

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 19th August, 2014, 10.00 am

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

Officers in attendance: Carrie-Ann Rawlings (Senior Legal Adviser), Enfys Hughes and Kirsty Morgan (Public Protection Officer)

62 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

63 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

64 DECLARATIONS OF INTEREST

Councillor Manda Rigby declared an interest in the Bath Carnival item. She had been involved in discussions on the periphery but not in relation to the licensing issues and could determine the application on merit and without prejudice.

65 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

66 MINUTES: 28 JULY AND 5 AUGUST 2014

RESOLVED that the minutes of 28th July and 5th August 2014 be approved as a correct record and be signed by the Chairperson.

67 LICENSING PROCEDURE

68 APPLICATION FOR A PREMISES LICENCE FOR BATH CARNIVAL, SYDNEY GARDENS, SYDNEY PLACE, BATHWICK, BA2 6NF

Applicant: Robbie Verrechia, Sydney Gardens, Sydney Place, Bathwick, Bath, BA2 6NF.

Other persons present: Richard Brown, Stephanie Brown, Cllr David Martin (ward councillor) and Lizzie Milne (Friends of Sydney Gardens).

Responsible authorities: Katherine Jones (Environmental Health Officer) and Alan Bartlett (Public Protection Team Leader).

The parties confirmed that they had read and understood the licensing procedure.

The Chair made introductions and explained that they would determine the application on its merits. There were some issues referred to in the representations that were covered by separate process which would not be considered relevant to

the licensing regime, though did operate in parallel – for example bye laws and designated public places order. It was made clear to them however, that those issues would be forwarded to the relevant parties for consideration.

The Public Protection Officer summarised the application. She referred to the additional documents which had been circulated to all parties.

The applicant, Mr Verrechia presented his case. He stated that this was an event for families and children providing a variety of activities throughout the day including making costumes, dance workshops, bands, a bar, leading up to the carnival procession which would start at 6pm. He proposed the day would start at 10am until 10pm and would take place on one day per year, not two as in the original application. There would be three main areas – workshops, stage (bands) and children's activities.

In response to questions Mr Verrechia made the following responses:-

- He had changed the times from 9am -12 midnight to keep local people happy;
- Sydney Gardens was a fantastic location and the procession would start there go around the city and return;
- The recent event had 7 stewards with 5 SIA trained, he acknowledged he had made a mistake in the original application by stating there would be a minimum of 4 stewards. He stated that he did not realise that stewards could also include SIA trained persons and had thought of them separately;
- The bar was for the adults and he hoped families would attend the day and stay on for a drink and listen to the bands while their children did the activities;
- He confirmed the music and bar would cease at 10pm;
- Sydney Gardens did have a number of entrances and paths across the park, it would be controlled by stewards at each entrance with clickers to monitor the numbers and check for alcohol;
- He was confident there was enough space for the event and the public using the park and the stewards would monitor this;
- If numbers exceeded the capacity then people would be asked to move to another area.

Representations:

Lizzie Milne

Lizzie Milne stated her case as a local resident and secretary of the Friends of Sydney Gardens) and referred to the points in her statement.

Richard Brown

Richard Brown summarised his main points and stated that the performance of live music at the weekend would cause a noise nuisance more like Glastonbury and the gardens were unsuited to this type of event. The sale of alcohol could result in anti-social behaviour in a residential area and make drinking in the park seem the 'norm'. Local residents had already experienced this and the event would be more suited to Victoria Park.

Stephanie Brown

Nothing further to add.

Councillor David Martin

Cllr Martin outlined his representation and stated it was relevant to three of the licensing objectives – the prevention of crime and disorder, the prevention of public nuisance and public safety. He explained that Sydney Gardens was bordered on four sides by residential properties some of which were 4/5 storey high, he queried how noise would be monitored. The entertainment and sale of alcohol could lead to anti-social behaviour which could be very distressing for residents. If there were up to 3,000 people in the gardens, there was an issue with public safety if there was a need to evacuate or access was required for emergency services. If members were minded to approve the application there should be conditions to address this.

The following responses were given to questions:-

- Yes Sydney Gardens had a history of being pleasure gardens and events like this were welcome as long as they met the licensing objectives and were controlled;
- The stage would cause problems for local residents;
- Previously there had been weekly events on a Saturday with music, dancing and alcohol but a bandstand and dancing were more appropriate;
- In respect of the licensing objectives being compromised, the railway and canal which bisected the gardens could be a hazard to those who drank too much; with reference to a recent event where there were about 500 people, if there were larger numbers there would be a risk of crushing which would be exacerbated if they had to evacuate; with a bar available for 12 hours there was the associated risk of anti-social behaviour and crime and disorder; with live entertainment there was a risk of public nuisance.

Katherine Jones (Environment Health Officer) made her representation and stated that the nature and location of the event needed further control to prevent nuisance. She stated having liaised with the applicant he was willing to implement further controls to prevent nuisance and she suggested the following conditions:-

1. Hours for all the 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 Council and shall be implemented as approved thereafter.

3. Within the noise management plan, a set noise limit at the mixing desk shall be agreed by the Environmental Protection Team at Bath and North East Somerset Council to ensure that music 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).

The applicant confirmed he had agreed to these conditions.

Alan Bartlett (Public Protection Team Leader) made his representation and stated his concerns and outlined the conditions to address them which had been agreed by the applicant:-

1. A minimum of 15 stewards to be on duty at the premises at all times (with the applicant having regard to rest breaks during which this minimum requirement of 15 must still be maintained) and consideration of the number of staff to be SIA trained; and
2. A minimum of three months' notice of the event in writing, to all relevant Responsible Authorities.

The following responses were given to questions:-

- Concern about the carrying of alcohol glasses/bottles off the site, the application was for consumption of alcohol on the premises only;
- If 3 months' notice was not given then the applicant would be in breach and subject to enforcement action.

In summing up the parties had nothing further to add. The applicant concluded that if the application was granted he wanted to work closely with the Friends of Sydney Gardens on planning the event to respect the needs of residents.

The meeting was adjourned for members to determine the application.

Following an adjournment it was

RESOLVED that the application for a new premises licence in respect of Bath Carnival, Sydney Gardens, Sydney Place, Bathwick, Bath BA 2 6NF be granted and the hours for 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 10:00 hours to 22:00 hours

OR

Sunday 10:00 hours to 22:00 hours.

Members imposed the conditions consistent with the Operating Schedule subject to the following additions and amendments which are appropriate and proportionate in meeting the licensing objectives:

1. A minimum of 15 stewards including not less than 5 SIA Registered Staff to be on duty at the premises from at least 09:30 until 22.30 and at all times

(with the applicant having regard to rest breaks during which this minimum requirement of 15 must still be maintained).

2. 3 months' notice of the event to be given each year to the Relevant Responsible Authorities.
3. Within 28 days prior to an event, a detailed noise management plan shall be submitted to the Environmental Protection Team at Bath and North East Somerset Council.

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

Reasons for decision

Members have determined an application for a new premises licence for the Bath Carnival at Sydney Gardens, Sydney Place, Bathwick, Bath, BA2 6NF. 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.

The application was for 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 performance of dance, live and recorded music outdoors only:

Saturday: 09:00 – 00:00

Sunday: 09:00 – 00:00

- 3) Opening hours

The premises are an open public space.

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

Members noted the representations made by Mr Verrechia as the applicant for the proposal. He indicated that they wished to operate from 10am until 10pm with organised activities to prepare for a carnival to take place from 6pm. In terms of Sydney Gardens as a venue he said it represents a really nice location which is well

placed. Mr Verrechia confirmed that the sale of alcohol and regulated entertainment would end at 10pm and he confirmed that the event would be just one day per year.

Other parties were informed that matters relating to the Designated Public Places Order and peripheral issues were not relevant to the licensing regime and were not relevant representations. It was made clear to them however, that those issues would be forwarded to the relevant parties for consideration.

Members noted Mr Verrechia's explanation in relation to stewarding. He said that there was a SAGE approved plan for last weekend's event and there would be a steward on every entrance with event clickers to monitor numbers of people going in and coming out of the event in future; there would also be SIA Registered Security staff. It would be a free event so should not prevent any member of the public entering. Mr Verrechia said he thought there was enough space for the public and he was confident that he could monitor numbers. Miss Morgan (Public Protection Officer) clarified that the site plan red line defines the premises and that Mr Verrechia has offered a capacity limit of 3000 which means there can be no more than 3000 people on the premises when the event has effect.

Both oral and written representations were made by Councillor Martin and local residents expressing concern that the applicant's proposals would undermine all four of the licensing objectives. Representations were made with regard to the consumption of alcohol over a 12 hour period and resultant anti-social behaviour and crime and disorder; the impact of live and recorded music on local residents; inadequacy of on and off street parking and safety of pedestrians as well as concerns relating to the monitoring of the number of people entering the premises. The Other Parties felt the proposal would cause material noise nuisance for local residents. Mr Brown contended that cuts resulted in less money for events such as these to be overseen and managed.

Councillor Martin described the type and location of properties in the vicinity of the proposed premises. If minded to approve the application he requested that the Licensing Sub-Committee impose conditions relating to management so that the objectives relating to local amenity, crime and disorder and safety are achieved.

The Other Parties acknowledged that Sydney Gardens were called Pleasure Grounds but contended that any event must be controlled and managed to ensure the Licensing Objectives were met. It was suggested that a bandstand and dancing were more appropriate to the park than amplified music.

Councillor Rigby asked which aspects of public safety would be compromised if the application was granted. Miss Milne said that the park is dissected by a railway line and canal and that there is a risk for accidents to happen if someone has imbibed too much alcohol. Councillor Martin noted that this weekend the bandstand seemed very full and he is concerned about the crush of people.

Members heard and read representations from the Environmental Health Officer Katherine Jones, who expressed concerns that the proposal would undermine the prevention of public nuisance licensing objective. Miss Jones took into account the nature of the proposed event and location. Conditions were proposed, which were agreed by the applicant, in the following terms:

- 1) Hours for 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 10:00 hours to 22:00 hours

OR

Sunday 10:00 hours to 22:00 hours

- 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.

- b) Within the noise management plan, a set noise limit at the mixing desk shall be agreed by the Environmental Protection Team at Bath and North East Somerset Council to ensure that music 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).

Members also heard and read representations from the Public Protection Team Leader Alan Bartlett on behalf of the Licensing Authority, who expressed concerns that the proposal would seriously undermine all four of the licensing objectives. Mr Bartlett proposed the following conditions:

- 1) A minimum of 15 stewards on duty at the premises at all times (with the applicant having regard to rest breaks during which this minimum requirement of 15 must still be maintained).
- 2) 3 months' notice of the event to be given each year to the Relevant Responsible Authorities.
- 3) That the Licensing Sub-Committee determines the appropriate number of S.I.A registered staff appropriate for an event hosting up to 3000 people.

The Applicant verbally agreed to the conditions proposed by Mr Bartlett confirmed and he would be content with the proposal if the above conditions were imposed.

Members noted that in summing up Mr Verrechia said he would like to work more closely with the Friends of Sydney Gardens in the planning of the event.

Members resolved to grant the licence on the basis that the hours for 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 10:00 hours to 22:00 hours

OR

Sunday 10:00 hours to 22:00 hours.

Members imposed the conditions consistent with the Operating Schedule subject to the additions under RESOLVED and amendments which are appropriate and proportionate in meeting the licensing objectives:

The meeting ended at 11.45 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services