

Licensing Sub-Committee

Date: Monday, 24th September, 2018
Time: 3.00 pm
Venue: Council Chamber - Guildhall, Bath

Councillors: Les Kew, Rob Appleyard and Deirdre Horstmann

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am in the room where the meeting is to take place.



NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

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

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

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

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Licensing Sub-Committee - Monday, 24th September, 2018

at 3.00 pm 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. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETING: 16 AUGUST 2018 (Pages 7 - 20)

6. LICENSING PROCEDURE (Pages 21 - 24)

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

7. APPLICATION FOR A PREMISES LICENCE FOR TIVOLI, 6-8 DORCHESTER STREET, SOUTHGATE CENTRE, BATH BA1 1SS (Pages 25 - 60)

8. APPLICATION FOR A PREMISES LICENCE FOR THE LUNA CINEMA LIMITED, BATH ROYAL CRESCENT LOWER LAWN, MARLBOROUGH LANE, BATH BA1 2NQ

(Pages 61 - 122)

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

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 16th August, 2018, 10.00 am

Councillors: Les Kew (Chair), Rob Appleyard and Deirdre Horstmann

Officers in attendance: Carrie-Ann Evans (Deputy Team Leader (Barrister)) and John Dowding (Senior Public Protection Officer)

13 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised those present of the procedure.

14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

15 DECLARATIONS OF INTEREST

There were none.

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

17 MINUTES OF PREVIOUS MEETING

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

18 EXCLUSION OF THE PUBLIC

The Sub-Committee having been satisfied that the public interest would be better served by not disclosing relevant information, **RESOLVED** in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, that the public should be excluded from the remainder of the meeting and that the reporting of the following items of business be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.”

19 TAXI PROCEDURE

The Chair drew attention to the procedure to be followed for agenda items 8-13.

20 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER - 1600763TAXI

The licensee did not attend the hearing or communicate any explanation for non-attendance. The Sub-Committee decided to proceed with the hearing in his absence.

The Senior Public Protection Officer presented the report.

Members noted that the licensee had not responded to letters sent in January and June 2018 to his last known address as part of the three-yearly Enhanced Disclosure and Barring Service check and that no communication had been received from him up to the date of the meeting. Therefore it was not possible to establish that the licensee remained a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence. He had also failed to comply with the reasonable requests of a delegated officer.

Following an adjournment the Sub-Committee **RESOLVED** to revoke the licensee's Private Hire/Hackney Carriage Driver's Licence.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of his Disclosure and Barring Service Certificate and failed to comply with a reasonable request of an officer with delegated authority. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Preliminary Issue

The licensee did not attend and the committee had no explanation as to why he had not attended. Members were satisfied that notice of the hearing and report pack had been sent to the licensee at his last known address. Members were satisfied that the licensee had been sent letters in January and June informing him of the requirements of the DBS Check and warning him that failure to comply would result in a referral to the committee. The Senior Public Protection Officer confirmed that he had received no contact from the licensee in relation to the DBS Check or committee hearing. Having considered this information and weighed it in the balance, Members were satisfied that it was in the interests of public protection to proceed to determine this matter, the licensee having been given adequate warning of the potential consequences and referral to Licensing Sub-Committee.

Members took into account the contents of the report before them together with annexes. The licensee had not made any representations in writing and had not attended the hearing in person to make oral representations.

Members noted:

- i. That the licensee's licence had been issued on 1 March 2016 subject to "a satisfactory DBS Check".
- ii. The Council's Policy on Hackney Carriage and Private Hire Licensing Standards States; "that all holders of a combined Hackney Carriage/Private Hire drivers licences will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued". In line with this, the licensee was sent a letter to his last known address in January 2018 by the Taxi Licensing team informing him that the DBS check was due and that he needed to make an appointment for that purpose by 31 March 2018. No response was received from the licensee.
- iii. The licensee was sent a further letter by the Taxi Licensing team on 12 June 2018 enclosing a copy of the letter dated January 2018 and

noting that he had not made contact to arrange the necessary DBS Check. He was asked to contact the Taxi Licensing office within 7 days of the date of the letter to avoid formal action. He was made aware that there would be no further reminders and failure to make contact would result in a referral to the Licensing Sub-Committee.

- iv. The licensee had failed to make contact with the Taxi Licensing team following the above-mentioned letters.
- v. The Licensee had failed to attend the LSC hearing today and there was no information regarding his non-attendance.

Applying their policy Members noted that the DBS Check is an important tool in determining whether or not a licensee continues to be a fit and proper person to hold a licence and in the light of the circumstances and reasons indicated above and in the absence of a satisfactory DBS check Members could no longer be satisfied that the licensee continued to be fit and proper.

Accordingly members resolved to revoke the licensee's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect.

21 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/00987/TAXI

The licensee did not attend the hearing or communicate any explanation for non-attendance. The Sub-Committee decided to proceed with the hearing in his absence.

The Senior Public Protection Officer presented the report.

Members noted that a letter had been sent to the licensee in January 2018 as part of the three-yearly Enhanced Disclosure and Barring Service check. The licensee attended the licensing office on 28th March 2018 and completed the necessary DBS forms. At this time it was explained to the licensee that the DBS form would be sent to him and that he was then required to present it at the licensing office. The licensee signed a document confirming that he had understood that he must present the DBS certificate at the licensing office and was made fully aware of the implications of failing to do so. The DBS tracking service confirmed that a valid DBS certificate was sent to the licensee on 20th April 2018. A reminder letter was sent to the licensee on 12 June 2018. At the date of the meeting no reply had been received from the licensee and no DBS certification had been produced.

Following an adjournment the Sub-Committee **RESOLVED** to revoke the licensee's Private Hire/Hackney Carriage Driver's Licence.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence

having failed to provide a copy of his Disclosure and Barring Service Certificate and failed to comply with a reasonable request of an officer with delegated authority. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Preliminary issue

The licensee did not attend and the committee had no explanation as to why he had not attended. Members were satisfied that notice of the hearing and reports pack had been sent to the licensee at his last known address. Members were satisfied that the licensee knew that it was his responsibility to provide the DBS Certificate to the Taxi Licensing team having confirmed in writing the same on 28 March 2018 and that he been reminded by letter in June of the requirements of the DBS Check and warning him that failure to comply would result in a referral to the Committee. The Senior Public Protection Officer confirmed that he had received no contact from the licensee to provide his DBS certificate or in relation to committee hearing. Having considered this information and weighed it in the balance, Members were satisfied that it was in the interests of public protection to proceed to determine this matter, the licensee having been given adequate warning of the potential consequences and referral to LSC.

Members took into account the contents of the report before them together with annexes. The licensee had not made any representations in writing and had not attended the hearing in person to make oral representations.

Members noted:

- i. That the licensee's licence had been issued on 1 March 2016 subject to "a satisfactory DBS Check".
- ii. The Council's Policy on Hackney Carriage and Private Hire Licensing Standards States; "that all holders of a combined Hackney Carriage/Private Hire drivers licences will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued". In line with this, the licensee was sent a letter to his last known address in January 2018 by the Taxi Licensing team informing him that the DBS check was due.
- iii. On 28 March 2018 the licensee attended the Taxi Licensing team's office and completed the necessary DBS forms. The licensee signed a BANES DBS Check document to record his understanding that:
 - a. it was his responsibility to produce the DBS certificate to the Taxi Licensing team's office at the earliest opportunity; and
 - b. that failure to do so would result in his licence being referred to the LSC and that his licence might be suspended or revoked; and
 - c. if, at the time of the LSC meeting more than 2 months had elapsed since the original certificate was produced then his licence might be suspended until a new DBS certificate had been obtained at his expense.
- iv. The DBS Tracking service web portal confirmed that a valid DBS certificate was sent to the licensee on 20 April 2018.
- v. The licensee was sent a further letter by the Taxi Licensing team on 12 June 2018 reminding him that it was his responsibility to provide a copy of the DBS certificate. He was given 7 days from receipt of the letter to

provide a copy of the certificate. He was warned that a failure to do so would result in a referral of his licence to the LSC to consider suspension or revocation of his licence.

- vi. The licensee has failed to make contact with the Taxi Licensing team following the above-mentioned letter.
- vii. The licensee has failed to attend the LSC hearing today and there was no information regarding his non-attendance.

Applying their policy Members noted that the DBS Check is an important tool in determining whether or not a licensee continues to be a fit and proper person to hold a licence and in the light of the circumstances and reasons indicated above and in the absence of a satisfactory DBS check Members could no longer be satisfied that the licensee continued to be fit and proper.

Accordingly members resolved to revoke the licensee's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect.

22 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/01060/TAXI

The licensee did not attend the hearing or communicate any explanation for non-attendance. The Sub-Committee decided to proceed with the hearing in her absence.

The Senior Public Protection Officer presented the report.

Members noted that the licensee had not responded to letters sent in January and June 2018 to her last known address as part of the three-yearly Enhanced Disclosure and Barring Service check and that no communication had been received from her up to the date of the meeting. Therefore it was not possible to establish that the licensee remained a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence. She had also failed to comply with the reasonable requests of a delegated officer.

Following an adjournment the Sub-Committee **RESOLVED** to revoke the licensee's Private Hire/Hackney Carriage Driver's Licence.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of her Disclosure and Barring Service Certificate and failed to comply with a reasonable request of an officer with delegated authority. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Preliminary issue

The licensee did not attend and the committee had no explanation as to why she had not attended. Members were satisfied that notice of the hearing and reports pack

had been sent to the licensee at her last known address. Members were satisfied that the licensee had been sent letters in January and June informing her of the requirements of the DBS Check and warning her that failure to comply would result in a referral to the Committee. The Senior Public Protection Officer confirmed that he had received no contact from the licensee in relation to the DBS Check or committee hearing. Having considered this information and weighed it in the balance, Members were satisfied that it was in the interests of public protection to proceed to determine this matter, the licensee having been given adequate warning of the potential consequences and referral to LSC.

Members took into account the contents of the report before them together with annexes. The licensee had not made any representations in writing and had not attended the hearing in person to make oral representations.

Members noted:

- i. That the licensee's licence had been issued on 1 March 2016 subject to "a satisfactory DBS Check".
- ii. The Council's Policy on Hackney Carriage and Private Hire Licensing Standards States; "that all holders of a combined Hackney Carriage/Private Hire drivers licences will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued". In line with this, the licensee was sent a letter to her last known address in January 2018 by the Taxi Licensing team informing her that the DBS check was due and that she needed to make an appointment for that purpose by 31 March 2018. No response was received from the licensee.
- iii. The licensee was sent a further letter by the Taxi Licensing team on 12 June 2018 enclosing a copy of the letter dated January 2018 and noting that she had not made contact to arrange the necessary DBS Check. She was asked to contact the Taxi Licensing office within 7 days of the date of the letter to avoid formal action. She was made aware that there would be no further reminders and failure to make contact would result in a referral to the Licensing Sub-Committee.
- iv. The licensee had failed to make contact with the Taxi Licensing team following the above-mentioned letters.
- v. The licensee had failed to attend the LSC hearing today and there was no information regarding her non-attendance.

Applying their policy Members noted that the DBS Check is an important tool in determining whether or not a licensee continued to be a fit and proper person to hold a licence and in the light of the circumstances and reasons indicated above and in the absence of the DBS Certificate Members could not be satisfied that the licensee continued to be fit and proper.

Accordingly members resolved to revoke the licensee's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect.

23 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE

REQUEST OF DELEGATED OFFICER – 16/00890/TAXI

The licensee did not attend the hearing or communicate any explanation for non-attendance. The Sub-Committee decided to proceed with the hearing in his absence.

The Senior Public Protection Officer presented the report.

Members noted that the licensee had not responded to letters sent in January and June 2018 to his last known address as part of the three-yearly Enhanced Disclosure and Barring Service check and that no communication had been received from him up to the date of the meeting. A copy of the agenda report for today's hearing sent to him had been returned marked "not known at this address". Therefore it was not possible to establish that the licensee remained a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence. He had also failed to comply with the reasonable requests of a delegated officer.

Following an adjournment the Sub-Committee **RESOLVED** to revoke the licensee's Private Hire/Hackney Carriage Driver's Licence.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of his Disclosure and Barring Service Certificate and failed to comply with a reasonable request of an officer with delegated authority. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Preliminary issue

The licensee did not attend but the Senior Public Protection Officer had received the letter containing notice of hearing and reports pack returned and marked "not known at this address please amend your records". Members were satisfied that the licensee had been sent letters in January and June informing him of the requirements of the DBS Check and warning him that failure to comply would result in a referral to the Committee and the Senior Public Protection Officer indicated that these had not been returned saying "not known at this address" as far as he was aware. The Senior Public Protection Officer confirmed that he had received no contact from the licensee in relation to the DBS Check. Having considered this information and weighed it in the balance, Members were satisfied that it was in the interests of public protection to proceed to determine this matter, the licensee having been given adequate warning of the potential consequences of failing to comply with the requirement of a DBS check and it being his responsibility under the conditions of his licence to notify the licensing office of any change of address.

Members took into account the contents of the report before them together with annexes. The licensee had not made any representations in writing and had not attended the hearing in person to make oral representations.

Members noted:

- i. That the licensee's licence had been issued on 1 March 2016 subject to "a satisfactory DBS Check".

- ii. The Council's Policy on Hackney Carriage and Private Hire Licensing Standards States; "that all holders of a combined Hackney Carriage/Private Hire drivers licences will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued". In line with this, the licensee was sent a letter to his last known address in January 2018 by the Taxi Licensing team informing him that the DBS check was due and that he needed to make an appointment for that purpose by 31 March 2018. No response was received from the licensee and as far as the Senior Public Protection Officer was aware this letter had not been returned by the postal service as undeliverable.
- iii. The licensee was sent a further letter by the Taxi Licensing team on 12 June 2018 enclosing a copy of the letter dated January 2018 and noting that he had not made contact to arrange the necessary DBS Check. He was asked to contact the Taxi Licensing office within 7 days of the date of the letter to avoid formal action. He was made aware that there would be no further reminders and failure to make contact would result in a referral to the Licensing Sub-Committee. As far as the Senior public Protection Officer was aware this letter had not been returned by the postal service as undeliverable.
- iv. The licensee had failed to make contact with the Taxi Licensing team following the above-mentioned letters.
- v. The licensee had failed to attend the LSC hearing today and the notice of hearing and reports pack had been returned marked "not known at this address, please amend your records" however, this was sent to the last known address on the Licensing teams' records and it is the licensee's responsibility under the conditions of his licence to notify the licensing team of any change of address for the purposes of important correspondence relating to his licence.

Applying their policy Members noted that the DBS Check is an important tool in determining whether or not a licensee continued to be a fit and proper person to hold a licence and in the light of the circumstances and reasons and the absence of the DBS Certificate Members could not be satisfied that the licensee continued to be fit and proper.

Accordingly members resolve to revoke the licensee's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect.

24 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/01064/TAXI

The licensee did not attend the hearing or communicate any explanation for non-attendance. The Sub-Committee decided to proceed with the hearing in his absence.

The Senior Public Protection Officer presented the report.

Members noted that the licensee had not responded to letters sent in January and June 2018 to his last known address as part of the three-yearly Enhanced Disclosure

and Barring Service check and that no communication had been received from him up to the date of the meeting. Therefore it was not possible to establish that the licensee remained a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence. He had also failed to comply with the reasonable requests of a delegated officer.

Following an adjournment the Sub-Committee **RESOLVED** to revoke the licensee's Private Hire/Hackney Carriage Driver's Licence.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of his Disclosure and Barring Service Certificate and failed to comply with a reasonable request of an officer with delegated authority. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Preliminary issue

The licensee did not attend and the committee had no explanation as to why he had not attended. Members were satisfied that notice of the hearing and reports pack had been sent to the licensee at his last known address. Members were satisfied that the licensee had been sent letters in January and June informing him of the requirements of the DBS Check and warning him that failure to comply would result in a referral to the Committee. The Senior Public Protection Officer confirmed that he had received no contact from the licensee in relation to the DBS Check or committee hearing. Having considered this information and weighed it in the balance, Members were satisfied that it was in the interests of public protection to proceed to determine this matter, the licensee having been given adequate warning of the potential consequences and referral to Licensing Sub-Committee.

Members took into account the contents of the report before them together with annexes. The licensee had not made any representations in writing and had not attended the hearing in person to make oral representations.

Members noted:

- i. That the licensee's licence had been issued on 1 March 2016 subject to "a satisfactory DBS Check".
- ii. The Council's Policy on Hackney Carriage and Private Hire Licensing Standards States; "that all holders of a combined Hackney Carriage/Private Hire drivers licences will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued". In line with this, the licensee was sent a letter to his last known address in January 2018 by the Taxi Licensing team informing him that the DBS check was due and that he needed to make an appointment for that purpose by 31 March 2018. No response was received from the licensee.
- iii. The licensee was sent a further letter by the Taxi Licensing team on 12 June 2018 enclosing a copy of the letter dated January 2018 and noting that he had not made contact to arrange the necessary DBS Check. He was asked to contact the Taxi Licensing office within 7 days

of the date of the letter to avoid formal action. He was made aware that there would be no further reminders and failure to make contact would result in a referral to the Licensing Sub-Committee.

- iv. The licensee has failed to make contact with the Taxi Licensing team following the above-mentioned letters.
- v. The licensee has failed to attend the LSC hearing today and there was no information regarding his non-attendance.

Applying their policy Members noted that the DBS Check is an important tool in determining whether or not a licensee continued to be a fit and proper person to hold a licence and in the light of the circumstances and reasons indicated above and the absence of the DBS Certificate Members could not be satisfied that the licensee continued to be fit and proper.

Accordingly members resolve to revoke the licensee's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect.

24 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/01064/TAXI

The licensee did not attend the hearing or communicate any explanation for non-attendance. The Sub-Committee decided to proceed with the hearing in his absence.

The Senior Public Protection Officer presented the report.

Members noted that the licensee had not responded to letters sent in January and June 2018 to his last known address as part of the three-yearly Enhanced Barring and Disclosure check and that no communication had been received from him up to the date of the meeting. Therefore it was not possible to establish that the licensee remained a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence. He had also breached a licence condition by failure to comply with the reasonable requests of a delegated officer.

Following an adjournment the Sub-Committee **RESOLVED** to revoke the licensee's Private Hire/Hackney Carriage Driver's Licence.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of his Disclosure and Barring Service Certificate and failed to comply with a reasonable request of an officer with delegated authority. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The licensee did not attend and the committee had no explanation as to why he had not attended. Members were satisfied that notice of the hearing and reports pack had been sent to the licensee at his last known address. Members were satisfied that the licensee had been sent letters in January and June informing him of the

requirements of the DBS Check and warning him that failure to comply would result in a referral to the Committee. The Senior Public Protection Officer confirmed that he had received no contact from the licensee in relation to the DBS Check or committee hearing. Having considered this information and weighed it in the balance, Members were satisfied that it was in the interests of public protection to proceed to determine this matter, the licensee having been given adequate warning of the potential consequences and referral to Licensing Sub-Committee.

Members took into account the contents of the report before them together with annexes. The licensee had not made any representations in writing and had not attended the hearing in person to make oral representations.

Members noted:

- i. That the licensee's licence had been issued on 1 March 2016 subject to "a satisfactory DBS Check".
- ii. The Council's Policy on Hackney Carriage and Private Hire Licensing Standards States; "that all holders of a combined Hackney Carriage/Private Hire drivers licences will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued". In line with this, the licensee was sent a letter to his last known address in January 2018 by the Taxi Licensing team informing him that the DBS check was due and that he needed to make an appointment for that purposes by 31 March 2018. No response was received from the licensee.
- iii. The licensee was sent a further letter by the Taxi Licensing team on 12 June 2018 enclosing a copy of the letter dated January 2018 and noting that he had not made contact to arrange the necessary DBS Check. He was asked to contact the Taxi Licensing office within 7 days of the date of the letter to avoid formal action. He was made aware that there would be no further reminders and failure to make contact would result in a referral to the Licensing Sub-Committee.
- iv. The licensee has failed to make contact with the Taxi Licensing team following the above-mentioned letters.
- v. The licensee has failed to attend the LSC hearing today and there was no information regarding his non-attendance.

Applying their policy Members noted that the DBS Check is an important tool in determining whether or not a licensee continued to be a fit and proper person to hold a licence and in the light of the circumstances and reasons indicated above and the absence of the DBS Certificate Members could not be satisfied that the licensee continued to be fit and proper.

Accordingly members resolve to revoke the licensee's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect.

25 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/00286/TAXI

The licensee confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. Members noted that the licensee had not responded to letters sent to him in January and July 2018 as part of the three-yearly Enhanced Disclosure and Barring Service check of licence holders. He had, however, sent an email to the Licensing office shortly before the hearing accepting responsibility for not replying to the letters through an oversight. The Senior Public Protection Officer advised the Sub-Committee that there had been no complaints against the licensee.

The licensee stated his case. He said that he had missed the letters and that this had been his fault. He stated that he had not yet been issued with a DBS certificate, because he had not been able to log into the DBS online system. The DBS had informed him that they did not hold a registration number for him. The Senior Public Protection Officer said that he was satisfied that the licensee was in the process of obtaining a DBS certificate. In response to a question from the Chair the licensee stated that the DBS, when issued, would not disclose any motoring offences, convictions or cautions. In his closing statement he reiterated that it had been entirely his fault that he failed to respond to the letters of January and June.

Following an adjournment the Sub-Committee **RESOLVED** that the licensee continued to be a fit and proper person to hold a combined Private Hire/Hackney Carriage Driver's Licence, but gave him a formal warning about his conduct, as detailed below.

Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of his Disclosure and Barring Service Certificate and failed to comply with a reasonable request of an officer with delegated authority. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members took into account the contents of the report before them together with annexes and balanced these against the licensee's written submissions and oral representations.

The licensee took full responsibility for failing to deal with this correspondence but could not explain how he missed it. He indicated to members that he has a clean driving licence and police record with no cautions, convictions or driving offences. He also confirmed that he had his DBS subscription in place.

The Senior Public Protection Officer confirmed when asked by Members, that there had been no complaints against the licensee since he was first licensed in 2014.

Members noted that the DBS Check is an important tool in determining whether or not a licensee continues to be a fit and proper person to hold a licence however they were satisfied based the information before them, including the licensee's oral representations and confirmation from the Senior Public Protection officer that there had been no complaints against the licensee, that on balance, he remained a fit and

proper person to hold a licence. That said, the licensee had behaved in a way which was disappointing having not managed his affairs with sufficient professionalism and care; and having failed to comply with reasonable requests of a Senior Public Protection Officer and in the light of that, Members resolved to issue the licensee with a formal warning as to this conduct.

Members noted that the licensee must be subject to a satisfactory DBS check and should he fail to co-operate with the Senior Public Protection Officer in this regard it was highly likely that he would be brought back before the Committee. Members would likely take a very dim view of his further attendance before them in those circumstances or in relation to his conduct generally.

Accordingly members resolved to issue the licensee with a formal warning that this is not the conduct expected of a BANES licensed Hackney Carriage/Private Hire driver.

The meeting ended at 11.39 am

Chair(person)

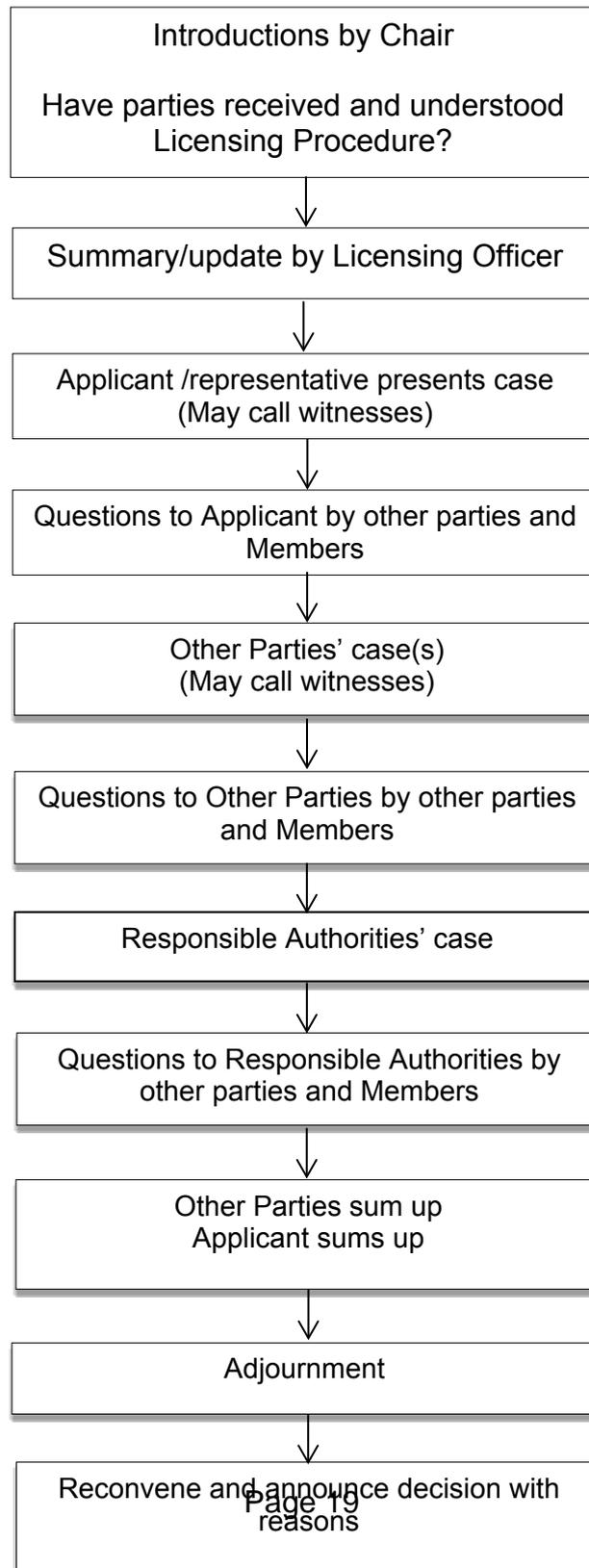
Date Confirmed and Signed

Prepared by Democratic Services

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

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



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

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

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

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

Responsible Authorities will be invited to summarise their representations

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

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

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

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

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

PLEASE NOTE:

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

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

| Bath & North East Somerset Council | | |
|---|--|--------------------------|
| MEETING: | Licensing Sub Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | Monday 24 September 2018 | |
| TITLE: | Application for a Premises Licence for Tivoli 6-8 Dorchester Street, Southgate Centre, Bath BA1 1SS | |
| WARD: | Abbey | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: | | |
| Anne A | Application for a new premises licence | |
| Annex B | Plan of premises | |
| Annex C | Representation received from the Police | |
| Annex D | Applicant's written agreement to measures proposed by the Police | |
| Annex E | Representation received from Safeguarding | |

1 THE ISSUE

- 1.1 An application has been received from T4051 Limited in respect of Tivoli, 6-8 Dorchester Street, Southgate Centre, Bath BA1 1SS.

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £450.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

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

5 THE REPORT

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

5.2 The application proposes the following licensable activities:

1) **The Performance of Plays (indoors only)**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

2) **The Exhibition of Film (indoors only)**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

3) **The Performance of Live Music (indoors only)**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

4) **The Playing of Recorded Music (indoors only)**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

5) **The Performance of Dance (indoors only)**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

6) **Anything of a Similar Description to Live Music, Recorded Music or Dance (indoors only)**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

7) **The Provision of Late Night Refreshment (indoors only)**

Sunday to Wednesday 23:00 – 01:00 the following morning

Thursday to Saturday 23:00 – 03:00 the following morning

8) **The Sale of Alcohol (for consumption on premises only)**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

9) **The proposed opening hours are:**

Sunday to Wednesday 09:00 – 01:00 the following morning

Thursday to Saturday 09:00 – 03:00 the following morning

10) The following **measures** have been proposed by the applicant to promote the licensing objectives:

- The performance of live music and the playing of recorded music shall only take place as an ancillary to the use of the premises as a cinema;
- High definition colour CCTV to be installed and maintained at the premises. Images recorded will be retained for at least 28 days and copies will be made available to the Police and Local Authority on request;
- Free calls to taxi firms for departing customers at the end of the night;
- Signs will be displayed at each exit encouraging customers to minimise noise and not to congregate in the street at close;
- No open containers of alcohol to leave the premises;
- Approved proof of age scheme, including a “Challenge 25” scheme will be operated;
- **Parent & Baby Screenings:**

Parents or guardians of children under the age of 24 months shall be permitted to bring their babies to films at screenings shown exclusively for that audience and the age verification restriction shall not apply to the babies at those screenings;

Prior to admittance, staff shall check the date of birth for each baby to be admitted to ensure they are under 24 months.

No one shall be admitted to parent and baby screenings unless accompanied by a baby;

Babies must be held on the laps of the parent or guardian throughout the screening;

The lights must be left on at a low level throughout the screening.

- 5.3 The plans detailing the proposed layout of the premises are attached at Annex B.
- 5.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:
- a) The Prevention of Crime and Disorder;
 - b) Public Safety;
 - c) The Prevention of Public Nuisance; and
 - d) The Protection of Children from Harm.

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

- 5.5 The Licensing Authority may grant the application with or without additional conditions.
- 5.6 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2015 policy.
 - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised April 2018.
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable the business to operate within the law.
- 5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 5.9 In accordance with the requirements of the Act, copies of the application were forwarded to the police, the fire authority, environmental health, development control, trading standards, health authority and the safeguarding/ child protection agency.
- 5.10 The applicant was required to place a notice at the premises for a period of 28 consecutive days starting the day after the application was made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 A representation has been received from the Police expressing concern that the applicant's proposals to host parent and baby screenings of films classified 15 and 18 and the proposal to sell alcohol on Thursday, Friday and Saturday until 03:00 the following morning, shall undermine all four of the licensing objectives and, in respect of the sale of alcohol, add to cumulative impact (Annex C).
- 5.12 The applicant and the police have agreed in writing to the following measures to mitigate the Police concerns (Annex D):
- to reduce the terminal hour proposed for the Sale of Alcohol on Thursday, Friday and Saturday to 01:00 hours the following morning;
 - to remove the measure relating to CCTV offered by the applicant at section M b) of the application, and replace it with the condition suggested by the Police; and
 - to remove the following measures from section M e)
 - Parents or guardians of children under the age of 24 months shall be permitted to bring their babies to films at screenings shown exclusively for that audience and the age verification restriction shall not apply to the babies at those screenings;
 - Prior to admittance, staff shall check the date of birth for each baby to be admitted to ensure they are under 24 months.
 - No one shall be admitted to parent and baby screenings unless accompanied by a baby;
 - Babies must be held on the laps of the parent or guardian throughout the screening.
- 5.13 A representation has been received from BANES Council's Safeguarding Team (Annex E). It expresses grave concern in relation to the applicant's proposal to permit parents with toddlers up to 24 months old admission to films with a 15 or 18 certificate. Safeguarding state that it is "extremely likely" that this proposal shall undermine the Protection of Children from Harm licenising objective, and proposes that the recommendations of the BBFC be upheld. Safeguarding are also concerned about the applicant's proposal to restrain a child up to the age of 24 months on the lap of their

parent or guardian for the duration of the proposed screening as this may cause emotinal or physical harm to the child (Annex E).

5.14 The premises is located within Bath's cumulative impact area.

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

6. RATIONALE

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

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Divisional Director-Business Support) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We T4051 Limited

(Insert name(s) of applicant)

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

Part 1 – Premises Details

| | | | |
|--|------|------------------------------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | | Environmental Service | |
| Tivoli 6-8 Dorchester Street Southgate Centre | | 08 AUG 2018 | |
| | | Receipt No... 355913 | |
| | | CH / CA / DC / CC - £ 450.00 | |
| Post town | Bath | Postcode | BA1 1SS |
| Telephone number at premises (if any) | | | |
| Non-domestic rateable value of premises | | £102,000 | |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

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

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

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

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

| |
|--|
| Name T4051 Limited |
| Address 63-65 Haymarket London SW1Y 4RL |
| Registered number (where applicable) 11484583 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----------------------|----------------------|----------------------|
| DD | MM | YYYY |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

| | | |
|----------------------|----------------------|----------------------|
| DD | MM | YYYY |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

This application for a premises licence is in respect of a 5 screen boutique style cinema situated in the South Gate Shopping Centre.

The applicant operates cinemas throughout the United Kingdom, all of which are licensed for the sale of alcohol as requested here.

The area to be licensed is as per the following licensing drawings filed in support of this application:

- 5019 : LIC 01
- 5019 : LIC 00

The applicant company already operates a proof of age scheme and a "Challenge 25" policy will be implemented in relation to all alcohol sales. All staff engaged in the sale of alcohol will be properly trained particularly with regard to avoiding underage sales.

High definition colour CCTV will be installed and maintained at the premises.

At some of the applicant's other screens a scheme is operated which allows parents to bring a baby/toddler (up to 24 months old) with them when they watch films with up to an 18 classification and the applicant would like to hold similar screenings at the Premises once a week. We have included some suggested conditions to deal with this arrangement.

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

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

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

| Provision of regulated entertainment | Please tick any that apply |
|--|----------------------------|
| a) plays (if ticking yes, fill in box A) | X |
| b) films (if ticking yes, fill in box B) | X |
| 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) | X |
| f) recorded music (if ticking yes, fill in box F) | X |

- g) performances of dance (if ticking yes, fill in box G) X
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) X
- Provision of late night refreshment** (if ticking yes, fill in box I) X
- Supply of alcohol** (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 6) | | | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | X | | | | | | | | | | | | |
|---|-------|--------|--|----------|--------------------------|--|--|--|--|--|--|--|--|--|--|--|--|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> | | | | | | | | | | | | |
| | | | | Both | <input type="checkbox"/> | | | | | | | | | | | | |
| Mon | 0000 | 0100 | <u>Please give further details here</u> (please read guidance note 3) On occasions staff or others may dress up as characters from films or generally for promotional purposes and play "roles". | | | | | | | | | | | | | | |
| | 0900 | 2400 | | | | | | | | | | | | | | | |
| Tue | 0000 | 0100 | | | | | | | | | | | | | | | |
| | 0900 | 2400 | | | | | | | | | | | | | | | |
| Wed | 0000 | 0100 | | | | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 4) | | | | | | | | | |
| | 0900 | 2400 | | | | | | | | | | | | | | | |
| Thurs | 0000 | 0100 | | | | | | | | | | | | | | | |
| | 0900 | 2400 | | | | | | | | | | | | | | | |
| Fri | 0000 | 0300 | | | | | | | | | | | <u>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</u> (please read guidance note 5) On New Year's Eve to the end of hours on New Year's Day | | | | |
| | 0900 | 2400 | | | | | | | | | | | | | | | |
| Sat | 0000 | 0300 | | | | | | | | | | | | | | | |
| | 0900 | 2400 | | | | | | | | | | | | | | | |
| Sun | 0000 | 0300 | | | | | | | | | | | | | | | |
| | 0900 | 2400 | | | | | | | | | | | | | | | |

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 | X | | | |
|---|-------|--------|---|---|--------------------------|--|--|--|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Mon | 0000 | 0100 | Please give further details here (please read guidance note 3) | | | | | |
| | 0900 | 2400 | | | | | | |
| Tue | 0000 | 0100 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Wed | 0000 | 0100 | | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| | 0900 | 2400 | | | | | | |
| Thur | 0000 | 0100 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Fri | 0000 | 0300 | 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) | On New Year's Eve to the end of hours on New Year's Day | | | | |
| | 0900 | 2400 | | | | | | |
| Sat | 0000 | 0300 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Sun | 0000 | 0300 | | | | | | |
| | 0900 | 2400 | | | | | | |

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 | | | <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) |
| | | | |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

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

E

| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | X | |
|--|-------|--------|--|---|--------------------------|--|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> | |
| | | | | Both | <input type="checkbox"/> | |
| Mon | 0000 | 0100 | Please give further details here (please read guidance note 3) This would only be as an ancillary to the use of the premises as a cinema. | | | |
| | 0900 | 2400 | | | | |
| Tue | 0000 | 0100 | | | | |
| | 0900 | 2400 | | | | |
| Wed | 0000 | 0100 | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| | 0900 | 2400 | | | | |
| Thur | 0000 | 0100 | | | | |
| | 0900 | 2400 | | | | |
| Fri | 0000 | 0300 | 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 (please read guidance note 5) On New Year's Eve to the end of hours on New Year's Day | | | |
| | 0900 | 2400 | | | | |
| Sat | 0000 | 0300 | | | | |
| | 0900 | 2400 | | | | |
| Sun | 0000 | 0300 | | | | |
| | 0900 | 2400 | | | | |

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 | X |
|--|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) This would only be as an ancillary to the use of the premises as a cinema. | | |
| Mon | 0000 | 0100 | | | |
| | 0900 | 2400 | | | |
| Tue | 0000 | 0100 | | | |
| | 0900 | 2400 | | | |
| Wed | 0000 | 0100 | | | |
| | 0900 | 2400 | | | |
| Thur | 0000 | 0100 | | | |
| | 0900 | 2400 | On New Year's Eve to the end of hours on New Year's Day | | |
| Fri | 0000 | 0300 | | | |
| | 0900 | 2400 | | | |
| Sat | 0000 | 0300 | | | |
| | 0900 | 2400 | | | |
| Sun | 0000 | 0300 | | | |
| | 0900 | 2400 | | | |

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 | X | | |
|---|-------|--------|--|---|---|--|--|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> | | |
| | | | | Both | <input type="checkbox"/> | | |
| Mon | 0000 | 0100 | <u>Please give further details here</u> (please read guidance note 3) On occasions during normal operating hours staff or others may dress up as characters from films or generally for promotional purposes. This may on occasions involve the performance of dance. | | | | |
| | 0900 | 2400 | | | | | |
| Tue | 0000 | 0100 | | | | | |
| | 0900 | 2400 | | | | | |
| Wed | 0000 | 0100 | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | | |
| | 0900 | 2400 | | | | | |
| Thur | 0000 | 0100 | | | | | |
| | 0900 | 2400 | | | | | |
| Fri | 0000 | 0300 | | | <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) On New Year's Eve to the end of hours on New Year's Day | | |
| | 0900 | 2400 | | | | | |
| Sat | 0000 | 0300 | | | | | |
| | 0900 | 2400 | | | | | |
| Sun | 0000 | 0300 | | | | | |
| | 0900 | 2400 | | | | | |

H

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | X |
| Mon | 0000 | 0100 | | Outdoors | <input type="checkbox"/> |
| | 0900 | 2400 | | Both | <input type="checkbox"/> |
| Tue | 0000 | 0100 | <u>Please give further details here</u> (please read guidance note 3) This would include possible karaoke, singalongs or similar events | | |
| | 0900 | 2400 | | | |
| Wed | 0000 | 0100 | <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) | | |
| | 0900 | 2400 | | | |
| Thur | 0000 | 0100 | <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) | | |
| | 0900 | 2400 | | | |
| Fri | 0000 | 0300 | On New Year's Eve to the end of hours on New Year's Day | | |
| | 0900 | 2400 | | | |
| Sat | 0000 | 0300 | | | |
| | 0900 | 2400 | | | |
| Sun | 0000 | 0300 | | | |
| | 0900 | 2400 | | | |

I

| 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 | X | | | |
|--|-------|--------|---|----------|--------------------------|---|--|--|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Mon | 0000 | 0100 | Please give further details here (please read guidance note 3) The provision of drinks, food and snacks etc to persons attending the cinema. | | | | | |
| | 0900 | 2400 | | | | | | |
| Tue | 0000 | 0100 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Wed | 0000 | 0100 | | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| | 0900 | 2400 | | | | | | |
| Thur | 0000 | 0100 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Fri | 0000 | 0300 | 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) On New Year's Eve to the end of hours on New Year's Day | | | | | |
| | 0900 | 2400 | | | | | | |
| Sat | 0000 | 0300 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Sun | 0000 | 0300 | | | | | | |
| | 0900 | 2400 | | | | | | |

J

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7) | On the premises | X | | | |
|---|-------|--------|---|------------------|--------------------------|---|--|--|
| | | | | Off the premises | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) | | | | | |
| Mon | 0000 | 0100 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Tue | 0000 | 0100 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Wed | 0000 | 0100 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Thur | 0000 | 0100 | | | | <u>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</u> (please read guidance note 5) | | |
| | 0900 | 2400 | | | | | | |
| Fri | 0000 | 0300 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Sat | 0000 | 0300 | | | | | | |
| | 0900 | 2400 | | | | | | |
| Sun | 0000 | 0300 | | | | | | |
| | 0900 | 2400 | | | | | | |

On New Year's Eve to the end of hours on New Year's Day

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

| | |
|---|---------|
| Name Andy Bush | |
| Address 43 Harold Crescent Waltham Abbey | |
| Postcode | EN9 1QT |
| Personal licence number (if known) L/N210000694 | |
| Issuing licensing authority (if known) Epping Forest | |

K

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

The premises may show films that have certificate 18 issued by the BBFC or local authority

L

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | <u>State any seasonal variations</u> (please read guidance note 4) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | 0000 | 0100 | <p><u>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</u> (please read guidance note 5)</p> <p>On New Year's Eve to the end of hours on New Year's Day</p> |
| | 0900 | 2400 | |
| Tue | 0000 | 0100 | |
| | 0900 | 2400 | |
| Wed | 0000 | 0100 | |
| | 0900 | 2400 | |
| Thur | 0000 | 0100 | |
| | 0900 | 2400 | |
| Fri | 0000 | 0300 | |
| | 0900 | 2400 | |
| Sat | 0000 | 0300 | |
| | 0900 | 2400 | |
| Sun | 0000 | 0300 | |
| | 0900 | 2400 | |

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

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

The applicant has carried out an assessment to ascertain what additional steps are required to promote the four licensing objectives as a result of the proposed variation. It has ascertained that no further steps are required other than as set out below:

b) The prevention of crime and disorder

High definition colour CCTV to be installed and maintained at the premises. Images recorded will be retained for at least 28 days and copies will be made available to the Police and Local Authority on request.

c) Public safety

d) The prevention of public nuisance

Free calls to taxi firms for departing customers at the end of the night.

Signs will be displayed at each exit encouraging customers to minimise noise and not to congregate in the street at close.

No open containers of alcohol to leave the premises.

e) The protection of children from harm

Approved Proof of Age Scheme, including a "Challenge 25" scheme will be operated.

Parent and Baby Screenings

Parents or guardians of children under the age of 24 months shall be permitted to bring their babies to films at screenings shown exclusively for that audience and the age restrictions shall not apply to the babies at those screenings.

Prior to admittance, staff shall check the date of birth for each baby to be admitted to ensure they are under 24 months.

Noone shall be admitted to parent and baby screenings unless accompanied by a baby.

Babies must be held on the laps of the parent or guardian throughout the screening.

The lights must be left on at a low level throughout the screening.

Checklist:

Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

| | |
|-----------|------------------------------|
| Signature | DLA Roper |
| Date | 7 August 2018 |
| Capacity | Solicitors for the Applicant |

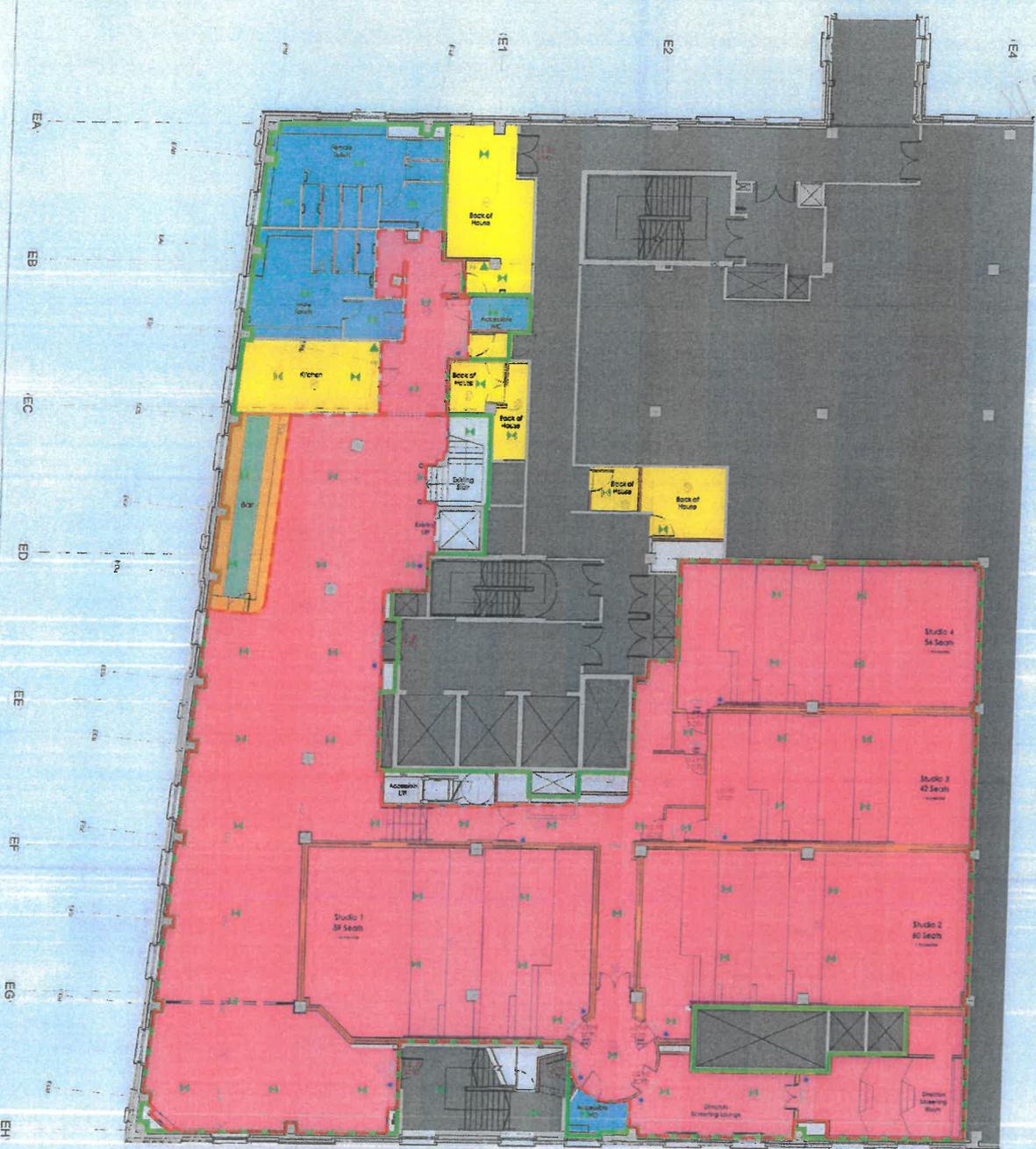
| | | | |
|---|---------------|----------|--------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Lisa Deacon DLA Piper UK LLP 1 St Paul's Place | | | |
| Post town | Sheffield | Postcode | S1 2JX |
| Telephone number (if any) | 0114 283 3441 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) lisa.deacon@dlapiper.com | | | |

Notes for Guidance

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

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- Note:
1. Do not scale the drawing.
 2. All data to be checked on site.
 3. The electrical installation to comply with the latest edition of the I.E.E. regulations.
 4. The proposed installation to be to the complete satisfaction of the local authority.
 5. The following materials must not be used under any circumstances:
 - a. High chlorine content in structural elements
 - b. wood wood ply in permanent formwork to concrete or in structural elements
 - c. calcium chloride in admixtures for use in reinforced concrete
 6. relative products
 - a. - appropriate for use in reinforced concrete
 - b. - concrete repair products
 - c. - concrete repair products
 - d. - concrete repair products



EMPIRE
 PROPOSED BOUTIQUE CINEMA AT SOUTH GATE, BATH
 PROPOSED FIRST FLOOR PLAN

Scale 1:100
 0 1 2 3 4 5 6 7 8 9 10 metres

LEGEND

- Extent of licensed premises
- Area used for sale & consumption (general public area)
- Staff only areas
- Public toilets
- Liquor storage areas
- Liquor bar counter tops
- Demise for: The showing of Films, Live Music and Recorded Music
- Area for the setting of Late Night Refreshments
- OUTSIDE DEMISE

- PORTABLE FIRE FIGHTING EQUIPMENT**
- FIRE EXTINGUISHER, WATER TYPE
 - FIRE EXTINGUISHER, FOAM TYPE
 - FIRE EXTINGUISHER, CARBON DIOXIDE TYPE
 - FIRE BLANKET
 - FIRE EXTINGUISHER, ABC POWDER TYPE
- INITIATING EQUIPMENT**
- HEAT DETECTOR
 - SMOKE DETECTOR
 - MANUAL CALL POINT
 - SMOKE DETECTOR (VIB)
- OTHER**
- EMERGENCY LIGHTING
 - ILLUMINATED FIRE EXIT SIGN (DIRECTORIAL)
 - ILLUMINATED FIRE EXIT SIGN (CONVENTIONAL)
- WARNING EQUIPMENT**
- WARNING DEVICE, LIGHT/SOUND
 - WARNING DEVICE, VISUAL
 - FWP FIRE ALARM PANEL
- FIRE DOOR RATING**
- FD 30 1/2 HOUR FIRE DOOR (SELF CLOSING)
 - FD 60 1 HOUR FIRE DOOR (SELF CLOSING)
 - FD 90 1 HOUR FIRE DOOR (SELF CLOSING)

REVISIONS

LICENSING

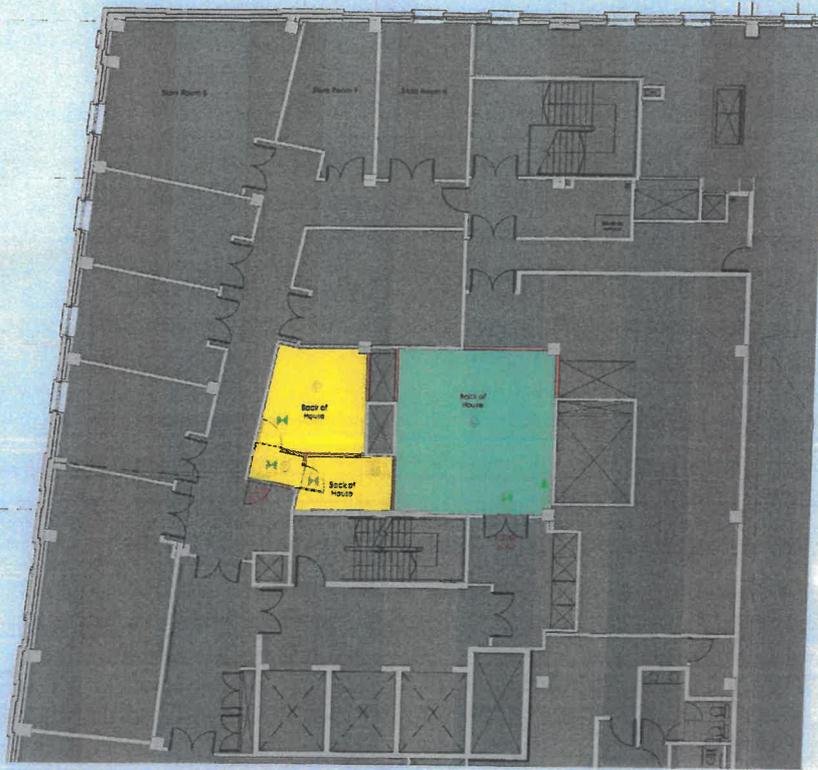
Proposed Boutique Cinema at SOUTHGATE, BATH for EMPIRE CINEMAS LTD Licensing Plan Cinema Level

5019 : LIC 01

DRAWN BY GP CHECKED BY RH
 SCALE 1:100 DATE July 2018

UNICK CONSULTING LIMITED
 23 PARK CIRCLE
 GLASGOW G3 7AP
 TEL: 0141-332-4234
 FAX: 0141-332-4238
 Email: info@unick.com

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 and Patents Act 1988 have been generally assigned.



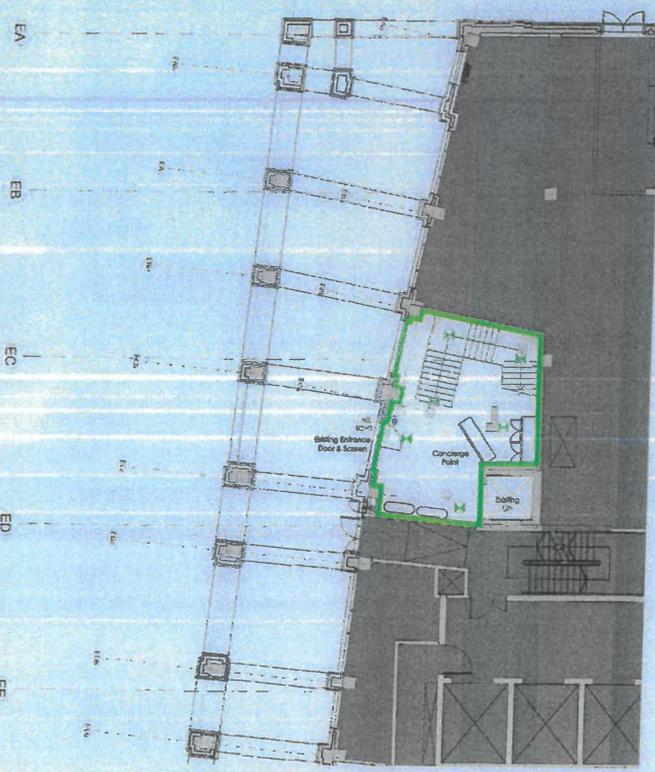
- Notes:
1. Do not scale this drawing.
 2. All work to be checked on site.
 3. The architect's drawings to comply with the latest edition of the U.K. regulations.
 4. The shopfitting contractor to be in the complete possession of the local authority.
 5. The following materials cannot be used under any circumstances:
 - a) High chloride cement in structural elements
 - b) Wood used in any form or as formwork in concrete or in structural elements
 - c) Castable products or materials for use in reinforced concrete
 - d) Cellulose products
 6. Equipment for use in reinforced concrete which do not comply with British Standard BS 5877:2002 and approved for use in concrete when they do not comply with the provisions of the same British Standard Specification BS 5877:1997.

EMPIRE

PROPOSED BOUTIQUE CINEMA AT SOUTH GATE, BATH

PROPOSED SECOND FLOOR PLAN

Scale 1:100
 0 1 2 3 4 5 6 7 8 9 10 metres
 SCALE



LEGEND

- Extent of licensed premises
- Area used for sale & consumption (general public area)
- Staff only areas
- Public toilets
- Liquor storage areas
- Liquor bar counter tops
- Demise for: The showing of Films, Live Music and Recorded Music
- Area for the selling of Late Night Refreshments
- OUTSIDE DEMISE

PORTABLE FIRE FIGHTING EQUIPMENT

- FIRE EXTINGUISHER, WATER TYPE
- FIRE EXTINGUISHER, FOAM TYPE
- ▲ FIRE EXTINGUISHER, CARBON DIOXIDE TYPE
- FIRE BLANKET
- FIRE EXTINGUISHER, ABC POWDER TYPE

INITIATING EQUIPMENT

- HEAT DETECTOR
- SMOKE DETECTOR
- MANUAL CALL POINT
- SMOKE DETECTOR IN CASE

OTHER

- EMERGENCY LIGHTING
- ILLUMINATED FIRE EXIT SIGN
- ILLUMINATED FIRE EXIT SIGN (DIRECTIONAL)

WARNING EQUIPMENT

- WARNING DEVICE (CLOCKWORKER)
- WARNING DEVICE (WIRING)
- FIRE ALARMS PANEL

FIRE DOOR RATING

- 120 MIN
- AP20
- 60 MIN FIRE DOOR (SELF CLOSING)
- 180 MIN FIRE DOOR (SELF CLOSING)
- SD20

EMPIRE

PROPOSED BOUTIQUE CINEMA AT SOUTH GATE, BATH

PROPOSED GROUND FLOOR PLAN

Scale 1:100
 0 1 2 3 4 5 6 7 8 9 10 metres
 SCALE

REVISIONS

LICENSING

Proposed Boutique Cinema
 of SOUTHGATE, BATH
 for EMPIRE CINEMAS LTD
 Licensing Plan
 Ground & Second Floor Level

5019 : LIC 00

DRAWN BY: RH CHECKED BY: AA
 SCALE: 1:100 DATE: July 2017

UNICK CONSULTING LIMITED
 23 PARK CIRCUS,
 GLASGOW G3 7AP
 TEL: 0141 332 4204
 FAX: 0141 332 4226
 E-mail: info@unick.com



**Avon & Somerset Constabulary
Representations Licensing Act 2003.**

| | | |
|--|---|---|
| Your Name | Geoff CANNON | |
| Job Title | POLICE LICENSING OFFICER | |
| Postal and email address | 2 nd Floor REDBRIDGE HOUSE MIDLAND RD BATH BA2 3EW | |
| Contact telephone number/e-mail address | Geoff.Cannon@avonandsomerset.police.uk | |
| Name and address of the premises you are making representations about. | TIVOLI CINEMA 6 – 8 Dorchester St Bath BA1 1SS | |
| Which of the four licensing Objectives does your representation relate to? Please state yes or no. | Yes Or No | <p>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</p> <p>The police have received a copy of an application for a New Premises Licence for TIVOLI CINEMA 6 – 8 DORCHESTER ST BATH and have the following concerns:</p> |
| The Prevention of harm to children | YES | <p>The applicant has included in the proposed Operating Schedule the following phrase:</p> <p>“At some of the applicant’s other screens a scheme is operated which allows parents to bring a baby / toddler (up to 24 months old) with them when they watch films with an up to 18 classification and the applicant would like to hold similar screenings at the premises once a week. We have included some suggested conditions to deal with this arrangement”.</p> <p>The Police feel that the measures offered by the applicant in section M of the application form are redundant in that there is no indication that subsection 3(b) of the Licensing Act 2003 below has been applied.</p> <p>Section 20 Licensing Act 2003 states:</p> <p>Mandatory condition: exhibition of films (1)Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section. (2)Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body. (3)Where— (a) the film classification body is not specified in the licence</p> |

(b)the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section—
 “children” means persons aged under 18; and
 “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Therefore, should the licence be granted as applied for in this respect, and children up to the age of 24 months are admitted to films of 15 and 18 classification, the mandatory condition would be breached and the cinema manager would commit an offence under Sec 136 of the Licensing Act (carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation).

In addition to the above, the police are generally concerned regarding the exposure to children up to the age of 24 months to any film of classification 15 and above and the effect this may have during the formative years. The police also feel that the proposed condition “Babies must be kept on the laps of the parent or guardian throughout the screening” would be extremely difficult to achieve with children this young for long periods of time. The cinema would run the risk of frequently breaking this condition and therefore committing an offence under section 136 of the Licensing Act 2003.

To prevent Public Nuisance

YES

The proposed Operating Schedule submitted to the Licensing Authority includes the following timings:

Exhibition of Film, Live Music, Recorded Music, Performance of Dance, Late Night Refreshment, and Supply of Alcohol, Thursdays, Fridays and Saturdays 0900 – 0300 the following morning. The applicant has also applied for the same hours for ‘Anything of a similar description to that falling within (e), (f) or (g)’ of the application form and includes the phrase: ‘This would include possible karaoke, singalongs or similar events’. It is noted that in respect of Live and Recorded music, the applicant has included a note ‘This is would only be as an ancillary to the use of the premises as a cinema’. However, no such note appears alongside ‘Anything of a similar description to that falling within (e), (f) or (g)’.

The proposed Hours the Premises are open to the public are also 0900 – 0300.

The police argue that ending the above licensable activities and closing the premises at 03:00 on Thursday, Friday and Saturday nights would increase the likelihood of crime and disorder and public nuisance in the locality.

Evidence:

Calls to the police relating to Violent Crime, Public Nuisance, Anti – Social Behaviour and incidents of a similar nature between the hours of 01:00 and 04:00 over

| | | |
|-------------------------------|-----|--|
| | | <p>the last 6 months (21.03.18 – 21.08.18) for the Bath City Centre area = 283</p> <p>Calls to the police relating to Violent Crime, Public Nuisance, Anti – Social Behaviour and incidents of a similar nature between the hours of 01:00 and 04:00 over the last 6 months (21.03.18 – 21.08.18 for the general area surrounding the proposed Tivoli Cinema site = 105 (37% of total City Centre area).</p> <p>Calls to the police relating to Violent Crime, Public Nuisance, Anti – Social Behaviour and incidents of a similar nature between the hours of 01:00 and 04:00 over the last 6 months (21.03.18 – 21.08.18 for the more immediate area surrounding the proposed Tivoli Cinema site = 61 (21 % of total City Centre area).</p> <p>Southgate: = 25 Manvers St / High St / North Parade area = 36</p> <p>The area includes a very popular all - night fast food restaurant and takeaway located in Southgate and two nightclubs in the Manvers St. area. There are also a number of other late – night bars and busy taxi ranks nearby resulting in the migration of a large number of people between locations during these times. Police and other resources employed to combat crime and disorder in the night – time economy are particularly stretched between 02:00 and 04:00, not least as Street Marshal, and Taxi Marshals finish duties at 03:00 on Thursday, Friday and Saturday nights and police officer numbers decrease considerably after 03:00 on these nights.</p> <p>The plan attached to the application shows a bar located in the main foyer surrounded by a large area included in the description “Area used for sale and consumption” There are 4 studio cinemas with a total seating capacity of 217. All of these areas are included in the “Extent of licensed premises” as shown on the plan which gives an indication of the maximum number of people that could be buying and consuming alcohol during the times the supply of alcohol is licensed (i.e. up to 03:00 on Thursday, Friday and Saturday nights if the licence was granted as applied for).</p> <p>Bath City Centre is a stressed area during the Night – Time Economy and the Cumulative Impact Policy for Bath City Centre reflects this. The proposed Tivoli Cinema is located within the Cumulative Impact area of Bath and the Cumulative Impact Policy relating to the consumption of alcohol on premises therefore applies.</p> |
| To prevent crime and disorder | YES | As above |
| Public Safety | YES | As above |

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

The Police Licensing Officer has communicated these concerns to the applicant via their legal advisor and the applicant has provided evidence to reassure the police that the premises will operate primarily as a cinema and that all other licensable activities are ancillary to the showing of films.

The following amendments to the proposed Operating Schedule have also been agreed by the police and the applicant.

- Supply of alcohol: Mon - Sun 09:00 – 01:00 (Non – Standard Timing on New Year’s Eve and New Year’s Day to remain as applied for). All other licensable activities hours and closing times to remain as applied for.

- The removal of the proposed condition relating to CCTV and replace with:

CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for a minimum of 28 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording.

- The removal of all proposed conditions relating to “Parent and Baby Screenings”. (It is the intention of the applicant to address the proposed screening of films of BBFC Film Classification 15 and over for parents and children under the age of 24months with the Licensing Authority at a later date).

The police respectfully ask the Licensing Sub – Committee to take into consideration the above agreed amendments when determining the premises licence application.

The police are happy for all other proposed conditions included in the application form to remain including “All staff engaged in the sale of alcohol will be properly trained particularly with regard to underage sales” as offered in Part 3 Operating Schedule of the application form.

The police take the view that the applicant fully understands their responsibilities and has willingly engaged in the process to ensure that the premises licence operating schedule, when granted, accurately reflects the nature of the proposed business.

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

Signed: Geoff Cannon

Date: 23.08.18

This form must be returned within the Statutory Period. (With supporting evidence).

Terrill Wolyn

From: Deacon, Lisa <Lisa.Deacon@dlapiper.com>
Sent: 23 August 2018 13:02
To: Geoff Cannon
Subject: RE: TIVOLI CINEMA 6 - 8 Dorchester St. Bath. [DLAP-UKMATTERS.FID4682892]

Geoff,

I can confirm that the applicant is in agreement to the below.

Kind regards

Lisa

Lisa Deacon

Licensing Assistant

T: +44 114 283 3441

F: +44 114 276 5246

E: lisa.deacon@dlapiper.com



DLA Piper UK LLP
www.dlapiper.com

From: Geoff Cannon [<mailto:Geoff.Cannon@avonandsomerset.police.uk>]
Sent: 23 August 2018 12:16
To: Deacon, Lisa
Subject: TIVOLI CINEMA 6 - 8 Dorchester St. Bath.

Re: New Premises Licence Application Tivoli Cinema 6 – 8 Dorchester St. Bath

Thank you for taking the time to consider the police concerns regarding the above application and relaying these concerns to your client.

As discussed, I will be submitting a representation on behalf of the police to the Licensing Authority outlining these concerns. The matter will then be determined by the Licensing Sub – Committee at a hearing to be held on a date to be confirmed.

I am pleased that the applicant has taken the police concerns seriously and has responded by clarifying the following in respect of use of the premises:

"The applicant will not be running karaoke nights in the bar area, this is more in line with films that have singalongs etc. First and foremost the premises is a cinema, not a bar or restaurant, everything is ancillary to the use of the premises as a cinema identified by our planning permission which is Use Class D2 - "D2 Assembly and leisure - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used)".

The police are reassured by this statement and that the impact on the licensable objectives is less than if the use of the bar area was more prevalent.

The police are also happy to agree to the following measures as offered by the applicant:

- Supply of alcohol : Mon - Sun 09:00 – 01:00 (Non – Standard Timing on New Year’s Eve and New Year’s Day to remain as applied for). All other licensable activities hours and closing times to remain as applied for.
- The removal of the proposed condition relating to CCTV and replace with:
“CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for a minimum of 28 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording”
- The removal of proposed conditions relating to “Parent and Baby Screenings”. (It is the intention of the applicant to address the proposed screening of films of BBFC Film Classification 15 and over for parents and children under the age of 24months with the Licensing Authority at a later date).

Please confirm that your client is in agreement with the above. I will include a copy of your response with the police representation when I submit it to the licensing authority.

With kind regards,

Geoff Cannon

BANES Police Area Licensing Officer

Redbridge House

BATH BA2 3EW

☎ Ext: 01278 645524 Int: 45524

Mob: 07889 655950

✉ Geoff.Cannon@avonandsomerset.pnn.police.uk

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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: | 18/01830/LAPRE |
| Applicant's name: | T4051 Limited |
| Premises name and address: | Tivoli, 6-8 Dorchester Street Southgate Bath |
| Application for a: | A New Premises Licence |

Objector Details:

| | |
|----------------------------------|--|
| Objector's Name: | Mel Argles: Safeguarding - BANES Council |
| Objector's Address: | Keynsham Civic Centre Market Walk Keynsham BS |
| Organisation name if applicable: | BS31 1FS |

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

In our role as Responsible Authority, Safeguarding wish to object to this application for a new premises licence as we have grave concern that the applicant's proposal to permit parents with toddlers up to 24 months old, admission to films with a 15 or 18 certificate, is likely to have an adverse effect on the Protection of Children from Harm licensing objective.

As such we object to the measures offered by the applicant at section Me) of the operating schedule that propose:

"Parents or Guardians of children under the age of 24 months shall be permitted to bring their babies to film screenings shown exclusively for that audience and the age restriction shall not apply to the babies at those screenings"; and

"Babies must be held on the laps of the parent or guardian throughout the screening"

We consider these measures extremely likely to have a detrimental effect on the protection of children from harm licensing objective.

Children aged 0 – 24 months are at a prime stage of their brain development, toddler's can't fully understand and interpret what they are seeing, but the images and sounds can be experiences as frightening and cause emotional trauma.

The protection of children from harm includes the protection of children from moral, psychological and physical harms. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

We are additionally concerned about the condition for babies to be held on laps, within this licence agreement this would include mobile toddlers being held and restrained to prevent the licence conditions being breeched. Mobile infants (under the age of 24 mths) are keen to move about and explore their environments, and it is important for their physical and emotional welfare that they are able to do so safely. The physical restraint of infants who are sufficiently determined to move could result in emotional distress to the child or even physical injury (for example bruising or pulled elbows).

We would request therefore that this element of the application be refused, and the recommendations of the British Board of Film Classification (BBFC) be upheld when classified films are screened. The BBFC's principle guidelines are:

- to protect children and vulnerable adults from potentially harmful or otherwise unsuitable media content
- to empower consumers, particularly parents and those with responsibility for children, to make informed viewing decisions.

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

M. Argles

Date

30/08/18

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

01225 396810

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 Mel Argles

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>Claire Warriner Early Years Childcare Development and Welfare Manager</p> <p><Claire_Warriner@BATHNES.GOV.UK></p> | <p>Evidence of the impact of Trauma on early development, and child care practices.</p> |

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

Form to be returned to:

Licensing Team
Public Protection and Health Improvement Service
Lewis House
Manvers Street
Bath BA1 1JG

| Bath & North East Somerset Council | | |
|---|---|-----------------------------------|
| MEETING: | Licensing Sub Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | Monday 24 September 2018 | |
| TITLE: | Application for a Premises Licence for The Luna Cinema Limited , Bath Royal Crescent Lower Lawn, Marlborough Lane, Bath, BA1 2NQ | |
| WARD: | Kingsmead | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: | | |
| Annex A Application for a new premises licence | | |
| Annex B Plan of premises | | |
| Annex C Representation received from the Police | | |
| Annex D Applicant's written agreement to conditions proposed by the Police | | |
| Annex E Representation received from Environmental Protection | | |
| Annex F Representations from Other Persons | | |

1 THE ISSUE

- 1.1 An application has been received from The Luna Cinema Limited, Bath Royal Crescent Lower Lawn, Marlborough Lane, Bath, BA1 2NQ.

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £100.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

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

5 THE REPORT

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

5.2 The application proposes the following licensable activities:

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

Tuesday to Sunday 17:00 – 23:00

- 2) Regulated Entertainment by way of the playing of **Recorded Music**, outdoors only:

Tuesday to Sunday 17:00 – 21:30

- 3) Regulated Entertainment by way of the **Exhibition of Film**, outdoors only:

Tuesday to Sunday 18:30 – 23:30

- 4) The **Opening Hours** proposed are:

Tuesday to Sunday 17:00 – 23:55

- 5) The following **measures** have been offered by the applicant to promote the licensing objectives:

- There will be no more than ten film events per year;
- Films will be screened for no more than three hours each evening;
- There shall be a stewarding team on site at all times;
- All tickets shall be sold in advance to control capacity;
- There shall be a security team including SIA badged staff members managing entrances, exits and bar area;
- There shall be bag checks and security searches before entry to the site;
- There shall be a full evacuation plan in place;
- Drinks shall be provided in plastic cups as no glassware shall be allowed on site;

- The audience shall be asked to be considerate to residents as they enter and exit the site;
- There shall be a child safety plan and a lost child meeting point;
- The premises shall operate a Challenge 25 age verification policy; signage shall be displayed at the bar advising customers of this policy.

5.3 The proposed layout of the premises is attached at Annex B.

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

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

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

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

5.6 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-

- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29,33-36, 38-41 of the 2015 policy.
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised **April 2018**.
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.

5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.

5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the

person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 5.9 In accordance with the requirements of the Act, copies of the application were forwarded to the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 A representation has been received from the Police expressing concern that the applicant's proposals fail to adequately promote all of the licensing objectives and recommends a reduction in the timings proposed, the removal of some measures offered within the operating schedule and additional measures (as agreed with the applicant), to mitigate those concerns (Annex C).
- 5.12 The applicant has agreed in writing to the measures recommended by the police (Annex D).
- 5.13 A representation has been received from BANES Council's Environmental Protection Team in respect of the Prevention of Public Nuisance Licensing Objective (Annex E).
- 5.14 Six representations have been received from "other persons" namely Cllr Furse, the Marlborough Lane & Buildings Residents' Association, the Crescent Lawn Company, the Royal Crescent Society (Lawn Events), the Royal Crescent Society Residents' Association and resident of the Royal Crescent. Collectively they express concern that the applicant's proposals shall undermine all four licensing objectives (Annex F).
- 5.15 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

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

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Divisional Director-Business Support) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We. The Luna Cinema Limited

(Insert name(s) of applicant)

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

Part 1 - Premises details

| | | | |
|--|--|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| Bath Royal Crescent Lower Lawn, Marlborough Lane | | | |
| Post town Bath | | | |
| | | Postcode | BA1 2NQ |

| | |
|---|----|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £0 |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|--|-----------------------------|
| a) an individual or individuals * | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| c) a recognised club | please complete section (B) |
| d) a charity | please complete section (B) |

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|-----------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |

| | | | |
|---|--|--|--|
| | | | |
| Date of birth | | I am 18 years old or over <input type="checkbox"/> Please tick yes | |
| Nationality | | | |
| Current postal address if different from premises address | | | |
| Post town | | Postcode | |
| Daytime contact telephone number | | | |
| E-mail address (optional) | | | |

(B) OTHER APPLICANTS

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

| |
|--|
| Name The Luna Cinema Limited |
| Address 1 Waterview Business Park, Castle Road, Sittingbourne, Kent, ME10 3SQ |
| Registered number (where applicable) 7920620 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company |
| Telephone number (if any) 020 3905 7600 |
| E-mail address (optional) rachel@thelunacinema.com |

Part 3 Operating Schedule

When do you want the premises licence to start? 27/09/2018

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

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

| DD | MM | YYYY |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

Bath Royal Crescent Lower Lawn, an open green space

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input 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 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 type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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



In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 7) | | | <u>Will the performance of a play take place indoors or outdoors or both - please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <u>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</u> (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

B

| Films Standard days and timings (please read guidance note 7) | | | <u>Will the exhibition of films take place indoors or outdoors or both - please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input checked="" type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) We will be screening films from sunset time for no longer than 3 hours each evening. We will run no more than 10 film events per year. | | |
| Tue | 18:30 | 23:30 | | | |
| Wed | 18:30 | 23:30 | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) | | |
| Thur | 18:30 | 23:30 | | | |
| Fri | 18:30 | 23:30 | <u>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</u> (please read guidance note 6) | | |
| Sat | 18:30 | 23:30 | | | |
| Sun | 18:30 | 23:30 | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| Wed | | | |
| Thur | | | <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 6) |
| Fri | | | |
| Sat | | | |
| Sun | | | |

D

| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

E

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | <u>Will the performance of live music take place indoors or outdoors or both - please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place <u>indoors or outdoors or both - please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|--|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input checked="" type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | | | | <u>Please give further details here</u> (please read guidance note 4) Recorded background music will be playing as the audience enters (1.5 hours before sunset time) until the film begins. We will run no more than 10 events per year. | |
| Tue | 17:00 | 21:30 | | | |
| Wed | 17:00 | 21:30 | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) | | |
| Thur | 17:00 | 21:30 | | | |
| Fri | 17:00 | 21:30 | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sat | 17:00 | 21:30 | | | |
| Sun | 17:00 | 21:30 | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place <u>indoors or outdoors or both - please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)</u> | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | <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 6) | | |
| Sun | | | | | |

I

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

J

| | | | | | |
|---|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption - please tick (please read guidance note 8) | 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 5) | | |
| Mon | | | | | |
| Tue | 17:00 | 23:00 | | | |
| Wed | 17:00 | 23:00 | | | |
| Thur | 17:00 | 23:00 | | | |
| Fri | 17:00 | 23:00 | | | |
| Sat | 17:00 | 23:00 | | | |
| Sun | 17:00 | 23:00 | | | |
| | | | 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 6) | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|--|---------|
| Name Lucy Hall | |
| Date of birth 02/12/1989 | |
| Address 6A Bexley High St Bexley Kent | |
| Postcode | DA5 1AD |
| Personal licence number (if known) Pers3659 | |
| Issuing licensing authority (if known) Lambeth Council | |



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

For all films, we will fully enforce the certification age as rated by the BBFC with ID Checks on the door. We operate a Challenge 25 policy on the bar.

L

| | | | |
|---|-------|--------|---|
| <p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p> | | | <p>State any seasonal variations (please read guidance note 5)</p> |
| Day | Start | Finish | <p><u>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</u> (please read guidance note 6)</p> |
| Mon | | | |
| Tue | 17:00 | 23:55 | |
| Wed | 17:00 | 23:55 | |
| Thur | 17:00 | 23:55 | |
| Fri | 17:00 | 23:55 | |
| Sat | 17:00 | 23:55 | |
| Sun | 17:00 | 23:55 | |

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

We will have a full security and stewarding team on site at all times. All tickets will be sold in advance to control capacity. We will work closely with the police and relevant Local authorities.

b) The prevention of crime and disorder

We will have a full security team including SIA badged staff members managing Entrances, Exits and Bar area. We will communicate closely with the local authorities And police to ensure they are happy with our security measures and if necessary implement any changes they require.

c) Public safety

We will have bag checks and security searches before entry to the site. We will have a full evacuation plan and emergency exit in place. We will only be serving drinks in plastic cups and no glassware will be allowed onto site.

d) The prevention of public nuisance

We will have a full steward and security team on site. We will carefully monitor the audience and if anyone is causing a nuisance they will be asked to leave. We will ask the audience to be aware of local residents as the exit and enter the site.

e) The protection of children from harm

We will have a full child safety plan as well as a lost child meeting point. We will fully Enforce certification of any films that require it as well as having a Challenge 25 policy For alcohol sales. Signage shall be displayed at the bar informing customers of this Policy.

Checklist:

Please tick to indicate agreement

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

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 - Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|--------------------|---|
| Declaration | <p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>✓ The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</p> |
| Signature | G.Wood |
| Date | 27/03/2018 |
| Capacity | Managing Director |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)
George Wood
The Luna Cinema
1 Waterview Business Park, Castle Road, Sittingbourne

| | | | |
|---|-------------|-----------|----------|
| Post town. | Kent | Postcode. | ME10 3SQ |
| Telephone number (if any) | 07779301578 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Rachel@thelunacinema.com | | | |

Notes for Guidance

Consent of individual to being specified as premises supervisor

Lucy Hall

I
[full name of prospective premises supervisor]

of

6A Bexley High St
Bexley
Kent
DA5 1AD

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

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

Premises License

.....
[type of application]

by

The Luna Cinema Limited

.....
[name of applicant]

relating to a premises licence N/A
.....
[number of existing licence, if any]

for

The Luna Cinema - Bath Royal Crescent Lower Lawn
Marlborough Lane
Bath
BA1 2NQ

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

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

George Wood

[name of applicant]

concerning the supply of alcohol at

The Luna Cinema –Bath Royal Crescent Lower Lawn
Marlborough Lane,
Bath,
BA1 2NQ

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PERS3659

[insert personal licence number, if any]

Personal licence issuing authority

London Borough of Lambeth, 6th Floor International House, Canterbury Crescent,
Brixton, London, SW9 7QE Tel: 0207 926 5000

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

Signed

Lucy Hall

Name (please print)

Lucy Hall

Date

07/08/2018



**Avon & Somerset Constabulary
Representations Licensing Act 2003.**

| | | |
|--|---|--|
| Your Name | Geoff CANNON | |
| Job Title | POLICE LICENSING OFFICER | |
| Postal and email address | 2 nd Floor REDBRIDGE HOUSE MIDLAND RD BATH BA2 3EW | |
| Contact telephone number/e-mail address | BANES Police Area Licensing Officer Redbridge House BATH BA2 3EW Tel: 01278 645524 Mob: 07889 655950 Email: Geoff.Cannon@avonandsomerset.pnn.police.uk | |
| Name and address of the premises you are making representations about. | THE LUNA CINEMA LTD LOWER LAWN ROYAL CRESCENT BATH | |
| Which of the four licensing Objectives does your representation relate to? Please state yes or no. | Yes Or No | Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary |
| The Prevention of harm to children | No | |
| To prevent Public Nuisance | Yes | <p>The police have received an application for a New Premises Licence for Luna Cinema, Lower Lawn Royal Crescent and have the following concerns that relate to the below licensing objectives:</p> <p>In Part 3 (Operating Schedule) the applicant has applied for The Exhibition of Film, Recorded Music and The Supply of alcohol Tue – Sun inc. (6 days per week).</p> <p>Included in Part 3 (Operating Schedule) Section B (Films) and Section F (Recorded Music) is the statement: We will run no more than 10 events per year. The licence if granted as applied for would therefore allow the applicant to hold a maximum of 10 events of 6 days duration any time throughout the year. This is a considerable departure from the previous licence which was very specific in limiting the event to one weekend and the duration of the event to 3 days only. The police feel that 10 events of 6 days duration late into the evening in The Royal Crescent would potentially cause a disproportionate amount of public nuisance and possibly low – level crime. Given that there is no mention of limiting the audience size on the application, our concerns are further increased.</p> <p>In Part 3 (Operating Schedule) Section B the applicant has applied for 18:30 – 23:30 Tue – Sun and in section J</p> |

| | | |
|--|-----|--|
| | | <p>Supply of Alcohol (on premises only) 17:00 – 23:00 Tue – Sun. In section L (Hours premises are open to the public) the applicant has applied for 17:00 – 23:55. Compared to last years' licence the times have increased by: Film - 1hr 30min, Supply of Alcohol – 1hr 30min and the terminal hour – 1 hr 10min. Again, the police feel that these later hours, given the nature of the location and proximity to neighbouring properties may give rise to increased public nuisance and possibly Anti – Social Behaviour.</p> <p>The police feel that some of the wording included in section M of the application form (steps intended to promote the four licensing objectives) is too vague and not specific enough to adequately show how the applicant will promote the four licensing objectives:</p> <p>Phrases used include:</p> <p>“We will have a full security team on site at all times” – could include any number of staff</p> <p>“We will communicate closely with local authorities and police to ensure they are happy with our security measures and implement any changes they require” – is not time specific and could include the day before the event.</p> <p>“We will have a full steward and security team on site” – as above.</p> |
| To prevent crime and disorder | Yes | As above |
| Public Safety | Yes | As above |
| Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist. | | <p>The Police Licensing Officer has raised the above concerns with the applicant and the applicant has responded promptly and positively to these concerns. As a result of these negotiations the applicant has agreed in writing to the following proposals put forward by the police and which the police would ask the Licensing Sub – Committee to take into consideration when determining the premises licence application:</p> <p>The police are happy for the following measures as offered by the applicant to remain as proposed conditions attached to Operating Schedule (as detailed in section M of the application form):</p> <p>All tickets will be sold in advance to control capacity.</p> <p>We will communicate closely with the local authorities and police to ensure they are happy with our security measures and if necessary implement any changes required.</p> <p>We will have bag checks and security searches before entry to the site.</p> |

ANNEX

We will have a full evacuation plan and emergency exit in place.

We will only be serving drinks in plastic cups and no glassware will be allowed onto the site.

We will ask the audience to be aware of local residents as they exit and enter the site.

We will have a full child safety plan as well as a lost child meeting point.

We will fully enforce certification of any films that require it.

We will operate a 'Challenge 25 policy' for alcohol sales. Signage shall be displayed at the bar informing customers of this policy.

All other wording in section M of the application form may be disregarded as a consequence of adding more suitable measures detailed below:

The proposed Operating Schedule to be amended as follows

Not to include the following reference: "We will run no more than 10 events per year".

Adjust the hours premises are open to the public to 17:00 – 23:15 Tue – Sun

Adjust the Films hours 18:30 – 22:45 Tue – Sun

Adjust the Supply of alcohol hours 17:00 – 22:30 Tue – Sun

For the following measures to be added as conditions attached to the Operating Schedule:

The Luna Cinema will be limited to a maximum of 2 events per year consisting of no more than 3 consecutive days to take place between the start of June and the end of October.

The maximum audience capacity for the premises will not exceed 2000.

Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.

There will be a minimum of 3 SIA registered members of security staff will be on duty from 30 minutes prior to each film evening opening to the public and until the event closes to the public.

2 SIA registered members of security staff will be positioned at the box office to conduct random bag searches.

At least 1 SIA registered member of security staff will be positioned in the bar and concessions areas.

The organisers will provide notification to the police and licensing authority at least one month in advance of each

event taking place.

ANNEX C-

The police would like to thank the organisers of Luna Cinema for their understanding of concerns raised by the police and their prompt and positive engagement in this process.

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

Signed: G Cannon (Police Licensing Officer)

Date: 16.08.18

This form must be returned within the Statutory Period. (With supporting evidence).

Terrill Wolyn

Subject: FW: The Luna Cinema - New Premises Application

From: George Wood [mailto:george@thelunacinema.com]
Sent: 16 August 2018 11:07
To: Geoff Cannon; 'Rachel Gillard'
Cc: Terrill Wolyn; Nigel Shire
Subject: Re: The Luna Cinema - New Premises Application

Thanks Geoff,

Yes, I can confirm we are happy to agree to all the points you raise and can commit to all your recommendations as outlined below. Thanks for your understanding on the adjustment of timings for film exhibition.

As you state, we fully understand that further representations may come in and equally that the Land Hire Agreement will operate separately to the new licence (should it be granted). We will be ready to deal with any further representations in the sub-committee hearing should they not be able to be dealt with in advance, and I'm grateful to you for enabling us to reach agreement in this way before the hearing.

Nigel I know you've been dealing with Jamie, our Head of Production separately, but if you would like to discuss any of the specifics of the licence, feel free to call me any time.

Kind Regards,

George

George Wood

Managing Director
Tel: 07779 301578
Email: george@thelunacinema.com
www.thelunacinema.com



On 16/08/2018 10:46, Geoff Cannon wrote:

Good morning George.

Thank you for considering the police concerns and your positive response. With regards the one point you have queried, we are happy for the proposed hours for film to be **18:30 – 22:45 Tue – Sun** as requested. As a result, in order to allow 30 mins to clear the site of customers, we suggest the **Hours premises are open to the public** be adjusted to: **17:00 – 23:15 Tue – Sun**.

To summarise, the Police Representation will include the following recommendations to be placed before the Licensing Sub- Committee at the hearing (date tbc): Please double check and confirm by return email your agreement to all of these points. I will then ensure BANES Licensing Dept. are provided with a copy confirming your agreement along with my representation form.

The proposed Operating Schedule to be amended as follows following consultation with the police:

Not to include the following reference: "We will run no more than 10 events per year".

Adjust the hours premises are open to the public to 17:00 – 23:15 Tue – Sun

Adjust the Films hours 18:30 – 22:45 Tue – Sun

Adjust the Supply of alcohol hours 17:00 – 22:30 Tue – Sun

For the following measures to be added as conditions attached to the Operating Schedule following consultation with the police:

The Luna Cinema will be limited to a maximum of 2 events per year consisting of no more than 3 consecutive days to take place between the start of June and the end of October.

The maximum audience capacity for the premises will not exceed 2000.

Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.

There will be a minimum of 3 SIA registered members of security staff will be on duty from 30 minutes prior to each film evening opening to the public and until the event closes to the public.

2 SIA registered members of security staff will be positioned at the box office to conduct random bag searches.

At least 1 SIA registered member of security staff will be positioned in the bar and concessions areas.

The organisers will provide notification to the police and licensing authority at least one month in advance of each event taking place.

The police are happy for the following measures as offered to remain as proposed conditions attached to Operating schedule:

All tickets will be sold in advance to control capacity.

We will communicate closely with the local authorities and police to ensure they are happy with our security measures and if necessary implement any changes required.

We will have bag checks and security searches before entry to the site.

We will have a full evacuation plan and emergency exit in place.

We will only be serving drinks in plastic cups and no glassware will be allowed onto the site.

We will ask the audience to be aware of local residents as they exit and enter the site.

We will have a full child safety plan as well as a lost child meeting point.

We will fully enforce certification of any films that require it.

We will operate a 'Challenge 25 policy' for alcohol sales. Signage shall be displayed at the bar informing customers of this policy.

I have spoken to Nigel Shire in the Environmental Protection Team advising that we are about to reach agreement on the above points and copied him into this email for his information.

You will of course appreciate that although agreement may have been reached with the police this does not guarantee the outcome of the hearing particularly if other representations are received. You will also appreciate that should the licence be granted as above, you will still be bound by other factors separate to your premises licence, e.g. any Land Hire Agreement, which may impose further restrictions on any events you propose to hold.

With kind regards,

Geoff Cannon

BANES Police Area Licensing Officer

Redbridge House

BATH BA2 3EW

' Ext: 01278 645524 Int: 45524

Mob: 07889 655950

 Geoff.Cannon@avonandsomerset.pnn.police.uk

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: | 18/01812/LAPRE |
| Applicant's name: | The Luna Cinema Limited |
| Premises name and address: | Royal Crescent Lower Lawn Royal Crescent Marlborough Lane Bath BA1 2NQ |
| Application for a: | Premise Licence |

Objector Details:

| | |
|---|---|
| Objector's Name: | Environmental Protection Team |
| 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. | Environmental Protection Lewis House Manvers Street Bath BA11JG |
| Organisation name if applicable: | Bath and North East Somerset Council |

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 Environmental Protection team have received an application for a New Premises Licence for Luna Cinema, Lower Lawn Royal Crescent and have the following concerns that relate to the below licensing objectives:

In Part 3 (Operating Schedule) the applicant has applied for The Exhibition of Film, 18.30-23.30, Tue – Sun Inc. (6 days per week), contained within section B (Films) and Section F (Recorded music) is the statement: "We will run no more than 10 events per year". The licence if granted as applied for would therefore allow the applicant to hold a maximum of 10 events of 6 days duration any time throughout the year.

The Environmental Protection team feel that 10 events of 6 days duration late into the evening in The Royal Crescent would potentially cause a disproportionate amount of public nuisance.

The Environmental Protection team has engaged with the applicant to discuss concerns relating to the number of events to be held, the timings of films, audience capacity and adequate measures to control noise from the licensable activities. The applicant has responded favourably to reasonable requests and to promote the licensing objective to prevent public nuisance and has agreed in writing to proposals suggested by the Environmental Protection Team.

The Environmental Protection team would therefore request that the Licensing Sub – Committee take these into consideration when determining the premises licence application.

The proposed Operating Schedule to be amended as follows

Adjust the hours premises are open to the public to 17:00 – 23:15 Tue – Sun

Adjust the Films hours 18:30 – 22:45 Tue – Sun

The Environmental Protection team would also request that the following are considered to be added as conditions attached to the Operating Schedule to mitigate our concerns:

The Luna Cinema will be limited to a maximum of 2 events per year consisting of no more than 3 consecutive days to take place between the start of June and the end of October.

The maximum audience capacity for the premises will not exceed 2000.

A noise management plan be submitted to and agreed in writing by the Environmental Protection Team one month prior to any event

The Environmental Protection team would like to thank the organisers of Luna Cinema for their understanding of concerns raised and their prompt and positive engagement in this process.

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

20.08.2018

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

01225 396651

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 Nigel Shire

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

**LICENSING ACT 2003
REPRESENTATION FORM**

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

I/We object to the following application:

| | |
|----------------------------|-------------------------|
| Application number: | 18/01812/LAPRE |
| Applicant's name: | Luna Cinema |
| Premises name and address: | unknown |
| Application for a: | Premises Licence |

Objector Details:

| | |
|----------------------------------|--|
| Objector's Name: | Stephen Huard |
| Objector's Address: | The Garden Flat, Marlborough Buildings Bath BA1 2LY |
| Organisation name if applicable: | Marlborough Lane and Buildings Residents Association |

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 and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

Our objection is based on the fact that granting the proposed Premises Licence to Luna Cinema on Saturday 29th September will result in two noisy evening events taking place at the same time in close proximity to Nos 1 - 15 Marlborough Buildings when Luna Cinema will be showing "Grease" and the Royal Crescent Society holding a party to celebrate an anniversary with dance music. This situation will represent a public nuisance for our members which has not been resolved since it became known that the Royal Crescent Society had booked their event on their own property before Luna had made their application. This cause of public nuisance could quite easily be resolved by Luna holding their event on Middle Common where all other Open Air Cinema events are held every year. We would have no objection to their having a Premises Licence for that location.

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

S W Huard

Date

20th August 2018.

**LICENSING ACT 2003
REPRESENTATION FORM**

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

I/We object to the following application:

| | |
|----------------------------|---|
| Application number: | 18/01812/LAPRE |
| Applicant's name: | LUNA CINEMA LTD |
| Premises name and address: | Lower Lawn Royal Victoria Park |
| Application for a: | Premises Licence |

Objector Details:

| | |
|----------------------------------|---|
| Objector's Name: | Nicola Isherwood |
| Objector's Address: | Royal Crescent Bath, BA1 2LR |
| Organisation name if applicable: | Royal Crescent Society Residents Association |

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 and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

I am writing as Chair of the Royal Crescent Society on behalf of Royal Crescent residents, who occupy approximately 115 individual households, to object to the licence application for the LUNA Cinema event being held on the Lower Lawn, Royal Crescent from the 28th - 30th September.

A residents' event had been formally registered in March in accordance with due process to take place on the RC private lawn on the 29th of September, ahead of any LUNA event notification by B&NES on the neighbouring Lower Lawn.

There is great concern amongst all residents that two events happening together with the same timings at such close proximity will have an adverse effect on the enjoyment of both the residents of their event and LUNA paying customers of theirs.

Even though LUNA are proposing a trial of headphones for the duration of the film - there is still a possibility that the music from our event will interfere with the sound of the film they are listening to, particularly in quieter moments of the film. LUNA have also stated that they intend to play music before the start of the film whilst people are buying food and drinks and taking their seats - this music will also clash with the live and disco music which we intend to have at our event.

We assume LUNA paying customers have not been told of our event happening at the same time and we cannot predict how they will react to this - some customers might want to complain and demand refunds or even potentially direct some of their frustration against the residents attending our own event leading to safety and security concerns.

The sale of alcohol at the LUNA event could also contribute to this potentially volatile situation.

Both events will involve guests or customers of a range of ages including children so their safety needs to be considered.

The overall impact and noise from these two events taking place simultaneously will create a significant nuisance to all residents in the surrounding area and not just those attending one of the two events.

Many LUNA customers last year used the Royal Crescent for car parking which caused a lot of noise and disturbance at the end of each performance with large numbers of people talking loudly as they returned to their cars, starting up engines, turning on headlights which shone directly into residents' properties as they did their turns in the middle of the road to vacate the Crescent, made particularly more challenging with less space to manoeuvre in

than during the day with parking being allowed on both sides of the road in the evenings. This in itself caused a chaotic and dangerous traffic situation for the many LUNA Cinema attendees leaving via the Crescent on foot as well as residents returning home from their evening out.

On a Sunday evening when there are children sleeping in order to get up early for school the next day and residents are trying to have some quiet enjoyment in their own homes, this large amount of noisy traffic activity causes a real disturbance to residents.

The Residents Associations have suggested on many occasions that LUNA Cinema move their event to Middle Common, RVP, which Royal Crescent Residents, Marlborough Lane Residents and CARA Residents Associations believe to be a much more appropriate location for a pop-up cinema of this type and we would give this our support, both for this September's event and for any coming years.

We would strongly urge LUNA Cinema to reconsider this as a reasonable and viable alternative.

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

Nicola Isherwood

Date

24/08/2018

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

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

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

Name

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@bathnes.gov.uk or:

Licensing Team
Public Protection Service
Lewis House
Manvers Street
Bath BA1 1JG

**LICENSING ACT 2003
REPRESENTATION FORM**

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

I/We object to the following application:

| | |
|----------------------------|---|
| Application number: | 18/01812/LAPRE |
| Applicant's name: | LUNA CINEMA LTD |
| Premises name and address: | Lower Lawn Royal Victoria Park |
| Application for a: | Premises Licence |

Objector Details:

| | |
|----------------------------------|---|
| Objector's Name: | Prof Heather Piper & Dr John Piper |
| Objector's Address: | Royal Crescent Bath, BA1 2LT |
| Organisation name if applicable: | Royal Crescent Society (Lawn Events) |

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 and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

As members of the RCS committee we have particular responsibility for all events on the RC Lawn, which includes assessing risks around all forms of public nuisance, potential criminality, and safety/security with particular reference to children as appropriate. mindful of the acoustic characteristics of the RC we always restrict sound levels and the finishing times of events, particularly on Sunday evenings. The planned event which RCS formally announced back in March, although limited to residents and friends, and with no wider public access (and thus not requiring a licence), would be subject to the normal assessment in these terms.

However, to assess these risks for PUBLIC NUISANCE and PUBLIC SAFETY when B&NES appear content that the RCS event should take place alongside the clashing commercial event organised by LUNA is obviously more problematic. It is as if the responsibility for public safety and nuisance issues has been abdicated by the statutory authority, and in effect designated to a voluntary residents group. Having experienced the problems associated with the 2017 LUNA event, this is no small matter. This submission draws on that experience and is therefore not merely hypothetical. Owing to the ongoing uncertainty, and the last-minute nature of the current application (long after the applicants have been selling tickets to the public), we have advised RCS officers that it would be unwise to firm-up many of the intended arrangements and bookings. As a result, although it is not general knowledge, the planned RCS event is at risk of being impossible to make a reality and, if so, there will be obvious disappointment and considerable resentment.

It is hard to conceive of a more obvious PUBLIC NUISANCE than a circumstance where an event planned for and by residents, to be held on their own land (the RC Lawn being the garden shared by all residents of the RC) is rendered non-viable by the imposition of a commercial event at a location only a few yards away. The apparent support for this outcome by B&NES is extremely disappointing. It is also ironic. LUNA is buying from B&NES the use of a section of RVP, but what they really want is the setting and backdrop of the RC (see their advertising), otherwise they would have located the outdoor cinema elsewhere in RVP as has repeatedly been suggested and arrogantly refused. Thus the residents/owners of the RC (and all the surrounding streets) are the people who will suffer the nuisance and risk, while remaining wholly uncompensated for their reduced quality of life. The LUNA event is based on complete indifference to and effective exploitation of Bath residents who pay local taxes, and should be able to count on the support of local government representatives. Instead they feel bullied and ignored.

Beyond the issue of clashing events, it is self-evident that a substantial event held during the hours of darkness in RVP just below the iconic Ha Ha and RC Lawn will cause problems around PUBLIC NUISANCE and SAFETY. Even given noise reduction measures as

currently understood, at least at the beginning and end of the LUNA event (probably 90 minutes in total?) there will be loud noise and music, very close to where people live and children (who go to school on Monday mornings) sleep. There will be greatly increased footfall in all the surrounding streets, and extreme pressure will be placed on parking spaces (to the obvious inconvenience of residents who need to go about their normal business). In relation to CRIME and DISORDER, parking offences and related anti-social behaviour are inevitable. Residents experienced all these issues last year during the LUNA event, and B&NES officers' tendency to deny residents' experiences is resented. In relation to PUBLIC SAFETY, after dark it is impossible for residents to monitor improper public access over the Ha Ha wall or over the Lawn railings, both of which will be made more likely by the LUNA event. The wall is fragile (and maintained at the expense of residents) and the railings (ditto) are potentially lethal. If damage to historic structures or people occurs as a result of the apparent determination to hold the LUNA event so close to where people live, who will accept responsibility?

In relation to protecting CHILDREN from harm, beyond the issue of noise pollution (and indeed light pollution) and their effects on sleep on a school night, there is a further environmental concern. The taken for granted use of substantial generators (in this case for the film show, music, lighting etc, but also for the multiple food and drink outlets on site), beyond producing inevitable noise, will have a negative effect on air quality which is too often ignored. Bath already has a problem with air pollution, and creating and tolerating a situation akin to having a number of parked heavy deisel lorries, with their engines idling for many hours a day, so close to where families live and children sleep, does not suggest that B&NES representatives are taking such issues seriously. Anyone who has walked the perimeter of recent commercial events in RVP will know that this pollution is real.

It is unreasonable and unnecessary to hold the LUNA event in its intended location where it will greatly inconvenience hundreds of local residents in the RC and surrounding areas, when more appropriate locations are available. For this reason and others as discussed above we are opposed to the current application.

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

Heather Piper & John Piper

Date

03/09/2018

Contact telephone number(s)

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

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

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

Name

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> |
|---|--|
| | |

**LICENSING ACT 2003
REPRESENTATION FORM**

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

I/We object to the following application:

| | |
|----------------------------|-------------------------|
| Application number: | 18/01812/LAPRE |
| Applicant's name: | LUNA CINEMA LTD |
| Premises name and address: | |
| Application for a: | Premises Licence |

Objector Details:

| | |
|----------------------------------|--|
| Objector's Name: | Tim Forester |
| Objector's Address: | Crescent Lawn Company c/o West of England Estate Management Ltd 1 Belmont Bath, BA1 5DZ |
| Organisation name if applicable: | Crescent Lawn Company |

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 and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

I write as a Director of the Crescent Lawn Company (CLC), the organisation which owns the freehold to the Royal Crescent Residents Lawn on behalf of the 30 Freeholders of the Royal Crescent.

The Directors of the CLC are becoming increasingly concerned at the prospect of two major events taking place at the same time and in the same location on Saturday 29th September 2018. The first being a residents event on the Royal Crescent Residents Lawn and the second being the Luna Cinema Show on the Lower Lawn of Royal Victoria Park. The two events are separated by just a few meters and the wall that forms the Ha ha between the two locations.

Public Nuisance

As Directors we are very concerned at the impact on our communities of both events going on at the same time. Both events will cause a significant nuisance to each other. Luna will create a nuisance to the residents event and the residents event will cause a nuisance to the Luna Cinema event. Taken together, the combined noise and impact of both events before, during and after will create a significant nuisance to all residents surrounding the area – namely, The Circus, Brock Street, Upper Church Street, Royal Crescent and Marlborough Buildings.

Safety and Security – and Public Liability

As Directors we are also very concerned at the safety and security risk created by both events take place concurrently. For example, the Directors will be powerless to prevent members of the public trying to climb the Ha ha wall or scale the railings surrounding the lawn to gain access to the Residents Lawn to find out what is going on – and even to gain access to the residents event.

Climbing the wall gives rise to the risk of falling along with injuries to individuals including broken bones. Climbing the railings gives rise to the risk of slippage and individuals impaling themselves on the railings.

Both have happened in the past and hence cannot be ruled out.

This gives rise to a public liability risk for the CLC that the Directors feel it is unfair for them to take on.

If Luna Cinema is to go ahead as per their TEN request, then the Directors will have to give

serious consideration to recommending that the residents event be cancelled. The two just cannot go ahead together.

It will be disappointing to many if this were to be the case as the event is a celebratory event for the 10th anniversary of the restoration of the railings and Ha ha wall and ditch – a restoration programme that demonstrates the power of residents and B&NES working together.

It should be noted that the residents event does not require a TEN as it is a closed, non profit making event that will not be serving alcohol. Nevertheless, B&NES event team were duly notified of this event by the Royal Crescent Society in accordance with agreed procedure and timings, well before the events team notified the RCS of their plans for Luna Cinema.

Hence, as Directors, we endorse the various requests of the three Residents Associations to reject the TEN application for the Lower Lawn, and their reasonable request for Luna Cinema to move their event to the middle lawn of Royal Victoria Park.

Kind Regards

Tim Forester

Director

For and on behalf of the Crescent Lawn Company and the 30 houses of the Royal Crescent

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

Tim Forester (Director)

03/09/2018

Date _____

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

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

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Name _____

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@bathnes.gov.uk or:

**LICENSING ACT 2003
REPRESENTATION FORM**

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

I/We object to the following application:

| | |
|----------------------------|---|
| Application number: | 18/01812/LAPRE |
| Applicant's name: | Luna Cinema Ltd |
| Premises name and address: | Lower Lawn Royal Victoria Park |
| Application for a: | Premises License |

Objector Details:

| | |
|----------------------------------|--|
| Objector's Name: | Rachel Clarkson-Short |
| Objector's Address: | Royal Crescent Bath BA1 2LT |
| Organisation name if applicable: | Resident |

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 and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

I am writing to object to the granting of a license for the Luna Cinema event in its current location.

Last year's event caused a significant nuisance before, during and after showing that the location is clearly not suitable for such an event.

I was forced to complain on the Sunday night - something I was reluctant to do - and many other residents complained in a like manner after the event through the chair of the Royal Crescent Society.

The event did and hence will again create a significant nuisance to the various residents and businesses of Marlborough Buildings, The Royal Crescent, Brock Street, Upper Church Street and The Circus. I am aware that Luna Cinema is proposing to trial the use of headphones for the film show itself this year. Whilst this may alleviate the intolerable noise of the films soundtrack experienced last year there will still be a considerable nuisance created by

- loud music being played before the film
- the night time noise as people leave the event – last year there were many milling around for quite some time afterwards
- late night vehicle movements in the surrounding roads with people talking / shouting noisily as they returned to their cars
- parking congestion in these roads preventing residents from parking their cars near their homes especially on the Sunday night.

I am particularly concerned about granting a license on the Sunday evening. The noise, people and vehicle parking and movement caused a significant impact just as many are looking to relax ready for early starts to school and work on the Monday morning. Even those of us who choose to work on a Sunday need a quiet time in the evening.

Finally, I am extremely concerned at the prospect of two simultaneous events taking place on the Saturday night - one on the residents' lawn and the other in the park, both just a few meters away from each other. I am disappointed that B&NES and Luna Cinema seem intent on staging a competing event especially as the Royal Crescent Society made their event known to B&NES event organisers prior to Luna submitting their licensing application and prior to any notice being given to the Royal Crescent Society. The move of Luna

Cinema to the Middle Common would seem a sensible way to resolve this matter.

I, as many others, would support the licensing of this event if such a move were conditional on a license being granted. Middle Common is an eminently sensible location given the cinematic event just held there on Saturday 1st September - an event attended by some 1,000 people, and one that appears to have had very little impact on residents against any of the points mentioned above.

Kind Regards

Rachel Clarkson-Short

Resident, Royal Crescent

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

Rachel Clarkson-Short

Date

3 September 2018

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

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

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Name _____

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I will be represented at the hearing by _____

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|---|--|
| | |

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

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Licensing Team
Public Protection Service
Lewis House
Manvers Street
Bath BA1 1JG

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

From: Andrew Furse (Cllr)

Sent: 21 August 2018 13:51

To: Terrill Wolyn

Subject: Re: Luna Cinema - representation of objection

Terrill,

My formal objection is as follows;

I have a serious concern about the lateness of this event on Sunday night and wish to object on the ground of impact to residents and especially noise impact to children in the immediate vicinity. Last Luna cinema held on a Sunday night I received complaints from residents stating that children could not sleep, especially as the following day was a school day. I see this as a serious impact on privacy and intrusion residents expect, recognising that the same residents co-exist with many events in the park throughout the year.

Experience from last year has raised cause for concern. In addition to the cinema noise itself, there is noise at the end of the event with people leaving. Broadly, the event needs to start and finish earlier.

Regards

Cllr Andrew Furse

