

# Bath & North East Somerset Council

MEETING:	Licensing Sub - Committee	AGENDA ITEM NUMBER
MEETING DATE:	<b>Tuesday 18 November 2014</b>	
TITLE:	Application for a Review of a Premises Licence for <b>Bath Fringe Spiegelent</b> Recreation Ground, Pulteney Mews, Bathwick, Bath, BA2 4DS	
WARD:	Abbey	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Annex A Application for Review of Premises Licence		
Annex B Copy of Current Premises Licence		
Annex C Site Plan		
Annex D Representation from Premises Licence Holder		
Annex E Representations in support of Review Applicant		
Annex F Representations in support of the Premises Licence Holder		

## 1 THE ISSUE

- 1.1 An application has been received from Mr David A Greenwood for the Review of a premises licence under section 51 of the Licensing Act 2003, in respect of Bath Fringe Spiegelent, Recreation Ground, Pulteney Mews, Bathwick, Bath, BA2 4DS.

## 2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application to review the premises licence.

## 3 RESOURCE IMPLICATIONS

- 3.1 The application for the review of the premises licence is free of charge. The estimated cost of processing this application is £1,500.00 and will be covered by reprioritisation within the existing licensing budget.

## 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 Licensing Sub-Committee has 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 licensing objectives.

## 5 THE REPORT

- 5.1 An application has been received for the Review of the Premises Licence (**Annex A**)

- 5.2 The application relates to the **Prevention of Public Nuisance** licensing objective and details the grounds for review as being the detrimental effect the operation of the premises is having on the applicant, his family and co-applicants Mrs R Carne, Mr & Mrs D White, Mr & Mrs P Brown in respect of:

- Intruding noise levels which prevent quiet peace and enjoyment of homes;
- Noise levels that prevent activities such as listening to classical music, watching television and reading;
- An inability to sleep, or being woken from sleep by the constant high level of amplified music on consecutive nights during the entire festival;
- An inability to concentrate on study or work issues;
- Stress caused by all of the aforementioned.

- 5.3 The Licensing Authority may, having had regard to the application and any relevant representations, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:

**a) Modify the conditions of the Licence;**

**b) Exclude a licensable activity from the scope of the Licence;**

**c) Remove the Designated Premises Supervisor;**

**d) Suspend the Licence for a period not exceeding three months;**

**e) Revoke the Licence**

Where the Licensing Authority takes a step mentioned in 4.3 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

**Any determination made by the Licensing Authority does not have effect until the end of the period given for appealing against the decision, or, if the decision is appealed against, until the appeal is disposed of.**

- 5.4 The Licensing Authority will also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act itself and, in particular to:

a) Sections 4, 9, 10, 13, 51, 52, 53, 182, and 183 of the Act.

b) Chapters 1, 2, 3, 8, 9, 10, 11 & 12 of the Statutory Guidance (revised October 2014)

c) Paragraphs 3, 5, 6, 15, 18 - 20, 21, 24, 28, 33 - 37 and 40 - 45 inclusive, of the Policy.

5.5 An appeal may be made to the Magistrates Court within 21 days of the notification of the decision by the Council to the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application. 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 it in accordance with the direction of the court. The court may make such Order for costs as it thinks fit.

5.6 The current Premises Licence (**Annex B**) permits the following licensable activity:

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

Monday to Thursday 11:00 - 23:30

Friday and Saturday 23:00 - 00:15

Sunday 12:00 – 23:30

2) **Regulated Entertainment** by way of Live Music:

Everyday 12:00 – 23:00

3) **Regulated Entertainment** by way of the Performance of Dance, the Exhibition of Film and the Performance of a Play:

Friday and Saturday 12:00 – 00:15

Sunday to Thursday 12:00 – 23:30

4) **Regulated Entertainment** by way of Recorded Music:

Friday and Saturday 12:00 – 23:45

Sunday to Thursday 12:00 – 23:00

5) **Other Entertainment** within the Act:

Every Day 12:00 – 19:00

6) The **opening hours** detailed on the licence are:

Monday to Thursday 11:00 – 00:00

Friday and Saturday 11:00 – 00:30

- 7) There are no non-standard timings in respect of this premises licence.
- 8) The licence is subject to the following conditions:

### **Annex 1 – Mandatory Conditions**

- No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- Admission of children is restricted in accordance with the recommendation by the British Board of Film Classification.

If the film has not been classified the restriction of children must be approved by the Licensing Authority.

("Children" means any person under 18 years).

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994**(b)**.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**(a)**1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991(c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act

2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

**(b)**1994 c. 23. Section 2 was amended by section 3 of the Finance (No.2) Act 2010 (c.31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No.3) Act 2010 (c.33). There are other amendments which are not relevant to this Order.

- From 1 October 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a) games or other activities which require or encourage, or are designed to require or encourage individuals to i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or, ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

4. The responsible person must ensure that: a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures - i) beer or cider: ½ pint; ii) gin, rum, vodka or whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **Annex 2 – Conditions consistent with the operating schedule**

- This premises licence shall only be exercised in the months of May and June on the dates of, and in association with, the Bath Fringe Festival.
- Each year, the event shall only take place on the agreement of the responsible authorities and on presentation of a revised and detailed plan of the proposed layout and activities. The agreement of the responsible authorities shall be requested no less than eight weeks prior to the intended start of that year's event. The responsible authorities shall have the right to veto the event should they deem that any of the licensing objectives would be breached if the event were to go ahead.
- Amplified music shall be situated no closer than 60m from the house in Johnstone Street, Pulteney Mews, Pulteney Road, and , in addition, Great Pulteney Street, Edward Street and Vane Street.
- A full health and safety risk assessment for the fence shall be provided.
- A notice of all health and safety procedures shall be issued to all staff, sub-contractors and performers.
- Overnight security shall be provided to protect the facilities and fenced area.
- All staff will be briefed in anticipating potential disorder and will report this to the management immediately.
- The capacity limit set by the Fire Authority shall be complied with at all times.
- Regular safety announcements shall be made to customers.
- Noise levels set by Environmental Health shall be complied with at all times. Regular checks on noise levels shall be made during practice and performance sessions and shall be recorded.
- There shall be no adult entertainment, activities, other activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- Bath Fringe will write to neighbours, ward councillors and resident's associations adjoining the site annually before the festival with a description of the proposed activity and will include a contact mobile phone number for the venue manager onsite so that any issues can be dealt with by someone on the ground.

### **Annex 3 – Conditions attached after a hearing by the Licensing Authority**

- The performance of unamplified live music shall cease at 23:30 every day.

5.7 A site plan is attached at **Annex C**.

5.8 A written representation has been received from the premises licence holder in relation to the prevention of public nuisance licensing objective (**Annex D**).

5.9 Representations have been received from “other persons” in support of the Review. These representations express concern that the operation of the Spiegel tent undermines the licensing objectives relating to the Prevention of Public Nuisance and the Prevention of Crime and Disorder (**Annex E**).

5.10 Representations have been received from “other persons” in support of the premises licence holder, Bath Fringe Limited, stating that the premises is well organised and promotes all four of the licensing objectives (**Annex F**).

## **6 RATIONALE**

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

6.2 The Licensing Sub-Committee must determine the Review application on behalf of the Licensing Authority.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None

## **8 CONSULTATION**

8.1 In accordance with the requirements of the Act the applicant has served copies of the application upon the Premises Licence Holder, Licensing Authority, Police, Fire Authority, Environmental Health, Development Control, Trading Standards, the Child Protection Agency and the Public Health Authority.

8.2 The Licensing Authority advertised the application for review in accordance with the legislation, inviting representations from 27 September 2014 up to and including Friday 24 October 2014.

8.3 Issues relating to Safeguarding have been considered in respect of this application.

8.4 This report has not been sent to the Trade Union because they would have no involvement in this application.

## **9 RISK ASSESSMENT**

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



## 10 ADVICE SOUGHT

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

<b>Contact person</b>	Terrill Wolyn, Licensing Services, 01225 396939
<b>Background papers</b>	The Licensing Act 2003, Guidance issued under s.182 of the Act, Regulations issued under the Act, BANES Licensing Policy.



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

Bath And North East  
Somerset Council

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

26 SEP 2014  
Received

**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 Mr David A Greenwood**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> BATH FRINGE - Spiegelent – Recreation Ground, Pulteney Mews.	
<b>Post town</b> BATH	<b>Post code (if known)</b> BA2 4DS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> The Bath Fringe, Spiegelent, Recreation Ground, Bath
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<b>Number of premises licence or club premises certificate (if known)</b> believed to be 12/01887/LAPRE
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

X

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

ENVIRONMENTAL SERVICES
26 SEP 2014
Post Log No: .....
Receipt No .....
CH/CA £.....

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)**Surname**

GREENWOOD

**First names**

DAVID A

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

Ground and First Floor Flat, 77 Great Pulteney Street,

**Post town**

BATH

**Post Code**

BA2 4DL

**Daytime contact telephone number**

01225 427896

**E-mail address  
(optional)**

david.greenwood25@gmail.com

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/> X
<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 2)**

The formal request for review is on the basis of the prevention of public nuisance.

This is submitted for and on behalf of :

Four households:

Mrs R. Carne, Johnson Street

Mr and Mrs D. White, Great Pulteney Street

Mr and Mrs P. Brown, Pulteney Mews

David and Caroline Greenwood, Great Pulteney Street.

whose properties are directly affected by the loud music and noise emanating from the Spiegeltent during the 10/11 consecutive days of performances in or around the tent located on the Recreation Ground, Bath.

From a detailed study of the area there are about 32 properties that could be affected and substantiate a claim for nuisance, i.e they are "directly affected". These properties include a number of offices (9) , bed and breakfasts, an hotel, several self catering holiday houses and at least 15 basement or sub-basement flats which are afforded some protection from noise spillage. There are some 137 people recorded on the Electoral roll. Many of these choose postal voting due to their absence from the property others will be away, on holiday, working away. Others use the property as a second home, are students or have short term tenancy agreements.

As virtually all these properties are Grade One listed they are not allowed to fit double or the more effective secondary glazing. For this reason the residents of the Empire Building have been excluded as all properties are double glazed but are located further away from the source of the loud music and are separated by both the river and a busy main road.

The reason for seeking this review is the detrimental effect that this activity is having on my family and I and the households of the other interested parties.

1. The level of noise intrudes into our properties and prevents us from enjoying the peace and quiet of our own homes.
2. The noise levels are such that we cannot listen to classical music or television in our lounge, unable to read.
3. We are either unable to go to sleep OR are woken from sleep by the constant high level of amplified music.
4. The noise on consecutive nights means that we suffer from sleep deprivation and/or interrupted sleep during the entire festival.
5. An inability to concentrate on study or work issues.
6. Causes us stress and one of our neighbours had to seek medical attention.

**Please provide as much information as possible to support the application (please read guidance note 3)**

A licence is held by the Bath Fringe for the playing of live and amplified music and the sale of liquor over a period of 10 or 11 consecutive days during the Bath Fringe Festival.

2014

23<sup>rd</sup> May loud music from 20.32 onwards

24<sup>th</sup> May from 22.25 peaking at 23.05 and then again at 23.30 23.35 until finish

25<sup>th</sup> May loud music until 23.35. Heavy rain, event finished

26<sup>th</sup> May loud music heard from Bog Island on our return from London and on until end of licensed hours

27<sup>th</sup> May Quiet evening singing event in the tent

28<sup>th</sup> May we were away from the property

29<sup>th</sup> May After 21.58 very loud drum beat music, finished at 22.15.

After this date we were away from the property however 3 other households reported high noise levels right up to the final date ... 8<sup>th</sup> June. These were recorded and acknowledged by Environmental Services.

During this year's events noise levels up to 98 dBs were recorded and frequently achieve a running rate of 78 dBs

The organisers may have observed the 65dBs level measured over a 15 minute period but frequently this was achieved by high or very high levels for up to 12 minutes, thereafter quiet for 3 minutes or so,

Environmental Services were advised on many occasions either directly over via the out of hours service or Council Connect

Environmental services fitted noise level monitoring equipment in neighbour's property for a four night period and recorded high volumes BUT which "levelled" out over the 15 minute periods.

We advised and neighbouring properties advised our local Councillors properties throughout the Festival.

2013

Environmental Services fitted monitoring equipment over several dates and stated in the presence of at least three people that the noise levels "were very high". This being their verbal assessment. The monitoring results were not useable as their equipment was faulty.

24<sup>th</sup> May High levels of amplified music. Event over -ran the licensed hours ( ended at 23.40)

Recorded levels were between 82 and 85 dBs

29<sup>th</sup> May High noise levels at 22.30 ( 78 to 80 dBs ) Visited the organiser who turned down the volume to 65 dBs.

**What action to resolve this nuisance.**

1. Revoke the entire licence as the organisers demonstrate complete contempt of local residents. The event should be moved to an area away from residential properties. There are covenants in place, covering the Recreation Ground, to protect local residents from noise, nuisance and disturbance.

Alternatively:

1. Make the fitting and use of Noise Limiting equipment, set at 65 dBs , which cannot be turned off or tampered with, by the organisers or the various groups or sound engineers a condition of licence.
2. Restrict the licensed hours to 22.30 on all nights.
3. Restrict the playing of loud or amplified music to every other night , i.e no consecutive

nights of play.

4. Relocate the Spiegeltent to the far eastern end of the Recreation Ground away from the residential area.
5. Set a maximum sound level of 65 dBs at any time. i.e remove the running level allowance of 65 dBs over a 15 minute period.



Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to the premises please state what they were and when you made them**

On or around April 2011 I objected to the application to extend the licensed hours

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures** (please read guidance note 4)

Signature D A Greenwood



Date 22<sup>th</sup> September 2014

Capacity **Homeowner**

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) David A Greenwood Ground and First Floor Flat 77 Great Pulteney Street	
<b>Post town</b> BATH	<b>Post Code</b> BA2 4DL
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> david.greenwood25@gmail.com	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence**

<b>Premises Licence Number</b>	12/01887/LAPRE
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**Part 1 – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>	
Bath Fringe - Spiegeltent Recreation Ground Pulteney Mews Bathwick Bath BA2 4DS	
<b>Telephone number</b>	Not applicable

<b>Where the licence is time limited the dates</b>	Not applicable
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<b>Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities</b>	
<b>Sale of Alcohol</b>	
Monday to Thursday	11:00 - 23:30
Friday and Saturday	11:00 - 00:15
Sunday	12:00 - 23:30
<b>Performance of Dance (Indoors and Outdoors)</b>	
Friday and Saturday	12:00 - 00:15
Sunday to Thursday	12:00 - 23:30
<b>Exhibition of a Film (Indoors only)</b>	
Friday and Saturday	12:00 - 00:15
Sunday to Thursday	12:00 - 23:30
<b>Performance of Live Music (Indoors only)</b>	
Every Day	12:00 - 23:00
<b>Performance of Recorded Music (Indoors only)</b>	
Friday and Saturday	12:00 - 23:45
Sunday to Thursday	12:00 - 23:00

**Other Entertainment within Act (Indoors and Outdoors)**

Every Day 12:00 - 19:00

**Performance of a Play (Indoors and Outdoors)**

Friday and Saturday 12:00 - 00:15

Sunday to Thursday 12:00 - 23:30

**The opening hours of the premises**

Monday to Thursday 11:00 - 00:00

Friday and Saturday 11:00 - 00:30

Sunday 11:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol is supplied for consumption on the premises

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Bath Fringe Limited

103 Walcot Street

Bath

BA1 5BW

01225 480079

steve@bathfringe.co.uk

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number - 2716515

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Stephen J Henwood  
5 Cleveland Row  
Hampton Row  
Bathwick  
Bath  
BA2 6QR

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

09/04293/LAPRE  
Bath & North East Somerset Council

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of

Bath & North East Somerset Council: *Terrill Wolyn*.....

Dated 24 May 2012

# ANNEX B

## Annex 1 – Mandatory conditions

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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Admission of children is restricted in accordance with the recommendation by the British Board of Film Classification.

If the film has not been classified the restriction of children must be approved by the Licensing Authority.

("Children" means any person under 18 years).

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From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

From 1 October 2010:

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

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Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

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## **Annex 2 – Conditions consistent with the Operating Schedule**

This Premises Licence shall only be exercised in the months of May and June on the dates of, and in association with, the Bath Fringe and Festival.

Each year, the event shall only take place on the agreement of the responsible authorities and on the presentation of a revised and detailed plan of the proposed site layout and activities. The agreement of the responsible authorities shall be requested no less than eight weeks prior to the intended start of that year's event. The responsible authorities shall have the right to veto the event should they deem that any of the licensing objectives would be breached if the event were to go ahead.

Amplified music shall be situated no closer than 60m from the houses in Johnstone Street, Pulteney Mews, Pulteney Road, and, in addition, Great Pulteney Street, Edward Street and Vane Street.

A full health and safety risk assessment for the fence area shall be provided.

A notice of all health and safety procedures shall be issued to all staff, sub-contractors and performers.

Overnight security shall be provided to protect the facilities and fenced area.

All staff will be fully briefed in anticipating potential disorder and will report this to the management immediately.

The capacity limit set by the Fire Authority shall be complied with at all times.

Regular safety announcements shall be made to customers.

Noise levels set by Environmental Health shall be complied with at all times. Regular checks on noise levels shall be made during practice and performance sessions and shall be recorded.

There shall be no adult entertainment, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Bath Fringe will write to neighbours, ward councillors and resident's associations adjoining the site annually before the festival with a description of the proposed activity and will include a contact mobile phone number for the venue manager onsite so that any issues can be dealt with by someone on the ground.



**Annex 3 – Conditions attached after a hearing by the licensing authority**

**The performance of unamplified live music shall cease at 23:30 every day.**



**Annex 4 – Plans**

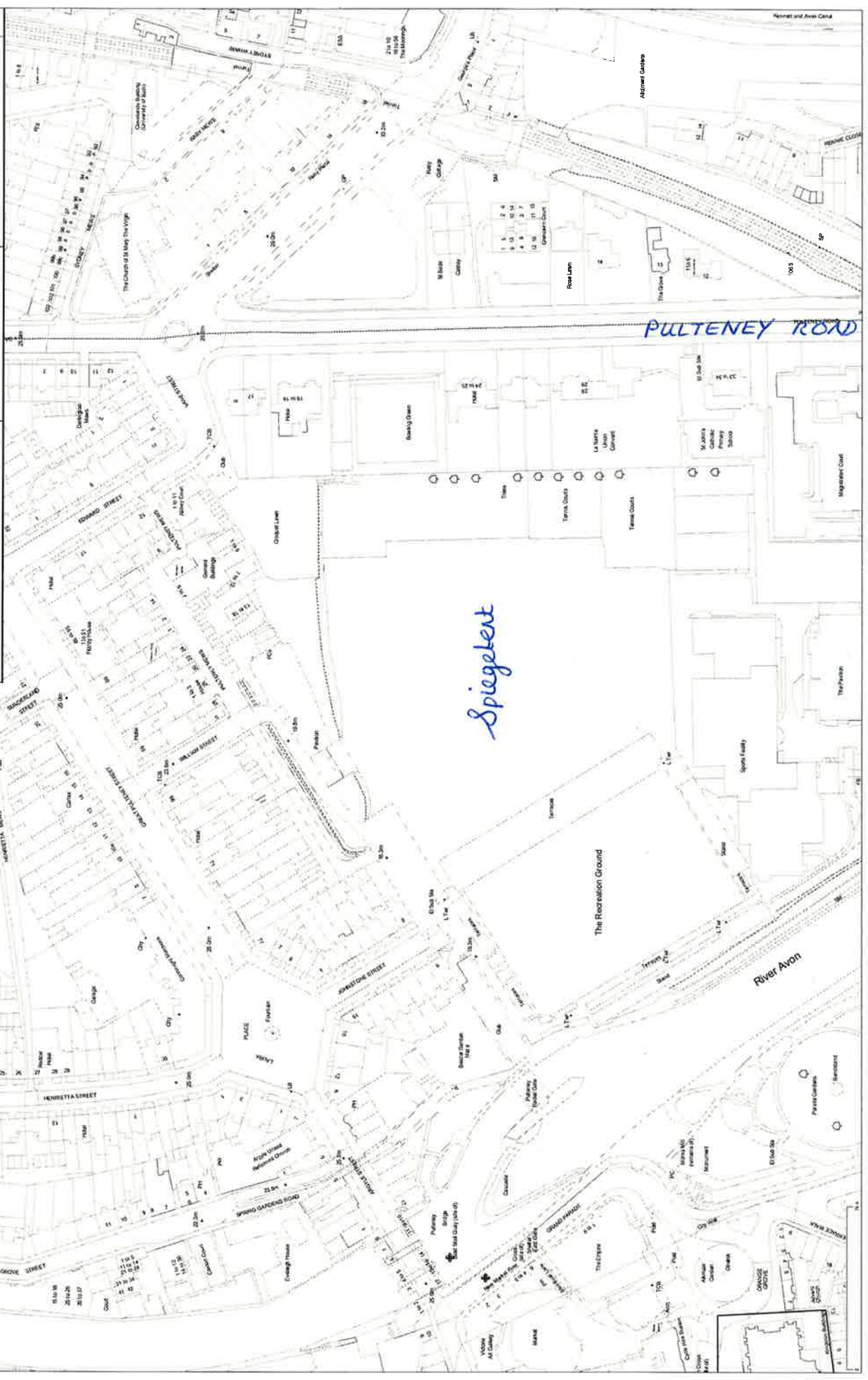
As submitted with application.



**Bath and North East Somerset District Online**  
**Bath Fringe - Spiegeltent**

Date: 24-10-2014  
 Scale: 1:1700  
 Map Centre - easting / northing:  
 375465 / 164859

Bath & North East Somerset Council  
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The Fringe Office, 103 Walcot Street, Bath, BA1 5BW

Telephone: 01225 480079

Email: admin@bathfringe.co.uk

## **Spiegel tent Licence Review**

### **From Bath Fringe**

We are writing in response to the request for review of our annual 10 day licence for the Spiegel tent on the Recreation Ground.



It is deeply disappointing to read that some local residents believe we treat them with contempt. Every year we have tried measures suggested by them and by Council Officers to make our short stay on the Recreation Ground work for everyone - eg. moving and re-orientating the tent this year, after representations. We have attended meetings called by Cllr. Dixon, with Licensing & EHOs, and one with residents chaired by Cllr. Rigby, and cooperated with the recommendations made. We have met with residents both here in the Guildhall and on site, we have provided an onsite contact number for residents, we have invited residents to talk with the venue manager. We take no pleasure - nor do we draw any particular profit - from annoying people, and are glad to continue trying to make sure that we don't.

In relation to the review application submitted by Mr Greenwood, I would like in the first instance, to address the following points:

- This is not an objection brought on behalf of 32 properties and 137 people, but by 4 households. We are in receipt of supporting letters from local residents whom the objectors are claiming to represent.

- The applicant states that on Sunday 25<sup>th</sup> May there was "loud music until 23.35"

This evening we ran the sold-out show from Radio 4 comedian Jeremy Hardy, no music, no sound effects, just one man speaking, laughter, applause. There may have been some low-level ambient music in the interval and as people went home. See attached programme page.

- The applicant states:

"After this date we were away from the property however 3 other households reported high levels right up to their final date ... 8<sup>th</sup> June. These were recorded and acknowledged by Environmental Services."

The Spiegel tent programme ran for only 10 days so this objection is claiming nuisance on an additional 6 days during which we did nothing at all on the Rec. What are people hearing? See attached programme page.

- Our Licence is for 10 days. a separate event authorised by way of a Temporary Event Notice (TEN) took place the day before our annual event commenced - a different authorisation, with different requirements. This event finished before the licence time of our regular shows.

- As far as I am aware, the Police and the Environmental Health Dept. are offering no evidence in support of this review, although the application would have been served on all the relevant Responsible Authorities. This indicates that the Responsible Authorities have no complaint or concern about how we run our venue. Environmental Health Officers will certainly have made sound level checks during this year's festival, and would have informed us if there was a problem. As they have not contacted us, we assume there was no problem. There are no concerns about Public Order or Safety.

Our Licence includes conditions, and these are drawn up in the interests of making sure the Licensing Objectives are promoted.

We fulfil these conditions. We respond to all requests from Licensing Department, Environmental Health, and other Council Departments.

We base our Noise Policy on that suggested in The Noise Council's *Code of Practice on Environmental Noise Control at Concerts*, a document recommended by Environmental Health Officers.

This suggests that for an event running for more than 3 days, it is undesirable for sound levels at 1m from affected properties to exceed 15 dB(A) above an average background level for more than 15 minutes. We assessed the background level at 50 dB(A) - there are busy roads nearby and the city centre itself - this corresponds with the figure of 65 dB(A) that the same guide recommends for Urban or Rural entertainment events (the level recommended for Sports Arenas is 10dB higher at 75dB(A)) Our monitoring process involves taking and noting regular sound level readings at the boundaries of the field (for convenience, at the 3 gates furthest from the Spiegel tent); this is to check that the levels we register constantly at the sound desk are having the effect we think they should at the boundaries. I had the sound turned down on a couple of occasions as a result of these readings. We are using a recently checked non-integrating Type 2 meter, whereas EHOs use much more expensive more responsive equipment which also records its readings. The applicant for the review has not stated what device was used or whether it has been calibrated or verified. We understand that our readings may not have legal status, however we are mentioning them to show that we do take our duty to promote the prevention of public nuisance objective very seriously and monitor sound at suitable positions, and act on these readings. Our readings exhibited nothing like the levels reported in the review application - if they had, we would have acted on them.

The point of view that the 15 minute period stipulation is unsuitable is a comment on the legislation and not the job of this committee. The treatment of peak levels in the complaint doesn't take into account how sound behaves or is monitored, this is the province of the specialist, we're just trying to follow the rules as we read and understand them.

### **Residents' Suggested Actions:**

We don't feel this situation can continue, we don't set out to be a nuisance nor intend to ignore the neighbours, and are happy to discuss further actions with Licensing Department or Committee & EHOs.

We feel the suggestions in the submission either fail to understand some characteristics of amplified sound and monitoring, don't take into account the Fringe's objectives (or indeed practice) of presenting a wide programme of activity, or would render the Spiegeltent unviable.

We have yet to have sight of the representations submitted in respect of the application but will respond to any other concerns expressed as soon as we are able.

### **The Fringe's position is that**

- We do stick within the terms of our Licence
  - there was indeed one over-run in 2013, that we were alerted to and remedied. (There was a confusion about operating hours at that point, this has since been clarified).
- We measure dB levels in the tent and at points around the Rec. in order to help us do this.
- We are aware that the extra monitoring we did ourselves in 2014 has no legal status, we did it to give us a better picture of the ambient sound levels and levels during the concerts. We are not intending to dispute any readings produced by professionals on verified and calibrated equipment.
- We respond to requests from EHOs, the Licensing Dept., and other council departments.
- We provide a phone number for a mobile which was kept with the Venue Manager behind the bar every evening. We received no calls or messages on this (we tested it for reception, and there were no missed calls messages or voicemails on the network).
- Apart from this complaint we have received no alerts or warnings from any relevant body this year.
- As a matter of policy we don't programme notoriously loud forms of music like electronic dance music, dub, punk, rock, metal.
- We would be happy to look at further measures for 2015 (eg. to reposition the tent again, or other measures\*) in consultation with EHOs & Licensing, and Bath Rugby & B&NES officers for the practicalities.

\* we'll add these as additional information before the meeting.

On behalf of Bath Fringe



Stephen J Henwood. Personal Licence no. B&NES/09/04293/LAPER



# SPIEGELTENT

ANNEX D

It's the Greatest Show in Town for 10 Days, treat yourself to a night out with us - as well as one in your favourite Bath venue, and another somewhere you haven't been before, and... There are 17 days of Fringe, after all!

And this year? Opening Party; Radio 4 comedian Jeremy Hardy; three of the finest dance bands anywhere (one from Amsterdam, one from Bath & Africa, one utterly international); the most original sounds in acoustic music in the westcountry (Spiro plus 3 Cane Whale), a Truly Glamorous Masquerade Ball; a made-for-Spiegel Circus Cabaret; a rip-roaring night of New Orleans flavoured Blues & really-old-school R'n'B & Swing; enough acapella singing to fill a cathedral; the world's best clarinetist swinging both ways; major up-and-coming-talent... and Bill Smarme! For the Spiegel Kids festival, see over the page.

3 Cane Whale



## Malinke's Restaurant

We're inordinately pleased this year to introduce you to the new Spiegeltent foodmasters: Malinke's, famously the people who brought Silver Service and a Michelin chef to Glastonbury, will be on site with a menu of tapas, hot dishes, main meals, snacks and some surprises: international, carnivore and veggie, seriously good food from a festival favourite.



Fri 23 May

**Opening Night**

**6pm: FREE Workshop and African Dance party with Siyaya**

**8.30pm: Baka Beyond (£5)**

Sat 24 May

**1.30pm: Bill Smarme & The Bizness - The Story of my Life**

**8pm: Masquerade Ball**

Sun 25 May

**1.30pm: The Great Spiegeltent FREE session**

**7pm: Jeremy Hardy**

Mon 26 May

**1.30pm: Jennifer Crook Trio**

**8pm: Charlie Wood & Band PLUS The Kingswingers**

Tue 27 May

**12 noon Spiegeltent Children's Festival**

**8pm: Spiegel Singers**

Wed 28 May

**12 noon Spiegeltent Children's Festival**

**8pm: Evan Christopher's Django a la Creole**

Thu 29 May

**12 noon Spiegeltent Children's Festival**

**8pm: Family Atlantica**

Fri 30 May

**12 noon Spiegeltent Children's Festival**

**8pm: Spiro + Three Cane Whale**

Sat 31 May

**10.45am: Spiegeltent Children's Festival**

**8pm: New Cool Collective**

Sun 1 June

**1pm: Sam Brookes + Hot Feet + Cocos Lovers**

**8pm: Mary Bijou Circus + Circle of Two**

Booking and tickets from: [www.bathboxoffice.org.uk](http://www.bathboxoffice.org.uk)





Katie Buckhaven & Daryl Kellie

12noon for 1-9pm

*The Bell*

**Jon Kenzie & Band  
/ Nuala Honan &  
Friends / Arthur  
Ebeling**

International acoustic session with gentleman Arthur - solo blues storyteller from Holland - Nuala - from Oz, nowadays known as singer with Smerin's ASC but first came to this part of the world toting her own characterful songs, a pleasure to hear them again - and Jon, whom we met in Italy but was born in Dorset and has a lovely idiosyncratic set of countryish bluesish musing.

Free

5-7.30pm

**SPIEGELGARDEN  
BAR**

**More quality local  
music!**

**FREE**

A continuation of this afternoon's free show during the set-up for the evening.

Any updates we have will be on [www.bathfringe.co.uk](http://www.bathfringe.co.uk)

Free

1pm for 2-4.30pm

**THE SPIEGELTENT**

**The great  
Spiegeltent FREE  
session**

Lawrie Duckworth is the ringmaster of the finest and longest-running Open Mic session in town, and as a consequence has seen absolutely every band in Bath and the surrounding area. This afternoon he brings a personal selection box of the best of them into the Spiegeltent for your delectation. Think of it as a live mix-tape, you won't be familiar with most of it and if you don't like one, there will be something completely different along in a moment. If we're lucky we'll get a set from Mr. D too.

Free



8pm for 8.30 - 11pm

**THE SPIEGELTENT**

**Bath Comedy Festival @ Bath Fringe**

**Jeremy Hardy**

Jeremy Hardy has been a stand-up comic since 1984 and will be one until he dies or wins the lottery.

Jeremy is best known for his work on Radio 4, notably on *The News Quiz*, *I'm Sorry I Haven't a Clue* and *Jeremy Hardy Speaks to the Nation*. In 2010, he published a book, *My Family and Other Strangers*, chronicling his desperate search for interesting ancestors.

"In an ideal world, Jeremy Hardy would be extremely famous, but an ideal world would leave him without most of his best material" - *The Guardian*.

"A comic genius" - Sandi Toksvig

Price: £14 / £7 concs (NUS/unwaged)

Booking: *Brawn Paper Tickets/Bath Box Office*

7.30pm for 8-10.30pm

*Chapel Arts Centre*

**Katie Buckhaven &  
Daryl Kellie**

Katie's music blends evocative images of French and Spanish folk with contemporary pop and rock influences. Her breathtaking, haunting voice has the power to leave an audience completely spellbound.

Daryl Kellie is a brilliant finger-style guitarist sure to enthral lovers of acoustic rock, pop and jazz.

They will be performing their own sets of original material and also collaborating in a performance not to be missed.

Price: £10

Booking: [www.chapelarts.org/](http://www.chapelarts.org/)  
*Bath Box Office*

Booking and tickets from: [www.bathboxoffice.org.uk](http://www.bathboxoffice.org.uk)



Terrill Wolyn

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**Subject:** FW: Email from David Greenwood 24/10/2014

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**From:** Kirsty Morgan  
**Sent:** 24 October 2014 16:14  
**To:** Terrill Wolyn  
**Subject:** Email from David Greenwood 24/10/2014

**From:** David Greenwood [<mailto:david.greenwood25@gmail.com>]  
**Sent:** 24 October 2014 16:13  
**To:** Kirsty Morgan  
**Subject:** Formal Review of the Licence 12/01887/LAPRE

The excessively high volumes of noise emanating from the Spiegel tent over the past three years have been a cause of a serious deterioration in the quality of our lives for the 10 to 11 consecutive nights that live and amplified music are played. We have lived in Great Pulteney Street for over 18 years and up until 4 years ago the tent was not a problem. The noise means that we are unable to enjoy the peace and quiet of our own home. Sleep is just not possible. It is likewise impossible to listen to classical music or the spoken word on radio and television. On the odd occasion when we have enjoyed a period of quiet during the event and have fallen off to sleep we have been woken up. The only way to get any relief from this nuisance is to leave our home, which is fine for the odd night but it is totally unreasonable to expect this to happen night after night.

It is possible that the Licensing Committee will not be minded to revoke the licence and propose an alternative site, such as Royal Victoria Park or Parade Gardens. In this case I would ask that the following conditions be applied to the licence

1. No live or amplified music to be played after 22.30. The same hours as apply to Hyde Park.
2. The live and amplified music shall not be played on consecutive nights
3. That noise limiting equipment be fitted to and that nothing in excess of 75 dBc be permitted. In addition the level of the Bass tone to be set at a low level as this is the one factor which causes the greatest problem for those of us living near Johnson Street and the end of Great Pulteney Street/ Laura Place.
4. That a strict limit of 65dBc running rate be observed.

It is suggested that the organisers of the Spiegel tent pay BANES Environmental Protection Team to carry out monitoring every night from 21.00 until finish to ensure compliance.

regards David Greenwood



**9 Abbey Court  
Edward Street  
Bath  
BA2 4DX**

24<sup>TH</sup> October 2014

Dear Sirs,

I live on the east side of the Recreation Ground, my view currently despoiled by the illegal East Stand of Bath Rugby.

I understand there has been a formal application to ask you to review the terms of the license granted to the Spiegeltent, which I wholeheartedly support.

During its presence on the Rec this year, the lateness of the loud noise and loud revelers was quite unacceptable and even at the distance from my flat; I was kept awake and disturbed beyond reason. The Recreation Ground has fully annexed and subsisting 1922 Covenants which are attached to the Recreation Ground were specifically designed so that local residents would be protected from **"any trade or business which may grow to be a nuisance or annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighborhood"**.

The 2014 activities of the Spiegeltent breached these covenants and must be changed for the future if allowed to return in 2015.

Amplification should be disallowed and events should cease at 10.30pm each evening.

I do urge you to give some consideration to local residents and make the changes to the licence so that the Spiegeltent can return in 2015.

Yours sincerely,

Peter Carne



2<sup>nd</sup>/3<sup>rd</sup> Floor Flat,  
77, Great Pulteney Street,  
Bath BA2 4DL

Licensing Team,  
Bath & North East Somerset Council,  
Lewis House,  
Manvers Street  
Bath  
BA1 1JG

Bath And North East  
Somerset Council

8 OCT 2014

Received

8<sup>th</sup> October 2014

Dear Sirs,

Re: Objection to Licence 12/01887/LAPRE

Bath Fringe Limited

We have lived at the above address since August 1996. The Spiegel tent first came to Bath a number of years after we arrived and until about four years ago we could not hear a sound from it. However, someone at the council decided to relocate the tent to a position where it began to cause considerable nuisance and over the last few years it would appear that the tent has got bigger and noisier.

There was a wedding on the Recreation Ground on Thursday 22<sup>nd</sup> May which caused considerable nuisance until well after 11pm and the Spiegel tent opened the following day 23<sup>rd</sup> May 2014. On the evening of the 23<sup>rd</sup> May there was also a marquee selling alcohol well after 11 pm by the Bath Rugby Club on the Recreation Ground.

As a result of our experience over the previous years we had contacted the Noise Pollution Department of Bath & North East Somerset Council and they installed monitoring equipment in one of our bedrooms and it remained there from Friday 23<sup>rd</sup> to Tuesday morning 27<sup>th</sup>. The noise was particularly annoying on the Friday evening and the Monday evening. We were advised by Diarmuid Henry of the Noise Pollution Department that the majority of the unacceptable noise on the Friday evening was caused by the Rugby Club although I fail to see how this can be established from the print out of a machine and although on many occasions on the Monday evening the noise level was in excess of 80 decibels it averaged out over a 15 minute period at less than 65 decibels. In total we were inconvenienced by exceedingly loud music for 11 days from 22<sup>nd</sup> May to 1<sup>st</sup> June.

The area we live in is residential and the majority of the houses have the 1922 Covenant granting freedom from nuisance in their deeds. The Trustees of the Recreation Ground accept they have a duty of care to their neighbours. There is also an added problem, as you may know the Spiegel tent is located between the Sports Centre on one side and the properties on Johnstone Street / Great Pulteney Street on the other side, the latter being 6 stories high. Unfortunately the noise rebounds off the Sports centre and increases as it rises to the residential properties on Johnstone Street and Great Pulteney Street. Unfortunately, it is not only loud music that reaches us, but also the bass sound which makes us suffer from the constant thump, thump noise. We are advised that it is the bass that encourages people to drink more as the thumping gets faster as the night goes on. As the buildings are grade one listed the residents are not allowed to have double glazing.

The music could be heard very loudly in our home even with the wooden shutters closed and the television on loud. For most nights we did not get to sleep till well after midnight and my wife suffered from severe depression just before the festival started, during and after it finished. She was forced to visit our local general practitioner, and last year she was even referred to a specialist.

We are advised that the Spiegel tent is an integral part of the famous Bath Music Festival. However, to my knowledge none of the events in the main festival which take place indoors last after 10.30 pm, whereas the outdoor Spiegel tent is licensed till 11.30pm and 12.00 am depending on the day of the week. A couple of years ago the plug was pulled on Bruce Springsteen and Paul McCartney at 10.30pm whilst performing in Hyde Park which was miles from any residential area. I do not believe that the Spiegel tent has ever hosted anyone of a similar category.

I am told that each licence stands on its own but I believe that you ought to take into account that Bath Rugby is licensed to play music on approximately 16 occasions a year for its first team and this music is played 2 hours before and 2 hours after each game and BANES is entitled to a number of evenings of loud music in the Illustrious Suite. It is appalling that two different licencees should be allowed to perform on the same evening.

I believe that the Spiegel tent should be relocated to Parade Gardens, which was set up for music and it even has a band stand. It is away from most residential buildings and the Empire has double glazing to protect its residents. The band stand is also greatly under used.

If the tent cannot be re-located to Parade Gardens it should be moved to the pitch used by Bath Rugby so it is not in line with the houses. The pitch is already used by the volleyball during the annual international festival.

The organisers advised us that they need the licence till 11.30 pm so that they can sell enough beer to cover their costs. Surely the entrance fee should cover the costs and any alcohol sales should be a bonus. I am sure that events at the Abbey do not rely on alcohol sales to cover their costs.


We are continually told that Bath has a vibrant night time economy with a considerable amount of licensed premises selling alcohol well into the early hours of the morning, surely we do not need another one.

The 65 decibel limit I am sure is not designed for music played constantly for so many hours and so many days so close to residential areas especially as for much of the time it is considerably in excess

on the 15 minute average basis . I am sure none of you would enjoy music played at that pitch in your back garden every night for 11 nights till 11.30pm.

At the very least we would hope that you would put a limit of 10.30pm to the playing of loud music every evening and that the decibel level be reduced to a maximum of 60 decibels not an average. The noise pollution department should enforce this rigidly.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'G D White', written in a cursive style. The signature is positioned above the printed name 'G D White'.

G D White

# ANNEXE

Three separate sources of noise/nuisance

1. Bath Rugby Club Match days, music, loudspeakers, commentator, lorries, building works.
2. The Illustrious Suite, Bath Rugby and BANES
3. The Spiegel tent

Formal Application to Review is only for Spiegel tent

People can make their comments, for and against ... BUT once submitted they cannot introduce EVIDENCE at a later stage.

People can ask to speak at the hearing but only to stress elements of their comments.

Manda Rigby is the Chairman and she is up to date with situation BUT cannot get involved beforehand as this could place her in a difficult position.

I have been advised that we need to be clear on what we want to achieve. I have set out options in my application.

Revoke licence

Reduce number of days, the hours, the sound level  
Resite the tent.

What do we want?

**INTERESTED PARTY REPRESENTATION**

**ANNEXE**  
Bath And North East  
Somerset Council  
**22 OCT 2014**  
Received

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

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

*support*

Application number:	12/01887/LAPRE
Applicant's name:	CAROLINE KILNER
Premises name and address:	THE SPIEGELTENT BATH RECREATION GROUND BATH
Application for a:	FORMAL REVIEW OF THE LICENCE

**Objector Details:**

Objector's Name:	CAROLINE KILNER
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.	GROUND FLOOR FLAT 75 GREAT PULTENEY STREET BATH. BA2 4JL
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 note my email address:-  
hanniebear4@gmail.com,

**ANNEX E**

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 CAROLINE KILNER

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>
	<p>Please contact me through my email address as I am often away for work.</p> <p>Thank you</p>

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

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

The noise generated by the events held in the tent is excessive and I have been unable to sleep or watch TV (particularly Newsnight and other spoken words on many occasions). The fact that this loud music continues night and night (11 nights last year) + 10 nights in the previous 2 years is excessive and unreasonable. Cut it back to 22.00. Limit the amount of bass tones & beats.

The attached chart shows an uncontrollable link between late night drinking and crime. The Spiegel Tent, finishing after 00.30 AM and located very near to a hot spot adds to the problem.

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



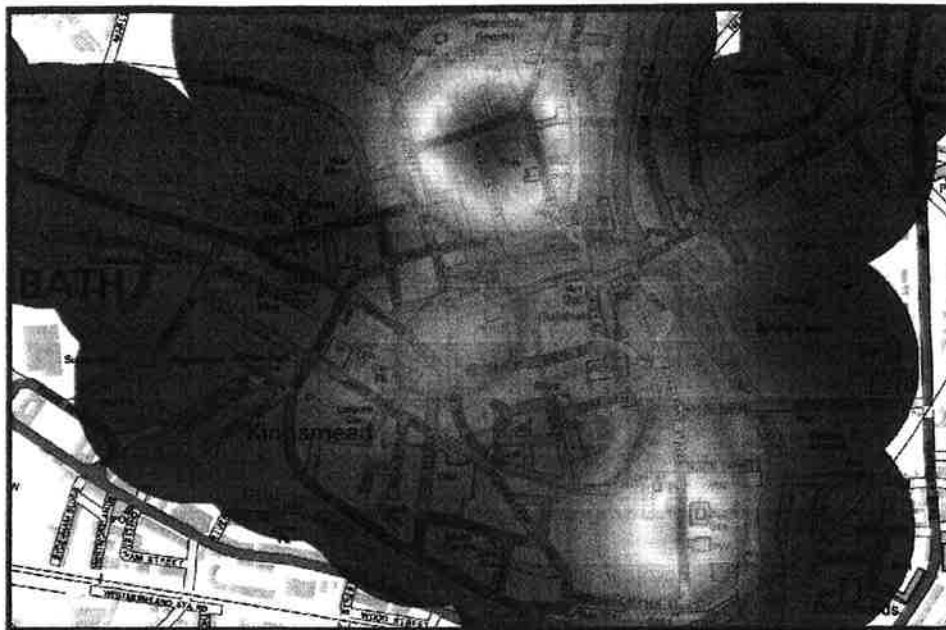
Date

21st October 2014

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

07766 354817

# Geographical Analysis - Hotspots



## Bath City Centre

Analysis has identified the city centre as a hotspot for crime linked to the night time economy. The above map shows 'hotspot' analysis of crimes between 20:00 – 04:00 hours.

### Avon and Somerset Constabulary

Working together to make the communities of Avon and Somerset feel safe and be safe  
[www.avonandsomerset.police.uk](http://www.avonandsomerset.police.uk)



NOT PROTECTIVELY MARKED



**Terrill Wolyn**

---

**From:** Licensing  
**Sent:** 22 October 2014 09:45  
**To:** Kirsty Morgan; Terrill Wolyn  
**Subject:** FW: SUPPORT OF FORMAL APPLICATION TO REVIEW THE LICENCE FOR THE SPIEGELTENT SITED ON THE RECREATION GROUND

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**From:** Rosie Carne [<mailto:rosie.carne@yara.com>]  
**Sent:** 22 October 2014 09:04  
**To:** Licensing  
**Subject:** FW: SUPPORT OF FORMAL APPLICATION TO REVIEW THE LICENCE FOR THE SPIEGELTENT SITED ON THE RECREATION GROUND

Please see report below and replace with version sent last night. I blame the time (12.08 am) for leaving out vital information now added!

Regards, Rosie Carne

---

**From:** Rosie Carne  
**Sent:** Wednesday, October 22, 2014 12:08 AM  
**To:** 'licensing@bathnes.gov.uk'  
**Subject:** SUPPORT OF FORMAL APPLICATION TO REVIEW THE LICENCE FOR THE SPIEGELTENT SITED ON THE RECREATION GROUND

Dear Sirs,

I AM WRITING IN SUPPORT OF THE FORMAL APPLICATION TO **REVIEW AND LIMIT** THE LICENCE FOR THE SPIEGELTENT ON THE RECREATION GROUND:

I live next to the Recreation Ground and welcome amateur sport and leisure activities taking place on the Rec which are aligned with the Aims and Objects of the Charitable Trust and can be enjoyed by the beneficiaries of the charity. The Recreation Ground is set at the heart of a quiet residential area and has fully annexed and subsisting 1922 Covenants which are attached to the Recreation Ground and in the Deeds of properties adjoining the Rec – including my own. These Covenants were specifically designed so that local residents would be protected from ***“any trade or business which may grow to be a nuisance or annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighbourhood”***.

The Spiegeltent being a temporary structure and the nature of some of the ‘amateur acts’ in its programme means it could comply with the Objects of the charity BUT ONLY WHEN the nature and spirit of the fully annexed and subsisting 1922 Covenants are respected. The current licence allows and indeed encourages BREACHES OF THESE COVENANTS FROM EXCESSIVE LOUD MUSIC AND NUISANCE FROM LATE DRUNK PEOPLE AND IT THEREFORE MUST BE CHANGED. The Spiegeltent structure is a canvas tent and activities within it should not be any louder than the natural voice, whether spoken or singing. The timing of June /July means local residents are in their gardens or homes with the windows open and this is the reason the amplification of music is so unacceptable. The current license allows:  
**“Live and amplified music together with the consumption of alcohol for 11 consecutive days during June and July: Sunday - Thursday 12.00 – 23.30 and Saturday 12.00 – 00.15”**.

The 2014 Spiegeltent Programme was completely unacceptable to local residents and caused several of us to be emailing each other in the early hours of the morning – due to the fact the noise was so loud it

# ANNEXE

prevented sleeping - incredulous at the noise level which was apparently 'within tolerances'. I was in error in leaving many of the formal complaints to be registered by Mrs Alex White but did complain several times to my Ward Councillor Manda Rigby but to no avail. Its level in 2014 prevented conversation in my garden, caused me to have to close windows or go out to avoid the nuisance.

The Reviews I request are:

1. I wish the amplification **to be banned** - so the natural voice whether speaking or singing is the noise level allowed. This is the same situation as the objections so eloquently voiced by Edward Mason from Bath Abbey. The 'so called decibel levels allowed' are unacceptable, breach the Covenants and must be banned.
2. I wish the entertainment programmes to cease at 22.30 on Sunday - Thursday, and 23.00 on Saturday.
3. I wish the licencing hours to be reduced to be 12.00 - 22.30pm Sunday - Thursday, and 12.00 - 23.00 on Saturday. This should enable visitors to be gone from the Rec by Midnight when the gates can be locked.

Rosie Carne  
The Garden Flat  
8 Johnstone Street  
Bath  
BA2 4DH

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**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:	12/01887/LAPRE
Applicant's name:	BATH PRINCE LTD
Premises name and address:	Spiegelteut Tent Recreation around Bathwick
Application for a:	

**Objector Details:**

Objector's Name:	Mr & Mrs Peter 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.	28 Pulteney Mews Bath BA2 4DS
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

- 1. We & our guests have disturbed sleep due to the loud music emanating from the tent on consecutive nights. There is a relentless thumping sound (bass?). I have emailed the council to complain but did not take copies.
- 2. Because the tent is there during the summer, it is hot. We need to have our windows open, but cannot because of the noise! If the tent was moved to Victoria Park where the fair goes, no-one would be disturbed.
- 3. Late night drinkip can cause rowdiness + disorder.
- 4. At MC Motors in Shoreditch, London, the music has to stop at 2300, & I believe the same rule applies in Hyde Park.
- 5. If the music stopped at 2230 Mon-Thurs + 2330 Fri + Sat & was no louder than 65 decibels, we would have no objection & would enjoy a good night's sleep - & a cool one!

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

20 Oct 2014

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

01 225 46 1234

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  Mrs Sally Brown

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

I will be represented at the hearing by  N/A

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>
<input type="checkbox"/>	<input type="checkbox"/>

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

16 Gerrards Buildings,  
Pulteney Mews,  
Bath BA2 4DQ  
14<sup>th</sup> October 2014

Dear Sir,  
Speigel Tent Licence Review.

While I am delighted that so many children and young people can enjoy the entertainment held in this tent, I am writing to ask you to re-locate it to a site where it will cause the minimum of disturbance to local rate payers. The Circus and the Fair caused no problems when sited in Victoria Park.

The Rec really does re-sound with the music as it bounces off the buildings!

My reasons for asking you to re-view your licence are:

1. It will cause great distress to elderly and infirm residents to be exposed to that amount of noise with music and drinking for so many hours.
2. If children are encouraged to attend events, their hearing could be damaged by the high level of noise. Doctors are very concerned about this.
3. The Government is concerned about the level of alcohol consumption by the public, so I think the extension of drinking hours is not good news! Also there are plenty of pubs in Bath to supply their needs.
4. The Rec grounds are kept in immaculate condition by your staff and we have been delighted to see so many different sports played here. Many young people exercising and enjoying themselves (with no loud music!) We would like to see it remain in this condition.

As I said we do not want to spoil people's fun, but we would like you to re-consider local residents' concerns.

Thank you.

Yours faithfully,



Mrs. R. Kennedy.

Bath And North East  
Somerset Council

14 OCT 2014

Received

Licensing Team

Bath and North East Somerset Council,

Lewis House,

Manvers Street, BA1 1JG

**Terrill Wolyn**

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**From:** Licensing  
**Sent:** 15 October 2014 07:09  
**To:** Terrill Wolyn; Kirsty Morgan  
**Subject:** Spiegeltent REPRESENTATION - Robert GROVES

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**From:** Robert Groves [<mailto:robert.groves@itiltltd.co.uk>]  
**Sent:** 14 October 2014 18:33  
**To:** Licensing  
**Subject:** Spiegeltent Review

Licensing Team,

I live in the last house on the river side of Johnstone Street. Currently our building shelters me from the noise created by the Spiegeltent in it's current location. However when it was on the rugby pitch this was not the case, I complained to the council several times but heard nothing back. My mother-in-law lives on the ground floor and the Spiegeltent has been impacting her sleep n either position.

On the opening night of the music festival this year there was a band playing in Parade Gardens. The sound level forced me to increase the volume on my TV, this is acceptable up to a certain time as a one off but not for a week and a half. I also don't think this is a suitable location. I think it is time that some other part of Bath take it's turn in hosting the Spiegeltent, perhaps one of the villages on the hills.

Rob.

Kind Regards

**Robert Groves**  
Managing Director



Information Technology  
Infrastructure

7 Barton Buildings | Bath | BA1 2JR  
tel: 01225 313549 | fax: 01225 448620  
Company No: 4002956 | VAT No: 763168417

[website](#) | [map](#)

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17th October, 2014

8, Pulteney News,  
Bath, BA2 4JS

Licensing Team,  
Bath & North East Somerset Council,  
Lewis House, Levees St. Bath BA1 1TG.



Sirs,

Review of Licence for Spiegeltent Tent.  
Recreation Ground.

The proposed hours for the above are far too long, and wherever the Tent is situated in the Recreation Ground, the noise of the music! carries right to the far end of the News, as well as being a nuisance to the people living near the Riverside area.

It would perhaps be welcomed, for a change, for the venue to be shared by other Bath inhabitants, namely Parade Gardens or, Victoria Park.

Yours faithfully  
I. Evans (MRS)



**Terrill Wolyn**

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**From:** Licensing  
**Subject:** FW: Spiegeltent - REPRESENTATION from Lizzie MILNE

-----Original Message-----

From: Lizzie Millne [<mailto:lizziemillne1@gmail.com>]  
Sent: 21 October 2014 14:00  
To: Terrill Wolyn  
Subject: Re: Spiegeltent - REPRESENTATION from Lizzie MILNE

Hi Terrill

Many thanks for your email and apologies for lack of clarity.

We, as residents, are fully aware of the limitations placed on organisations generating both noise and anti social behaviour in this area eg Bath Carnival in Sydney Gardens and Bath RUFC who both have strict limits to the amount of noise they can generate and the timings of said noise, in addition to the serving of alcohol which contributes to this noise.

The Spiegeltent allows noise to be generated beyond the normal curfew of between 2200hrs and 2230hrs, as proscribed by B&NES Licensing Committee.

The Spiegeltent by their own admission encourage the consumption of alcohol to make their events commercially viable.

By allowing events to 'stagger on' beyond 2200hrs means that we as residents are victims of noise pollution and loud, leery, drunken anti social behaviour by people, very and I mean very, noisily leaving the Spiegeltent in the early hours.

So my support of the review is on the grounds that limitation of the Spiegeltent operating hours would assist Prevention of Crime and Disorder Prevention of Public Nuisance and Public Safety.

I am content for my details to be published.

I am not objecting to the operation of the Spiegeltent before 2200hrs.

Hope this helps

As ever

Sent from my i phone

**Terrill Wolyn**

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**From:** Licensing  
**Sent:** 24 October 2014 16:37  
**To:** Terrill Wolyn  
**Subject:** Spiegeltent Tent REPRESENTATION from Doreen & Geoff COOK

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**From:** [DJCIT@aol.com](mailto:DJCIT@aol.com) [mailto:[DJCIT@aol.com](mailto:DJCIT@aol.com)]  
**Sent:** 24 October 2014 16:36  
**To:** Licensing  
**Subject:** Licence for Spiegeltent Tent, Recreation Ground, Bath

**Dear Sirs**

**If it is not too late we would like to add our names to the Application to Review the above licence.**

**We overlook the Rec at 65 Great Pulteney Street, and in the past the Spiegeltent has been fine, causing us no nuisance. Over the last 2 years or so however we have noticed much more noise due to its re-location in the Rec. much closer to the residential properties in a very quiet area. and the amplified sound is intrusive. To extend the period in days and hours would cause a nuisance so close to peoples homes.**

**Could the Spiegeltent be re-located to say Parade Gardens of Victoria Park. These locations are easily accessible and would cause no concern to the residents in this quiet and peaceful area. We un derstand that a 22.30 hour finish to the licensed time would be in line with the regulations for live performances in London 's Hyde Park.**

**We hope our views can be taken into consideration, if we are not too late!**

**Doreen and Geoff Cook**

**Terrill Wolyn**

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**Subject:** FW: Spiegeltent REPRESENTATION - CJ McGINN

-----Original Message-----

From:

Sent: 14 October 2014 09:57

To: Licensing

Subject: Spiegeltent Tent

Dear Sirs, I understand an application has been submitted to review the Licence.

I wish to fully support the existing Licence. There is no good reason to oppose it. The people who are doing so oppose everything on the Rec. They are true NIMBYS.

I live as close as anybody, in Pulteney Mews, just behind the Cricket Pavilion. The noise is very limited and does not bother me at all. The opposition are just a bunch of Killjoys. If they are against everything on the Rec, why did they choose to live here in the first place?

Yours

CJ McGinn

**Terrill Wolyn**

---

**From:** Jackie Hayes <wharfcafe@yahoo.co.uk>  
**Sent:** 18 October 2014 21:13  
**To:** Licensing  
**Cc:** Terrill Wolyn  
**Subject:** Spiegletent - Representation from Jackie HAYES

**B&NES Licensing: Re review of the Bath Fringe License for the Spiegletent.**

I have attended Bath Fringe events in the Spiegletent for many years, most recently last year.

I have always found the event to be very well-managed and have always felt safe and comfortable both within the event and when leaving to walk back to the station afterwards, sometimes on my own.

The events that I have attended have always finished promptly at what I've always seen as a fairly early time, and attendees have always left in a reasonably quiet and orderly manner - i.e. conversational voices, no shouting or loud noise. I have NEVER seen anyone the worse for drink or behaving in a way that would put themselves or others in danger, and have always appreciated that these events seem to be very family-friendly with a wide range of ages represented (I am a pensioner by the way.)

I have never seen any evidence of crime or anti-social behavior on the occasions when I have attended events, either within the tent or from people leaving.

I have no objection to my representation here being used within the licensing review process and forwarded to the license-holders.

Jackie Hayes  
10 Ancliff Square  
Avoncliff  
BA15 2HD

**Terrill Wolyn**

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**From:** Licensing  
**Sent:** 19 October 2014 15:09  
**To:** Kirsty Morgan; Terrill Wolyn  
**Subject:** Spiegeltent - Representation from Carole STOTT

---

**From:** carole stott [<mailto:carole.stott@creditworks.org.uk>]  
**Sent:** 18 October 2014 12:24  
**To:** Licensing  
**Subject:** licence review Bath Fringe Spiegeltent

To whom it may concern

I understand that there is to be a review of the licence for the Spiegeltent at Bath Recreation Grounds during the Fringe Festival. I would like to register my strong support for this licence to continue to be granted.

I live within "hearing range" of the recreation grounds. From my home we can hear cheers from the rugby matches, the countdown for the half marathon, and occasionally music from events held at the grounds. I do not recall ever hearing loud music or any disturbances from the Spiegeltent. (Although I am over 60 my hearing is perfectly good.)

My walk to home from town is along Great Pulteney Street. I do this regularly in the evenings as well as daytime, including during the Festival and the Fringe. Again I have never witnessed any disturbances or rowdy behaviour from the tent.

I have occasionally attended events at the Spiegeltent. I have to say that I have found these to be extremely well organised and orderly, as well as exceptionally good natured. The Spiegeltent offers unique and highly enjoyable events to many people of all ages. It is an especial pleasure to see so often people from three generations coming together to enjoy music and entertainment in such a special setting in the centre of our special city. To lose this would be an enormous shame and I truly hope that this will not happen.

I understand residents' concerns about noise and nuisance. It is of course impossible to live close to a city or town centre and avoid this completely. However I feel sure that the organisers would take any concerns seriously and it would be possible to minimise nuisance for residents who perhaps live even closer than I do.

I am happy for my views to be forwarded to the licence holder and to be included in any report of the Committee.

Yours

Carole Stott MBE  
Raby Villa  
BATH  
BA2 4EE

**Terrill Wolyn**

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**From:** Zara Niwano <ZaraN@jennymosley.co.uk>  
**Sent:** 20 October 2014 10:12  
**To:** Terrill Wolyn; Licensing  
**Cc:** wendy@bathfringe.co.uk; Jenny Mosley  
**Subject:** FW: Spiegeltent - REPRESENTATION from Jenny MOSLEY

**Importance:** High

To whom it may concern

I am a regular Fringe visitor. I am very surprised to hear that there is a licensing hearing as a result of a few residents being unhappy about the noise levels particularly around the Spiegeltent. I visit many Fringe events in different parts of the country and in my long ago youth, I was involved with putting them on – in my opinion, the Spiegeltent is a very organised venue with very acceptable noise levels. It is incredibly well supervised – with very alert security staff and patrol staff. It is very orderly and calm. My friends and I have never witnessed or heard any noise or behaviour that is out of control or would be sufficient to annoy anybody.

An event like the Bath Fringe Festival is essential for a community to come together and to explore cultural ideas and events. The organisers do an amazing job – they are not maverick and they don't freestyle. At every opportunity they consult with the stakeholders, they are well known for their ability to motivate and organise people well. They have always been very concerned to ensure that all the events run smoothly so that they whole community can benefit.

I run a small office in a residential street – at times there have been one or two complaints from local residents about noise or parking. When we resolved these through negotiation – it was clear that it was just one or two people who have their own unique preferences. We were able to meet their needs but please don't allow the voices of a few to taint the way you look at the whole event. All the people in our street, value the small office – it is an opportunity for casual work, the street outside is kept clean – there is a long list. So, I think it would be preferable rather than such a formal hearing to defuse the individuals who may well have another agenda by careful listening and adaptation. But please, do not alter anything in any big way. The events finish at the right time – the noise level is totally acceptable for each particular gig and the whole event would be diminished if you chipped away at it by suddenly compromising something which gives so much pleasure to so many for the sake of just a few.

I am happy for my email representation to be forwarded to the premises licence holder in advance of the hearing and for it to be published within the Committee report.

With best wishes Jenny Mosley

Jenny Mosley Consultancies and Positive Press Ltd  
[Circletime@jennymosley.co.uk](mailto:Circletime@jennymosley.co.uk)  
01225 767157

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**Terrill Wolyn**

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**From:** Licensing  
**Sent:** 19 October 2014 15:10  
**To:** Kirsty Morgan; Terrill Wolyn  
**Subject:** FW: Speigeltent licence

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**From:** Steve Chinn [<mailto:steve.chinn@btinternet.com>]  
**Sent:** 18 October 2014 12:26  
**To:** Terrill Wolyn  
**Cc:** Licensing; [wendy@bathfringe.co.uk](mailto:wendy@bathfringe.co.uk)  
**Subject:** Speigeltent licence

RE: Speigeltent Bath Fringe

Dear Sirs

I am writing in support of granting a licence for the Speigeltent as used for the Bath Fringe (Music Festival).

I live quite near the location, at the end of Sydney Wharf, close enough to the Rec to hear the loudspeakers from the Rugby ground and the applause of the crowd. This is always a cheery part of match days for me.

I do not hear any significant levels of noise from the events held in the Speigeltent. As a regular supporter of the events, I feel that the noise levels even within the tent are sensible and not overwhelming. I do not attend events to be overwhelmed by noise levels. I appreciate well organised events, as I have always enjoyed whilst at events in the tent.

Part of my enjoyment is to have a glass of wine whilst listening to Rory Bremner or Georgie Fame, for example. I have not experienced any incidents of people drinking to excess or in an unsociable manner in the tent. I like to think that the audiences are as responsible as any, largely mature, audiences usually are. That has been my experience both as an attendee at events and as a nearby resident. In fact, as a resident, my experience is that the events are run with minimum impact on my environment.

I consider the location of the tent to be practical. It is a significant distance away from residential property thus dispersing the noise levels (noise intensity has an inverse square relationship for distance). It also allows for dispersal of the attendees before they reach footpaths and roadways. People are not channelled through a narrow exit route.

Steve Chinn

Prof S J Chinn PhD FRSA

Footnote: I am happy for my representation to be forwarded to the premise's licence holder in advance of the hearing and for it to be published within the Committee report.

**Terrill Wolyn**

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**From:** Jonathan Oates <jonathanoates74@gmail.com>  
**Sent:** 20 October 2014 12:13  
**To:** Terrill Wolyn  
**Cc:** Wendy Matthews  
**Subject:** Fwd: Licensing Hearing

Dear Terrill,

We understand a licensing hearing is due to be held in which the licensing of the Fringe Festival's Spiegeltent and associated activities is under review, following complaints from a few local residents.

We would like to offer our views as long term Bath residents, and residents of Great Pulteney Street since 2009. We have both, over a number of years, volunteered, contributed to the program, and, this year, worked for the Fringe (likely a one off). We also attend the odd Fringe event, including the opening night at the Spiegeltent. As such, we believe we have a good sense of the experience these activities make for Fringe goers, Bath visitors, and residents alike, including local residents of course (we are almost opposite the Recreation Ground).

Our immediate reaction is one of surprise that anyone should have complained. The BFF/Spiegeltent is an established part of the calendar and character of Great Pulteney Street, Abbey Ward, and Bath more generally, and part of a variety of activities that includes Bath Rugby (day and evening), various sporting events at the Rec, the Bath Half, the newer Bath Carnival, the upcoming fireworks, and more besides.

Our judgement is that the BFF and Spiegeltent is organised perfectly adequately as far as public safety, and risks to children goes, as would seem to be indicated by the levels of attendance at family as well as other events. In that case, we imagine that the complaints might relate to public nuisance.

Our response is that we have not, in 5 years opposite, suffered any nuisance from the BFF/Spiegeltent. In terms of ambient noise, the BFF makes less noise than the evening Rugby matches, and does less to compromise our amenity (if that is how it is seen) than any of the usual activities associated with a city centre, or more specifically, the rugby, Bath Half, and even Bath Carnival.

In terms of anti social behaviour (sic), we would be surprised to hear the BFF/Spiegeltent fell outside the usual range of local residents' experiences. The street is a thoroughfare as well as a residential area, in the heart of the city, and in consequence, it is not uncommon to hear raised voices late at night (students, stags and hens, drunks, not to say sirens, seagulls, dustcarts, buses and so on). Our experience is that the BFF makes no difference to the usual ebbs and flows, but does add significantly to the life of the city.

We are happy for our correspondence to be included in the process, and would be happy to help further if need be.

Yours sincerely,  
Mr Jonathan Oates Dr Simi Rezai

--  
Jonathan OATES  
(m) : +44 (0) 7828 618 809



**Terrill Wolyn**

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**From:** Annie Beardsley <annie@phonecoop.coop>  
**Sent:** 21 October 2014 20:45  
**To:** Terrill Wolyn  
**Subject:** Spiegeltent REPRESENTATION - Annie BEARDSLEY

Dear Terril Wolyn,

I am writing in support of the licence application/review for Bath Fringe Spiegeltent.

I am a former arts producer and have a lot of experience of working on festival events, including many years of community events for Bath International Music Festival. I am very aware of the important relationship between residents of Bath and the festivals, and many times have been involved in seeking licences and permissions for live events.

I have attended many events as part of Bath Fringe at the Spiegeltent (as well as other venues), and I can confirm that whenever I have attended events at the Spiegeltent, they have been impeccably well-organised and have started and finished as advertised. They adhere very strictly to finishing times, and I have heard MC's mention that consideration needs to be paid to the neighbours and people are asked to leave quietly. There always seem to be adequate staff and volunteers to ensure an orderly and safe event. I have never witnessed any deliberate behaviour that would constitute contempt for local residents. Quite the opposite.

In my experience, the Fringe is scrupulous about meeting the licensing objectives and particularly with regard to Objective 3 - prevention of public nuisance. They and their audience are all well aware that their continued contribution to the cultural life of B&NES relies on this good relationship with Council officers and residents. I have certainly seen many hundreds of people enjoying themselves at these events and benefitting from the rich and diverse programming that the Fringe works so hard to provide its audiences.

It is my experience that a very few city-centre residents making a complaint about a temporary event are often heard over and above the many hundreds of residents and visitors who pay to support the cultural life of this city. This seems an injustice to me, especially in the case of the Fringe, who make a real effort to make their events accessible to as many local people as possible. I hope when reviewing the licence for the Spiegeltent you will find in favour of the many of us who look forward every year to the Spiegeltent events.

I am happy for this email to be forwarded to the Fringe and to be published as part of the Licensing Committee report.

Kind regards

Annie Beardsley  
[annie@phonecoop.coop](mailto:annie@phonecoop.coop)  
T: 07540249471

web: [anniebeardsley.com](http://anniebeardsley.com)  
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**Terrill Wolyn**

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**From:** Christine Dean <christine.dean1@yahoo.co.uk>  
**Sent:** 21 October 2014 14:33  
**To:** Terrill Wolyn; Wendy@bathfringe.co.uk; David@avoncliff.com; Jackie Hayes  
**Subject:** Bath Fringe Spiegeltent License

I am writing on behalf of myself and my husband (both pensioners) who have for many years enjoyed attending events at the Spiegeltent. I would like to make the following points in relation to the licensing objectives:

1. Crime and disorder: we have never experienced or witnessed any crime or disorder in or around the Spiegeltent. We have never heard of any muggings, fighting, threatening, drunkenness or other anti-social behaviour. Neither have we suspected any under-age drinking.
2. Public safety - some observations: the site is flat, clean and well managed by a suitable number of 'officials' present at the events. The tent is firm and stable. Emergency exits are visible to all. Bar staff are well trained and friendly. Noise levels are never excessive. Public toilets are available adjacent to the site. Sufficient letter bins are provided. Crowds are dispersed in a number of directions so there is no 'wave' of people leaving the event all heading in the same direction. We have absolutely no concerns about public safety.
3. Public nuisance: we have never experienced or been aware of any form of public nuisance. The events attract people from all age groups and we have never observed any drunken, noisy or anti-social behaviour. In our experience events finish in good time for us to catch a train home before midnight. Following the event we walk towards the railway station where the atmosphere is calm and unthreatening.
4. Although we do not attend events with children I would have no concerns about children being in the vicinity of the Spiegeltent, under the supervision of adults.

In view of our positive experience we hope that you will consider the license application favourably.

Yours sincerely

Christine & Paul Dean  
Avoncliff

**Terrill Wolyn**

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**From:** Kirsten Elliott <kirsten@akemanpress.com>  
**Sent:** 23 October 2014 16:20  
**To:** Terrill Wolyn; Licensing  
**Subject:** Spiegeltent - REPRESENTATION - Kirsten ELLIOT

I understand that there have been a small number of complaints about the presence of the Spiegeltent on the Rec during the Bath Fringe Festival. I am at a loss to understand why.

I have regularly attended concerts at the Spiegeltent and I would like to make the following observations.

1. It is sited at some considerable distance from any of the houses.
2. It is extremely well organised and stewarded. I have never heard any undue noise after concerts at night, when people walk quietly away. Events finish quite early.
3. At daytime events, there is no more noise than there would be from any park – indeed, the number of children playing there is probably less than in your average park.
4. Any noise that may be created is much less than the Rugby or outdoor concerts held on the Rec. I can clearly hear these – especially Rugby commentary and cheers – in my house in Bathwick, but I have never heard anything from the Spiegeltent.
5. Its removal would be a serious loss to Bath's cultural life.
6. If people go and live near a public space whose very existence is for public recreation, then they should not be too surprised if people use it for that purpose.

In conclusion, I would say that, unless the complainants have also registered a complaint about Bath Rugby, whose fans and events cause much greater noise disturbance, on a much more regular basis, then this particular complaint should be dismissed as mere mischief-making. If a small number of people are fortunate enough to live overlooking a very lovely open space with views of the city, I suggest they count their blessings rather than making complaints and causing distress to the large number of people who support and enjoy the events in the Spiegeltent.

I confirm that I am happy for these comments to be sent to the premises licence holder and to be included in the committee report.

Kirsten Elliott  
58 Minster Way  
Bath BA2 6RL

01225 310364

**Terrill Wolyn**

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**From:** Andrew Swift <andrew@akemanpress.com>  
**Sent:** 23 October 2014 15:39  
**To:** Terrill Wolyn; Licensing  
**Subject:** Spiegeltent - REPRESENTATION - Dr Andrew SWIFT

I am writing with regard to representations which I understand have been made concerning the licence granted to Bath Fringe for running events at a Spiegeltent on the Recreation Ground during the annual Fringe Festival. Having attended many events at said Spiegeltent over the years, I would like to make the following points:

All the events I have attended have been run professionally, with stewards and other staff/helpers ensuring that everything runs smoothly, with safety, crowd control and prevention of anything resembling public nuisance paramount at all times.

A large number of children are taken by their parents to events during the day, and from what I have observed I can say that stringent measures are taken to ensure their safety, with appropriate facilities, entertainers etc, and stewards on hand.

The venue is at a considerable distance from residential properties; nevertheless, anyone who has attended Spiegeltent events can vouch that events finish punctually, and in many cases before the cut-off time.

I would also like to point out that the Recreation Ground is not a haven of peace when no Spiegeltent is present. Bath Rugby play there, and have several evening matches starting at 1945 or 2000 every season. Not only will a packed rugby stadium in full cry produce significantly more noise than generally issues from the Spiegeltent, but the number of spectators that disgorge onto the streets after a game will be many times larger – and, I submit, more vociferous – than a Spiegeltent audience.

From what I have seen, Bath Fringe has taken every effort to adhere to the provisions of their licence and done so in a professional manner. I trust that the licensing committee will bear this record in mind in considering the representations of a small number of individuals who, whatever their agenda, seem to be seeking to extinguish one of the highlights of Bath's cultural calendar.

I confirm that I am happy for this comment to be sent to the premises licence holder and to be included in the committee report.

Dr Andrew Swift

58 Minster Way

Bath

01225 310364

**Terrill Wolyn**

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**From:** John Struthers <J.C.Struthers@bath.ac.uk>  
**Sent:** 23 October 2014 13:58  
**To:** Terrill Wolyn  
**Subject:** Spiegletent - REPRESENTATION from John STRUTHERS

I was disappointed to learn that you are reviewing the licence for the Spiegletent operated so successfully over many years by Bath Fringe. As a resident of Great Pulteney Street for 8 years I have no recollection of any negative issues resulting from the series of events that have been programmed there. As the holder of licences for many different premises over the years I am aware of the Licensing Objectives in B&NES and have no knowledge of Bath Fringe contravening them in any way.

As the Chair of Connaught Mansions Management Company Ltd. for 6 years representing and listening to the views of 62 owners and residents of flats in Great Pulteney Street, not one issue of concern around this important community initiative was raised. Indeed many residents agreed with me that Bath was blessed to have green space in the city centre that could be used for events of this sort that benefited the local community and visitors but also made a significant contribution to the local economy.

Whilst I am not aware of who has asked for this review, I imagine that it is a small, if vocal, minority. As a long standing member of PERA (Pulteney Estates Residents Association) I could probably hazard a guess as to who the complainants are. In my personal and professional opinion the Spiegletent is a positive and well loved addition to Bath's cultural offer. I would urge you during this period of review to consider carefully the many residents of Bath including those living in the immediate environs of the recreation ground who believe that this initiative is something that we should not lose and who value the quality and breadth of the programme offered. They vastly outnumber the few who feel aggrieved at some slight inconvenience for a short period during the year.

I am happy for this email to be forwarded to the premises licence holder. Thank you for taking the time to consider my views I hope that they are helpful in considering the course of action that has most benefit to the community of Bath.

Best regards

John C. Struthers

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**John C Struthers**

Director, ICIA

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Watch two short [films about ICIA](#)

**Terrill Wolyn**

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**From:** nod@nodknowles.com  
**Sent:** 23 October 2014 14:22  
**To:** Terrill Wolyn; Licensing  
**Subject:** Speigeltent - REPRESENTATION - Nod KNOWLES

Dear Colleagues in B&NES Licensing

I wish to comment on the issues around the granting of a licence to Bath Fringe for the location of the Spiegelent on the Rec for the annual festival event in 2015.

As the former CEO of Bath Festivals Ltd (the company which organises the International Music Festival and other annual festivals, education projects and the Bath Box Office in the city) I was in touch with the Fringe company and observed their events for several years. Since leaving Bath Festivals I have continued to be a music promotion specialist consultant, still resident in Bath but dealing with local authorities, arts councils, festivals, concerts and events around the UK and abroad.

In consequence of this varied experience as an organiser but also in other work as an assessor of public performance events, I am very well acquainted with the importance of good licensing and the requirements under which an authority such as yours and local organisations must operate. In this context, and in line with the key objectives of any licence that you may be asked to grant, I would make the following observations about the Fringe and the Spiegelent.

In terms of the preservation of public order and prevention of criminal activity, I can confidently state that the use of the Spiegelent on the Rec throughout the years has been a well-organised and security-conscious operation. The organisers have run programmes and schedules that seek to maintain good order in terms of: strict adherence to their licensing hours; perimeter patrols; security staffing; and an entertainment policy that engenders good-natured behaviour amongst their audiences.

Bath Fringe, like any good festival organiser in this era, pay close attention to issues of health and public safety. As an organisation they bear the costs and legal responsibility of all the necessary procedures and manage staff and volunteers in the light of appropriate health and safety training and qualification.

In recent years the Spiegelent programme has been devised with a specific concern to avoid performers who use overloud amplification. In terms of the audience members who attend the events, whilst enthusiastic about the artists they are generally a considerate, good-natured and well-behaved group of people – and especially in contrast to the rowdy nightclub crowds who spill out on to the streets of the city from permanent venues all year round.

The audiences are generally a broadly mixed group in terms of gender and also of age – a factor that is proven to moderate behaviour in any social group. The Spiegelent programme also caters particularly for children and families in a friendly and safe environment. My experience of the Fringe, as with my previous company Bath Festivals, is that issues such as child protection and CRB checks are addressed conscientiously and with professional skill – and that the provision of a high standard of education and entertainment activities for children and families is one of the most appealing aspects of their overall work for the people of B&NES.

I trust that you will be able to be able to continue licensing the Fringe's use of the Spiegelent on the Rec for the pleasure and entertainment of our citizens and visitors.

**Terrill Wolyn**

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**From:** Ralph Oswick <ralph@widcomberising.co.uk>  
**Sent:** 23 October 2014 13:57  
**To:** Terrill Wolyn  
**Cc:** Wendy Matthews  
**Subject:** Spiegeltent - REPRESENTATION - Ralph OSWICK

Dear Sir

As both a regular 'user' and customer at the Bath Fringe Spiegeltent I would like to say that in my experience the venue is very well run and much attention is given to noise levels, litter, late night crowd movements, vehicle access etc. The organisers were certainly strict about over-running on the few occasions I have co-produced evening entertainment events in the venue and I am aware that noise limits are imposed on bands. As a customer, I note that appeals for audiences to leave quietly are regularly given out.

The tent is not a huge venue and some events do not by any means attract capacity audiences, or what one would call rowdy elements, so I doubt that night time disturbance is on a par with, say, a city centre pub or club at closing time. And on that subject, the bars at the tent are run by experienced professionals in an efficient manner.

The organisers have always had local residents in mind, and indeed in 2014 the tent was realigned so that the sound carrying towards residential areas would be reduced.

I have friends who live in Pulteney Street who are ardent fans of the Spiegeltent and are excited rather than annoyed by its arrival on an annual basis, especially as by day it provides a safe and highly enjoyable venue for children's entertainment and creative activities. They have never complained about any disturbance or annoyance emanating from the venue.

I am an independent Fringe-goer and producer and not a business associate of Bath Fringe. I am happy for my opinion as stated above to be used as evidence in any enquiry.

**RALPH OSWICK**

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Ralph Oswick  
Co-organiser  
Widcombe Rising  
**Patron Bath Comedy Festival**

**Terrill Wolyn**

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**From:** Nick Steel <nick@bathcomedy.com>  
**Sent:** 23 October 2014 16:57  
**To:** Licensing  
**Cc:** admin@bathfringe.co.uk  
**Subject:** Spiegeltent - REPRESENTATION - Nick STEEL

Dear Sir

I have been attending events at the Bath Fringe Spiegeltent for many years both as an event promoter and an audience member.

In my opinion the venue has been consistently well run, in accordance with its licence, in terms of noise levels, event timings, stewarding and security. As an event organiser myself I have noticed the attention given to all these matters by Fringe staff and volunteers.

During the daytime, the venue provides a safe environment and experienced supervisors for children's events and activities.

Evening events are never allowed to continue past the licenced hours and audiences are encouraged to respect the neighbours when leaving the venue. There are several ways that the public can disperse, and speaking as an ex-resident of Great Pulteney Street, I cannot imagine how any noise made by the venue's concert goes during or after events could be more of a disturbance than the usual late night spillage from the surrounding area's pubs and nightclubs.

I fear restrictions to the current license might make the whole Spiegeltent event unviable, which would be a sad loss to the city's cultural offering.

I am happy for any of my views to be forwarded to other parties or published in any report.

Yours faithfully

Nick Steel

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Nick Steel  
**Director, Bath Comedy Festival**  
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