

Democratic Services

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Date: 16 May 2012

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To: All Members of the Licensing (Gambling and Licensing) Sub-Committee

Councillors: Gerry Curran (Chair), Dine Romero (In place of Douglas Nicol), Other Member

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Gambling and Licensing) Sub-Committee: Thursday, 24th May, 2012

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Thursday, 24th May, 2012 at 10.00 am** in the **Council Chamber - Guildhall, Bath**.

A private briefing session for Members will be held in the meeting room at 09.30am.

The agenda is set out overleaf.

Yours sincerely

Sean O'Neill
for Chief Executive

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

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath 01225 395090 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

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

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

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

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

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

Licensing (Gambling and Licensing) Sub-Committee - Thursday, 24th May, 2012

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

To receive any declarations from Members/Officers of personal/prejudicial interests in respect of matters for consideration at this meeting, together with their statements on the nature of any such interests declared.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. MINUTES: 23 APRIL 2012 (Pages 5 - 12)

7. LICENSING PROCEDURE (Pages 13 - 16)

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

8. APPLICATION TO VARY A LICENCE FOR BATH FRINGE - SPIEGELTENT RECREATION GROUND, PULTENEY MEWS, BATHWICK BA2 4DS (Pages 17 - 66)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

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BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Monday, 23rd April, 2012

Present:- Councillors:- Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Also in attendance: Simon Barnes (Senior Legal Adviser), Jeremy Lockley (Environmental Health Officer) and Terrill Wolyn (Senior Licensing Officer)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 28 FEBRUARY 2012

These were approved as a correct record and signed by the Chair.

7 LICENSING PROCEDURE

The Chair drew attention to the licensing procedure, copies of which had been made available to those attending the meeting.

8 APPLICATION FOR A PREMISES LICENCE FOR VILLA MAGDALA, HENRIETTA ROAD, BATH BA2 6LX

Applicant: Eiderdown Ltd, represented by John Willmott (Director)

Interested Parties: Ian Herve, Ceris Humphreys, Ms Board, Mrs Glyde

Responsible Authority: Avon and Somerset Police, represented by Martin Purchase (Liquor Licensing Officer)

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

The Senior Licensing Officer summarised the application, which was for a new premises licence authorising the sale and supply of alcohol 24 hours a day for consumption both on and off the premises. She advised members that the application was put on the basis that off sales were required to allow consumption of alcohol in the garden, which was not shown on the submitted plans. The Police had made a representation proposing a condition that:

“There shall be no consumption of alcohol after 10pm each day in any outside area”.

The applicant had agreed in writing to this condition.

Mr Willmott stated the case for the applicant. He explained that he was a Director of the operating company and personal owner of the premises. He said that the premises had recently undergone a major refurbishment and he wanted to be able to offer wine, not beer or spirits, to bona-fide guests. There was significant demand for a bottle of wine with meals. He would also like guests to be able to consume wine in the garden. He was happy to accept the Police condition that there should be no alcohol consumed in the garden after 10pm. In fact, he would be quite prepared to accept 9.30pm as the terminal hour for the consumption of alcohol in the garden. He explained that the application for off sales had been made because he had been advised that as the garden was not part of the licensed premises, off-sales would be required to allow guests to consume wine in the garden. There was no intention to sell alcohol to people coming in off the street.

The Senior Legal Adviser advised members that in his opinion an off-licence was not required in order for alcohol to be consumed in the garden. In his view, the garden and outside areas were part of the premises, notwithstanding that they were not shown on the submitted plans. Mr Willmott said that if this was the case, he would withdraw his application for an off-licence. In response to questions from Members, Mr Willmott stated:

- he would accept a condition imposing a terminal hour of 9.30pm for drinking in the garden
- the garden was not in a fit state for use by guests at present
- it would be possible for guests to have tea and coffee in the garden
- Villa Magdala was a five-star guest house and the clientele consisted mostly of middle-aged professionals; hen parties were not accepted; the daily rate was £120-£150 on weekdays and £150-£170 at weekends

The Interested Parties put questions to Mr Willmott. Mr Herve stated that he lived next door but one to the premises. He asked at what time the sale of alcohol would commence. Mr Willmott replied that a complimentary glass of bucks fizz would be offered with breakfast.

Mrs Humphreys asked what lighting would be used in the garden at night and whether there would be tables and chairs there. Mr Willmott stated that it would be

low-level lighting, not floodlighting; it would be like the lighting used to illuminate a footpath. There would be tables and chairs.

Mr Purchase asked for further clarification as to whether an off sales licence was required for consumption of alcohol in the garden and the Senior Legal Advisor repeated his advice that in his view it was not required. A Member asked if it would be possible for the Sub-Committee to restrict the consumption of alcohol to the garden and prevent it from taking place in the car park. The Senior Legal Adviser replied that there could be conditions to address areas of concern.

The Interested Parties stated their cases. Mrs Humphreys said that she would also speak on behalf of Mrs Glyde, who had had to leave the meeting as the start had been delayed. Mrs Humphreys said that it was important that clear conditions were imposed on the licence. She was concerned that there should be conditions which would apply to future purchasers of the premises. She would strongly object to sales of alcohol taking place in the garden. She said that the fact that the clientele would be up-market was no guarantee of good behaviour. She felt that noise and light from the garden would have a detrimental impact on the locality; sounds would carry at night when background noise had reduced. She was pleased that the applicant had offered to terminate activity in the garden at 9.30pm, but she felt that this was not enough. There were elderly people and children in the vicinity and some people suffering chronic illness. She said that guests of a bed and breakfast establishment should not commence drinking until the late afternoon, and requested that a condition should be imposed to this effect. She also felt that there should be no drinking off the premises and no drinking or music in the garden and a condition restricting lighting there. She then spoke on behalf of Mrs Glyde. She said that Mrs Glyde's husband suffered from an illness and spends most of the time in bed. He would be adversely affected by nuisance caused by activities in the garden at any time of day.

In response to a question from a Member, she said that she had no concerns about guests drinking indoors, but was concerned about guests being able to drink all day, which she felt worked against government efforts to control the harm arising from the consumption of alcohol, and she did object to the use of the garden for drinking. Another Member complimented her on the clarity of her written representation, but said that he was inclined to doubt her presumption that the licence as applied for would "inevitably" result in public nuisance. He was also doubtful that, as had been suggested, people would "preload" on alcohol which they had to purchase at hotel prices. She responded that as the area was a very quiet one, noise from the garden on summer evenings would be bound to cause nuisance. She also suggested that the offer of free bucks fizz with breakfast would encourage people to drink more. It was not clear that people would not be able to purchase alcohol at other premises and drink it in the garden. She felt that there was some lack of clarity in what was currently proposed. A Member commented that it would be for the management to prevent guests from bringing their own drink into the premises.

Mr Purchase stated his case. He said that though the applicant had agreed the condition proposed by the Police that there should be no consumption in the garden after 10pm, it was not stated at what time consumption could commence there, which was an important issue under a 24-hour licence.

The parties were invited to sum up.

Mr Willmott said people who had overindulged would be refused access to the premises. The Villa Magdala was not a fly-by-night operation. He would be happy to accept a start time for drinking in the garden.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application as applied for, but limited to the sale of alcohol for consumption on the premises, subject to conditions consistent with the operating schedule, the mandatory conditions imposed by the Licensing Act 2003 and the following additional conditions:

“There shall be no consumption of alcohol in the car park at any time”

“No alcohol shall be consumed in the garden between 9.30pm and midday on any day”

Authority was delegated to the Licensing Officer to issue the licence accordingly.

REASONS

Members have today determined an application for a new Premises Licence for Villa Magdala, Henrietta Road, Bath for the supply of alcohol for consumption on and off the premises 24 hours every day. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is necessary and proportionate to promote the licensing objectives based on the evidence before them.

This application attracted representations on the licensing objective of public nuisance. Those representations which fell outside of the Licensing Act 2003 were disregarded by members. They considered the relevant representations and took account of the evidence put before them. This included evidence from residents raising concerns about noise and lighting in the garden and consumption of alcohol in the garden. Members also noted the representation from the police also raising concerns regarding consumption of alcohol in the garden. Members noted the representations from the applicant, in particular that the applicant will accept a restriction on consumption of alcohol in the garden.

Members were careful to balance the competing interests of the applicant and those of the interested parties and responsible authority in reaching a decision. Accordingly, Members have done only that which is reasonable and proportionate in the circumstances and have decided to grant the Premises Licence as applied for save that it shall be limited to sales of alcohol for consumption on the premises. Having considered advice from the Legal Officer and the Senior Licensing Officer, members are of the view that the premises includes the garden and other outside areas.

9 APPLICATION TO VARY A PREMISES LICENCE FOR DOMINO'S PIZZA, LONG ACRE, LONDON ROAD, BATH BA1 5DL

Applicant: Bath Pizza Ltd T/A Domino's Pizza, represented by John Gaunt (John Gaunt & Partners) and Siggy Wilberg (Franchisee)

Responsible Authority: Environmental Services, represented by Jeremy Lockley (Environmental Health Officer)

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

The Senior Licensing Officer summarised the application. The applicant was seeking to vary the current licence by extending the terminal hour for the provision of late night refreshment from 01.30 to 05.00 every day. A representation had been received from Environmental Services requesting the imposition of a condition preventing the use of delivery vehicles between 02.00 and 07.00 on any day. Representations had also been received from three Interested Parties, two of whom wished to remain anonymous, relating to the licensing objective of the prevention of public nuisance. Additional information had been submitted by the applicant, comprising a skeleton statement of case and a noise assessment report, which had been circulated to Members and the parties the previous Friday.

Mr Gaunt stated the case for the applicant. He said that the application was, in essence, very simple: the applicant would like to extend the authority to provide late night refreshment until 05.00 every day. The premises already had a premises licence with conditions relating to the prevention of public nuisance objective, such as the prohibition of the use of mopeds after midnight. These conditions would apply to the extra hours sought. There had been no representation from the Police. His client had operated in Bath for a total of fifteen years and had relocated to the current premises in January 2011. He submitted that the operation of the premises had been satisfactory and that the applicant had sought to engage with the local community. He suggested that it was significant that the local residents' association had not made a representation to the current application, despite having done so to the previous application. He said that the premises were located on the A4 London Road, which was a main through route from which there was a great deal of ambient noise. The premises currently opened at 10.00 and traded until 01.30. The peak trading periods were lunch time, 11.30 until 14.00, and early evening, 18.00-21.30, after which trade tended to tail off. 80% of sales were made during the two peak periods. It was anticipated that the number of vehicle movements in the couple of hours before 05.00 would be no more than five an hour.

He then turned to the representation of the Environmental Health Officer. He said that the main problem with the representation was that it provided no evidence to justify the restriction proposed. The EHO had said that in his professional opinion the application "has the potential" to give rise to public nuisance; this was not good enough, there had to be evidence. He was also confused about the EHO's proposal to prohibit the use of delivery vehicles between 02.00 and 07.00. He had made no objection to extra trading hours for the shop but only for the use of delivery vehicles. What was it that made vehicle deliveries acceptable up to 01.30, the current terminal hour, but not after 02.00? Why had he mentioned 07.00 when 05.00 was the

proposed new closing hour? Mr Gaunt said that in general Licensing Authorities seemed to prefer takeaways making vehicle deliveries rather than customers calling at the premises in the early hours. He referred to paragraphs 6.6 and 6.7 of the Council's Statement of Licensing Policy, which state that duplication of licensing controls with other statutory regimes should be avoided. It had been decided in the case of Thwaites that licensing decisions had to be based on real evidence. In his submission, there was no evidence. The EHO had confirmed that there had been no complaints about the use of vehicles by Domino's and that there had been a single complaint about noise from plant and machinery at the premises. This had been made last summer and Domino's had taken remedial action. He referred to the EHO's email to him of 17 April in which he had stated that the Council had not carried out an assessment of background noise after 02.00 in the vicinity of the premises.

He submitted that if Environmental Services wished to impose restrictions on a business, it was reasonable to expect that a noise assessment would have been made in order to have an idea of the background noise level against which the business would operate. Since other legislation could be used to deal with noise nuisance, the licensing regime should not be used as well, and the EHO had confirmed in his email of 19 April that other legislation could be used. Mr Gaunt said that one Interested Party lived immediately behind the premises. Domino's would make contact with her and provide her with a contact number to be used if there were problems. It appeared from their representations that the two anonymous Interested Parties probably resided at the top of Thomas Street and would be well-shielded from any noise nuisance. He then turned to the noise assessment report commissioned by Domino's and said that though the report used technical terms and he was not an acoustics expert, it appeared to show that there were unlikely to be noise problems for local residents from plant and machinery or delivery vehicles if longer hours were granted. There would only be a few additional vehicle moments near an already busy road. There was currently a planning restriction; an application had been made for its removal. In conclusion he submitted that the condition requested by the EHO was neither necessary, nor proportionate.

In reply to questions from Members, Mr Gaunt and Mr Wilberg stated:

- on Fridays and Saturdays, the busiest nights, about 40 deliveries were made between 21.30 and 01.30
- most deliveries were made by car
- it was expected that no more than 5 deliveries per hour would be made between 01.30 and 05.00; it was difficult to estimate the number of customers who would call at the premises
- the extra hours would provide flexibility and it was better for trade if a takeaway had a reputation for being open most of the time; the market would determine whether it was worthwhile trading for all of the authorised hours

The Environmental Health Officer stated his case. He said that in his professional opinion there was the potential for nuisance from plant and machinery and from

vehicle movements. He submitted that the potential for noise disturbance was confirmed by paragraph 3.19 of the applicant's noise report, which advised:

"Various staff notices should be displayed at prominent locations within the store premises and within delivery vehicles to remind delivery staff of the potential for noise disturbance and simple measures to minimise noise generation, e.g. 'Do not play loud music', 'Do not rev engines', etc. Similar noise notices should also be provided in the customer area."

In his view the acoustics report did not fully recognise the potential for disturbance from the increased operation of plant and machinery arising from longer operating hours. He believed that the potential for noise nuisance should be dealt with pro-actively, rather than waiting until after problems had occurred. In response to questions from Members he stated:

- noise from plant and machinery would be more noticeable in the early hours when the level of background noise had dropped
- while it was true that London Road was busy and used by HGVs in the early hours, Domino's delivery vehicles operated from the rear of the store away from London Road

The parties were invited to sum up.

Mr Gaunt asked why, if the EHO had concerns about the potential for noise nuisance arising from increased operating hours of the store, had he only requested a restriction on the hours that deliveries could be made by vehicle. What happened at 02.00 that made vehicle deliveries acceptable before but not after? He submitted that it was not proper to impose restrictions on his client's business when Environmental Services had not carried out an assessment of background noise in the vicinity. His client would be happy to accept a condition forbidding the use of radios by delivery vehicles after, say, 00.00 (midnight). There had been no complaints about the delivery vehicles. He submitted that there was no evidence to justify imposing the condition requested by the EHO.

The EHO reiterated his concerns that the application as it stood would lead to an increase in noise nuisance.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the variation as applied for. Authority was delegated to the Licensing Officer to issue the licence accordingly.

REASONS

Members have today determined an application for variation of a Premises Licence for Domino's pizza, Long Acre, London Road, Bath to allow the provision of late night refreshment until 05.00 hrs every day. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is necessary and proportionate to promote the licensing objectives based on the evidence before them.

This application attracted representations on the licensing objective of the prevention of public nuisance. Members disregarded those representations which fell outside of the Licensing Act 2003. They considered the relevant representations and took account of the evidence put before them. This included evidence from a noise consultant instructed by the applicant which concluded that noise caused by the extension was unlikely to be a problem. Members also noted the absence of complaints in relation to the way the premises had operated so far. Members accepted the applicant's evidence that trade would gradually reduce as the night goes on.

Members were careful to balance the competing interests of the applicant and those of the interested parties and responsible authority in reaching a decision. Accordingly, Members have done only that which is reasonable and proportionate in the circumstances and have decided to grant the extension as applied for.

Members felt it was unnecessary to impose a condition regulating the playing of radios by delivery vehicles but would expect the applicant to be sensitive to residents in this regard.

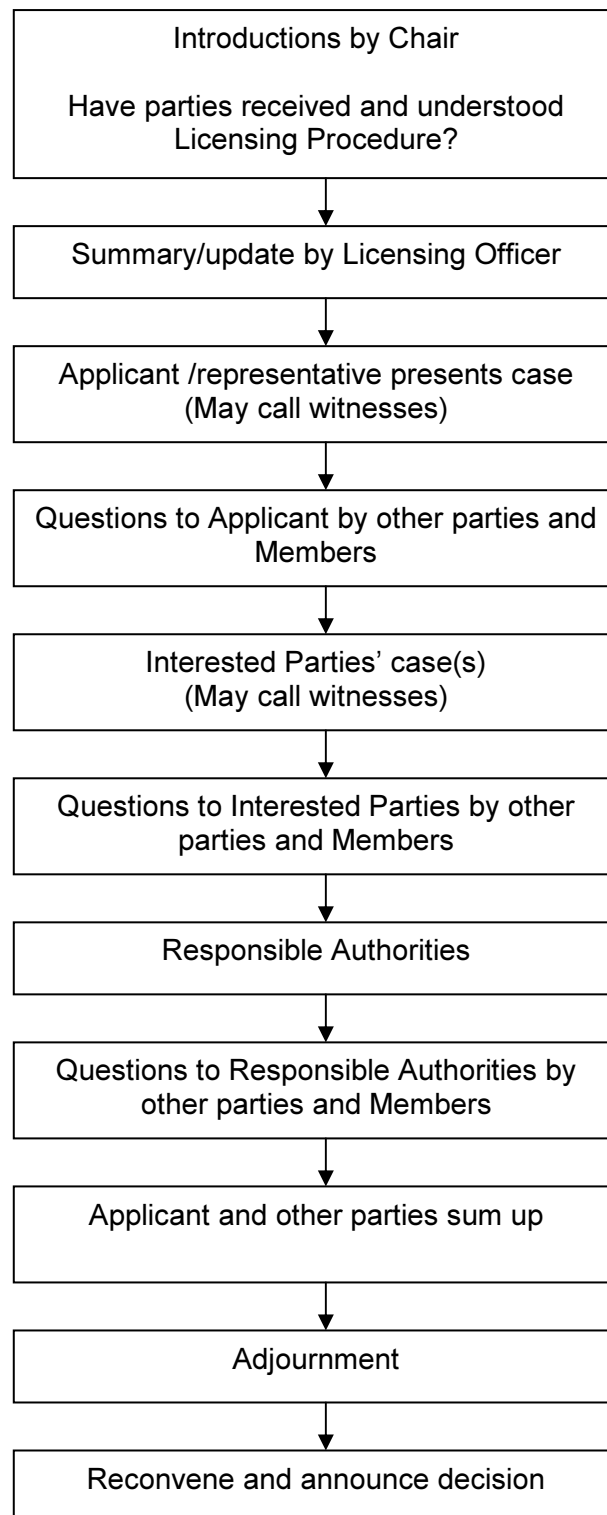
The meeting ended at 1.46 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**



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**LICENSING COMMITTEE HEARING PROCEDURE
ALCOHOL, LATE NIGHT REFRESHMENT AND ENTERTAINMENT**

- In the following paragraphs where the term “party” or “parties” is used in addition to other terms this will mean anyone to whom notice of this meeting has been given.*

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PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- Decisions will generally be taken regardless of whether the Applicant is present. All notices and representations received from absent parties will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion. However, the Council will allow all parties to ask questions of another party present, as set out above, but formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- The Chair will allow the parties an equal maximum period of time in which to make representations. The amount of time will be at the discretion of the Chair, but in the interests of costs and efficiency will not normally exceed **twenty minutes**. This will include the time taken for the presentation and the summing up, but not the time taken for questions.
 - **N.B. Where there is more than one party making relevant representations the time will be split between those parties.** It is recommended that they arrive early to discuss the application with the other interested parties.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
- Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

Agenda Item 6

Bath & North East Somerset Council		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 24 May 2012	
TITLE:	Application to Vary a Premises Licence for Bath Fringe – Spiegeltent Recreation Ground, Pulteney Mews, Bathwick, Bath BA2 4DS.	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Site Plan		
Annex D Representations		

1 THE ISSUE

- 1.1 An application has been received for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of Bath Fringe – Spiegel tent, Recreation Ground, Pulteney Mews, Bathwick, Bath BA2 4DS (Annex A).

2 RECOMMENDATION

- 2.1 That the sub committee determine the application to vary the licence.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 THE REPORT

- 4.1 An application has been received for the variation of a premises licence.
- 4.2 The current premises licence detailed in Annex B, permits the following licensable activities:

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

Monday to Thursday	11:00- 23:00
Friday and Saturday	11:00 – 23:45
Sunday	12:00 – 23:00

- 2) **Regulated Entertainment** by way of the Exhibition of Film, the Performance of Recorded Music, the Performance of a Play and the Provision of Facilities for Making Music and Dancing between the following hours:

Friday and Saturday 12:00 – 23:45

Sunday to Thursday 12:00 – 23:00

- 3) **Regulated Entertainment** by way of the Performance of Live Music between the following hours:

Every Day 12:00 – 23:00

- 4) **Regulated Entertainment** to permit Other Entertainment within the Act between the following hours:

Every Day 12:00 – 16:00

- 5) The **Opening Hours** of the premises are:

Monday to Thursday 11:00 – 23:20

Friday and Saturday 11:00 – 00:00

Sunday 11:00 – 23:20

- 6) The licence is subject to the following 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;
- **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.

4.3 The **Variation** application seeks to:

extend the terminal hour in respect of all licensable activities other than “other entertainment”, by half an hour;

add one day to the 10 day period of operation;

extend the terminal hour in relation to “other entertainment” to 19:00hours.

4.4 A site plan is attached at Annex C.

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

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

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

- 4.6 The Licensing Authority may vary and grant the application with or without additional conditions.
- 4.7 The Licensing Authority can refuse the variation or part of the variation as it considers necessary for the promotion of the licensing objectives.
- 4.8 The Licensing Authority may not however do anything to reduce the effect of the rights guaranteed by the existing premises licence.
- 4.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 16, 17, 18, 19, 20, 23, 24, 28, 30, 33, 35, 36, 37, 41 to 44 inclusive of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised April 2012)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 4.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.
- If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 4.12 In accordance with the requirements of the Act the applicants served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, and the Child Protection Agency. No representations have been received from any of the Responsible Authorities.
- 4.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 4.14 **Representations** have been received from the Pulteney Estates Residents' Association (PERA) and individual residents. They express concern that the applicant's proposals are likely to undermine the **prevention of public nuisance** licensing objective (Annex D).
- 4.15 This report has not been sent to the Trades Union because they would have no involvement in this application.

5 RISK ASSESSMENT

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

6 EQUALITIES

- 6.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

7 CONSULTATION

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

8 ISSUES TO CONSIDER IN REACHING DECISION

- 8.1 When reaching a decision, the licensing authority must carry out its functions with a view to promoting the four licensing objectives.
- 8.2 Consideration must be given to the Human Rights Act 1998 and the “convention rights”.

9 ADVICE SOUGHT

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

Background papers	Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003; Licensing Act 2003 (Hearing Regulations) 2005, B&NES Statement of Licensing Policy.
Contact person	Terrill Wolyn, Senior Licensing Officer

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

ENVIRONMENTAL SERVICES	
- 2 APR 2012	
Post Log No:	
Receipt No: 440551	
CH/CA £ CH 100.00	

I/We Bath Fringe Ltd.

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 11/03983/LAPRE
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Bath Fringe - Spiegeltent
Recreation Ground
Pulteney Mews
Bathwick
BATH
BA2 4DS

Post town	BATH	Post code	BA2 4DS
------------------	------	------------------	---------

Telephone number at premises (if any)	Not Applicable
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Non-domestic rateable value of premises	£ Not Applicable
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Part 2 – Applicant details

Daytime contact telephone number	01225 480079		
E-mail address (optional)	steve@bathfringe.co.uk		
Current postal address if different from premises address	Fringe Office 103 Walcot Street BATH BA1 5BW		
Post Town	BATH	Postcode	BA1 5BW

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

☒

If not do you want the variation to take effect from

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To add 30 minutes onto licensed hours (in all activity categories) at the end of the evening.
To add one day to the 10 day period of operation. This day may fall one day before the traditional start of the Fringe, as a 'soft opening' for the venue. [but not in 2012]
Extending the hours for 'other entertainment' [children's shows and street performance] till 7pm

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

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

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12:00	23:30			
Tue	12:00	23:30			
Wed	12:00	23:30	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	12:00	23:30			
Fri	12:00	00:15	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:00	00:15			
Sun	12:00	23:30			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Films outdoors would be only as part of another performance.		
Mon	12:00	23:30			
Tue	12:00	23:30			
Wed	12:00	23:30	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	12:00	23:30			
Fri	12:00	00:15			
Sat	12:00	00:15	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12:00	23:30			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Live music outside of the tents would only be as part of a multi-arts performance.		
Mon	12:00	23:30			
Tue	12:00	23:30			
Wed	12:00	23:30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	12:00	23:30			
Fri	12:00	23:30	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	12:00	23:30			
Sun	12:00	23:30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12:00	23:30			
Tue	12:00	23:30			
Wed	12:00	23:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	12:00	23:30			
Fri	12:00	00:15	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:00	00:15			
Sun	12:00	23:30			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	12:00	23:30			
Tue	12:00	23:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	12:00	23:30			
Thur	12:00	23:30	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	12:00	00:15			
Sat	12:00	00:15			
Sun	12:00	23:30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u> For example: Children's entertainers, puppet shows, street performance styles, street circus	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon	12:00	23:30		Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Tue	12:00	23:30	<u>Please give further details here</u> (please read guidance note 3)	
Wed	12:00	23:30		
Thur	12:00	23:30	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri	12:00	00:15		
Sat	12:00	00:15	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	12:00	23:30		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> Instruments, PA system	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>
Mon	12:00	23:30	<u>Please give further details here</u> (please read guidance note 3)	
Tue	12:00	23:30		
Wed	12:00	23:30	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	12:00	23:30		
Fri	12:00	00:15	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	12:00	00:15		
Sun	12:00	23:30		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> dancefloor. music systems			
Day	Start	Finish				
Mon	12:00	23:30	<u>Please give further details here</u> (please read guidance note 3)			
Tue	12:00	23:30				
Wed	12:00	23:30	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)			
Thur	12:00	23:30				
Fri	12:00	00:15	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	12:00	00:15				
Sun	12:00	23:30				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u> Workshops, Open Sessions, Performance competitions & showcases	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	12:00	23:30		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	12:00	23:30	<u>Please give further details here</u> (please read guidance note 3)	
Wed	12:00	23:30		
Thur	12:00	23:30	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri	12:00	00:15		
Sat	12:00	00:15	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	12:00	23:30		

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11:00	23:30			
Tue	11:00	23:30			
Wed	11:00	23:30			
Thur	11:00	23:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	11:00	00:15			
Sat	11:00	00:15			
Sun	12:00	23:30			

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	00:00	
Tue	11:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	11:00	00:00	
Thur	11:00	00:00	
Fri	11:00	00:30	
Sat	11:00	00:30	
Sun	11:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

Bath Fringe undertakes to write to neighbours, ward councillors and residents associations adjoining the site, annually before the festival, with a description of our proposed activity, and including a contact mobile number for the venue manager onsite so that any issues can be dealt with directly by someone on the ground.

b) The prevention of crime and disorder

c) Public safety


d) The prevention of public nuisance

In addition to the previous conditions, Bath Fringe undertakes to monitor sound levels at the fringes of the site during performances when we think there is a risk of levels being higher than the average, to ensure that they remain within a reasonable range.

e) The protection of children from harm

- I have made or enclosed payment of the fee ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☐
- I understand that I must now advertise my application ☐
- I have enclosed the premises licence or relevant part of it or explanation ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

Part 5 – Signatures (please read guidance note 10)

Signature	
Date	2/4/2012
Capacity	Co-Director, Bath Fringe, and Designated Premises Supervisor.

Signature	
Date	
Capacity	

Post town				Post code			
Telephone number (if any)							
If you would prefer us to correspond with you by e-mail your e-mail address (optional)							

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	11/03983/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Bath Fringe - Spiegeltent
Recreation Ground
Pulteney Mews
Bathwick
Bath
BA2 4DS

Telephone number Not applicable

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday to Thursday	11:00 - 23:00
Friday and Saturday	11:00 - 23:45
Sunday	12:00 - 23:00

Exhibition of a Film (Indoors only)

Friday and Saturday	12:00 - 23:45
Sunday to Thursday	12:00 - 23:00

Performance of Live Music (Indoors only)

Friday and Saturday	12:00 - 23:00
Sunday to Thursday	12:00 - 23:00

Performance of Recorded Music (Indoors only)

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 - 16:00

Performance of a Play (Indoors and Outdoors)

Friday and Saturday 12:00 - 23:45

Sunday to Thursday 12:00 - 23:00

Facilities for Dancing (Indoors only)

Friday and Saturday 12:00 - 23:45

Sunday to Thursday 12:00 - 23:00

Facilities for Making Music (Indoors only)

Friday and Saturday 12:00 - 23:45

Sunday to Thursday 12:00 - 23:00

The opening hours of the premises

Monday to Thursday 11:00 - 23:20

Friday to Saturday 11:00 - 00:00

Sunday 11:00 - 23:20

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

Alcohol is supplied for consumption on the premises

Bath & North East Somerset Council

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
admin@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:



Dated 28 October 2011

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.

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.

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

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number

11/03983/LAPRE

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Bath Fringe - Spiegeltent
Recreation Ground
Pulteney Mews
Bathwick
Bath
BA2 4DS

Telephone number Not applicable

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday to Thursday	11:00 - 23:00
Friday and Saturday	11:00 - 23:45
Sunday	12:00 - 23:00

Exhibition of a Film (Indoors only)

Friday and Saturday	12:00 - 23:45
Sunday to Thursday	12:00 - 23:00

Performance of Live Music (Indoors only)

Friday and Saturday	12:00 - 23:00
Sunday to Thursday	12:00 - 23:00

Performance of Recorded Music (Indoors only)

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 - 16:00
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Performance of a Play (Indoors and Outdoors)

Friday and Saturday	12:00 - 23:45
Sunday to Thursday	12:00 - 23:00

Facilities for Dancing (Indoors only)

Friday and Saturday 12:00 - 23:45
Sunday to Thursday 12:00 - 23:00

Facilities for Making Music (Indoors only)

Friday and Saturday 12:00 - 23:45
Sunday to Thursday 12:00 - 23:00

The opening hours of the premises

Monday to Thursday 11:00 - 23:20
Friday to Saturday 11:00 - 00:00
Sunday 11:00 - 23:20

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

Alcohol is supplied for consumption on the premises

Name, (registered) address of holder of premises licence

Bath Fringe Limited
103 Walcot Street
Bath
BA1 5BW

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

Registered Business Number - 2716515

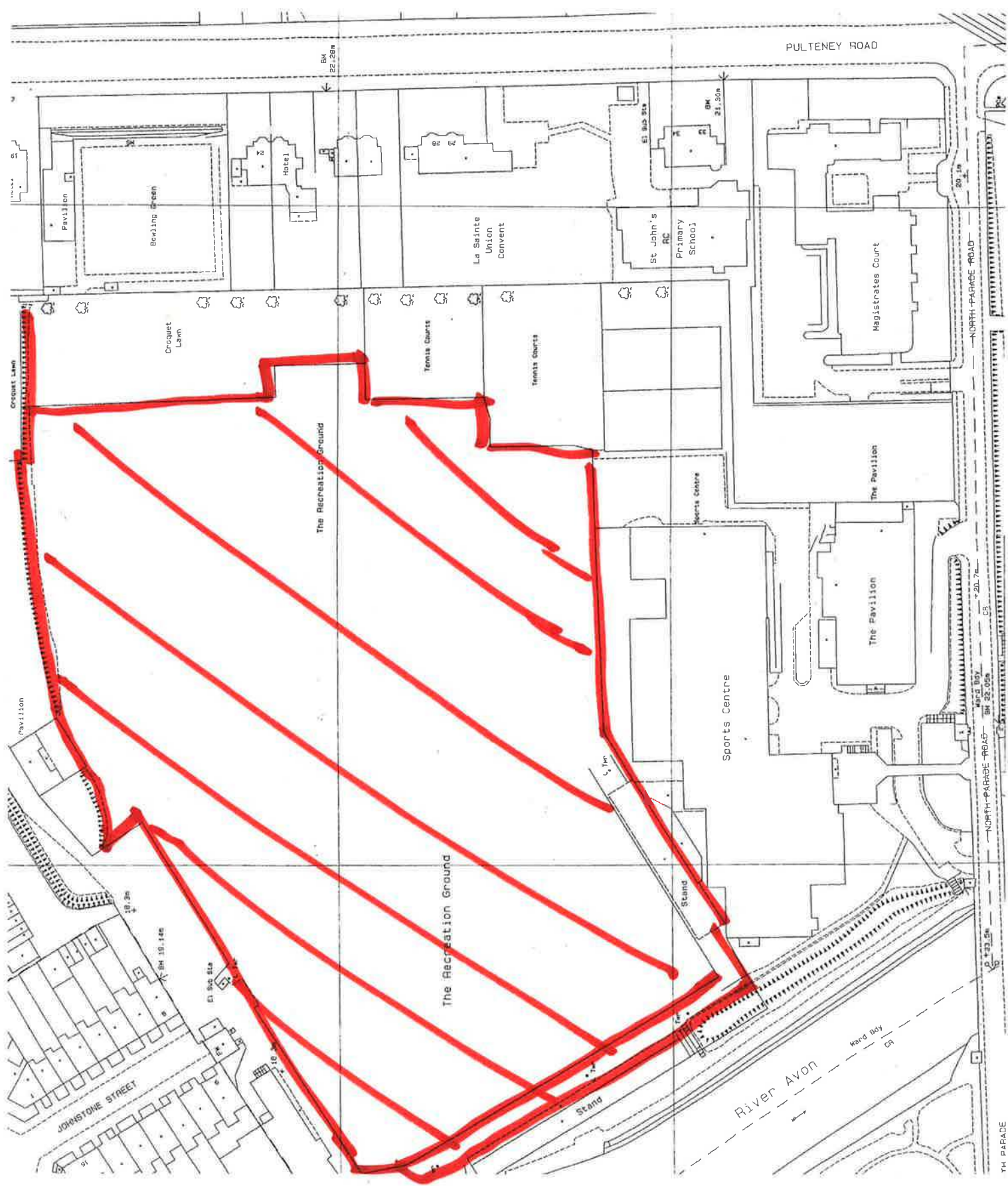
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Stephen J Henwood

State whether access to the premises by children is restricted or prohibited

As per Operating Schedule at Annex 2.

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LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

Application number:	12/01887/LAPRE
Applicant's name:	Bath Fringe Limited
Premises name and address:	Bath Fringe - Spiegel tent Recreation Ground Pulteney Mews Bathwick Bath, BA2 4DS
Application for a:	Variation of Premises Licence

Objector Details:

Objector's Name:	David and Caroline Greenwood
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.	Grd. and First Floor Flat 77 Great Pulteney Street BATH. BA2 4DL
Organisation name if applicable:	

Objection Details:

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

Prevention of crime and disorder

☐

Prevention of public nuisance

☒

Protection of children from harm

☐

Public safety

☐

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

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

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

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

☐

The licence sought would permit unacceptable levels of loud music into an almost 100% residential neighbourhood for 10 late nights in a row about which we had to complain last year as we were unable to sleep and had early morning rises for work

The level of noise created in a tent which has no sound insulation and externally on those events, invades our homes, which cannot be sound proofed due to the Grade 1 Listing until late into the night and at weekends into the early morning

The granting of any licence is in direct contravention of the 1922 covenant which covers our property and that of 90 other homes in the immediate area..

A further application for an additional 30 minutes on each day totally ignores the many people, including many elderly who live in the area immediately near to the tent

Last year we had cause to complain to BANES environmental service/ noise abatement, the Police, local councillors, Bath Recreation Trust and the event organisers about the level of noise, the lateness and the insistent beat and excessive use of bass and tempo.

The noise generated by music at this time affects local residents trying to sleep and is in breach of Public Nuisance guidance which specifically mentions this issue.

Temporary Event Notice guidelines state that particular care will be required for any events that continue after 11pm, when most people will expect to be sleeping and no noise from outside events should be audible in their home at all. The applicant wants to extend hours beyond this time by 30 minutes on week nights and 1 hour 15 minutes at weekends. This application is in breach of the guidelines and contains no noise mitigation factors to justify extensions beyond 11pm.

To the best of our knowledge there is no monitoring of the noise levels during the late evenings no checks made on the actual adherence to the licenced hours. Each resident has to contact the organisers staff in an attempt to get the disturbance ended.

The licensing authority appears not to recognise that this is a residential area and not a public arena or concert venue and permission should not be granted.

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

Signed

David and Caroline Greenwood

Date

30 April 2011

Contact telephone number(s)

01225 427896

(This is essential as we may need to contact you at short notice)

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

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

Name David Greenwood

I will be attending the hearing ☐ I will not be attending the hearing ☒

I will be represented at the hearing by

I will be calling the following witness(es):

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

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

Form to be returned to:

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

Important Information About Your Representation

Why do I need to fill in this form?

While we can accept any written representation, we ask that you complete this form in order to assist the Licensing Sub Committee at the hearing.

Representations made under the Licensing Act must be made public, and by signing this form you give permission for your details to be disclosed. That is why we ask you to complete this form even if you have already made a written representation.

What if I do not want my details to be disclosed?

Anonymous representations will not normally be accepted.

If you think there are exceptional circumstances that would justify you making an anonymous representation, such as the threat of intimidation or violence from the applicant, then please contact the Licensing Office on 01225 396719 to discuss the matter.

Alternatively, you can ask your Parish Council or local Residents' Association to make a representation instead. If you choose to do this, there is no need to complete this form; the Parish Council or Residents' Association will do it if they decide to make a representation.

What do I need to know when writing my representation?

Representations can be made by people who live, or are involved with a business, within the vicinity of the premises. There is no given definition of vicinity and it is up to the Licensing Authority to decide how it applies in each case, taking into account things like the nature and location of the premises.

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The Licensing Act 2003 sets out four 'licensing objectives', which are listed on the front of this form. Your representation should state how you think the application will affect one or more of these licensing objectives.

What if I want to supply extra information in support of my representation?

You can include the information with your representation form. If you have already made a representation and now want to give us extra information in support of it, you need to send copies of it to the Licensing Office *and* the applicant. This should be done at least 5 working days before the hearing.

If you arrive at the hearing with extra information that has not been sent to the Licensing Office and the applicant, it will only be considered if the applicant and the Committee agree to it. We recommend that you bring at least 10 copies of the information with you to the hearing.

I want to make a representation about traffic/planning issues

Unfortunately, representations about traffic or parking can not be accepted. This is because the licence holder can not be held responsible for the use of the public highway outside of the premises.

The licensing regime is separate from other local government functions, including the planning department. If a Premises Licence is granted for a building, this will not exempt the licence holder from having to obtain the necessary planning permission. We are therefore unable to accept representations that simply refer to the need for planning permission.



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LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

Application number:	12/01887/LAPRE
Applicant's name:	Bath Fringe Limited
Premises name and address:	Bath Fringe - Spiegel tent Recreation Ground Pulteney Mews Bathwick Bath, BA2 4DS
Application for a:	Variation of Premises Licence

Objector Details:

Objector's Name:	Nigel Websper on behalf of PERA
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.	PERA c/o 24 Great Pulteney Street, Bath, BA2 4BU
Organisation name if applicable:	Pulteney Estates Residents' Association(PERA)

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

☐

The requested licence would allow extremely loud music to intrude into a zoned almost 100% residential neighbourhood for 10 consistent late nights.

The increased 30 minutes on the licence will make a bad situation even worse for many local residents

The acoustic nuisance created in only a canvas tent with no acoustic dampening intrudes into people's homes which due to their heritage status have little acoustic insulation, until 11.30pm on week nights, 12.15am at weekends.

Previous performances have taken place at extremely high volume levels yet no acoustic mitigation surveys or agreements have been made to manage sound levels.

The noise generated by music at this time affects local residents trying to sleep and is in breach of Public Nuisance guidance which specifically mentions this issue.

Temporary Event Notice guidelines state that particular care will be required for any events that continue after 11pm, when most people will expect to be sleeping and no noise from outside events should be audible in their home at all. The applicant wants to extend hours beyond this time by 30minutes on week nights and 1 hour 15 minutes at weekends. This application is in breach of the guidelines and contains no noise mitigation factors to justify extensions beyond 11pm.

The sound is unmanaged and it is left to individual residents to contact the stage manager on a nightly basis to request reductions in volume

The required notice of 2 months has not been given to local residents. In fact the first local people heard of this was a "blue notice" on display on the morning of 30 April - less than 24 hours before formal objections!

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

Signed

Nigel Websper (Chairman - PERA)

Date

30 April 2011

Contact telephone number(s)

07860 525 405

(This is essential as we may need to contact you at short notice)

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Name Nigel Websper

I will be attending the hearing ☒ I will not be attending the hearing ☐

I will be represented at the hearing by One of our members/representatives or myself

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>
Paul Karakusevic	Statements regarding intolerable volume levels impacting on the residential neighbourhood for 9 consistent late nights for the past 4 years and who live on the south side of Great Pulteney Street and Johnston Street.
John Teasdale	
Caroline Greenwood	
Dina Themistocleus	We consider a hearing to be necessary should you feel obliged to grant this application. We do not consider a hearing to be necessary should this application be refused.
Sigrid Soldner	
Doug White	

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

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