due to the ongoing roadworks in Rossiter Road and is proving a problem with the flow of traffic. Pedestrians are already experiencing difficulties crossing the roads to the park , even on the appropriate pedestrian crossings ,due to this.

There is no facility for parking of vehicles within the park, without causing safety issues to all pedestrian park users of all ages due to the very limited space.

The organisers have indicated that they would have security staff at each of the entrances to this public park who could effectively prevent normal park users from access to this public asset. I believe they propose one person at each of the four entrances and one 'roving' with a limit of 3000 people at any one time. They have not taken into consideration access via the canal towpath or indeed over any of the boundary walls into the park. Therefore this appears untenable and unachievable. The impact of 3000 people in a small (ten acre?) site and the damage this can cause to the surroundings will have long lasting repercussions and these can only be keenly felt by local residents and regular park users.

This concludes my objections.

**I am aware that a full copy of my representation(including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.**

Signed: 

Date: 17 Jul 2014

Contact telephone number : 0771 327 8547

I will be attending any hearing on this matter in person





**LICENSING ACT 2003**

**INTERESTED PARTY REPRESENTATION**

**Please read the notes at the back of this form prior to completing it.**

**I/We object to the following application:**

Application number:	14/03513/LAPRE
Applicant's name:	Robbie Verrechia
Premises name and address:	Sydney Gardens Sydney Place Bathwick Bath BA2 6NF
Application for a:	Premises License

**Objector Details:**

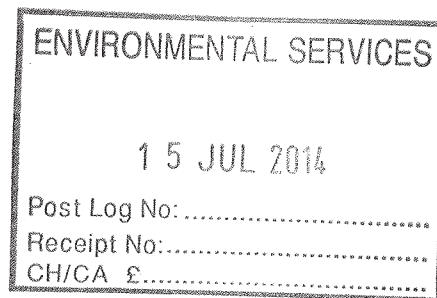
Objector's Name:	Richard Brown
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	49 Great Pulteney Street Bath BA2 4DP
Organisation name if applicable:	n/a

**Objection Details:**

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

- 
- 
- 
- 



Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

My objection to the license application reflects:

1) an expectation that the performance of live music and recorded music on Saturday and Sunday from 09.00 to 00.00 would create a material noise nuisance to me and other residents in close vicinity to the park.

- Sydney Gardens is a quiet and reflective local park. Events such as this have the potential to negatively change the character of the gardens.

- Sydney Gardens is not suited to a large carnival-style event. The performance of music over two full days would equate to a music 'festival' and cause a noise nuisance. Further, I assume that all music would be amplified; as such, the noise will be louder and carry much further.

2) an expectation that the sale of alcohol on Saturday and Sunday from 09.00 to 00.00 would lead to anti-social behaviour in a residential area.

- Sydney Gardens is a quiet and reflective local park. It is situated in a residential area away from the commercial city centre. The consumption of alcohol currently is minimal and typically limited to a small number of individuals. The availability of alcohol concurrent with a two-day music event from 09.00 to 00.00 is likely to lead to increased occurrences of anti-social behaviour.

- It is unclear what policing arrangements will be in place to police the event and contain anti-social behaviour and the impact on local residents.

- Local residents work hard with BANES/police to limit anti-social behaviour, particularly those that are alcohol-related. Any indication that significant alcohol consumption is acceptable in the gardens would undo much of this good work.

3) an expectation that large music performances and the sale of alcohol would be contrary to local bye-laws.

**I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.**

Signed

Richard brown

Date

15 July 2014

Contact telephone number(s)  
(This is essential as we may need to contact  
you at short notice)

07463780925

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name Richard Brown

I will be attending the hearing  I will not be attending the hearing

I will be represented at the hearing by \_\_\_\_\_

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

Licensing Services  
Public Protection  
Lewis House  
Manvers Street  
Bath BA1 1SN

43, Forester Road,  
Bathwick,  
Bath,  
14<sup>th</sup> July 2014

Ms. Wendy Stokes,  
BANES,  
Licensing Services,  
Lewis House,  
Manvers Street,  
Bath,  
BA1 1JG  
Email; [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)



Dear Ms. Wendy Stokes,

## **Objection to Bath Carnival Application 14/03513/LAPRE**

### **for Sydney Gardens**

I have recently seen the above application on a post outside the Sydney Gardens in not in a very prominent position. Surely for such an application representation should have been made in several places both outside and inside the Gardens. If approved it would have considerable impact on all the surrounding houses and prevent the normal activities of the Gardens taking place.

My detailed objection to the application is as follow;-

#### 1. THE APPLICATION ITSELF

- The application online in almost devoid of detail.
- There are no dates mentioned.
- Is it for one weekend or many weekends in the year?
- There is no indication of the size of the activities proposed.
- How large will the performing stand be?
- How large will the performing band be?
- How loud will the live music be?
- How loud will the recorded music be?
- Will there be a need for electrical generating equipment?
- What controls will be exercised for entry and exit?
- Will there be any charge made?
- Will the general uses of the gardens for pleasure by young and old be restricted?
- Why is it necessary to sell and serve alcohol?
- There are three Public houses in close vicinity of the gardens, which could provide such facilities, as they do the whole year round.
- Why does the event need to take so long?
- Carnivals in my experience are travelling affairs not permanent two day events.
- They should need only a collection point for the start and another for the finish.

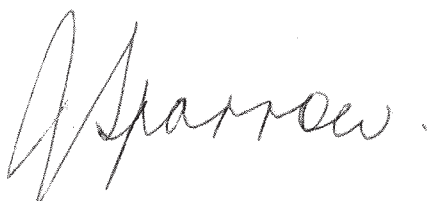
- This application seems inappropriate since it is for a new premises licence.
- I hardly feel that a pleasure park can be considered a new premise!
- There is no indication that local resident associations have been approached.
- There are at least three Resident Associations within the vicinity, who would be affected by this application if it were to proceed.
- Have the 'Friends of the Sydney Gardens' Group been formally approached?

## 2. THE INAPPROPRIATE USE OF SYDNEY GARDENS.

- The gardens are in the middle of a residential area.
- Residents will not want any noise produced to be from 9.00am to midnight on two consecutive weekend days.
- The drone of any generators will be unacceptable for the periods suggested.
- Great effort is being made by local residents at present to limit inappropriate behaviour.
- This type of event over two days will not help in this respect.
- The locals are also improving the gardens for its intended use and such a large event is likely to cause damage to the trees and grass areas.
- Weekends are the most popular times for young families and older folk to enjoy the quiet solitude of the gardens.
- The Bye laws relevant to the park do not permit music, which could be intrusive.
- The bye laws do not allow the sale of commodities and certainly do not expect alcohol to be on sale. Especially when there are several licensed premises with a very short walk.
- There is no indication of the size of any Marquees or similar structures.
- The bye laws do not permit overnight camping.
- Would any tenting arrangements be dismantled overnight?
- Vehicular access for setting up will be a hazard for young children and dogs.
- At weekends the Tennis Courts are well used, bowling takes place and children with their parents play ball games. They will not want these activities interrupted.
- Watching a carnival procession is one thing but a two day event in a residential area is something else and not suited to Sydney Gardens.
- What other locations have been looked at for greater suitability?
- I would suggest Kensington Meadows, The Bath Recreation Ground or Victoria Park as being a more suitable venue. Have these been explored?
- All the above sites already hold large events more suited to what is suggested in this application.

For all the above reasons I strongly recommend that the application is refused.

Yours sincerely,



Mr. Jack Sparrow



**LICENSING ACT 2003**

**INTERESTED PARTY REPRESENTATION**

**Please read the notes at the back of this form prior to completing it.**

**I/We object to the following application:**

Application number:	14/03513/LAPRE
Applicant's name:	Robbie Verrechia
Premises name and address:	Sydney Gardens Bath
Application for a:	Premises Licence

**Objector Details:**

Objector's Name:	Stephanie Brown
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	Great Pulteney Street Bath
Organisation name if applicable:	

**Objection Details:**

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

ENVIRONMENTAL SERVICES
17 JUL 2014
Post Log No: .....
Receipt No: .....
CH/CA £ .....

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

I am objecting against the premises licence application for the Bath Carnival to be held in Sydney Gardens on August 16th, as I do not believe the location is a suitable venue.

1. As alcohol is not currently permitted to be consumed in the gardens, I object to the sale of.
2. As this sort of event has previously been held in Royal Victoria Park, a much BIGGER venue, I fail to see why the promoter has sort to have a smaller venue.
3. I understand this will be a 2 day event. This is far too long for local residents to put up with noise late into the night. Further, Will there be any extra car parking provided for the expected attendees or?
4. With the Council reducing the number of toilets in Sydney Gardens and the man power to maintain the gardens as a whole with the crowds expected, will any extra toilets be provided?  
There is no mention of in the applications.
5. Sydney Gardens is primarily a local residents park, for QUIET enjoyment. It is Not a place for loud music, which is disruptive to elderly residents, the very young and local residents in general.

**I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing**



on this matter.

Signed

Stephanie Brown

Date

July 17th 2014

Contact telephone number(s)  
(This is essential as we may need to contact  
you at short notice)

There will be a hearing to determine this application. We will send you details of the  
time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the  
hearing. If you wish, you may complete this now. Alternatively, you can keep this page  
and return it to us once you have received details of the hearing.

Name Stephanie Brown

I will be attending the hearing  I will not be attending the hearing

I will be represented at the hearing by

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

Licensing Services  
Public Protection  
Lewis House  
Manvers Street  
Bath BA1 1SN

## LICENSING ACT 2003

Bath And North East  
Somerset Council

29 JUL 2014

Received

## INTERESTED PARTY REPRESENTATION

**Please read the notes at the back of this form prior to completing it.**

**I/We object to the following application:**

Application number:	14/03513/LAPRE
Applicant's name:	Robbie Verrechia
Premises name and address:	Sydney Gardens Sydney Place Bathwick Bath BA2 6NF
Application for a:	Premises Licence

**Objector Details:**

Objector's Name:	Jonathan East
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	46 Great Pulteney Street Bath BA2 4DR
Organisation name if applicable:	—

**Objection Details:**

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

I object to the licence on the following grounds:

- the sale of alcohol on Saturday and Sunday from 9am to Midnight will lead to anti-social behaviour in a residential area.
- Sydney Gardens is situated in a residential area away from the city centre. Consumption of alcohol is currently minimal, but the availability of alcohol concurrent with a two-day music event will lead to an increase in noise and anti-social behaviour.
- I also believe that the sale of alcohol in Sydney Gardens is contrary to local bye-laws.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed

*Jonathan EA*

Date

*27th July 2014*

Contact telephone number(s)  
(This is essential as we may need to contact you at short notice)

*07769 706909*

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name JONATHAN EAST

I will be attending the hearing  I will not be attending the hearing

I will be represented at the hearing by —

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

Licensing Services  
Public Protection  
Lewis House  
Manvers Street  
Bath BA1 1SN





**LICENSING ACT 2003**

**INTERESTED PARTY REPRESENTATION**

**Please read the notes at the back of this form prior to completing it.**

**I/We object to the following application:**

Application number:	14/03513/LAPRE
Applicant's name:	Bath Carnival
Premises name and address:	Sydney Gardens Sydney Place Bathwick Bath BA2 6NF
Application for a:	New Premises Licence

**Objector Details:**

Objector's Name:	Cllr David Martin (ward Councillor for Bathwick)
Objector's Address: <small>This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.</small>	6 Beech Avenue Claverton Down Bath BA2 7BA
Organisation name if applicable:	

**Objection Details:**

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

This application is for dance, live music, recorded music and sale of alcohol on Saturdays and Sundays with all timings from 09.00 to 00.00 to be carried out outdoors in the Sydney Gardens park in my ward. There is no indication from the information on the Council website that the applicants propose to restrict these activities to no more than two days per year. This point should be clarified. There is also no indication that the actual activities will occur at shorter periods between the hours of 09.00 to 00.00. It should be noted that the Designated Public Places Order is in place in Bath, and the availability of alcohol in this relatively open location might lead to additional problems of nuisance or annoyance from persons who have consumed or are about to consume alcohol in a public place.

Sydney Gardens park is surrounded by residential properties on all sides, with several Victorian properties being located within the original boundaries of the park. Other residences in Sydney Place and Sydney Road nearby comprise 5 storey (Grade I and II listed) buildings, and include four blocks of more modern flats and the Bath Spa hotel. The upper floors of these tall buildings are in direct line to the areas of Sydney Gardens where the activities are proposed. I am concerned that noise and disturbance from the music would harm the amenity of the nearby residents in these buildings if carried on beyond a reasonable close-down time, which should be no later than 21.00.

I am also concerned that unrestricted sale of alcohol in the park for such long periods of the day could lead to crime and disorder in the park or in the neighbouring area. Finally, there is no information from the applicants about how they would manage public safety in the park during these activities; specifically it is not clear how many people are estimated to attend the events, how entry will be controlled and how people leaving the event will be able to depart safely at closure times.

If, despite all these objections to the licence, the application is to be approved, I hope there will be suitable conditions attached, such as clear restrictions placed on the number of occasions per year, the timing of operation of the premises licence and limits on the numbers of people able to attend.



**I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.**

Signed David Martin  
 Sent by email from my Council email address

Date 29 July 2014

Contact telephone number(s) 07941255469  
 (This is essential as we may need to contact you at short notice)

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name Clr David Martin

I will be attending the hearing  I will not be attending the hearing

I will be represented at the hearing by \_\_\_\_\_

I will be calling the following witness(es):

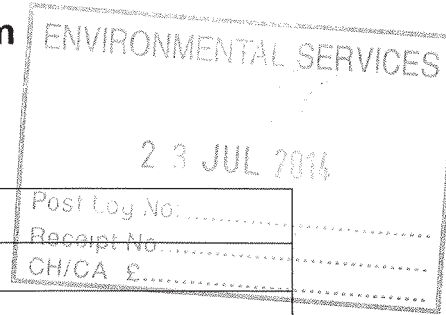
<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

Licensing Services  
Public Protection  
Lewis House  
Manvers Street  
Bath BA1 1SN

**Representation Form**



**Responsible Authority.** (Please delete as applicable.)  
EP (noise)

Your Name	Katherine Jones
Job Title	Environmental Health Officer
Postal and email address	Bath and North East Somerset Council 1 <sup>st</sup> Floor Lewis House Manvers Street Bath BA1 1JG
Contact telephone number	01225 396628

Name of the premises you are making a representation about.	Bath Carnival
Address of the premises you are making a representation about.	Sydney Gardens, Sydney Road, BA2 6NT

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	<p>This is a new application and consequently there is no historic evidence of Public nuisance associated with the event. However, I have taken into consideration the following and from which I have concerns regarding the potential for public nuisance:</p> <ul style="list-style-type: none"> <li>• Location of the venue being in relative close proximity to residential properties.</li> <li>• The type of event being outdoors and therefore difficult to avoid noise outbreak</li> </ul>

		<ul style="list-style-type: none"> <li>• The length of time applied, whereby residents could be disturbed until midnight for 2 days.</li> </ul> <p>However, from liaising with the applicant, the intentions for the event is not to cause a public nuisance and there is a willingness to implement further controls to ensure the impact the event has on the wider community is minimised as much as possible.</p> <p>Upon reviewing the application, I consider the following conditions could minimise disturbance:</p> <ol style="list-style-type: none"> <li>1) Hours for the all licensable activities applied for to have an effect on no more than one day per calendar year on the following days and times: <ul style="list-style-type: none"> <li>Saturday 10.00hrs to 22.00hrs</li> <li>or</li> <li>Sunday 10.00hrs to 22.00hrs</li> </ul> </li> <li>2) Within 28 days prior to an event, a detailed noise management plan shall be submitted to and agreed by the Environmental Protection Team at Bath and North East Somerset Council and shall be implemented as approved thereafter.</li> <li>3) The maximum noise levels expressed as an LAeq should not exceed 65dBA over a 15 minute period within 1 metre from the façade of any noise sensitive receptor(s).</li> </ol> <p>The reason for the above would limit the times of residential impact and would ensure noise control measures are in place to ensure that the event complies with national code of practice for outdoor events.</p> <p>The applicant has advised that they are willing to agree for the above recommendations to be attached as conditions to the license, and I have attached written confirmation of this agreement which is signed by the applicant..</p> <p>Should the committee wish to attach the recommended conditions to the license, I would have no grounds for concerns for the license to be approved.</p>
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The prevention of harm to children	No	
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	or	<p>1) Hours for the all licensable activities applied for to have an effect on no more than one day per calendar year on the following days and times:</p> <p style="padding-left: 40px;">Saturday 10.00hrs to 22.00hrs</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">Sunday 10.00hrs to 22.00hrs</p> <p>2) Within 28 days prior to an event, a detailed noise management plan shall be submitted to and agreed by the Environmental Protection Team at Bath and North East Somerset Council and shall be implemented as approved thereafter.</p> <p>3) The maximum noise levels expressed as an LAeq should not exceed 65dBA over a 15 minute period within 1 metre from the façade of any noise sensitive receptor(s).</p>

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

**Signed:**

**Date:**

Please return this form along with any additional sheets to:

Licensing Team  
Public Protection  
9-10 Bath Street  
Bath  
BA1 1SN

E-mail address: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)

***This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.***



Printed on recycled paper





# Bath & North East Somerset Council

Environmental Services  
Bath & North East Somerset Council  
1st Floor, Lewis House,  
Manvers Street, Bath BA1 1JG

Date: Telephone: 01225 477000

Direct (01225) 477552

Fax: (01225) 477596

Minicom: (01225) 477535

E Mail: Katherine.jones@bathnes.gov.uk

Mr Robbie Verrecchia  
101 Ringswell Gardens  
Bath  
BA1 6BW

Dear Mr Verrecchia

**Premises Licence Application: Bath Carnival Sydney Gardens, Sydney Road, BA2 6NT**

To the applicant/s: please sign the form below and return by email to Katherine.jones@bathnes.gov.uk or by post to Environmental Services, Bath & North East Somerset Council, 1<sup>st</sup> Floor, Lewis House, Manvers Street, Bath, BA1 1JG.

### Recommendations

- 1) Hours for the all licensable activities applied for to have an effect on no more than one day per calendar year on the following days and times:

Saturday 10.00hrs to 22.00hrs

or

Sunday 10.00hrs to 22.00hrs

- 2) Within 28 days prior to an event, a detailed noise management plan shall be submitted to and agreed by the Environmental Protection Team at Bath and North East Somerset Council and shall be implemented as approved thereafter.
- 3) The maximum noise levels expressed as an LAeq should not exceed 65dBA over a 15 minute period within 1 metre from the façade of any noise sensitive receptor(s).

I/we acknowledge receipt of the Environmental Protection team representations dated 22<sup>nd</sup> July 2014 in connection with the application for the premises shown above. I agree with the recommendations suggested in the accompanying letter and I understand that they will be attached to the licence.

Signed.....

Name.....ROBBIE VERRECCHIA.....

Date.....24 / 07 / 14.....





**Representation Form**

**Responsible Authority.** (Please delete as applicable.)

Licensing Authority

ENVIRONMENTAL SERVICES

31 JUL 2014

Post Log No: .....

Receipt No: .....

CH/CA £ .....

Your Name	Alan Bartlett
Job Title	Public Protection Team Leader – Licensing Authority
Postal and email address	Bath & North East Somerset Council Licensing Services Lewis House Manvers Street Bath BA1 1JG
Contact telephone number	01225 477536

Name of the premises you are making a representation about.	Bath Carnival New Premises Licence Application 14/03513/LAPRE
Address of the premises you are making a representation about.	Bath Carnival Sydney Gardens Sydney Place Bathwick Bath BA2 6NF

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
All 4 licensing objectives, namely: <ul style="list-style-type: none"> <li>• The prevention of crime and disorder;</li> <li>• The prevention of public nuisance;</li> <li>• Public Safety</li> </ul>	Yes	In its role as a Responsible Authority the Licensing Authority has considered this application and have serious concerns that the applicant's operating schedule fails to propose appropriate measures to promote all four of the licensing objectives in respect of:  <b><u>The number of SIA staff and stewards on duty during the event , in relation to 3,000 people on site:</u></b>

<ul style="list-style-type: none"> <li>The protection of children from harm</li> </ul>	<p>The applicant proposes only <b>“4 trained S.I.A.”</b> and <b>“ a team of stewards”</b> of which <b>“a minimum of 5 stewards will be on duty at all times”</b> as a means of controlling and ensuring the safety of a maximum of 3,000 people.</p> <p>The applicant advises that there are 4 entry/exits points which will be manned at all times by stewards. Should the application be granted in its current form the applicant could operate with only 5 stewards on duty at any given time. This would leave only one steward as stated by the applicant to “walk around the site”.</p> <p>No consideration has been given to the role and responsibility of the stewards to safely and efficiently monitor the crowd dynamics of what could be up to 3,000 people, many of which will be children. Stewards will also need to be available to organise, offer advice and direct members of the public.</p> <p>With only 4 SIA staff, and what could potentially be only 5 stewards on site, how will the applicant comply with the following measures that have been offered to promote the licensing objectives:</p> <ol style="list-style-type: none"> <li>1. “We will manage the number of people within the premise and restrict the capacity to a maximum of 3,000 people at one time”</li> <li>2. “Any individual who engages in anti-social behaviour will be asked to leave the premises”</li> <li>3. “The public will not be allowed to bring alcohol on site” (Who will carry out bag searches?)</li> <li>4. “A lost children’s policy will be in place with S.I.A. trained staff and stewards to manage it”</li> </ol> <p>Furthermore the new premises licence application proposes the sale of alcohol for consumption “on premises” only so there is an additional duty imposed on the applicant to ensure no alcohol is taken from the premises as well as being brought onto site.</p> <p>There are obviously some duties that can only</p>
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	<p>be carried out by S.I.A. registered staff for example "manned guarding" which includes:</p> <p>"Guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained"</p> <p>and</p> <p>"guarding one or more individuals against assault or injuries that might be suffered in consequence to the unlawful conduct of others"</p> <p>In light of the above, and the fact alcohol will be sold from 09:00 to midnight , thus increasing the likelihood of crime and disorder amongst a potential crowd of 3.000 people, the provision of 4 S.I.A. staff as stated in the application is totally inadequate, and will have a detrimental effect on all four of the licensing objectives.</p> <p><b><u>Notification period</u></b></p> <p>The application has stated that the licence will have effect on no more than "two days per year" with licensable activities having been requested for Saturday and Sunday.</p> <p>Given the nature of the event, the maximum number of people to be admitted to the premises at any one time and the location of the premises, it is proposed that the applicant must give a <b>minimum of 3 months' notice of the event in writing, to all the relevant, Responsible Authorities</b> i.e. the Responsible Authorities who were required under the legislation to be served the application in the first instance.</p> <p>In general the application is naïve, and the event, without appropriate measures to promote the licensing objectives, especially the public safety objective, is an accident waiting to happen.</p>
--	--

<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p><b>“a minimum of 3 months’ notice of the event in writing, to all the relevant, Responsible Authorities”</b></p> <p>It is recommended in The Event Safety Guide developed by the HSE that in respect of Classical Concerts whose audiences tend to be more mature and less reactive, that there should be one steward for every 250 people attending. It is therefore proposed that:</p> <p><b>“ a minimum of 15 stewards to be on duty at the premises at all times (with the applicant having regards to rest breaks during which this minimum requirement of 15 must still be maintained)</b></p> <p><b>The Licensing Sub-Committee is asked to determine the number of SIA door staff necessary to promote the licensing objectives having had regard to the merits of the case.</b></p>	

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

**Signed:**

**Date: 31/07/2014**

Please return this form along with any additional sheets to:

Licensing Services,  
Public Protection,  
Lewis House,  
Manvers Street,