

Licensing Sub-Committee

Date: Thursday, 17th January, 2019

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Les Kew, Rob Appleyard and Anthony Clarke

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.



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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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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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

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Licensing Sub-Committee - Thursday, 17th January, 2019

at 10.00 am in the Kaposvar Room - 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 MEETINGS: 6TH AND 20TH DECEMBER 2018 (Pages 5 - 18)

6. LICENSING PROCEDURE (Pages 19 - 22)

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

7. APPLICATION TO VARY THE PREMISES LICENCE FOR VALLEY FEST, DENNY LANE, CHEW MAGNA, BRISTOL (Pages 23 - 104)

8. APPLICATION TO VARY THE PREMISES LICENCE FOR THE COURTYARD CAFE,

3 LILLIPUT COURT, BATH BA1 1ND (Pages 105 - 174)

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, 6th December, 2018, 10.00 am

Councillors: Les Kew (Chair), Rob Appleyard and Anthony Clarke (in place of Deirdre Horstmann)

Officers in attendance: John Dowding (Senior Public Protection Officer), Terrill Wolyn (Senior Public Protection Officer), Ian Nash (Public Protection Officer (Licensing)) and Shaine Lewis (Team Leader Resources - Legal Team)

24 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Deirdre Horstmann, for whom Councillor Anthony Clarke substituted.

26 DECLARATIONS OF INTEREST

There were none.

27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

28 MINUTES: 25 OCTOBER 2018

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

29 TAXI VEHICLE PROCEDURE

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

30 CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE

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

The Senior Public Protection Officer presented the report. The issue was whether a vehicle over five years was suitable to be licensed as a private hire vehicle. The vehicle in question was previously licensed with the Authority until 17th May 2018. On that date the applicant replaced the vehicle (a Skoda Superb) with a newer vehicle registered in 2018. The applicant now wished to re-licence the Skoda Superb, which was at the time of this application 6 years and 5 months old, as a private hire vehicle. The Council's current policy provides "that all vehicles will normally be less than five years old when first licensed" and that applications for a licence for vehicles older

than this will be referred to the Licensing Sub-Committee. The vehicle was not available for inspection because of the absence of parking space on account of the Christmas Market.

The applicant stated his case. He explained that when originally licensed in February 2014 the vehicle was less than 2 years old. The vehicle had been damaged in an accident which had been entirely the fault of the other driver, who had been uninsured. His insurance company had provided a replacement vehicle. While his own vehicle was being repaired, he had transferred the licence plate to another vehicle. He now wished to re-license Skoda Superb and was surprised that its age should be an issue, since it was under five years old when first licensed. He suggested there was an ambiguity in the Council's policy. Surely this was not the first time something like this had happened. He felt a sense of grievance at the unfairness of the situation. He had incurred significant expense. Because the other driver had not been insured, he had lost the excess on his insurance policy, lost his no claims bonus, had to make a claim on his own policy, and had lost three weeks earnings. As far as he was aware the other driver was not being prosecuted. The applicant wondered what he should have done. If he had kept the licence plate on the Skoda Superb, that would have been an additional cost for him. If he had insisted that his insurance company had provided a replacement vehicle, they would have incurred considerable cost, but this situation would not have been avoided. An appointment for transferring the plate from the Skoda had been made with the claims management company, who had informed him that he was to come to collect his vehicle. The applicant had arranged to meet the driver of his vehicle in advance, so that he could inspect the vehicle and check that everything was in order. The driver had turned up late, so that the applicant had to conduct an inspection of the vehicle while being under great pressure to transfer the licence plate. It had not occurred to him that if he transferred the licence plate that his application to re-license the Skoda Superb would be treated as a new application. At the time he was not sure if he was going to have the vehicle repaired, because he had not heard from his insurance company about how badly damaged it was. Eventually he decided to buy the vehicle back from the insurance company and have it repaired at his own expense. The vehicle had a current MoT and was fully roadworthy. In correspondence with Licensing he had offered to have the vehicle subjected to any tests that were thought appropriate.

[Understand Breathe Campaign, believe it's called. New vehicle less than 10 years old. 140g/km, which I understand to be EU5. Possibly E5 emitting vehicle. EU6 106g/km. No intended use after 2020. Road fund licence payable according to annual guidelines. low emissions £30.

In response to questions from Members the applicant stated:

- The vehicle had been returned to him in August. He had delayed his application until September to enjoy the current taxation.
- He had now had two vehicles

After an adjournment the Sub-Committee **RESOLVED** that the applicant's vehicle was suitable to be licensed as a private hire vehicle.

Decision and reasons

Members have had to determine an application for a Private Hire Vehicle Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, the Council's Policy and the applicant's oral representations.

The applicant accepted the vehicle fell outside the council's policy. He stated that he had been involved in a no fault accident and it had taken a while to repair the vehicle. Now that the vehicle has been repaired he wanted to re-licence it. He feels let down by the insurance process which has cost him a considerable sum in financial terms and the delay.

Due to parking constraints Members did not have the opportunity to inspect the vehicle. Members nevertheless reminded themselves of the legal framework and the Council's Private Hire Vehicle Licence general conditions. These state Members must be satisfied that a vehicle is suitable in type, size and design for use as a private hire vehicle and furthermore is safe, comfortable and less than 5 years old at the date of first licensing.

Members noted the vehicle was licensed by the council until 17 May 2018 and after the accident only became roadworthy in late August. In the circumstances Members consider that with such a short passage of time since the licence expired, the vehicle continues to be suitable in type, size and design. Accordingly authority is delegated to the licensing officer to issue the license subject to all necessary certification being provided.

31 CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE

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

The Senior Public Protection Officer presented the report. The applicant's vehicle, a Peugeot 508, was licensed by the Authority as a Private Hire vehicle from 25th November 2016 until 31st October 2018. The applicant applied for a new licence for this vehicle on 14th November 2018, at which date the vehicle was 6 years and 6 months old. The Council's current policy provides "that all vehicles will normally be less than five years old when first licensed" and that applications for a licence for vehicles older than this will be referred to the Licensing Sub-Committee. All Private Hire Vehicle licenses in the Authority's area expire on the 31st October each year. Renewal letters were sent to all Private Hire licensees in the first week of September 2018 inviting them to renew their license before the expiry date. The applicant arranged a number of appointments to renew the licence, but these were subsequently cancelled by the applicant. The deadline of 31st October had passed, so that this application has to be treated as a new application. According to information on the GOV.UK Check MoT website the applicant's vehicle was first presented for a test on 29th October 2018 and had failed. The vehicle was not available for inspection because of the absence of parking space on account of the Christmas Market.

The applicant stated his case. He stated that the vehicle had failed the MoT the first time because of a faulty engine light. The requirement for cars to have engine lights had only been recently introduced. Bath MoT do not have specific expertise in

Peugeots and advised him to go to a Peugeot dealer, which he did. The dealer gave him the error codes for the problem, but he decided to have the work by a colleague in Bristol. This colleague had completed all the necessary work, but had been unable to reset the engine light, which remained on. He went back to the Peugeot dealer, who downloaded and installed updated software for the car, which is a top-of-the-range Peugeot and a diesel hybrid. He had emailed Licensing every time that he had had to rearrange an appointment. Delays had been caused by taking the car to his colleague in Bristol and having the software installed.

The Senior Public Protection Officer advised that the applicant's vehicle had been tested at Bath MoT on 1st November 2018 and that the applicant now held a MoT certificate for the vehicle.

Replying to a question from the Chair he explained that he had had to rearrange his appointment with Licensing five times and each time had sent an email explaining the reasons for the delay.

Following an adjournment the Sub-Committee **RESOLVED** that the applicant's vehicle was suitable to be licensed as a private hire vehicle.

Decision and reasons

Members have had to determine an application for a Private Hire Vehicle Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, the Council's Policy and the applicant's oral representations.

The applicant stated that for the first time since its purchase the vehicle failed its MOT which was due to expire on 1 November 2018. The failure was due to an engine light and this took some time to resolve in part due to a software update. In all this took 5 appointments and as a result the renewal deadline passed. The applicant stated licensing were informed throughout and appointments were cancelled in a timely manner.

Members did not have the benefit of an inspection given parking restrictions. Members nevertheless reminded themselves of the legal framework and Council's Private Hire Vehicle Licence general conditions. These state vehicles must be suitable in type, size and design for use as a private hire vehicle and furthermore safe, comfortable and less than 5 years old when first licensed.

Members noted the vehicle was licensed until 31 October 2018 and the renewal date was missed due a number of appointments having to be rescheduled. Given the time lapse since the vehicle licences expired and its renewal Members found the vehicle continued to be suitable in type, size and design. Accordingly, authority is delegated to the licensing officer to issue the licence subject to all necessary certification being provided.

32 LICENSING ACT PROCEDURE

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

33 APPLICATION FOR A PREMISES LICENCE FOR PUB IN THE PARK, ROYAL VICTORIA PARK, MARLBOROUGH LANE, BATH BA1 2NQ

Applicant: Brand Events TM Ltd, represented by Patrick Toland (Operations Manager), Neil Levene (Operations Director) and Jim Davey
Witness for Applicant: Peter Nash (sound consultant)

Other Persons: Cllr Sue Craig, Cllr Andrew Furse, Stephen Huard (Chairman of Marlborough Lane and Buildings Residents' Association)

The parties confirmed that they understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. Representations had been received from Other Persons relating to the licensing objectives of the prevention of public nuisance and the protection children from harm. There were no representations from the Responsible Authorities. Additional information from the applicant and other persons had been received and circulated before the meeting.

Mr Levene stated the case for the applicant. He said that Brand Events had been in operation for nearly twenty years and organised indoor and outdoor events throughout the UK as well as many events throughout the world. They had organised Pub in the Park in the Royal Victoria Park in June of this year. The company prided itself on putting on events to the very highest of standards. The Pub in the Park series of events had been awarded the National Outdoor Events Association 2018 award for the best live event. Pub in the Park was originally launched in Marlow by the river. The event had worked well, and the company felt that it would work well in other towns. They were planning to do eight events next year, including in Bath, St Albans, Leeds and Warwick. Pub in the Park is a unique event; it was not just a food festival or a music festival, but a combination of the two. Besides the pub, there are eight restaurants allowing attendees to sample conveniently-sized portions. Music is presented on stage in the evening. There are two music acts on Friday, each of about forty minutes in length. and about two hours of live music on Saturday morning, afternoon and evening. Generally about 3000-3500 people attend on a day. He drew attention to the conditions they had offered as detailed in paragraph 5.2(8) of the report. A noise management plan would be submitted to Environmental Health for them to approve it writing. The noise levels achieved at this year's event were lower than those agreed in the noise management plan. Twenty-five stewards had been employed on site to keep people safe. No adverse reports about noise levels had been received after this year's event. He noted that the Responsible Authorities had made no representations to this application.

Members put questions. Mr Levene said that he considered that the location that had been selected for the stage in Royal Victoria Park was the best possible from the noise control point of view. Mr Nash said that there were national guidelines for this type of event, with which the company complied. They also worked with the Environmental Health Department to minimise noise. An effort was made to focus sound for the benefit of attendees and to prevent noise nuisance for those outside the venue. He would attend the event and take noise measurements offsite. If he felt the level was too high, he would advise management of this. The control of the overall level of sound would be taken away from the musicians if this was necessary to ensure compliance with the limits.

Mr Levene stated that currently attendees were not permitted to leave events with alcohol. There is generally little or no litter on the routes to and from event sites. Routes are checked about half an hour after an event to see if there are any people who have not been able to find their way home.

The Senior Public Protection Officer asked Mr Levene for clarification of his statement that attendees would not be permitted to leave the site with alcohol, given that the application was for sales on and off the premises. Mr Levene explained that people were not permitted to take alcohol off the premises in open vessels. Most off sales are for wine or craft gin; very little beer is sold for consumption off the premises. In response to a further question, he said that he would be willing to accept a condition that alcohol in open containers could not be taken from the premises.

Mr Huard stated his case. He began by asking whether there was any point in today's proceedings, given that the Bath Pub in the Park event for 2019 was already being advertised. The Chair assured him that the Sub-Committee had the power to grant or refuse the application.

Mr Huard said that he was representing six different residents' associations. There had only been a short time to prepare for today's hearing and people who might have liked to attend had had to go to work.

One resident had complained about vomit in the street after last year's event. The Q&A sheet from the Cabinet meeting of 27 June stated that there had been 15 complaints about last year's event. He thought this considerably understated the impact on residents. He himself had made a complaint about the Saturday evening session. A number of the representations from residents focussed on Sunday evening. This was also one of the issues raised by residents' associations. Last year the Sunday session event went on till 22:00 or 22:30. There are children living in the vicinity, who need to go to bed early on Sunday evening to get ready for school the next day. Some of them were preparing for exams at that time of year, yet the event had actually been advertised as family-friendly. He submitted it was neither sensible nor responsible to have a Sunday evening session. The circus which regularly comes to the common does not have a Sunday evening performance, nor does the fun fair. He noted that large stores are restricted to six hours trading on a Sunday. He requested that a six-hour limit should be placed on the Sunday session of Pub in the Park to protect children. He also requested that the permitted noise levels should be reviewed. Some of the objectors present had recordings of last year's event taken at Sion Hill, which is half a mile from the venue, which show that the stage is actually located in the worst possible position from the point of view of local residents, however convenient it may be for electrical power connections.

Councillor Furse stated his case. He said that he was objecting on three main grounds:

1. Noise and nuisance to neighbouring properties;
2. Noise and nuisance to other park users;
3. Protection of children from harm.

He said that people do like a quiet Sunday night to prepare for work and school, and some children needed to prepare for exams. He submitted there was a strong case

for limiting the hours on Sunday and that 18:00 would be a reasonable terminal hour. He had made his views known to Cabinet about the appropriateness of this type of event in Royal Victoria Park. He questioned whether any normal pub would be allowed to put on outdoor music all weekend. He knew of pubs that had wanted to have events in their gardens in residential areas at the weekend that had been refused. This gave rise to perceptions of inconsistency in the Council's policy. The event might last only three days, but there was also a setting up period and a packing up period, which also impacted on residents. Sound did tend to travel in the evening when the normal background noise of the City had died down. The Grade I listed properties nearby do not have double glazing. For occupiers of nearby flats the Park was the equivalent of their back garden, where they went for rest and recreation. There are bye-laws banning drinking in the Park; how can it be fair to say to local residents that they cannot enjoy a bottle of wine in the Park on a Sunday afternoon and yet grant a licence for Pub in the Park? There is a cumulative impact on residents from the number of events that are held in the Park, including the circus and the fun fair. It is good that there are events in Bath, but the impact on residents should be diluted by holding them at other locations around the City as well as the Park.

Councillor Sue Craig said that she fully supported what Councillor Furse had said. She noted that the applicants' noise compliance report stated that "the noise impact must be considered low for an event of this type". That was all well and good, but she questioned whether an event of this type was appropriate for a Sunday evening during term time in the summer when people had to go to work and school the next day. She therefore urged the Sub-Committee to limit the hours on Sunday.

Members put questions to the Other Persons to which the following answers were given:

- Few of the neighbouring properties are in single occupation. Most are divided into flats, some of which are occupied by families with children or by older people.
- The vomit had been deposited about half a mile from the Park. This was the first time that vomit had been found in that area, according to the resident who had complained. More people had passed through that area during Pub in the Park than is usual.

In response to a question from the Senior Public Protection Officer explained that in a 4.5 hour music slot, there would be only be about 2 hours of live music, because of a change of bands and equipment. Mr Huard noted that the application was for live and recorded music. Mr Levene responded that the recorded music would only be background music played between acts.

The parties summed up.

Councillor Furse said there was a substantial impact on residents from this kind of event. He thought the Park was the wrong place for it. However, if the Sub-Committee was minded to grant the application, he urged a reduction in the permitted hours for Sunday evening.

Mr Levene asked for advice on the licensing objective of the protection of children from harm. His understanding was that this referred to harm on licensed premises. The Team Leader (Legal) confirmed that this was the case, and that therefore the Sub-Committee should disregard the impact on children off the premises of activities on the premises.

Summing up, Mr Levene said that there had been a total of 16 complaints relating to last year's Pub in the Park. These events generally attract 13-14,000 people from the local area. 3,000-3,500 had attended on Sunday in Bath last year. Local residents who had attended had demonstrated their support for the event. He submitted that what was relevant was Brand Events' use of the Park, not any other event organiser's use of the Park. Pub in the Park had been managed successfully last year and there were no representations from the Responsible Authorities.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application with conditions as detailed below.

Decision and reasons

Members have determined an application for a new Premises Licence for the Pub in the Park, Royal Victoria Park, Marlborough Lane, Bath. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on information put before them. Members noted that an application must be considered on its own merits.

The Applicant

The applicant stated they have run high standard events for over 20 years. It was stated that the event is a food and drink festival with music over a number of sessions throughout the 3 days. The applicant further stated there will be a 6 month lead in period with key dates for notification and sign off purposes. This would ensure maximum engagement with Responsible Authorities.

The applicant stated that whilst they had recorded a number of complaints during this year's event their monitoring records showed there were no breaches of the agreed Noise Management Plan. This together with there being no objections from Environmental Health demonstrated the event was well managed. The applicant also expressed surprise by the representations relating to security as the security team on site had incidences reported to them.

In terms of noise the noise management company stated they worked within national guidelines and given the duration and nature of the performances the noise impact was considered low. In the circumstances it was felt the levels were correct and the stage was correctly located.

Interested Parties

Representations were received from a number of individuals, resident groups and Councillors.

The representations centred on noise nuisance from this year's event and referred to a Cabinet paper which stated 15 complaints were made to the Council. The Interested Party suggested a number of other complaints had been made although these appeared not to have been recorded for unknown reasons. It was stated the noise impacted on residents' ability to enjoy their properties as volume levels were loud and sustained throughout the 3 day period. This was particularly so on the Sunday evening. Residents were fearful, therefore, that absent severe noise restrictions noise nuisance would continue to be experienced during future events. It was also stated that noise from crowds leaving the area was experienced and this was due to poor crowd control. Moreover, it was felt that organisers failed to consult adequately, the stage was placed inappropriately and this led to more residents being adversely affected.

Members

Members reminded themselves of the Statutory Guidance. This recognises the important role licensed premises play in the local community and states the Act is a permissive regime that minimises the regulatory burden. Members further noted the Council's Events Policy which advocates the need to support and facilitate events as these contribute to economic development and vibrant sustainable communities that are active, lively and inclusive. Members also reminded themselves of their Statement of Licensing Policy which aims to facilitate a healthier economy that feels safe and reduces alcohol related crime and anti-social behaviour.

In terms of representations Members noted all written and oral representations. Members also noted an absence of representation from Responsible Authorities in particular the Local Safeguarding Children Board, the Police and the Public Protection Service. In any event, Members were careful to take account of all representations received and to balance the competing interests. Nevertheless, Members were bound to disregard irrelevant representations which on this occasion related to the need and frequency of events, cumulative impact, traffic, the necessity for a quiet Sunday evening and any competition that events might pose to other licenced premises. In terms of the protection of children from harm Members reminded themselves that this is limited to the effects licensable activities have on children on licensed premises rather than those living near licensed premises. In all the circumstances Members found the application reasonable in extent and the applicant a professional company who on balance managed a successful event with very low level of complaint in accordance with the Event and Noise Management plans. Members therefore resolve to approve the application with the imposition of conditions consistent with the operating schedule, Mandatory Conditions and that offered by the applicant.

Members, however, would encourage greater communication between the applicant and residents with a view to resolving issues going forward for example the closure of Cow Lane. The Interested Parties were also advised of the Licensing Act Review process which is the key protection mechanism for the community and must be supported with evidence.

Authority is delegated to the Licensing Officer to issue the licence with the addition of the condition offered by the applicant:

- No open containers of alcohol to leave the premises.

35 APPLICATION TO CREATE A STREET TRADING PITCH (141-148) - NEW ORCHARD STREET BATH

Applicant: Jimmy Deane's Fruit, Veg and Salad Ltd, represented by Charlene and Simon Deane

Objector: Cleo Newcombe-Jones, Project Co-ordinator – Waterways and Public Realm, B&NES

The parties confirmed that they understood the procedure to be followed for the hearing.

The Public Protection Officer summarised the application.

Charlene Deane stated the case for the applicant and was questioned by Members. She said that Jimmy Deane's had had a stall in Bath since 2006. They had had to move their stall because of redevelopment around Marks and Spencer's. They wanted a pitch from which they would not have to move again and wanted to be in a more central area. They had worked closely with the Metro Bank and Transport and Highways about the siting of the stall. There had been a lot of support from the public. She referred to the plan and said that there would be more than the required minimum of 2.6 metres around the pitch for pedestrians and access to retailers' premises. They might need not as much space as they currently have. They had plans to invest in a new improved look for the stall.

A Member said that from the hatched area on the plan it might look as though they were applying to occupy the whole of New Orchard Street, but that he supposed that what they wanted was the ability to move the stall within this area, so that did not have to make a new application if they had to relocate because of future works, and that wherever they were located within this area there would be a 2.6 metre clearance around the pitch. Mrs Deane confirmed that this was the case.

Cleo Newcombe-Jones stated her case and was questioned by Members. In response to a question from the Team Leader (Legal) she explained that she was representing the Public Realm Team, not Highways. She said that in general the location was a good one, but the hatched plan showed a very wide area. She felt it would be better for a fixed location to be designated. The main concern was about the footway of 66cm around the stall and wondered whether it would be large enough for retailers to be able to put A-boards outside their premises. The footway might be further reduced by people queueing to be served at the stall. The narrowest point of the area is where there is likely to be the greatest footfall.

The Team Leader (Legal) asked how it could be consistent to base an objection on the impact of this application on retailers' ability to place A-boards outside their premises when there were many examples of the A-board policy not being enforced against retailers who were in breach of it. Ms Newcombe-Jones said that she was unable to answer, as enforcement did not fall within her job description.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application as detailed below.

Decision and reasons

Members have had to determine an application to create a Street Trading Pitch at New Orchard Street, Southgate, Bath. In determining the application members have taken into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

The Applicant

The applicant stated they are a small business that has been trading in Bath since 2006. The applicant stated they are consent holders in New Orchard Street trading 5 days per week over the last 8 years without issue. The applicant also stated they have relocated a number of times over the years to facilitate city centre redevelopment and most recently as a result of the M&S/Metro Bank construction works. The current application has been widely consulted on and is designed to future proof their presence in New Orchard Street so far as that is possible. It was stated that the proposed pitches will provide adequate pedestrian access on each side, will not have an adverse impact on shop based traders and new canopies and signage will improve the general appearance and bring vibrancy to the area.

Objectors

The objectors stated it will be impossible for the trader to comply with the Street Trading Conditions as they would inevitably cause danger, nuisance or inconvenience in that location. Further, the position of the stalls will not provide sufficient room to accommodate pedestrians, those traders wishing to use an A Board and have a detrimental effect on shop based trading whilst representing over development in the area.

Members

In reaching a decision Members took account of the relevant representations and balanced the competing interests of the applicant, supporting representation and objectors. Whilst determining the matter on its merits Members were mindful that a pitch has been long established in close proximity to this application and there were no objections from the Highways Team or Environmental Services. These are the teams responsible for enforcement under the Highways Act and Street Trading Consent Conditions.

In terms of creating the pitches Members considered their Policy and found as follows. With adjustments having been made to the street furniture it was unlikely the pitches would cause danger, nuisance or inconvenience. Further, Members considered there would be safe access and egress of customers and staff from the pitches and premises in the immediate vicinity. Moreover, the nature of the goods sold will accord with the Policy, not impact on any proposed use of A Boards and bring vibrancy, interest and footfall to the area together with maintaining consumer choice in an otherwise fashion centric area of the city.

Accordingly, Members found it reasonable to create these pitches which provide over 2.66 meters on either side for A Boards and pedestrians to pass and repass and therefore grant the application as applied for. Authority is delegated to the licensing officer to grant the consent subject to the Standard Conditions.

The meeting ended at 1.12 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 20th December, 2018, 10.00 am

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

Officers in attendance: Terrill Wolyn (Senior Public Protection Officer) and Shaine Lewis (Team Leader Resources - Legal Team)

36 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

37 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

38 DECLARATIONS OF INTEREST

There were none.

39 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

40 LICENSING PROCEDURE

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

41 APPLICATION TO VARY THE PREMISES LICENCE FOR VALLEY FEST, DENNY LANE, CHEW MAGNA, BRISTOL

Applicant: MiniV Limited, represented by Luke Hasell (Premise Licence Holder and DPS), Chris Tarren (Production Manager), Harad Smith (Production Manager)

Responsible Authority: Suzanne McCutcheon (Team Manager Safety and Standards, B&NES Council), Sara Chiffers (Specialist Officer Health, Safety and Food, B&NES Council)

The Senior Public Protection Officer presented the report.

The Chair announced that he had received advice that there were legal issues in relation to this hearing that needed to be clarified and invited the Team Leader (Legal) to address the meeting.

The Team Leader (Legal) said that as a result of correspondence received since the end of the representation period, it was considered necessary to take further legal advice on procedure. He therefore advised that the hearing of this application should be deferred until the next meeting of the Sub-Committee, which was scheduled for 17th January 2019. This would allow time for legal advice to be taken so that hearing

could proceed with the assurance that there was compliance with the requirements of the Licensing Act and the Hearing Regulations.

After deliberation the Sub-Committee **RESOLVED** to defer the hearing of this application to the next meeting of the Sub-Committee on 17th January 2019 to allow legal advice to be taken.

The meeting ended at 10.14 am

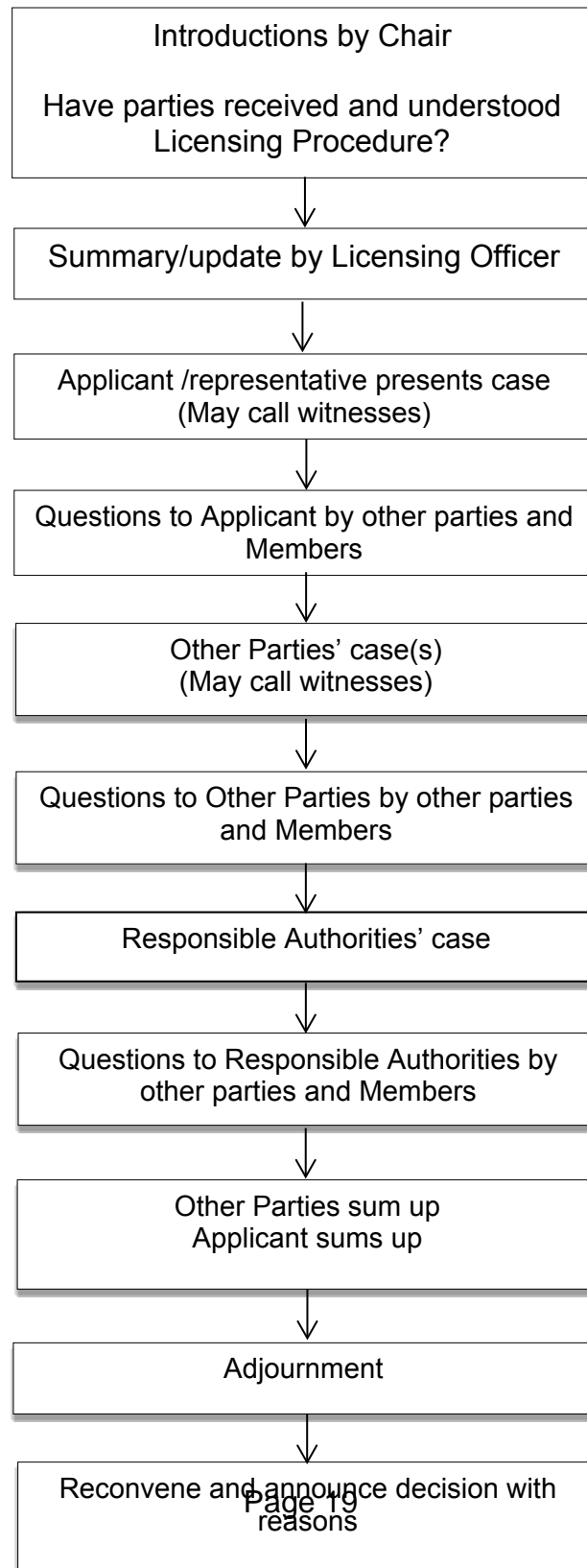
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**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:	Thursday 17 January 2019	
TITLE:	Application to Vary the Premises Licence for Valley Fest Denny Lane, Chew Magna, Bristol	
WARD:	Chew Valley North	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Plan of Premises		
Annex D Representation from Safety & Standards Bath & North East Somerset Council		
Annex E Additional Information submitted by the Representor.		
Annex F Additional Information submitted by the Applicant		

1 THE ISSUE

- 1.1 An application has been received for the Variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of Valley Fest, Denny Lane, Chew Magna, Bristol.
- 1.2 The application was scheduled to be determined before the Licensing Sub-Committee on Thursday 20 December 2018, however, due to correspondence received prior to that hearing, Members resolved it necessary in the public interest, to extend the hearing time limit to enable them to take legal advice.
- 1.3 In the exercise of their discretion under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, Members determined to adjourn the meeting until Thursday 17 January 2019.

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £1,190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Licensing Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.
- 4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

- 5.1 An application has been received to vary an existing premises licence (Annex A).
- 5.2 The current premises licence is detailed in Annex B.
- 5.3 The Variation application seeks to:

- Increase the maximum capacity of persons permitted on the premises from 4,999 (as permitted under the current licence), to 9,999 persons;

- Vary the times the premises is open to the public :

From 10:00 hours on Friday to Midday the following Monday

- Vary the hours for the sale of alcohol to:

Friday	11:00 – 03:00 the following morning
Saturday	11:00 – 03:00 the following morning
Sunday	11:00 – 01:00 the following morning

- Remove the following conditions following consultation with the Police :

A suitable lead time shall be given to ensure proper scheduling;

A comprehensive risk assessment will be produced for the event and for the use of the licensed premises;

SIA accredited staff shall be provided and positioned at key points which shall include, but not be limited to, the bar areas;

All staff involved in the sale of alcohol shall be trained in respect of the specific Alcohol Policy for this event;

There will be a Lost Child Policy for the event on which staff shall be briefed.

The premise shall operate a Challenge 25 age verification policy

- Add the following conditions following consultation with the Police pre-application:

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

SIA registered security staff will be deployed at entrances and exits and key points within the premises including all bars. The total number of SIA registered security staff on site will be as follows in line with ticket sales:

Audience size up to 4,000: 10 SIA registered security staff during licensable activities times and 7 during the remaining hours;

Audience size 4,000 – 5,999: 12 SIA registered security staff during licensable activities times and 8 during the remaining hours;

Audience size 6,000 – 7,999: 19 SIA registered security staff during licensable activities times and 12 during the remaining hours;

Audience size 8,000 – 9,999: 24 SIA registered security staff during licensable activities times and 14 during the remaining hours;

The premises shall operate a Lost Child & Vulnerable Adult Policy of which all staff shall be made aware of.

NB Given that the maximum capacity applied for is 9,999 “audience size” should read “capacity”.

5.4 There are no changes proposed in respect of the provision of regulated entertainment or the provision of late night refreshment which shall remain as per the current licence.

5.5 A plan of the licensed premises is attached at Annex C.

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

- a) The Prevention of Crime and Disorder.
- b) Public Safety.

- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

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

- 5.7 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.8 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.9 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.10 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, 15, 17-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised April 2017).
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 5.11 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.
- 5.12 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.

If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.

On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 5.13 In accordance with the requirements of the Act copies of the application were served upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Health Authority and the Safeguarding Children and Young Persons Team.
- 5.14 The applicant was required to place a notice at the premises for a period of 28 days starting the day after the application was made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.15 **One representation** of objection has been received from Ms Suzanne McCutcheon, Team Manager Safety and Standards BANES Council (Annex D). It expresses concern that the applicant's proposals to increase the maximum capacity of persons permitted to the licensed premises from 4,999 to 9,999 is likely to undermine the **Public Safety** licensing objective.
- 5.16 **No representations** have been received in relation to the proposal to remove several conditions attached to the current licence or to the proposal to vary opening times, or the times the sale of alcohol shall take place.
- 5.17 **Additional information** was submitted in advance of the hearing by the Representor (Annex E) and the applicant (Annex F). This information was promptly circulated to all parties.
- 5.18 This report has not been sent to the Trades Union because they would have no involvement in this application.

6 RATIONALE

- 6.1 As a relevant representation has been received the Licensing 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.
- 8.2 Issues relating to Safeguarding have been considered in respect of this application.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and the 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 (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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; and B&NES Statement of Licensing Policy.
Contact person	Terrill Wolyn, Public Protection Officer (Licensing) 01225 39693

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Mini V LTD

(Insert name(s) of applicant)

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

Premises licence number 18/00947/LAPRE
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Valley Fest, Denny Lane, Chew Magna, Bristol			
Post town	Bristol	Postcode	BS40 8SZ

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

Part 2 – Applicant details

Daytime contact telephone number	07855 492108		
E-mail address (optional)	luke@valleyfest.co.uk		
Current postal address if different from premises address	Mini V Ltd, Herons Green Farm, Compton Martin Bristol		
Post town	Bristol	Postcode	BS40 6NL

Part 3 - Variation

Please tick as appropriate

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

☒ Yes☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY	

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To enable the event to grow in both attendance and added value for the audience, Valley Fest would like to propose the following variations:

1) To vary the maximum capacity limit authorised under the current licence from 4,999 to 9,999

2) To vary the opening hours of the premises authorised under the current licence to the following:

Friday: 10:00 – 23:59

Saturday: 00:00 – 23:59

Sunday: 00:00 – 23:59

Monday: 00:00 – 12:00

This will more accurately reflect the camping nature of the event; but please note that the existing Entertainment and Late Night Refreshment hours will remain unchanged.

3) To vary the Sale of Alcohol hours authorised under the current licence to the following:

Friday: 11:00 – 03:00

Saturday: 11:00 – 03:00

Sunday: 11:00 – 01:00

Please note that despite there being a substantial increase in capacity, there is to be no increase in the footprint of the licensed premises. The plans submitted with this application are for reference only.

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

9999

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | 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 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 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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Thur					
			<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 (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
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 6)		
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 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				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 6)		
Mon					
Tue					
Wed					
Thur					
Fri	11:00	03:00			
Sat	11:00	03:00			
Sun	11:00	01:00	<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 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) N/A
Day	Start	Finish	
Mon	00:00	12:00	
Tue			
Wed			
Thur			
Fri	10:00	23:59	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) N/A
Sat	00:00	23:59	
Sun	00:00	23:59	

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

These are the conditions currently imposed on the license which we believe could be removed as a consequence of the proposed variation:

- "A suitable lead time shall be given to ensure proper scheduling."
- "A comprehensive Risk Assessment will be produced for the event and for the use of the licensed premises."
- "SIA accredited staff shall be provided and positioned at key points which shall include, but not be limited to, the bar areas."
- "All staff involved in the sale of alcohol shall be trained in respect of the specific Alcohol Policy for this event."
- "There will be a "Lost Child Policy" for the event on which staff will be briefed."
- "The premises shall operate a "Challenge 25" age verification policy."

Please tick as appropriate

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

☐☐

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

As this is an electronic application the premises licence will be returned by post.

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

- 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.

b) The prevention of crime and disorder

- SIA registered security staff will be deployed at entrances and exits and key points within the premises including all bars. The total number of SIA registered security staff on site will be as follows in line with ticket sales:

- Audience size up to 4,000: 10 SIA registered security staff during licensable activities times and 7 during the remaining hours.
- Audience size 4,000 – 5,999: 12 SIA registered security staff during licensable activities times and 8 during the remaining hours.
- Audience size 6,000 – 7,999: 19 SIA registered security staff during licensable activities times and 12 during the remaining hours.
- Audience size 8,000 – 9,999: 24 SIA registered security staff during licensable activities times and 14 during the remaining hours.

c) Public safety

- The premises will operate a Lost Child and Vulnerable Adult Policy of which all staff will be made aware.

d) The prevention of public nuisance

e) The protection of children from harm

- The premises will operate a 'Challenge 25' policy and will display signage advertising this policy at the all bar areas.


Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or ☐
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Luke Hasell 
Date	1 st November 2018
Capacity	Director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
harad@tarrenproduction.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	18/00947/LAPRE
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Part 1 – Premises Details

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

Valley Fest
Denny Lane
Chew Magna
Bristol

Telephone number Not available

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Friday to Sunday 10:00 - 01:00

Performance of Dance (Indoors and Outdoors)

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 01:00

Exhibition of a Film (Indoors only)

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 01:00

Performance of Live Music (Indoors and Outdoors)

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 01:00

Performance of Recorded Music (Indoors and Outdoors)

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 01:00

Other Entertainment within Act (Indoors and Outdoors)

Friday and Saturday 10:00 - 02:00

Sunday 10:00 - 01:00

Late Night Refreshment (Indoors and Outdoors)

Friday to Sunday 23:00 - 05:00

The opening hours of the premises

Friday and Saturday	10:00 - 02:00
Sunday	10:00 - 05:00

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

Alcohol is supplied for consumption on the premises

Bath & North East Somerset Council

Part 2

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

MiniV Ltd
Herons Green Farm
Compton Martin
Bristol
BS40 6NL
07855492108
luke@thestorygroup.co.uk

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

Registered Business Number - 06358616

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

Mr Luke Hasell
Herons Green Farm
Compton Martin
Bristol
BS40 6NL

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

B&NES/18/00530/LAPER
Bath & North East Somerset Council

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

Signed for and on behalf of
Bath & North East Somerset Council:



Dated 14 May 2018

Annex 1 – Mandatory conditions

Mandatory conditions in respect of premises supplying alcohol for consumption on the premises only, or both on and off the premises:

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)*;
- (b) "permitted price" is the price found by applying the formula:

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

where:

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

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

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

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

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

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

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

(a)* 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991(c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act

Bath & North East Somerset Council

1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

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

From 1 October 2014:

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the Operating Schedule

This premises licence is to have effect from Friday, up to and including the following Monday, on one weekend per calendar year during the month of August.

3 months written notification of the event dates to be given to the Responsible Authorities.

Each year, prior to the event:

A suitable lead time shall be given to ensure proper scheduling.

The premises licence holder shall ensure that members of the event's team liaise with representatives of the Safety Advisory Group for Events (SAGE) or equivalent and attend SAGE meetings as required;

Members of the event's team shall liaise with the Police in advance of the event to identify any trends/intelligence which may surround a particular group or audience profile and plan accordingly and consult with local residents via their engagement with parish councils.

A comprehensive risk assessments will be produced for the event, and for the use of the licensed premises;

A detailed Event Safety Management Plan will be produced; and

A detailed site layout plan will be produced showing clear ingress/egress routes, audience circulation areas, welfare and medical facilities;

The event shall be limited to three "Show" days (only late night refreshment shall be permitted on the premises beyond 01:00 hours on the Monday).

Appropriate fencing shall be installed at the event site to define the limits of the licensed premises.

Entry to each event will be restricted to ticket/wristband access only.

Staff shall monitor and regulate the number of persons attending the event and shall ensure that safe capacities are not exceeded in the individual venues.

There shall be an established and clear method of communication on site between all key personnel.

Designated parking areas shall be managed by experienced "traffic management providers".

SIA accredited staff shall be provided and positioned at key points which shall include, but not be limited to, the bar areas.

A list of all persons evicted from the event site will be logged and produced at the request of the Police.

All staff involved in the sale of alcohol shall be trained in respect of the specific Alcohol Policy produced for this event.

All staff shall be trained in respect of the specific Drugs Policy produced for this event.

All alcohol sold at the premises shall be provided in non-glass vessels.

Patrons shall not be permitted to bring glass onto the premises.

Medical and welfare facilities shall be staffed and clearly signed during the event.

Lighting levels on the premises shall be set at a level to enable patrons to clearly navigate their way around.

Appropriate warning signage will be prominently displayed to flag up any potential hazards on site.

A dedicated "noise complaint line" shall be provided to local residents to enable them to report any noise nuisance they experience during key events.

No build-up of festival litter or waste shall be permitted on the premises, outside of the premises or on local highways.

No under 18's attending the event will be admitted to the premises without a responsible adult.

No under 18's shall work at the licensed site unless a suitable and sufficient risk assessment has been carried out and all control measures have been effectively implemented.

There will be a "Lost Child Policy" for the event on which staff will be briefed.

The premises shall operate a "Challenge 25" age verification policy.

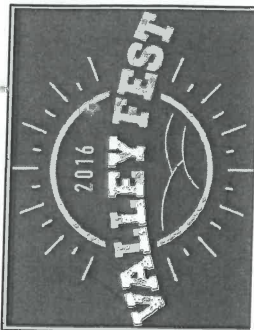
Security personnel shall confiscate alcohol from any persons found to be drinking under-age.

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

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.



Drawing Title:
Valley Fest 2016

Drawing Revision
Version 9

Drawn By
Jim Davey

Issue Date
10.06.16

Circulation

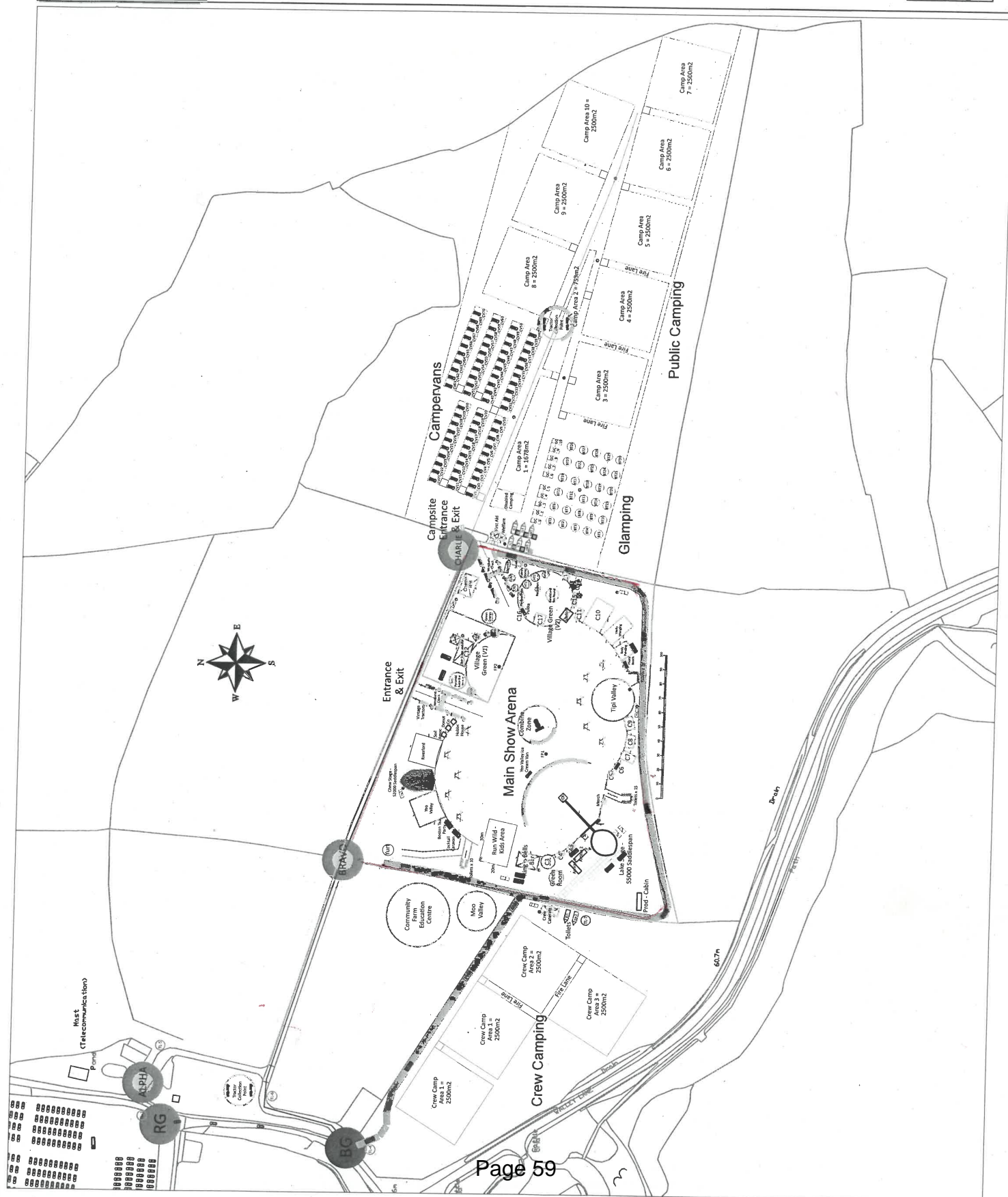
**VF Senior
Management and
B&NES Only**

Scale

DNS

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Solutions Ltd.



Lewis House, Manvers Street, Bath BA1 1JG

Representation Form

Responsible Authority.

Health and Safety

Your Name	Suzanne McCutcheon
Job Title	Team Manager Safety and Standards
Postal and email address	Bath & North East Somerset Council Health & Safety Lewis House Manvers Street Bath BA1 1JG
Contact telephone number	01225 396044

Name of the premises you are making a representation about.	Valley Fest Variation to Licence Application 18/03096/LAPRE
Address of the premises you are making a representation about.	Valley Fest The Community Farm Denny Lane Chew Magna Somerset BS40 8SZ

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.
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<p>All 4 licensing objectives, namely:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • The prevention of public nuisance; • Public Safety • The protection of children from harm 	<p>No</p> <p>No</p> <p>Yes</p> <p>No</p>	<p>In its role as a Responsible Authority the Health and Safety Team has considered this application and have serious concerns that the applicant's operating schedule fails to propose appropriate measures to promote the licensing objectives in respect of :</p> <p><u>Public safety relating to location of the festival site (the capacity and access arrangements to manage 9999 persons) and the overall capacity of the site to accommodate that increase in numbers safely especially in relation to camping and car parking.</u></p> <p>The Community Farm is located off Denny Lane which is a single track lane. Access to the event is from Walley Lane.</p> <p>Last year, the event organisers trialled access to the event site via land owned by Bristol Water, however the main route for event traffic would be signed off Walley Lane.</p> <p>The recently updated Traffic Management plan has been reviewed and advice sought from the Council's Transportation Planning Team in order to assist the H&S Team in assessing the issues.</p> <p>A number of points were raised that cast doubt on the validity and realistic application of this report:</p> <ul style="list-style-type: none"> • The reference documents that the Traffic Management Consultant is quoting from when determining the capacity of the local road network infrastructure is inappropriate for this situation. The data being reference refers to a Design Manual for Roads and Bridges – traffic capacity of urban roads. This document is the start point in the design an assessment of new urban road links. Not appropriate in this circumstance. • The tables quoted in the Traffic Management plan are for the construction
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	<p>of new roads – not traffic management of existing ones.</p> <ul style="list-style-type: none"> • The traffic flows quoted for each type of road is the maximum flow or free flow on a link given certain speeds and does not take into account local circumstances or the interaction with other junctions. • The flow capacities in the tables assume no other traffic on the network at the time. <p>The Consultant makes a number of unsubstantiated assumptions in the report when determining the flow capacity which includes:</p> <ul style="list-style-type: none"> • No adjustment for HGV traffic (there is no restriction on them travelling at weekends) • The flow rate calculated has assumed a rate of 750 cars per hour turning however takes no account of existing flows that aren't entering the site, or traffic having to give way to each other. • It also states that the majority of the traffic could approach via the A37/B3130. This is v misleading as this could be anywhere between 51 or 99% of the traffic. • The report assumes 2.5 persons per vehicle but provides no evidence to support this. • The report states given the attendance includes staff and other methods of arrival, the car parking provision is adequate. Given the site location and its lack of public transport links, it should be assumed that in fact everyone will be arriving by car. <p>The report states that the assessment made and the event history suggests that Walley Lane can cope, however offers no evidence to substantiate this. The report also states that congestion is deemed acceptable given that it brings income to the local economy. No assessment has been made as to how wide spread this congestion maybe and how it may affect those in the local area, trying to go about their daily activities.</p>
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	<p>The risk assessments included in the Traffic management plan do not relate to the event site in question and are identical to a Traffic Management plan recently submitted for a different event within in BANES. This reduces the confidence that we have in relation to the Traffic Management Consultant.</p> <p>The event organiser has not engaged in any pre-license discussions and has not offered any information relating to the ticketing of the event.</p> <p>In 2018 The site accommodated : 2848 – weekend camping 164 – weekend no camping 687- Saturday tickets 1123 – crew and artists Friday and Sunday tickets – 433</p> <p>Max capacity: 4822</p> <p>This does not breakdown how many were campervan camping or the number of vehicles that arrived on site</p> <p>The festival is not proposing to expand the event footprint.</p> <p>Using the site plan from 2018 and the areas designated for camping – using 430 tents per hectare or 11m² per person as outlined in the previous event management plan, the number that can be accommodated in the designated camping areas is 2566 persons. This is less than the actual number of camping tickets sold, although it is not clear how many campers had a camper van or were in the 'glamping' field.</p> <p>There is no indication as to the numbers of persons that can be accommodated in the 'glamping area' of the 2018 site plan and this is not apparent from last years ticket sales.</p> <p>There is no indication as to how many 'campervans' can be accommodated in the 'Campervan area' on the site plan. No density</p>
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		<p>ratios are quoted in the event management plan.</p> <p>Crew camping utilising the same footprint area and the same 11m² per person calculation could accommodate 909 persons</p> <p>Given the current lack of detail in relation to the above, it is difficult to assess the total capacity that the site has in relation to camping provision. However, given that the current capacity is half of what it could be if the variation is granted it is unlikely that the site would be able to accommodate double the number of camping ticket holders.</p> <p>The event organiser has not provided a detailed breakdown of the proposed number of ticket types for the 2019 event Therefore it is not possible to determine whether there will either be an increase in the percentage number of tickets holders remaining on site, (ie camping for the weekend) or if there will be a significant increase of day/weekend tickets with no camping ,which will greatly impact on the vehicle movements entering and leaving site across the duration of the festival.</p> <p>Either way, both these scenarios pose risks to public safety either in terms of site accommodation or in wider terms of public safety that also impinge on the local area and accessing the event site.</p> <p>In addition there is no indication of how parking arrangements will be managed to enable free access and egress of day ticket holders or contingency arrangements for inclement weather</p> <p>Reference is made to the site plan contained on page 10 of the TRAFFIC, TRANSPORT & PEDESTRIAN MANAGEMENT PLAN Valley Fest 2019 produced by JPS Event Consultancy Ltd</p>
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<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>While the H&S team have powers under the Health and Safety At Work Act, the application to short duration events and festivals can be problematic. Likewise once and problem arises, the knock on effect to remedy it can cause even more issues, which makes it difficult to resolve.</p> <p>I am unable to recommend or advise on any appropriate conditions that would be enforceable as it is difficult to determine when a 'proposed' plan can be deemed sufficient.</p> <p>I would however advise that the event organiser collates more specific data around the following to justify that the site within its current footprint is capable of accommodating a doubling in capacity</p> <ul style="list-style-type: none"> • ticket sales and their breakdown into each category, • break down in relation to the number of vehicle movements arriving and leaving site (ticket holders, suppliers, crew etc) on each event day • occupancy levels in relation to the different types of camping (campervan, crew, glamping and camping) • assessment of traffic flow around the local area of the site <p>This would enable to the event organiser to put more evidence based plans together, and reassure the Committee that the site can safely accommodate the requested increase in capacity ie 9999 persons..</p>
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N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed:

Jane McCurran

Date: 28/11/2018

Please return this form along with any additional sheets to:

Licensing Services,
Public Protection,
Lewis House,
Manvers Street,
Bath
BA1 1JG

E-mail address: licensing@bathnes.gov.uk

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



Printed on recycled paper



TRAFFIC, TRANSPORT & PEDESTRIAN MANAGEMENT PLAN

Valley Fest 2019

Produced by JPS Event Consultancy Ltd for and on behalf Mini V Ltd.
DRAFT VERSION 1.0



Document History

Document Ref.	Prepared by:
VF2019_TTPMP_1.0	Jonathan Perry BA(Hons) GRAD IOSH MIsntLM
Date:	Notes:
6th November 2018	Draft Version 1.0 - For Discussion and Consultation Purposes.

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About the Author of this Plan

Jonathan Perry BA(Hons) GRAD IOSH MInstLM is a director of JPS Event Consultancy Ltd. The company provides services to some of the countries best-known festivals and events, including Traffic Management, Health & safety, Fire Safety & Equipment and Waste Management. In terms of Traffic Management JPS provides the event a complete package from planning and designing the Transport, Traffic and Pedestrian Management Plan, manufacturing the Traffic Signs Manual (TSM) compliant signage, and supplying all staffing from Community Safety Accreditation Scheme (CSAS) - the company being authorised by the National Police Chief's Council to Streetworks and various marshals involved in Traffic and Pedestrian Management. Jonathan is a retired police officer, having served at three ranks as a traffic officer for Devon & Cornwall Constabulary. There was an overlap in careers as he established JPS in 2004. He is a graduate level member of the Institute of Safety and Health, graduate level in social and organisational studies, including the psychology of crowds and data analysis. He is also a qualified forensic collisions investigator, holding an advanced City & Guilds certificate, a highways inspector, Streetworks operative and supervisor, and a CSAS accredited person. He is also an advanced police driver and motorcycle instructor. He is the onsite traffic manager for Glastonbury Festival, provides traffic management and H&S to London Mela, authored the traffic plan for the First National Palladium in Dubai and has lectured on producing safer events to the Province of Nova Scotia, Canada (their equivalent of a regional Safety Advisory Group). He was also Safety Advisor to the Ed Sheeran UK tour in 2018. This is only a brief selection; a full CV is available on request.

Introduction

This plan has been developed to establish a framework for the proficient management of traffic and pedestrian movement in connection with Valley Fest. It has been split into three constituent parts:

- Public Traffic and Footfall
- Production Traffic Management
- Emergency Service Access

It has been prepared with consideration to the successful management over previous years and has been informed by HSG 195 "The Event Safety Guide", the code of practice for safety at street works and road works, the traffic signs manual, the road safety good practice guide, JPS Event Consultancy Ltd, and many years of experience within the live events & festival organisation.

This plan shall be circulated to all members of the Safety Advisory Group, or similar body, for their consideration and approval. Appropriate reference should also be made to the Event Management Plan.

This plan will be executed from Monday 22nd July 2019 until such time as the last production traffic has vacated the site. Specifically with regards to ticket holder transport, this section of the plan will be implemented from 08:00 hours on Friday 2nd to noon on Monday 5th August 2019.

Summary

MiniV Ltd is producing Valley Fest 2019 in partnership with Yeo Valley Organics. The event has grown out of the smaller MiniV Harvest Festival held for the first time in 2014. The planned event for 2019 varies little from the success of 2018 from a Traffic Management perspective. The new entrance / route to facilitate a small growth last year show clear capacity to facilitate further growth. As such a license capacity of 9,999 persons will be applied for in 2019. The venue is The Community Farm, Denny Lane, Chew Magna.

Most attendees will be families or mature adults due to the association with Yeo Valley and other sponsors, which is the primary purpose of the event.

Valley Fest will be a weekend event, running Friday to Sunday, with a safe, family-friendly atmosphere focused around musical entertainment, food and performing arts activities. The event aims to enrich the local area and build strong ties to the rural community here, a shared vision of the event organisers and partners. Aimed at all ages, Valley Fest 2019 will also provide extensive facilities, workshops and entertainment for children.

Traffic Flow General Principles

The capacity of roads can be affected by a wide range of factors that may not always be accurately predicted by the road features identified. For this reason capacity flows may be up to 10% more or less than the values given in this document, which is restricted to only relevant observations for the roads under consideration.

Potential capacity will not be reached if either the capacity of nearby junctions or the capacity of an adjoining road is lower than the road in question. The flow on a road may also be affected by turning movements restricting the capacity.

The flows given in the below tables are the maximum that typical roads can carry consistently in an hour. The principal factors that may affect flow levels on roads are given in Table 1.

For motorways the prime determinant is the carriageway width, but for all-purpose roads flow is also affected by the speed limit, the frequency of side roads, the degree of parking and loading, the frequency of at grade pedestrian crossings, bus stops, and accesses.

Roads in Category UAP3 and UAP4 may carry high proportions of local traffic, resulting in an increase in turning movements at junctions and accesses.

Feature	ROAD TYPE				
	Motorway	All-purpose			
	UM	UAP1	UAP2	UAP3	UAP4
General Description	Through route with grade separated junctions, hardshoulders or hardstrips, and motorway restrictions.	High standard single/dual carriageway road carrying predominantly through traffic with limited access.	Good standard single/dual carriageway road with frontage access and more than two side roads per km.	Variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings.	Busy high street carrying predominantly local traffic with frontage activity including loading and unloading.
Speed Limit	60mph or less	40 to 60 mph for dual, & generally 40mph for single carriageway	Generally 40 mph	30 mph to 40 mph	30mph
Side Roads	None	0 to 2 per km	more than 2 per km	more than 2 per km	more than 2 per km
Access to roadside development	None. Grade separated for major only.	limited access	access to residential properties	frontage access	unlimited. access to houses, shops & businesses
Parking and loading	none	restricted	restricted	unrestricted	unrestricted
Pedestrian crossings	grade separated	mostly grade separated	some at-grade	some at-grade	frequent at-grade
Bus stops	none	in lay-bys	at kerbside	at kerbside	at kerbside

		Two-way Single Carriageway- Busies: direction flow (Assumes a 60/40 directional split.)					Dual Carriageway		
		Total number of Lanes					Number of Lanes in each direction		
		2		2-3	3-4	4	2	3	4
Carriageway width		6.75m	7.3m	10.0m	13.5m	14.6m	6.75m	11.0m	14.6m
Road type	UM	Not applicable						5600	7200
	UAP 1	1320	1590	2010	2800	3050	3350	5200	*
	UAP 2	1260	1470	1860	1900	2100	2950	4800	*
	UAP 3	1110	1300	1620	*	*	2300	3300	*
	UAP 4	900	1140	1410	*	*	*	*	*

Notes

1. Capacities are in vehicles per hour.
2. Assumption that HGV capacity is less than or equal to 15%
3. (*) Capacities are excluded where the road width is not appropriate for the road type and where there are too few examples to give reliable figures.

		Two-way Single Carriageway- Busiest direction flow (Assumes a 60/40 directional split)									Dual Carriageway			
		Total number of Lanes									Number of Lanes in each direction			
Carriageway width		2				2-3	3	3-4	4	4+	2	3	4	
		6.1m	6.75m	7.3m	9.0m	10.0m	12.3m	13.5m	14.6m	18.0m	6.75m	7.3m	11.0m	14.6m
Road type	UM	Not applicable										4000	5600	7200
	UAP1	1020	1320	1590	1860	2010	2550	2800	3050	3300	3350	3600	5200	*
	UAP2	1020	1280	1470	1550	1650	1700	1900	2100	2700	2950	3200	4800	*
	UAP3	900	1110	1300	1530	1620	*	*	*	*	2300	2600	3300	*
	UAP4	750	900	1140	1320	1410	*	*	*	*	*	*	*	*

The capacities given in the above tables provide a guide for the assessment of an appropriate carriageway width and standard. The capacities apply to the class of roads stated and take no account of the effects of junctions.

These capacities have been calculated with a view to supporting the automated and manual traffic counts as an indicator of any spare capacity and at what times of day.

Source: Roads Task Force and Transport for London.

Application to Valley Fest

Firstly there is no need to make any adjustments to any of the above figures due to usage of large goods vehicles, particularly as the event is held on a weekend.

Congestion will occur where vehicle flow intensity exceeds the highway filtration capacity. Any road has an optimum finite capacity. Should traffic volume exceed the figures detailed in this plan congestion is anticipated.

What is 'acceptable congestion' varies depending on location and self-interest. This is a subjective term and whilst a topical phrase for Traffic Management does not currently have a definition. For example, what is acceptable congestion of the M25 will differ from what is acceptable through Scorrier, particularly when environmental factors are taken into account.

As such this plan will consider "the man on the omnibus". Acceptable congestion will be judged on what your average man on the bus may think. Some congestion must be acceptable given that the event will bring significant income to the local economy. Some congestion will be acceptable in the same way that traffic brought by the holiday trade is accepted because of the benefits it also brings. This plan sets out to anticipate where congestion may occur and provide ways minimise this to a level where it is either removed or becomes acceptable and reasonable.

The remainder of this plan will use the application of this data to suggest an option that is most acceptable both in terms of the location and the overall flow.

This enhanced plan has been produced to demonstrate that it does represent "acceptable congestion" and is based on evidence and science.

Walley Lane to the venue in both directions should be considered as UAP3. This suggests an approximate flow of 900 vehicles per hour in each direction. However, considering traffic requiring to turn right into the venue, even though this is assisted by Community Safety Scheme (CSAS) accredited persons, a reduction to UAP4 and 750 vehicles per hour is reasonable.

At this rate the parking team can park vehicles at the rate they can leave the road and enter the estate.

CSAS operatives will be deployed, linked by radios and a manager keeping an overview, to ensure this flow rate is maintained as much as possible.

If all persons attending were to arrive by car, not bus / coach, then this would equate to 3,000 cars, or 4 hours. Accepting there will be arrivals on Friday as early as 8am steadily increasing to a peak around the gates opening time and then tailing off to around 6pm only 'acceptable congestion' is anticipated given the 10-hour arrival period. It should also be noted that about 80% are expected to arrive on the Friday and the above is calculated on 100%.

Public Traffic and Pedestrian Management

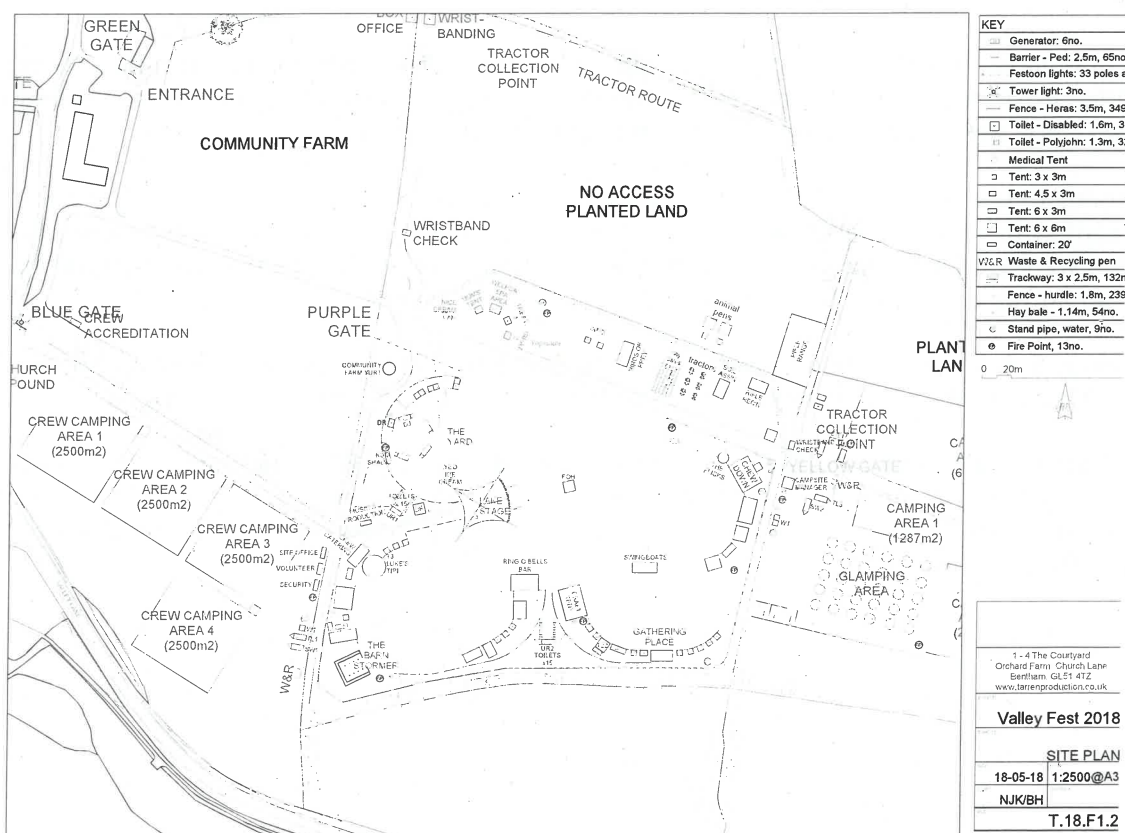
The Community Farm is situated on Denny Lane close to the junction with Walley Lane opposite Chew Lake Picnic Site. The venue is roughly situated between Chew Magna and Chew Stoke, and within 150m of the lake shore. Public access to the site will be via the water works off Walley Lane, which emerges in Denny Lane at Brown gate. By using this new route there is a long run to the car parks not on the public road, and no conflict with exiting traffic, facilitating a larger capacity. From here it is a short distance to a number of possible access and egress points on both sides of the road. For the purposes of this plan the route between Walley Lane and the farm we have designated as Blue Route, whilst Green Route takes users from the farm to Tunbridge Road, where Denny Lane exits into Chew Magna. Normal exit will be down Denny Lane to Walley Lane.

The land in use for the festival incorporates 38 acres of The Community Farm plus 10 acres of additional parking on the other side of the lane accessible through an entrance designated as Brown Gate, which will be used for staff and contingency parking.

All roads in the area are managed by Bath and North East Somerset Council. The primary roads in relation to this plan are the B3130 through Chew Magna; Chew Lane which leads to Chew Stoke; Walley Lane which runs along the lake shore and the A368 which leads from the A37 into Bishop Sutton and to which Walley Lane adjoins via a short lane.

Previous years presumption that the majority of traffic would approach via Bristol using either the A37/B3130 or the Wells Road into Chew Magna has proved correct.

The Parking field - entered via Green Gate and exited via Red Gate - is large and easily accessible via Denny Lane from Walley Lane. The Event Site is accessed via Blue Gate on the right of the Lane via a stone track entry that leads through the site. (Below maps to be updated with 2019 site maps when available.)



* During time of heavy demand traffic maybe exited north bound up Denny Lane. However, in order to minimise any impact on Chew Magna when possible marshals will facilitate exit southbound. Such exiting traffic is expected to be light.

The festival will provide sufficient personal radios for onsite and offsite traffic marshals to effectively communicate. Testing must take place prior to the festival to ensure the most northern point in Denny Lane is within range.

Travel by Car

The car park is 16 acres in size and could accommodate up to 3,200 vehicles if parked effectively, equivalent to 8,000 persons at the accepted rate of 2.5 persons per vehicle. As such it will easily accept all cars expected to attend the event in 2019. Given that the licensed capacity and hoped for future growth to 9,999 in attendance includes staff and other methods of arrival the car park is still sufficient. However, there is also contingency parking as shown on the site plan should additional space be required in the event of poor ground conditions, for example.

The live-in vehicle area could easily accept 500 vehicles, which again exceeds requirement. The organisers will provide adequate fire fighting cover/equipment for the live-in vehicle area and all car parks in the event of a vehicle fire.

Peak arrival is expected between noon, when the gates officially open, and 20:00 on Friday 2nd August, with peak exit being between 0800 and noon on Monday 5th. With the increased capacity car parks will be available to receive vehicles from 10am in order to prevent a build up of circling traffic and a 'false-peak' at noon. Non-event traffic levels can be considered light / moderate having moved the event from the bank holiday weekend. However, Chew Valley Lake is a popular destination and good weather is likely to bring visitors to the picnic site at the end of Denny Lane. This may cause complexities in traffic management. In order to ensure local travellers are made sufficiently aware in advance, the plan will be advertised in detail in the local area prior to the event, in order to raise awareness of the likely greater traffic levels, and also locally. The above assessment and the event history suggest this stretch of Walley Lane has sufficient capacity to cope with the additional traffic flow.

The event organisers recognise the concern expressed by the SAG should an emergency occur nearby, which may or may not be related to the event. To this end the EMP works through a realistic scenario showing how the event would deal with such an incident in support of the emergency services.

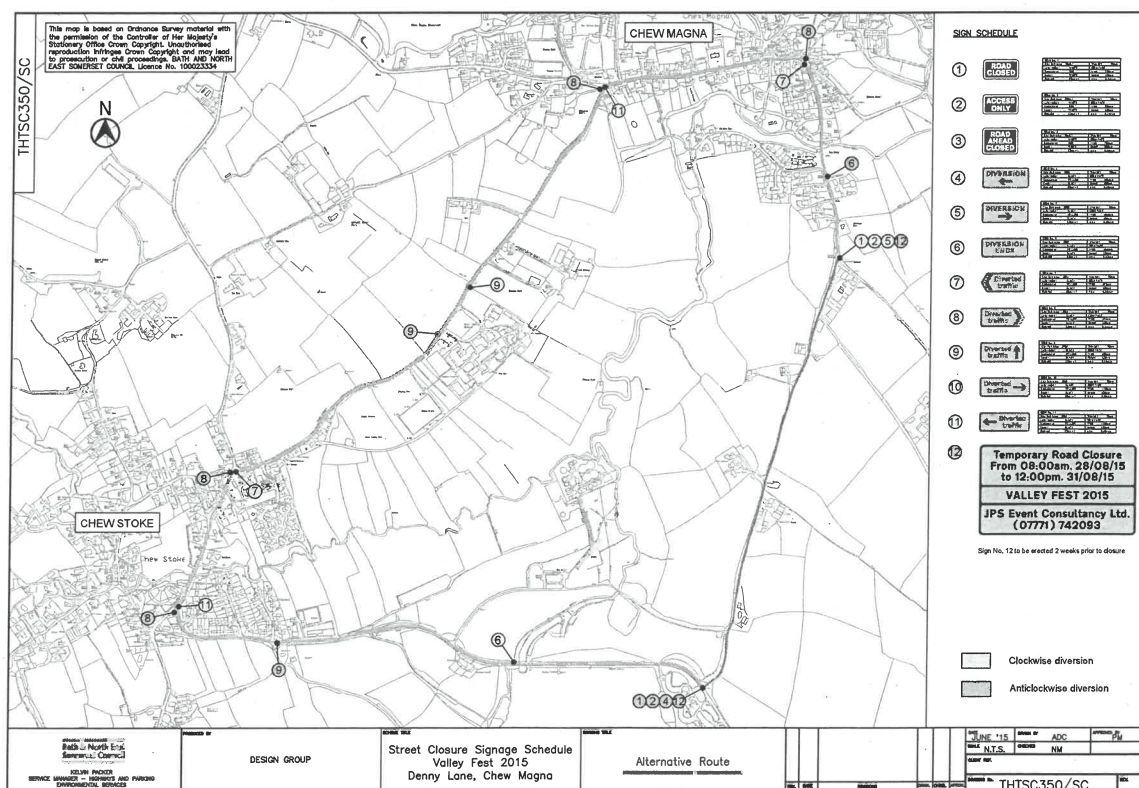
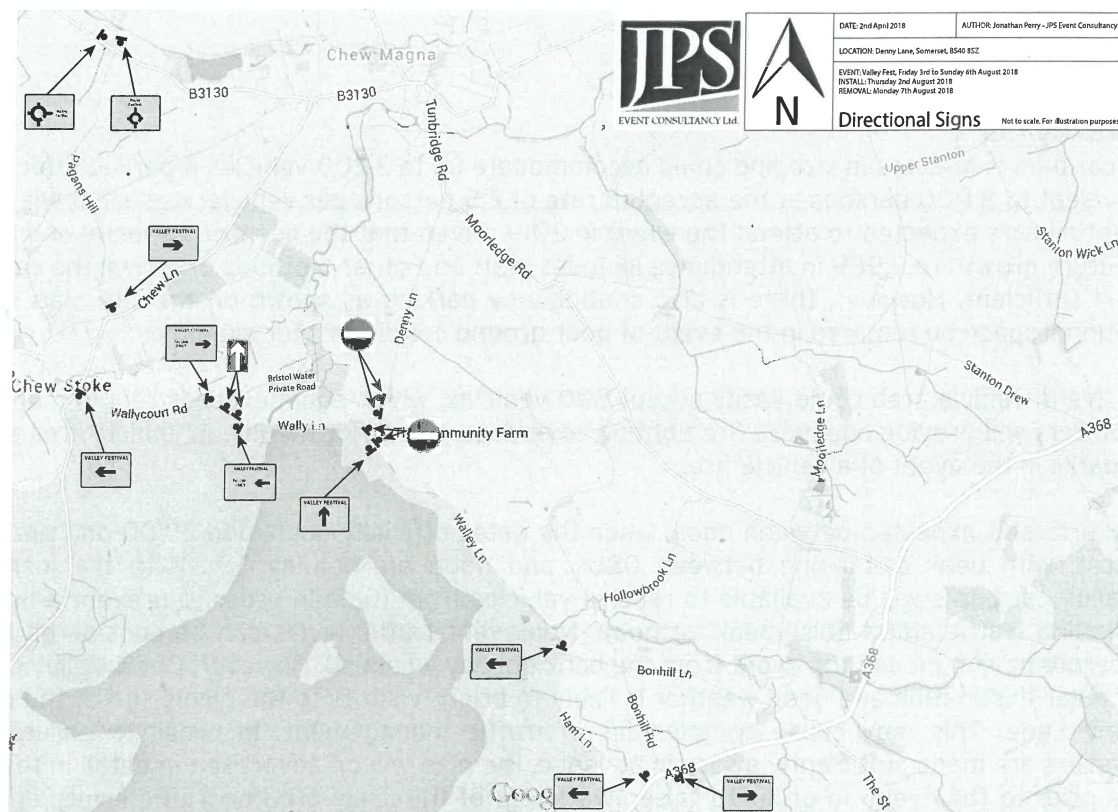
Due to the multiple routes to Chew Lake, it is difficult to put in a one size fits all vehicle routing strategy. All traffic will be directed to Walley Lane - which runs adjacent to the Lake between Chew Stoke and Bishop Sutton - and then up Denny Lane to the venue.

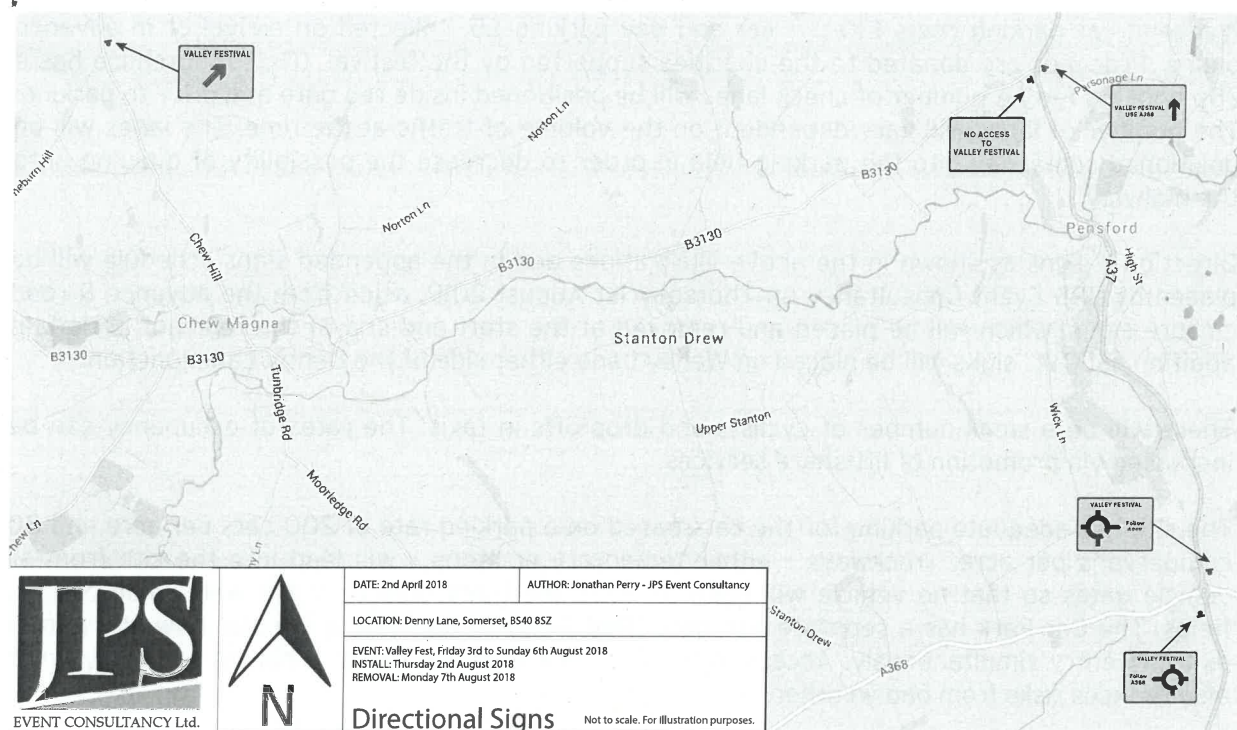
In order to reach Walley Lane traffic from the North will be routed via the B3130 (west of Chew Magna) and from the South via the A368. This will be achieved both by pre-event advertising to ticket purchasers, staff and content providers; and by a signage schedule designed and implemented for the purpose. Signage will also direct traffic attending the event away from Chew Magna and toward Walley Lane, as detailed on the map below.

From the North, most traffic will approach from Bristol via either the A37 or else via Wells Road/ Chew Hill, passing Dundry. Traffic using the A37 will be signed to use continue to the A368 and not use the B3130. Traffic approaching via Wells Road will be directed onto Limeburn Hill, not Chew Hill, and progress to Walley Lane via Pagan Hill.

From the South, vehicles will approach via the A368 through Bishop Sutton. Vehicles approaching from the A37 will likely turn left at Cholwell by the waste depot, if following Sat

Navy and so vehicles will be routed from here. This will in turn lead to the A368 which vehicles will turn left down towards Chew Valley Lake. We will then route vehicles down Bonhill Road to Walley Lane, as this is the most direct and clear route to the site from the A368. Vehicles from the Westcountry may approach the site East on the A368. We will sign this route from West Harptree, directing vehicles to Bonhill Road and on to Walley Lane.





The postcode of the farm - BS40 8SZ - will be advertised as the nearest one. (The postcode for Salt & Malt is actually further away). However, website directions, ticket enclosures etc will advise to follow event signs on arrival in the area, not SatNavs, and approach via either Chew Stoke or Bishop Sutton, not Chew Magna.

To further ensure Chew Magna is protected from event traffic, and also to ensure car parks can be efficiently loaded and unloaded as detailed in this plan Denny Lane will be closed to traffic, bar access to the event at the southern end.

The below two maps show how traffic from all directions will be routed onto Walley Lane, avoiding Chew Magna and the road closure. (The second map is derived from the 2015 traffic order supplied by Bath and North East Somerset Council (BANES)).

A request was made of BANES Council in 2015 not to sign the diversion for the for the following reasons:

- Advance signs will advise of the closure at least a week in advance. Only local traffic is likely to use this road and will be aware of the alternative routes.
- Different diversion routes would be required around Denny Lane, which together with the event signs may well lead to confusion or "sign blindness".
- Clear event signage should take priority.
- This would not be setting a precedent as diversions are not required elsewhere in the UK in these circumstances, such as the Secret Garden Party.

However, BANES required the diversion signs were installed as detailed in the below map, which were placed in addition to the event information signs. For 2019, we would again ask the Council to consider not signing the diversion. In addition to the above points, the picturesque village of Chew Magna was blighted with the large number of signs required.

The two advance signs will be placed one week prior to the event together with a notice.

Weekend car parking costs £10 per car and day parking £5, collected on arrival or in advance online. Proceeds are donated to the charities supported by the festival. (Online purchase has a 25p booking fee.) A number of check lanes will be positioned inside red gate and prior to parking. The number of lanes will vary dependent on the volume of traffic at the time. The lanes will be positioned some way into the parking field in order to decrease the possibility of queuing onto the highway.

Directional signs as shown in the above illustrations and in the appended signs schedule will be placed by JPS Event Consultancy on Thursday 1st August 2019, aside from the advance & road closure signs, which will be placed and removed at the start and end of the relevant period. In addition "SLOW" signs will be placed on Walley Lane either side of the Denny Lane junction.

There will be a small number of cyclists and drop-offs in taxis. The rates of occupancy can be increased via promotion of lift-share services.

The site has adequate parking for the cars based on a parking rate of 200 cars per acre and 80 campervans per acre. Trackways - either temporary or stone - will lead into the site from all vehicle gates so that no vehicle will need to leave the track until they are well inside parking fields. The Car Park has a separate exit gate (Red Gate) to facilitate a circular flow and permit exit and entry simultaneously. Access to the Car Park is at the top of a hill via red gate, which also reduces risks from bad weather.

Disabled vehicle access will be via Blue gate and along the internal road to the accreditation point, at which juncture marshals will recognise the vehicle by its pre-purchased pass and direct it into the disabled parking and adjacent camping field. Any vehicles carrying disabled persons, without proper accreditation, will be assisted if possible. However, without advance notification may have to enter the check lanes with other traffic.

Vehicles will be assisted off the carriageway at the water works junction of Walley Lane by CSAS accredited or 'Streetworks' operatives provided by JPS. (CSAS accredited operatives are permitted to direct traffic on the public highway by using hand signals. 'Streetworks' operatives are permitted to place signs and other street furniture on the highway). Operatives will also be present at the other end of the road closure. Systems will allow for a flow of up to 900 vehicles per hour, though actual numbers will be a lot less than this at most times.

There is space to stack around 50 camper vans at any one time on stone and temporary track inside the event site. In a similar way to the car park operation this is aimed at preventing queuing onto the public highway. Any drivers who have an issue with accreditation or payment will be directed to a holding area, where the issue will be resolved, or they will exit via either Red or Blue Gate, depending on their entry point.

Disabled persons (both cars and live-in vehicles) will be parked as close the car park entrance as possible. Similarly disabled persons have a reserved camping area should they wish to use it. Live-in vehicles with disabled persons will be escorted to their pitch from the parking area.

Cars, live-in vehicles and tents will be segregated for safety. Whilst tents would not normally be permitted to be pitched near campervans, balancing the risks involved this will be permitted where children wish to camp next to their parents.

Lighting of the routes and car parks will be as follows:

- Check lanes will be flood lit during darkness to a minimum of 200 lux.
- Road entrances will be floodlit during hours of darkness to a minimum of 100 lux. Light towers will not be within 0.5 meters of the edge of the carriageway and not more than 5.4 meters high if overhanging the carriageway. Lamps will face away from oncoming traffic.
- The pedestrian internal route crossings will be flood lit during darkness to a minimum of 20 lux.

- The remaining car park and pedestrian areas will be lit to a minimum of 5 lux.

Signs in the car parks and the rear of tickets will advise attendees what articles are prohibited from the event, and that anything left in vehicles is at the owners risk.

Adequate fire fighting equipment will be provided in the live-in van area and car parks in the event of a fire (please refer to site plan for fire point locations).

It is not expected that any debris (mud) will be carried off the site, even in the event of foul weather. However, event control will liaise with the Bath & North East Somerset Council Local Services Manager should this become an issue.

Off site obstructions, which are not break downs, will be reported to the police to deal with in accordance with their normal operating procedures.

Gates staff under the direction of Dick Sheppard will be responsible for the internal implementation of this plan and the management of the car parking fields. All persons or teams implementing this plan will have contact with event control via a separate traffic management channel. Where necessary ear pieces will also be provided.

JPS will oversee the external implementation of this plan. This will include the provision of "Streetworks" staff, either NRSWA or LANTRA qualified, and where necessary CSAS staff (Community Safety Accreditation Scheme) to direct traffic on the highway. (JPS Event Consultancy Ltd is an authorised CSAS company and employs staff accredited in various parts of the UK, including the South West Region)

All traffic management marshals will be suitable trained, briefed and equipped, to include reflective vest (to minimum BS EN 471 category 2, preferably 3), torch and clothing to suit the conditions at the time. CSAS staff will wear their approved uniform.

The main car parks and living van field will be marked out by gates staff prior to Friday 2nd August using highly visible posts, tape and / or rope.

Travel by Bus

Due to a lack of interest a private shuttle bus service to and from Keynsham Rail Station was discontinued in 2018 with no apparent complaint.

Denny Lane/Chew Lake is serviced by the Route 67 bus which runs from Bristol Bus Station through Chew Magna and Chew Stoke and on to the Picnic Site at the end of Denny Lane. This service is provided by ABUS but only runs once daily and very minimally during the summer holidays. They cannot scale up for the event. A further bus, Route 752, runs once a day from Bath to the same location, and Route 640 also runs from Keynsham daily.

Travel by Train

Chew Magna is poorly serviced in terms of rail transport. The nearest stations are Nailsea, Keynsham or Parsons Street in Bristol. As such onward travel by taxi will be necessary.

Travel by Taxi

There is a large area of hard-standing inside Blue Gate to manoeuvre taxis and other vehicles attending for purposes of drop-off and pick-up. The area is sufficiently large that traffic will not build-up behind them. Vehicles will then be exited to Walley Lane. However, should Blue gate

become assessed as too busy for any reason, then drop-offs will be dynamically moved to Green Gate, where they will unload and exit via Red Gate.

As Blue Gate is the main access on to the festival site, its absolutely essential that it is kept clear and unencumbered at all points. Should a situation arise where Blue Gate becomes temporarily unusable (i.e. A broken down vehicle), all traffic will be redirected directed into the car parking field via Red Gate until the obstacle can be cleared, or entry onto the site via Alpha gate. A tractor will be situated inside Blue Gate for the purposes of removing broken down vehicles.

Travel by cycle

Only a small number of cycles are expected. These will accommodated via Blue Gate. It's approximately a nine mile cycle ride from central Bristol. There are two possible National Cycle Network routes which are shown on Ordnance Survey maps or can be found at <http://www.sustrans.org.uk/map>.

Contact Numbers

Name	Role	Number
Jon Perry	Traffic Manager	07771 742093
Dick Sheppard	Carparks	07901 984311
TBA	Security	TBA

Production Traffic Management

Production traffic in this respect includes all infrastructure deliveries, maintenance and collections, service vehicles and concessions.

The first production traffic will arrive on Friday 26th July 2019. The responsible person during this period will be the site manager. All production vehicles should contact the site manager and /or site office on arrival. The site manager will direct their activities on site and brief them regarding the applicable sections of the risk assessment. He will also ensure a banksman is present where necessary.

Key staff cars will park around the production area, as will local authority and emergency vehicles.

Vehicles belonging to crew and contractors will enter the site via Blue Gate (the principle festival entry point - see earlier Map), which usually operates as the main entrance to the Community Farm. All such vehicles are advised to enter Denny Lane via Walley Lane, which runs adjacent to the Lake. HGVs and other large vehicles are not to approach from the Chew Magna end of the lane, even prior to the road closure being enforced. However, crew arriving when public gates are open should also access via the water works.

Prior to the event non-HGV traffic will egress the site via Blue Gate and take whichever route is their preference. Crew & Contractor access primarily occurs in the build period leading up to the event, with some exceptions such as artists. The peak staff and trader access will be over the period of Wednesday 31st July and Thursday 1st August with limited traffic prior to this period.

During the event production traffic, crew and artists will exit to Walley Lane. In some circumstances non HGV traffic exit may be granted via Chew Magna, but this will be by exception.

All HGV traffic must enter via Walley Lane into Denny Lane and Blue Gate at all times.

Emergency Access

It is imperative that sterile routes are maintained in case offsite emergency services are called to the venue.

Whilst the traffic management system is not in place emergency services may approach the venue via the most convenient route to them.

Between 08:00 on Friday 2nd and noon on Monday 5th August emergency services will be permitted through the road closure, so may still approach via the most convenient route to them.

Emergency services requiring access to site will generally enter via Blue gate and via the internal hard track roads. They will first proceed to the Production Area between Blue Gate and the Box Office and then be led to the emergency as required. When an Emergency Vehicle is called (and where known by staff), Event Control will instruct marshals staffing the road closure to close Denny Lane to all traffic. Traffic Staff will then clear existing queuing vehicles from all effected routes. Further more the operative on Walley Lane may stop all traffic in both directions in order that emergency services can approach Denny Lane using the unaffected carriageway unimpeded, should it not be possible to completely clear the carriageway beforehand. Once services have entered the site if possible traffic direction will recommence. In the instance of a major incident appropriate action will be taken in accordance with the Event Management Plan.

Whilst the preferred entry to the venue is from Walley Lane as it is likely that notice of emergency services arrival will be available. As such if access is required along Denny Lane from the Chew Magna direction this can be accommodated and marshals will ensure the route is clear.

During this period, Event Control will also instruct all Security and Stewarding staff to hold internal traffic and ensure internal routes are clear. The event medical facility, including 4x4 ambulance, will be stationed directly adjacent to a stone track so as to ensure easy access and egress. There is a trackway system that provides access to all fields in use and brings any emergency vehicle to within 50m of any venue of size.

Should a short term obstruction of blue gate occur this will be cleared by onsite tow vehicles or by the most appropriate means.

In the unlikely position that Blue gate becomes unavailable for an extended period then a dynamic assessment will be applied to ensure emergency access is maintained and public access and egress is considered. This may require the use of alternative routes or holding areas as the circumstances dictate. The new entrance / route first used in 2018 somewhat relieves this scenario.

Please see the emergency scenario within the EMP as an example of how the above principles maybe applied.



EVENT CONSULTANCY Ltd.

TRAFFIC MANAGEMENT RISK ASSESSMENT REGISTER

Risk Assessment Register Valley Fest 2019

Produced by JPS Event Consultancy Ltd for and on behalf of client or itself.
Version: 1.0

5th November 2018

This document should be read in conjunction with the event safety management plan and sub-contractor's safety documentation. The methodology utilised follows the HSE Guidance Note INDG 163 and their Principles of Sensible Risk Management.

Assessments conducted by: Jonathan Perry BA (Hons) GRAD IOSH MInstLM
Procedures for review: Continual and Dynamic On-Site Assessment

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ANNEX D

TRAFFIC AND PEDESTRIAN MANAGEMENT

Where 'Chapter 8' is written this indicates qualified unit 2 operatives and unit 10 supervisors under the provisions of the 'New Roads and Street Works Act 1991', LANTRA Sector scheme or CSAS accredited persons.

Hazards	Who/What Might be Harmed and How?	What are you already doing?	What further action is necessary?	Action Points
Unloading of Production Trucks	<p>Event Contractors. Manual Handling, Vehicular/Pedestrian Interaction, Equipment Failure.</p> <p>NB. Production vehicles will not be permitted access to public areas, aside from service vehicles, at times when the event is open to the public.</p>	<p>All personnel operating shall utilise high visibility personal protective equipment conforming to BS EN 471 Category 2 as a minimum.</p> <p>The Manual Handling Operations Regulations 1992 (as amended) to be complied with in all instances. Contractors to risk assess manual handling operations.</p> <p>All drivers of event vehicles shall have the appropriate DVLA license for the vehicle utilised.</p> <p>Vehicle tail lifts are subject to PUWER 98 and LOLER 98 and safe working load limits must not be exceeded.</p> <p>Technical production load in areas shall be secured against unauthorised access. Site lighting to be provided in such areas.</p>	<p>Monitoring the situation throughout equipment load in and load out.</p> <p>Dynamic risk assessment re use of Bankmen.</p>	<p>Production Manager / H&S responsible person to ensure that the unloading/load in zone is appropriately sterile for such operations.</p>

Hazards	Who/What Might be Harmed and How?	What are you already doing?	What further action is necessary?	Action Points
		<p>Reversing manoeuvres to be minimised so far as is reasonably practicable. Banksman will be deployed if necessary.</p> <p>Site speed limits to be strictly adhered to - 10 mph venue and 5 mph Arenas.</p> <p>Drivers not to use hazards. Instead dipped headlights and beacons should be utilised.</p> <p>All drivers must ensure that handbrakes are securely on prior to alighting their vehicles.</p>		
Slips and Trips walking from vehicles and entrances to arena.	Contractors, Crews, Public	<p>All major holes and uneven ground filled prior to event.</p> <p>Areas of very high risk shall be cordoned off.</p> <p>Warning signs placed in areas of high risk.</p> <p>Staff appraised of risk during safety briefings.</p> <p>All personnel providing services shall be advised to wear appropriate footwear.</p> <p>Sufficient lighting to be provided during hours of darkness.</p> <p>Staff to report and take action to address any risk identified during event.</p>		

Hazards	Who/What Might be Harmed and How?	What are you already doing?	What further action is necessary?	Action Points
Water, Streams, Ponds and Leats	Persons walking from vehicles and entrances to arena.	Water hazards in hired area and approaches from car parks and entrances to be fenced off. Fences to be marked for water hazard. Appropriate lighting provided during hours of darkness. All personnel to exercise vigilance.		
Vehicular Manoeuvres	Pedestrians or vehicle occupants through collision with another vehicle or person	Roads within grounds to be checked and repaired where necessary. Tracks to be clearly marked. Fences bordering roads and tracks to be checked and repaired. Signs to be placed as appropriate. 'Hot Spots' to be staffed by marshals. Marshals to receive appropriate training and briefing. Events speed limit of 10 mph. Speed limit in arena of 5 mph. Vehicles not to use hazards but rather use beacons and dipped headlights. Emergency vehicles that may need to exceed this limit to use blue beacons and warning sirens. Liaison with stewarding and security teams to marshal clear routes for any such movement.		

Hazards	Who/What Might be Harmed and How?	What are you already doing?	What further action is necessary?	Action Points
Driving/Walking to Site	Vehicle occupants and pedestrians through collision or delay related stress.	Warning and information signs to be placed on approach to site at regulated or frequent intervals. Alternative control measure to be available to relieve congestion. In advance marketing campaign.		
Animal Faeces (Health Risk and Slip)	Crew, staff and attendees from disease or slip.	Removal of faeces after animals removed from site at least 4 weeks prior to event.		
Driver fatigue	Production driver safety and driver hours. Excessive driving will lead to fatigue and possible collision, endangering driver, other road users and pedestrians. Anything from minor injury and damage to severe damage and fatality may result.	Driver to use tachographs as per regulations and to drive hours as set out in regulations. Trucking companies to have systems in place with qualified tachograph examiners to check drivers hours quarterly and enforce as required.		
Obstruction of Emergency Services Sterile Route	Public, Crews, Emergency Services Personnel through collision on obstructed route or through delayed arrival.	Sterile route access to backstage area, arena, and car parks. Route to be patrolled by security staff and kept clear during relevant times.		

Hazards	Who/What Might be Harmed and How?	What are you already doing?	What further action is necessary?	Action Points
Various signage activities involving lifting	Public, crew, Emergency Services Personnel through poor positioning or musco-skeletal injuries through manual handling	<p>The Manual Handling Operations Regulations 1992 (MHOR) shall be complied with in all instances. Dynamic manual handling assessments to be performed in situ.</p> <p>Appropriate design and specification of equipment</p> <p>Safe working areas to be established.</p> <p>Personnel trained to Chapter 8 standards.</p> <p>3 Point PPE system to be utilised</p> <ul style="list-style-type: none"> - gloves, safety footwear, high visibility clothing. 		
Access or egress from production vehicles	Slips, trips or falls resulting in personal injury to driver or other occupants.	<p>Use the steps provided.</p> <p>Use grab handles to assist, not the steering wheel.</p> <p>Visually check the ground for obstruction before egress.</p> <p>Do not jump out of the cab.</p> <p>Use steps and grab handles provided and exit the cab backwards.</p>		
Water logged ground	Personal injury or damage as a result of trying to free "stuck" vehicles or drive on water logged / slippery ground.	<p>Inspection of ground in week prior to event.</p> <p>Monitoring of weather forecasts.</p> <p>Quantity of sawdust, bark, hardcore or similar available.</p> <p>Cordon off isolated areas.</p> <p>Suitable vehicles available to tow occasional stuck vehicles.</p> <p>No parking permitted in any flood plain.</p>		

Hazards	Who/What Might be Harmed and How?	What are you already doing?	What further action is necessary?	Action Points
Placing signs on public roads - collision with works vehicle	Personal injury to vehicle occupants and vehicular damage	Driver of works vehicle will be Chapter 8 Trained. Vehicle will be positioned to cause the least obstruction possible with the maximum visibility possible. Vehicle will display warning beacons and high visibility markings.		
Placing signs on public roads - collision with staff	Personal injury to persons placing signs	Member of staff will be Chapter 8 trained. Member of staff will wear Personal Protective Equipment complying to BS EN 471 Category 3. Staff will place signs in pairs.		
Collision with placed sign	Personal injury through collision with placed sign.	Person placing signs will be Chapter 8 trained. Furniture will be placed in accordance with Chapter 8. Specifically each sign will comply with Chapter 8. Each sign will be placed with a reflective cone. Each 1000mm sign will have 2 sandbags. Smaller signs may have one. Alternatively signs may be securely fastened to posts. Signs will be placed not cause an obstruction where possible. Signs will be placed from 'out' to 'in' and collected in reverse.		

Hazards	Who/What Might be Harmed and How?	What are you already doing?	What further action is necessary?	Action Points
Manual direction of traffic	Persons directing traffic or other road users through collision to avoiding action	Any persons undertaking this action will be accredited under the Community Safety Accreditation Scheme (CSAS). Suitable training will have been required prior to this accreditation. Direction must be in accordance with the traffic plan provided by the authorised company. The uniform as required by the accreditation must be worn.		

DYNAMIC HAZARDS

Further risk assessments to be added as a result of dynamic assessment at the venue during the event by the event Health and Safety Manager or Traffic Manager.

Terrill Wolyn

From: Suzanne McCutcheon
Sent: 06 December 2018 14:16
To: Terrill Wolyn
Subject: Valley Fest ADDITIONAL INFORMATION from S McCutcheon
Attachments: Valley Fest Rep 3 2019.docx

Hi Terrill

Further to my representation I provide additional information qualifying the reasons for the representation in the attached document.

Regards Suzanne

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Further to my Representation I would like to qualify and expand on the reasons for submitting the Representation.

1. This variation is seeking to double to current number accommodated on the festival site from 4999 to 9999 without changing the overall footprint of the site.

With such an increase in numbers, the level of infrastructure required to support this will also increase. This will include additional toilets, food vendors, bars, seating areas and entertainment spaces. This will also require increased backstage support such as larger storage areas for caterers, refuse collection etc.

All these additional requirements reduce the amount of space available for festival goers. The application does not provide any information in relation to:

- The size of the main arena
- what the capacity of the main area site is and how this has been calculated
- what additional infrastructure may be required to service numbers up to 9999 and where this would be sited.
- How this increase in infrastructure would impact on the usable area by festival goers
- how the crowd flow and crowd dynamics maybe affected by (a) increase in ticket numbers (b) an increase in the number of structures being accommodated in the main arena

Without this information, it is very difficult to calculate and assess how this number of persons can be safely accommodated on the same festival foot print and therefore how public safety can be assured.

2. As this event is taking place in a rural area, where there is **no public transport**, all festival goers will be accessing the site by car. Access to and from the site is limited, and the traffic management plan submitted does not provide any information on how day and weekend with no camping ticket holders and their vehicles will be segregated from the vehicles of weekend camping ticket holders. I understand that cars and campervans are required to purchase car parking tickets, but no breakdown has been provided for us to see how many of each were sold for the 2018 event. This information would have been used to assess what spare capacity there is likely to be on the site in order to accommodate the extra number of vehicles expected. Good pedestrian/ vehicle separation is essential in ensuring public safety is maintained and numerous incidents are caused by poor management of workplace transport issues. The current plan appears to indicate more parking space than is actually available as the area of car parking that includes campervan parking looks like it has been double counted. No projected forecast in relation to ticket type has been provided. An increase in day tickets, will increase the number of daily vehicle movements to and from the festival site. An increase in weekend camping tickets will increase the space required for camping. The traffic management plan submitted does

not provide sufficient information or evidence to demonstrate that there is sufficient space or measures in place to ensure public safety. This should be demonstrated by the event organiser, prior to tickets numbers being increased, to ensure that the event is feasible and can safely accommodate all festival goers.

3. **If insufficient parking is available on site or if the access to site is poorly managed and heavily congested there will be a risk of festival goers trying to park on the access roads around the site which could impact on the ability of emergency vehicles gaining access to the site or to local residences.**

4. Finally based on the "Purple Guide" section 19.8 *a density of 476 to 543 tents per hectare, with a predicted occupancy of 2 to 2.4 people per tent for general camping fields at rock/pop events is a realistic standard. In a more family-orientated campsite i.e. larger tents with greater number of occupants, this density would need to be reduced, possibly by as much as 50%. Land used within the campsite for access tracks, facilities, maintenance, entertainment, unusable space and storage should be factored into the planned size and subtracted from the space available for camping. Camping areas for people with disabilities should also be considered. These may require more space, using larger tents* **Based on the current festival site footprint and the outlined camping areas it would appear that there is unlikely to be sufficient camping space for the requested increase in numbers.** Again the event organiser has not provided enough information to assess this or demonstrate that there is sufficient capacity. Although this is not a licensable activity per se, the ability for event goers to camp on site is a prerequisite of an outdoor festival. Section 19.1 of the Purple Guide states *camping is no longer incidental and an alternative to other accommodation it is an integral part of the event. Camping should be provided within the defined event site and included in the event planning process.* **The amount of camping area is important as it will have an impact on public safety, as potential overcrowding in the camping areas may severely restrict emergency vehicular access around the site in the event of a fire, and may well increase the risk of minor injuries caused by slips and trips.**

Alternatively if the organisers intend to limit the number of camping weekend tickets to the available camping area, it must be assumed that there is likely to be a significant increase in the number of day ticket. This will have an impact on the local area as it may result in people leaving the site under the influence of alcohol, increase the risk of noise disturbance to local residents resulting from the increased vehicle movements late at night. The event organisers have not demonstrated in the variation application how they propose to manage these issues as part of the Licensing Objectives

Terrill Wolyn

Subject: FW: Valley Fest LSC - Additional Information
Attachments: Valley Fest - Response to Representation Recieved.pdf

From: Harad Smith [<mailto:harad@tarrenproduction.co.uk>]
Sent: 19 December 2018 13:09
To: Terrill Wolyn
Cc: 'Chris Tarren' (chris@tarrenproduction.co.uk); luke@valleyfest.co.uk
Subject: Re: Valley Fest LSC - Additional Information

Hi Terrill,

I hope you've had a good week.

Please find attached our response to the Representation ahead of the meeting tomorrow.

See you in the morning,

Harad

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Dear Committee,

Before the representation is formally responded to, there are multiple matters which should be noted.

Firstly, the representation stated that no consultation was given before the application was submitted. This is a false statement and the Licensing Officer can testify that a period was given before the submission. During this time, feedback was given from the Police and Fire Authorities. Advice was then taken from the Police Licensing Department, to amend the licensing conditions to better promote the four licensing objectives.

Secondly, no representation has been received by the Highways Department or from any Local Resident. While it must be acknowledged that any event of this nature will have an impact on the local infrastructure, it can be inferred that the lack of local representation is in keeping with the festival's own understanding that the community are behind the event and that the positive benefits outweigh the negative.

Finally, as stated in the event's Traffic Management Plan, Bristol Water have again granted permission to use their private access road, which enables the festival to queue cars off public highways and avoids conflict with existing traffic. Additionally, residents of Denny Lane will be given permits to display on their windscreens to ensure that their access isn't prohibited.

VALLEY FEST IN NUMBERS

Licensed Area

The Licensed Area, or "Main Arena" is close to 28,000 square meters, this is after a third of the area has been excluded for production and the additional site infrastructure required for an increased capacity. Using the model outlined in the Purple Guide that 0.5m² should be allowed per person, it's evident that the site has ample space to comfortably accommodate 9,999 audience and staff.

Car Parking & Campervans

The two car parking areas identified on the plan, accessed via Green Gate, can accommodate 3200 cars. Using the model of 2.5 persons per car, this equates to 8000 audience members. This calculation has been questioned but is an industry recognised number used by most event organisers, councils and highway departments.

The plan for 2019 is to utilise 6.25 acres of this field for the campervan area, which will equate to 500 vehicles. Conservatively working on a rate of 3 persons per vehicle, this will allow space for 1,500 audience members.

While this will reduce the car parking space to only 9.75 acres, accommodating 1,980 cars and 4,875 guests, the field on the other side of Denny Lane, marked as Brown Gate, will also be used. At more than double the size of the current car parking area, it will easily provide space for the remaining 3,624 attendees, including staff and artists, were the event to reach the full 9,999 capacity.

While the event must accept that the majority of people will drive to Valley Fest, due to its rural location and limited public transport, there is more than sufficient space to accommodate 9,999 people. Additionally, the festival is again investigating a shuttle bus service from Bristol, as well as looking at lift share and cycle schemes.

Valley Fest 2018

As stated in the received representation, the attendance in 2018 was close to the 4,999 capacity at its peak. So, in order to continue to grow the event, an increase is necessary.

For clarity, the event also makes an allowance for staff/artists/traders to be on site and is included within the capacity figures. As stated in the representation, this would have been 1,123 if all personnel were on site simultaneously in 2018. It is extremely improbable however, that this would have been the case due to the phased nature of the project (build period, live period, break period & artists only staying one day), so although an increased capacity will see a nominal increase of on-site staff, the allowance will remain more than sufficient in 2019.

INFORMATION SOURCES

Throughout the representation, the information sources provided in the Traffic Management Plan were questioned. This document is actually part of a wider body of work, which will be submitted as the 2019 Event Safety Management Plan (ESMP). However, an early version was submitted to the BANES officer upon request.

It is worth pointing out that the data quoted is accepted across the country by a large number of councils and authorities both in rural and urban locations. This includes Cornwall County Council and multiple London Boroughs. Most notably it is used to assess the impact of festival traffic at Boardmasters, an event that sees a capacity attendance of 55,000 and competes with Newquay holiday traffic during the busy summer season.

Additionally, the validity of the Traffic Risk Assessment has been questioned as the representative has seen it used for a previous event. The point must therefore be made that it is standard practise across the event and building industries to use similar Risk Assessments when the risks i.e. road traffic and vehicle management, will be very similar between projects, the Traffic Management Plan, is the document that is specifically tailored to the event.

Ref – Valley Festival – Variation to License Application 18/03096/LAPRE

Response to representation received.

Therefore, it is a clearly set president that these data sources and methods of working are widely accepted across the wider events industry and local authorities.

The monitoring of the HGV traffic has also been called into question, however in 2018, as per previous years, the Traffic Management Company suggests that this is less than 15% of traffic, and no evidence has been submitted to suggest it is more.

Likewise, the lack of congestion monitoring has been questioned, but as there was little / no congestion in previous years, it cannot be monitored and likewise, no evidence has been submitted to suggest this isn't the case.

It should be noted that the company used, have not only been part of the Valley Fest team for 5 years and so are extremely familiar with the event, it is also lead by extremely qualified personnel who have worked in the events industry for nearly 15 years specialising in Health & Safety and Traffic Management.

RELEVANCE TO THE APPLICATION

While the Production Team are happy to share any/all information with BANES when requested, the expectation is that the majority of discussion will take place during the SAGE meeting, once the 2019 ESMP has been submitted. They were even advised to remove this level of detail from the application, as it was deemed not to be a licensable activity.

It should be noted that a large portion of the representation questions activities that are not licensable activities. Most predominantly, it questions the camping provision.

Please note, that the split of tickets available (Weekend Camping / Day Tickets etc) will be calculated on a number of factors including; license granted, artist bookings and available space, which will be communicated to BANES as part of the 2019 ESMP. If necessary, camping numbers will be limited to the space available or additional camping fields will be added, but the decision will be made once the above factors are known.

Bath & North East Somerset Council

Agenda Item 8

V

Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 17 January 2019	
TITLE:	Application to Vary the Premises Licence for The Courtyard Café 3 Lilliput Court, Bath BA1 1ND	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application to Vary the Premises Licence	
Annex B	Current Premises Licence	
Annex C	Plan of Licensed Premises	
Annex D	Site Plan	
Annex E	Representations from Other Persons	

1 THE ISSUE

- 1.1 An application has been received for the Variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of The Courtyard Café 3 Lilliput Court, Bath BA1 1ND.

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

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

5 THE REPORT

- 5.1 An application has been received to vary an existing premises licence (Annex A).

- 5.2 The current premises licence is detailed at Annex B and authorises the sale of alcohol for consumption on premises only from 11:00 to 19:00 hours every day, with the premises closing 30 minutes thereafter.

- 5.3 The Variation application seeks later opening hours to be able to accommodate pre-booked events, or functions such as Secret Dinner Clubs and Tasting Events and as such proposes to:

- **Increase** the hours for the sale of alcohol to:

11:00 to 23:00 Every Day

- **Add** the following non-standard timing in relation to the sale of alcohol:

"From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day".

- **Increase** opening hours to:

08:00 – 23:30 Monday to Saturday

09:00 – 23:30 Sunday

- **Add** the following non-standard opening time:

"From opening time on New Year's Eve until normal closing time on New Year's Day".

- 5.4 The following **additional conditions** have been offered by the applicant within the operating schedule to promote the licensing objectives:

- There will be no bar at the premises at which person may consume alcohol;
- A record of all pre-booked events/functions held at the premises after 19:00 hours shall be maintained, kept at the premises and produced at the request of a police or licensing officer;
- The premises shall maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request;

- Signage requesting patrons to be considerate to neighbours and leave the premises quietly shall be conspicuously displayed at the entrances/exits;

5.5 A plan detailing the café and the external courtyard as the licensed premises is attached at Annex C.

5.6 A site plan is attached at Annex D.

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

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

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

5.8 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.

5.9 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.

5.10 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.

5.11 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, 15, 17-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised April 2017).
- c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.

5.12 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.

- 5.13 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.

If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.

On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 5.14 In accordance with the requirements of the Act copies of the application were served upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Health Authority and the Safeguarding Children and Young Persons Team.
- 5.15 The applicant was required to place a notice at the premises for a period of 28 days starting the day after the application was made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.16 **Nine representations** of objection were received from local residents, local businesses and the Abbey Residents' Association (Annex E). Some express concern that the applicant's proposals are likely to increase the nuisance already experienced when the café trades during the day, whilst many highlight the impact the applicant's proposals will have on the levels of noise and cigarette smoke currently experienced when the adjacent premises trades and utilises the courtyard until 23:30. They are concerned that the proposals within this application will have a detrimental effect on the following licensing objectives:

- The prevention of public nuisance; and
- Public safety

The Abbey Resident's Association reports that the applicant has failed to address sound proofing and sound transmission issues, or demonstrate proper management practices.

- 5.17 **No representations** were submitted by the Responsible Authorities.
- 5.18 The premise is situated within Bath's Cumulative Impact Area. As relevant representations have been received, BANES Council's Cumulative Impact Policy has been engaged, creating a rebuttable presumption that the application will be refused unless the applicant can demonstrate that the

proposals are not likely to add to the cumulative impact already experienced.

- 5.19 This report has not been sent to the Trades Union because they would have no involvement in this application.

6 RATIONALE

- 6.1 As a relevant representation has been received the Licensing 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.
- 8.2 Issues relating to Safeguarding have been considered in respect of this application.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and the 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 (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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; and B&NES Statement of Licensing Policy.
Contact person	Terrill Wolyn, Public Protection Officer (Licensing) 01225 39693

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/ The Lilliput Court Café Limited
We

(Insert name(s) of applicant)

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

Premises licence number 16/01816/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Courtyard Café 3 Lilliput Court, North Parade Passage			
Post town	Bath	Postcode	BA1 1ND

Telephone number at premises (if any)	01225 462 413
Non-domestic rateable value of premises	£ 14500

Part 2 – Applicant details

Daytime contact telephone number	+44 7967 048802		
E-mail address (optional)	info@courtyardbath.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

DD MM YYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Later opening hours to be able to accommodate pre-booked events or functions such as:

- Secret Dinner Clubs
- Tasting events

Increase in hours permitted to sell alcohol till 23:00.

No more than 25 persons expected per event.

There will not be a bar at the premises at which persons may consume alcohol

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

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3)**Please tick all that apply**

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

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

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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Thur					
Fri			<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 (please read guidance note 7)</u>		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 5)		
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 6)		
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 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	X
				Off the premises	
				Both	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	<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 7) From normal Activity start time on New Year's EVE until normal activity finish time on New Year's Day.		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	8:00	23:30	
Tue	8:00	23:30	
Wed	8:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Thur	8:00	23:30	
Fri	8:00	23:30	
Sat	8:00	23:30	
Sun	9:00	23:30	From opening time on New Year's Eve until normal activity closing time on New Year's Day.

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

Please tick as appropriate

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Electronic application - to be returned to Licencing under separate cover

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

There will be no bar at the premises at which persons may consume alcohol

A record of all pre-booked events/functions held at the premises any time after 19:00 hours, shall be maintained, kept at the premises and produced at the request of a police or licensing officer

The premises will maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request.

Signage requesting patrons to be considerate to neighbours and leave the premises quietly shall be conspicuously displayed at entrances/exits

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee; or
 I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I understand that I must now advertise my application.

I have enclosed the premises licence or relevant part of it or explanation.

I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Harald Eric Bret
Date	21/11/2018
Capacity	Director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	16/01816/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

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

Courtyard Cafe
3 Lilliput Court
Bath
BA1 1ND

Telephone number 01225 462413

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Every Day 11:00 - 19:00

The opening hours of the premises

Monday to Saturday 08:00 - 19:30
Sunday 09:00 - 19:30

From normal opening time on New Year's Eve until normal opening time on 1 January.

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

Alcohol is supplied for consumption on the premises

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

The Lilliput Court Cafe Ltd
 2 Saville Row
 Bath
 BA1 2QP

info@commonroombath.co.uk

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

Registered Business Number - 09975728

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

Mr Harald Eric Bret
 35 Belvedere
 Bath
 BA1 5HR

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

06/02055/LAPER
 Bath & North East Somerset Council

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

Signed for and on behalf of
 Bath & North East Somerset Council:

Dated 3 June 2016

Bath & North East Somerset Council

Annex 1 – Mandatory conditions

Mandatory conditions in respect of premises supplying alcohol for consumption on the premises only, or both on and off the premises:

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

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

where:

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

(a)* 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991(c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act

Bath & North East Somerset Council

1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

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

From 1 October 2014:

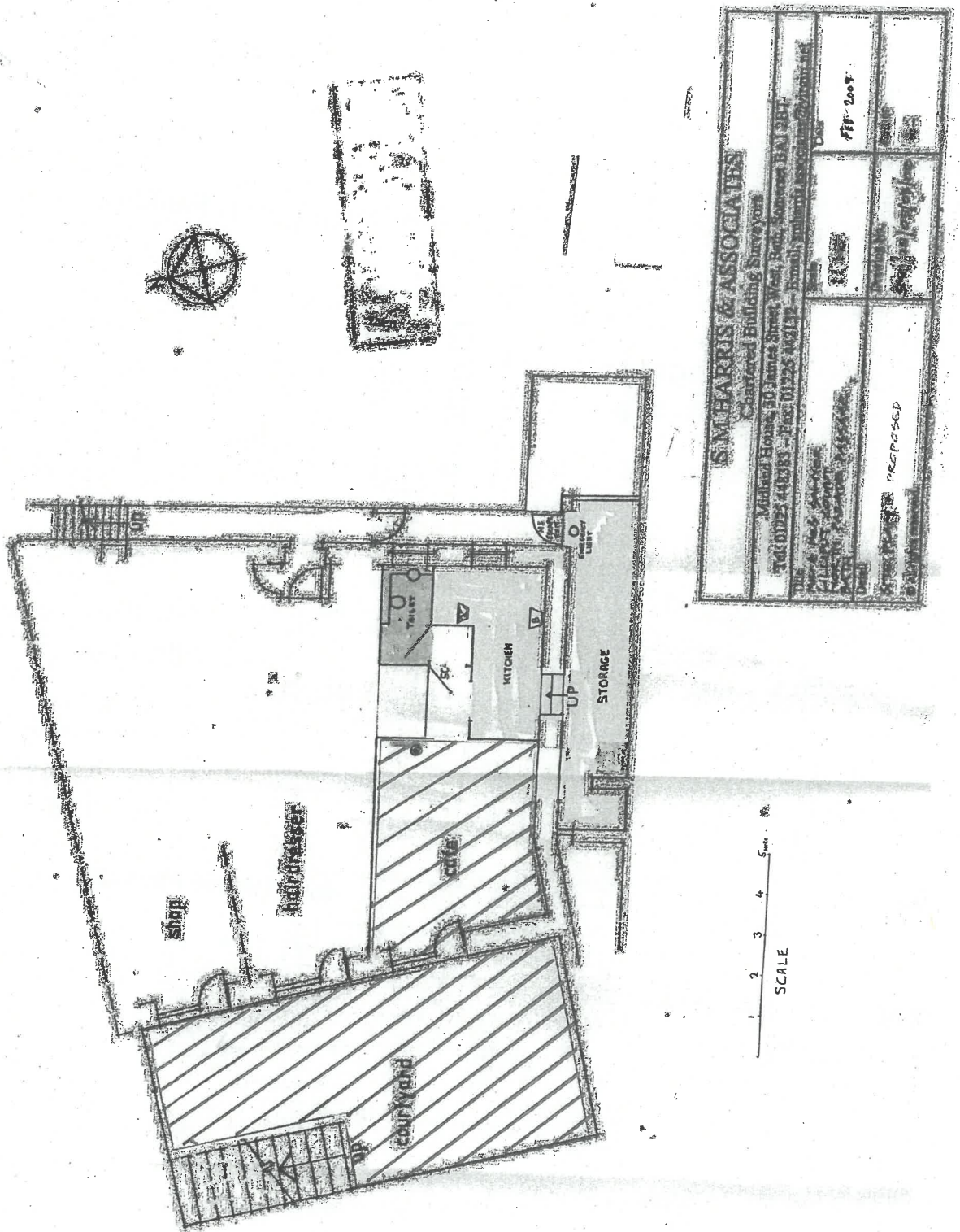
The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

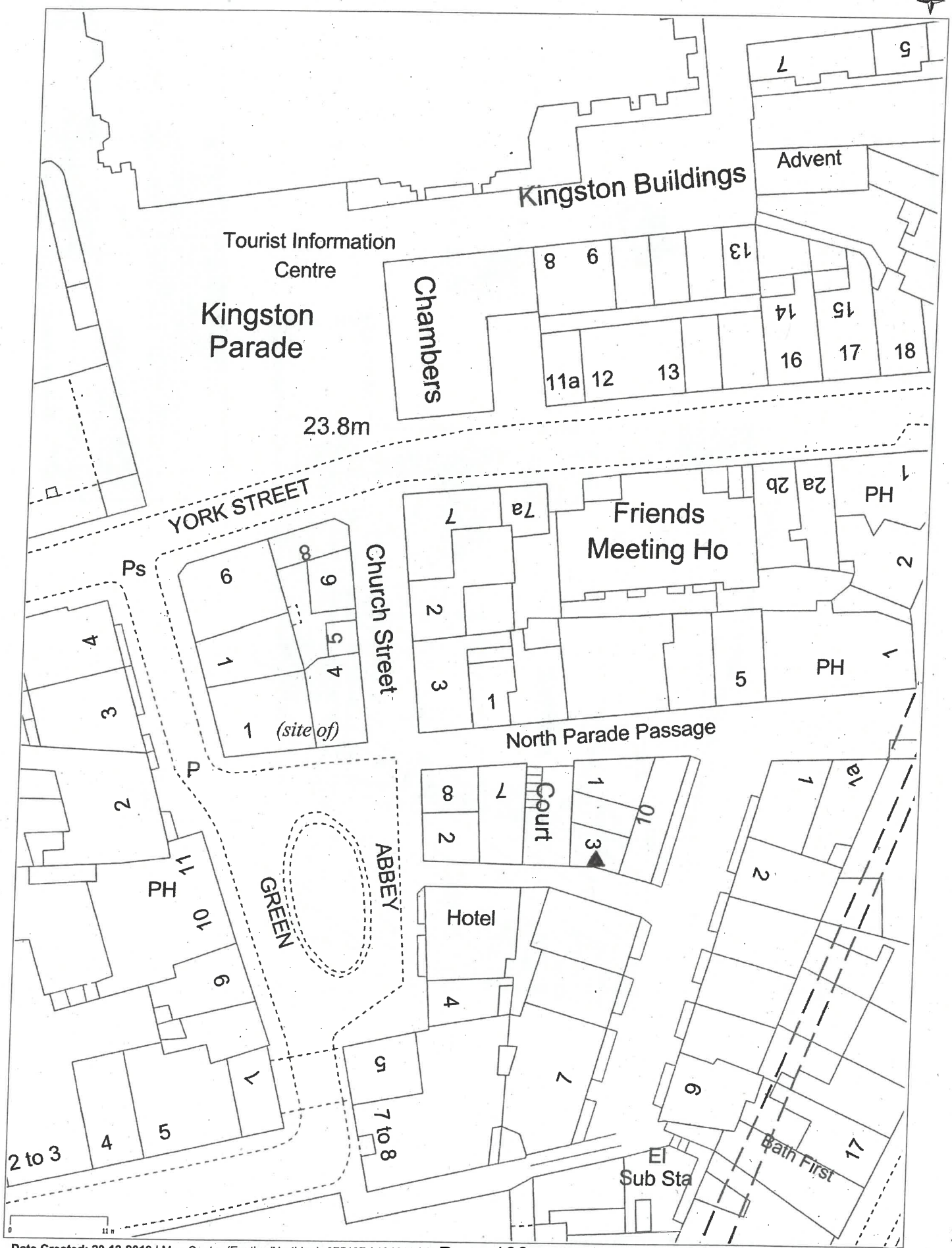
1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar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

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

Annex 4 – Plans

As submitted with application.





LICENSING ACT 2003

05 DEC 2018

INTERESTED PARTY REPRESENTATION

Received

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

I/We object to the following application:

Application number:	18/03302/LAPRE
Applicant's name:	HARRY BRET
Premises name and address:	3 Lilliput COURT, NORTH PARADE PASSAGE BATH BA1 1ND (NS)?
Application for a:	VARIATION OF PREMISES LICENCE

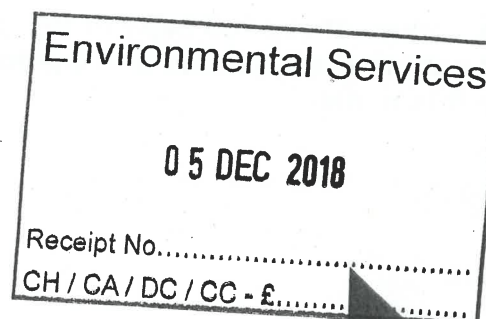
Objector Details:

Objector's Name:	CAROL HOLLIS
Objector's Address:	Horseshoe walk BATH BA2 6DE
Organisation name if applicable:	

Objection Details:

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

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



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

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

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

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

☐

Please refer to Attached letter

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

2/12/2018

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

CAROL HOLLIS. HORSESHOE WALK. BATH. BA2 6DE. 01225

Email.

Owner of flat Hamilton House. 10 North Parade Buildings Bath. BA1 1NS.

To - BATH & North East Somerset Council.

Licensing services, (copies to health and safety, planning and environmental health)

Lewis House,

Manvers Street

Bath,

BA1 1JG

26th November 2018

Ref Notice of Application for Variation of a PREMISES LICENCE.

Address. 3 Lilliput Court, North Parade Passage Bath BA1 1ND (NS)?

With regard to Supply of Alcohol from 11:00 to 23:00 Monday to Sunday.

My objections and concerns are as follows:

Public Safety.

Is it sensible to increase the drinking time into the evenings in a location where the access is far from ideal. The only entrance will be via a flight of concrete steps into a basement courtyard, there is no wheelchair access and an incident involving a customer to the adjacent Hideout Whiskey Bar shows the risks.

It is my understanding that the licence is to include both inside and outside consumption of alcohol. What is the extent of the outside area intended for use as there is no demarcation between the café and the Hideout Whiskey bar?

This could well lead to excessive numbers of customers using a confined space with only one entrance.

Change of use.

As it stands, the café has the facilities to make and serve light lunches but does not have a kitchen large enough to produce evening meals. Therefore is the café to change its status to that of a bar? If this is the intention will it need planning for change of use?

Noise.

It should be pointed out that the nature of this building is such that the distance from the basement, both Hideout Whiskey Bar and the café ceilings and the floor above which is residential accommodations, is a matter of inches with no adequate sound proofing between ceiling and floor. Which means the sound generated is substantial enough to prevent residents from sleeping until after midnight seven nights a week. The nature of the enclosed courtyard, which is a stone, concrete bowl, means that the noise from people using the courtyard carries up the building and effects not only the ground floor but the entire house coupled with the excessive cigarette smoke generated outside makes it impossible to open those windows directly overlooking the courtyard.

This is a grade two listed building and therefore there is no possibility of double glazing being allowed. And the windows we do have means that smoke infiltrates which forces all residents including children, to become passive smokers.

Whereas cooking smells are acceptable during the day coupled with the smoke at night it will become untenable.

Flat 1 has been run as a holiday let business for the past eight years and until the licensing of the Hideout Whiskey Bar was very successful. However since then, it has been harder to find customers other than those who come for two night stays wishing to partake in the Bath night life.

Our letting agent refused to carry on letting the property for us as they said it would not be good for their business due to the ongoing noise and disturbance from the Hideout Whiskey bar. We have now had to handle the letting ourselves which we did not want to do.

Our letting brings in a lot of tourists to Bath boosting the local economy but we now feel our business is in jeopardy. We continue to try and find a replacement holiday letting agent but so far this has not been possible.

If the noise level and disturbance escalates, which it most certainly will should there be a further alcohol licensed establishment in the basement, we feel that it will become unbearable.

One guest recently wrote in their review:

"As prepared as we thought we could be for the noise of the bar below, we were not."

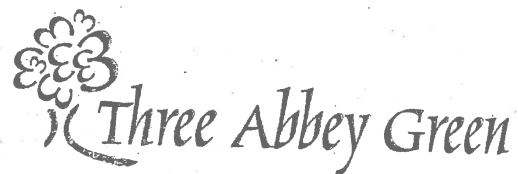
I must say that the Landlord of the bar has been very considerate and does reduce the music when asked and has made a good attempt at soundproofing. Unfortunately however it is not possible to prevent music and general noise as well as vibration from the speakers, penetrating into the premises by way of the stairwell from the bar, due to there being only a thin wall partition in place which dates back to the 1970s when the building was sectioned off into apartments for residential use.

When purchasing our apartments, each of us signed our lease which stated that no alcohol must be served or sold on the premises. It is a mystery to me how we now see that this would seem to have no standing.

I look forward to your reply,

Kind regards,

Caról Hollis.



Three Abbey Green
Bath BA1 1NW

Tel +44 (0)1225 428558

Fax +44 (0)1225 316669

stay@threeabbeygreen.com

www.threeabbeygreen.com

Bath And North East
Somerset Council

06 DEC 2018

Received

05 December 2018

To whomever it may concern,

Re: Licensing Application 18/03302/LAPRE

We own Three Abbey Green, a B&B which has been trading for 15 years. We are very concerned about the application for an extended licence, seven days a week in the café. One of our rooms overlooks Lilliput Court. Sound travels easily within the confines of these Georgian houses. We offer high quality accommodation and expect to be able to ensure that noise is kept to minimum, so our guests can sleep well.

We believe a late licence in the vicinity of our business will have a negative effect on the overlooking room, but also on the entire guest house. People will be leaving late from the premise, are likely to have imbibed and will be noisy. If they loiter, they may well disturb all our guests, especially if they pass through Abbey Green on their way home.

There are already two pubs, several restaurants and a drinking establishment in this small area, which fortunately are managed well, most of the time. The area is fairly residential, so any potential addition to the noise levels would not be welcome, either to our guests or the local residents.

I hope that you will not grant this license and leave this establishment as it is, currently an asset to the area, as a daytime food venue.

Yours sincerely,

Nici and Alan Jones

Proprietors of Three Abbey Green

The Garden Apartment

Abbey Street

Bath

BA1 1NN

Bath And North East
Somerset Council

06 DEC 2018

05 December 2018

Received

To whomever it may concern,

Re: Licensing Application 18/03302/LAPRE

We live just off Abbey Green. Sound travels easily within the confines of these Georgian houses. We believe a late licence in the vicinity of our home will have a negative effect on our quality of life, particularly sleep. People will be leaving late from the premise, are likely to have imbibed and will be noisy. If they loiter, they may well disturb us, especially if they pass through Abbey Green on their way home.

There are already two pubs, several restaurants and a drinking establishment in this small area, which fortunately are managed well, most of the time. The area is fairly residential, so any potential addition to the noise levels (which can be quite intrusive) would not be welcome.

I hope that you will not grant this license and leave this establishment as it is, currently an asset to the area, as a daytime food venue. We are concerned that if a late license is granted, it might enable the future possibility of a late night, club type, venue in Lilliput Court, something which would have major implications for the surrounding residents and businesses.

Yours sincerely,



Nici and Alan Jones

LICENSING ACT 2003

10 DEC 2018

INTERESTED PARTY REPRESENTATION

Received

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

I/We object to the following application:

Application number:	16/01816 / LAPRE
Applicant's name:	Lilliput Court Cafe Limited
Premises name and address:	3 Lilliput Court Bath BA1 1ND
Application for a:	Supply of alcohol from 11:00 to 23:00 Monday to Sunday. Premise to close at 11:30 each day

Objector Details:

Objector's Name:	CATHERINE BOOTH
Objector's Address:	7 Flat HAMILTON HSC. 10 Nth. PARADE BLDG. BATH BA1 1NS
Organisation name if applicable:	—

Objection Details:

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

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

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

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

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

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

1. BEDROOM NOISE
- I own and live with my husband in the two roomed flat directly above The Lilliput Cafe. I am already deeply concerned about the noise coming up through the cafe ceiling during daytime opening hours. There is a repetitive bass vibration & drumming sound.
- I have asked staff to turn down the volume. They replied that it is a business and that they need music to attract customers. There is no concern for the people living above the cafe. The sound continues to vibrate through their ceiling / my floor on a daily basis.
- If their application to extend the licence to 11:00 / 11:30 pm is granted, this distressing noise will continue after 7:00 pm the present closing time until well after my bed time.
- I am in my 70's and go to bed between 10:00 - 10:30 pm. It will mean lying awake until 11:30 pm, powerless to do anything about the loud music vibrations in my bedroom.
- No 2. →

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

7th December 2018

Contact telephone number(s)

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

2 Courtyard Noise

The noise from the courtyard is a nightly occurrence. It begins as conversation noise. I accept this as part of living in a city centre. However, noise that begins as conversation increases with numbers and the amount of alcohol consumed. It is distressing for me as there is no possibility of sleep until after 11:30 pm.

I lay in bed last night at 10:30 pm and even though it was a cold damp night, December 6th 2018, the noise from the courtyard was very loud. This will be repeated tonight and every night. Worst of all are summer nights.

I am deeply concerned as opening The Lilliput Cafe (part of the same business as the Whiskey Bar) directly below my flat after 7:00 pm, continuing to 11:30 pm will significantly increase the numbers

drinking alcohol in the courtyard and so the noise generated. The outside under canopy electric pipes will encourage and prolong this.

The courtyard, surrounded by stone walls is a sound box. Allowing this application to pass will greatly add to the noise generated on a nightly basis. It is already hard to bear.

the noise from the courtyard as customers will continue drinking in the Whiskey Bar and its courtyard (same business), it would at least stop the music vibrating into my bedroom after 10:30 pm

5. I ask for a further restriction to 10:00 pm be imposed in the cafe for the use of music systems.

Yours Sincerely

I ask you to reject this application in its totality.

If you are minded to grant it, I would ask you to consider these conditions which would mitigate the impact of the noise.

1. That the noise should not be audible in the noise sensitive area of my flat, the bedroom.

2. That music be turned down to an acceptable level.

That the base level be turned down

3. That ^{Quality} good, effective noise insulation be put in place in 3 Lilliput Court immediately

4. That you consider an earlier cut off point 10:00 - 10:30 pm
Even though this will not mitigate

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:	16/01816/LAPRE
Applicant's name:	The Lilliput Court Café Limited
Premises name and address:	The Courtyard Café 3 Lilliput Court North Parade Passage BATH BA1 1ND
Application for a:	To vary a premises licence

Objector Details:

Objector's Name:	Mr & Mrs M Snowden
Objector's Address:	Flat Hamilton House 10 North Parade Buildings Bath BA1 1NS
Organisation name if applicable:	N/A

Objection Details:

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

- | | |
|----------------------------------|-------------------------------------|
| Prevention of crime and disorder | <input type="checkbox"/> |
| Prevention of public nuisance | <input checked="" type="checkbox"/> |
| Protection of children from harm | <input type="checkbox"/> |
| Public safety | <input checked="" type="checkbox"/> |

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

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

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

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



1. My wife and I have owned Flat Hamilton House since Dec 2004. Flat is on the 3rd floor of Hamilton House; the Courtyard Café is located in the lower ground floor of Hamilton House and opens onto Lilliput Court (the courtyard, which is situated at the rear of Hamilton House. Our bedroom window overlooks Lilliput Court.

2. We object to the extension of the licensing hours for the Courtyard Cafe with regard to the prevention of nuisance and public safety and request that the application is rejected to protect the amenity of the residents of Hamilton House. It should also be noted that I have not been able to find any evidence to show that the Courtyard Café has planning permission to operate until 23.30 hrs or for 36 hours as requested for New Year.

3. All the issues raised in this objection are not specific to the application by the Courtyard Café. These issues would have been raised against the licensing requests made by the Hideout bar, which is also located in the lower ground floor, but due to shortcomings with the notification of the applications by the Hideout, we did not have the opportunity to raise them at the time.

PREVENTION OF PUBLIC NUISANCE

4. PROTECT AMENITY OF RESIDENTS - NOISE We and our neighbours are extremely concerned about the noise that will be generated by the extended licensing hours and the impact it will have on the amenity of the residents on all floors of Hamilton House. This is noise generated both inside the premises and outside on the courtyard. The following factors must be considered:

a. Outside noise during the evening – The conversations of customers outside on the courtyard will be heard in the bedrooms of the flats that are adjacent to the courtyard. A very significant issue on warm evenings when windows are open and people use the outside space, due to the intimate nature of the inside of premises. Still an issue during the winter although customers would be expected to be inside, experience with the Hideout has shown that people still spend time outside and generate noise. This is exacerbated by the use of the courtyard as a smoking area. Conversation on courtyard clearly heard 23.03 hrs 09/09/2017.

b. Outside noise at and after closing time - Here the noise generated by customers will have a significant impact as all customers have to leave by the courtyard steps. Again experience from the Hideout has shown that 23.30 hrs is the time customers start to leave,

not the time by which all customers have left the premises. Customers were observed standing talking on the courtyard at 23.38 hrs on 04/05/18, at 23.56 hrs on 10/08/17. Use of the courtyard continued until 23.57 hrs on 22/9/17.

c. Outside surroundings – Lilliput Courtyard is a concrete/stone bowl which retains the noise generated by conversations and projects it upwards. I have been able to hear conversations whilst in the bathroom on the top floor which does not directly overlook the courtyard. Unlike noise generated by pedestrians on North Parade passage which is transient in nature, customers will remain outside in the courtyard for significant periods of time producing a constant noise. It is understood that people find it hard to understand how noise from the basement can be a nuisance to people on the 3rd floor. The loud nature of some conversations between people drinking certainly can be clearly heard on the third floor at the rear of Hamilton House due to the sound box acoustics of the courtyard.

5. The application plays lip service to the issue of outside noise contrary to the requirements of the BANES Licensing Policy 16.17.5 as it only considers the noise generated by patrons leaving the premises. This would be fine if the application were only for inside the café however, as stated earlier, it is our understanding that the application also covers the use of the courtyard and there is no mitigation proposed to control noise in this area. It would also appear that the application has not taken account of the issue of noise generated inside the café affecting the flats directly above.

6. **PROTECT AMENITY OF RESIDENTS - AIR QUALITY** Air quality concerns fall into 2 categories, the smells generated by cooking and passive smoking risks:

a. **Passive Smoking** - As smoking will not be permitted inside the café any smoking has to take place in the courtyard, this is directly underneath the bedroom windows for the flats above. If the windows are open, even a small amount the impact of passive smoking in the bedrooms is significant. Even with the windows closed smoke can still enter the flats as, due to the Grade II listing of Hamilton House, it is not possible to fit modern airtight windows.

b. **Cooking Smells** – The cooking smells generated by day by the café are noticeable but considered acceptable however if they were to continue late into the evening they would again significantly impact the amenity of the residents above.

PUBLIC SAFETY

7. It is not clear from the application, but it is understood, that the licence is to include consumption of alcohol both inside the café and outside on Lilliput Court. There is no obvious demarcation on the courtyard between the cafe and whiskey bar. This has not been an issue to date as the main opening times for both have been different but, with extended hours for the café, both establishments will be using the courtyard at the same time possibly leading to excessive numbers using a confined space with only one entrance. The application states that no more than 25 people are expected per event but sets no limit. An increase in people using the courtyard increases the risk and people have been seen sitting on the steps drinking, further increasing the risk of accident. Picture of people sitting on steps.

8. It is not sensible to increase the drinking time into the evening in a location where the access is far from ideal. The entrance to the courtyard is via a flight of concrete steps.

An incident earlier this year on the steps, involving a customer to the adjacent Hideout, required attendance by the Ambulance services indicating this is a real risk.

9. If candles are used to enhance the ambiance of the establishment without proper precautions there is a possible fire risk. Fire prevention and alarm systems are installed however use of naked flames, if not properly managed, will significantly increase the fire risk, to both the basement and the whole of Hamilton House. There already has been an issue with inappropriate use of candles at the Hideout.

10. Section M of the application does nothing to address these issues to promote public safety.

CONCLUSION

11. Another bar/club in the courtyard is very intense use of a small area for very similar activity and will significantly increase the noise signature of the courtyard. We ask that the licence extension is not granted. If however the committee is minded to grant the extension then a restriction on the use of the courtyard for outside drinking after 22.00 hrs should be imposed. This will help reduce nuisance noise when residents are trying to sleep.

12. Our comments are not based on supposition of what might happen, they are based on experience from the Hideout which is run by the same company that run the Courtyard Café.

13. I will present a collection of images and video to support the claims on noise, hours of use and sitting on steps at the committee hearing.

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 Snowden

Date

10/12/2018

Contact telephone number(s)

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

- NOT TO BE DISCLOSED

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 M Snowden

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

I will be represented at the hearing by

I will be calling the following witness(es):

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

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

Form to be returned to:

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

WEST of ENGLAND
ESTATE MANAGEMENT COMPANY LIMITED
 Incorporating West of England Residential Lettings



Our Ref: M075.010

Your Ref:

Date: 11 December 2018

Licensing Team
 Public Protection & Health Improvement Service
 Lewis House
 Manvers Street
 BATH BA1 1JG

Bath And North East
 Somerset Council

13 DEC 2018

Dear Sirs

Received

Re: Farbridge Properties (Bath) Limited
16/01816/LAPRE

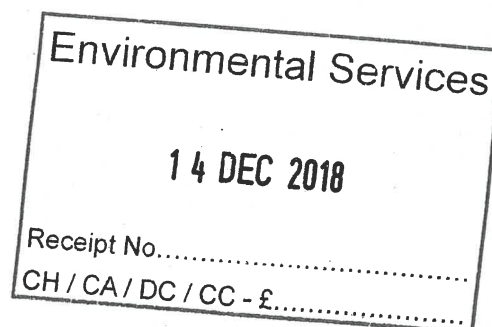
On behalf of our above client Company we hereby submit an Interested Party Representation form with additional sheet showing graphics.

Yours faithfully

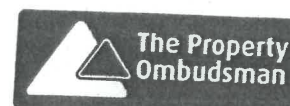
Martin Perry FIRPM
 Director

Enc

cc: M Snowden



Director: P. M. Perry MA (Cantab) FIRPM
 Registered in England No. 150 1973 VAT No. 501 6356 79
 E-mail: management@westofenglandestates.co.uk
 Tel: (01225) 485910
 1Belmont, Bath, BA1 5DZ



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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:	16/01816/LAPRE
Applicant's name:	The Lilliput Court Café Limited
Premises name and address:	The Courtyard Café 3 Lilliput Court North Parade Passage BATH BA1 1ND
Application for a:	To vary a premises licence

Objector Details:

Objector's Name:	Farbridge Properties (Bath) Limited
Objector's Address:	C/O West Of England Estate Management Co Ltd 1 Belmont Bath BA1 5DZ
Organisation name if applicable:	Farbridge Properties (Bath) Limited

Objection Details:

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

- | | |
|----------------------------------|-------------------------------------|
| Prevention of crime and disorder | <input type="checkbox"/> |
| Prevention of public nuisance | <input checked="" type="checkbox"/> |
| Protection of children from harm | <input type="checkbox"/> |
| Public safety | <input checked="" type="checkbox"/> |

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

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

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

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



1. The Courtyard Café is located in the basement of Hamilton House and opens onto Lilliput Court (the courtyard) which is situated at the rear of Hamilton House. (See attached graphic for locations). Hamilton House contains 9 flats with over 25 residents and interested parties, who could be adversely affected on a nightly basis by the activities of the commercial premises.

2. We are most grateful to the Licensing Department for ensuring that the notice for this application was moved to a prominent position. Hitherto it had been placed in a courtyard (basement) window with a sheet of paper partially covering it. Previous applications for the other premises in the courtyard, run by the same operatives, were placed in similar, non-prominent positions, explaining why we were totally oblivious to the applications and did not raise any objections at the time. This is thus the first opportunity we have had to raise our objections to the proposed type of activity in the courtyard, but now our comments are based on the reality of the situation not on the fear of what might happen.

3. These facts need to be borne in mind when this latest application is considered and the Management Company request that the application is rejected to protect the amenity of the residents of Hamilton House.

PREVENTION OF PUBLIC NUISANCE

4. **PROTECT AMENITY OF RESIDENTS - NOISE** We are extremely concerned about the noise that will be generated by the extended licensing hours and the impact it will have on the amenity of the residents on all floors of Hamilton House. This is noise generated both inside the premises and outside on the courtyard and the following factors must be considered:

a. Outside noise during the evening – The conversations of customers outside on the courtyard will be heard in the bedrooms of the flats that look out onto the courtyard. A very significant issue on warm evenings when windows are open and people use the outside space due to the intimate nature of the inside of premises. Still an issue during the winter although customers would be expected to be inside. Experience with the Hideout has shown that people still spend time outside and generate noise. This is exacerbated by the use of the courtyard as a smoking area contrary to the requirements of the BANES Licensing Policy 16.17.10. See objections from individual flat owners for evidence.

b. Outside noise at closing time - Here the noise generated by customers will have a significant impact as all customers have to leave by the courtyard steps. Again experience from the Hideout has shown that 23.30 is the time customers start to leave, not the time by which all customers have left the premises. See objections from individual flat owners for evidence.

c. Noise after closing - We are also concerned about the management of noise after closing time. Experience has shown that, as noted above, the noise does not cease at 23.30. plus there is also the noise generated by the staff as they tidy up.

d. Outside surroundings - Lilliput Courtyard is a concrete/stone bowl which retains the noise generated by conversations and projects it upwards. Unlike noise generated by pedestrians on North Parade Passage which is transient in nature, customers will remain outside in the courtyard for significant periods of time producing a constant noise.

e. Inside Noise - When the basement of Hamilton House was developed as retail units their use as bars or cafes was not considered, as there appears to be little if any mitigation provided to prevent noise affecting the residential properties directly above. Experience has shown that conversations and the sound and low frequency base vibration from music systems in the café and bar impact the amenity of the residents directly above. The owners of the 2 ground floor flats have had to ask the staff in the premises below to reduce the volume or find different locations for the speakers but the issue has not gone away.

5. The application does not address most of the items listed in paragraph 16.17 of the Licensing Policy particularly point 5 - Outside areas to be cleared at a reasonable time (time to be stated) and point 10 - Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises. Both of these items have proved to be significant issues with the Hideout located adjacent to the café and the addition of more customers on Lilliput Court will only make matters significantly worse.

6. **PROTECT AMENITY OF RESIDENTS - AIR QUALITY** Air quality concerns fall into 2 categories, the smells generated by cooking and passive smoking risks:

a. Passive Smoking - As smoking will not be permitted inside the café any smoking has to take place in the courtyard, this is directly underneath the bedroom windows for the flats above. If the windows are open, even a small amount, the impact of passive smoking in the bedrooms is significant. Even with the windows closed smoke can still enter the flats as, due to the Grade II listing of Hamilton House, it is not possible to fit modern airtight windows.

b. Cooking Smells - The cooking smells generated by day by the café are noticeable but considered acceptable however if they were to continue late into the evening they would again significantly impact the amenity of the residents above.

7. Section M of the application does nothing to address the issue of passive smoking. By providing outside seating it is encouraging smoking outside creating the passive smoking environment by enticing smokers to drink there.

8. **PROTECT AMENITY OF BUSINESS** - Flat 1, located on the ground floor of Hamilton House directly above the Hideout bar and adjacent to the cafe, is a holiday rental and negative comment has been posted due to both internal and external noise from the

Hideout. This has undoubtedly led to business being lost and the owner had to change letting agent as her preferred agent would not accept the property due to the negative noise feedback. The owner also has grave concerns about the use of the flat as domestic accommodation due to the serious issues of noise, smoke, disruption etc directly into that flat. Additional noise from the café late in the evenings will only make this situation worse.

PUBLIC SAFETY

9. It is not clear from the application, but it is understood, that the licence is to include consumption of alcohol both inside the café and outside on Lilliput Court. There is no obvious demarcation on the courtyard between the cafe and whiskey bar. This has not been an issue to date as the main opening times for both have been different but, with extended hours for the café, both establishments will be using the courtyard leading to excessive numbers using a confined space with only one entrance. The application states that no more than 25 people are expected per event but sets no limit. How will this limit be managed by the 2 establishments?

10. The inclusion of a request for a licence from 11.00 on 31 Dec to 23.00 on 1 Jan (36 hours) is very alarming. The thought of all night drinking rings serious alarm bells and if allowed by the planning approval for the café surely must be contrary to the B&NES Alcohol Harm Reduction Strategy.

11. The Hideout uses candles to enhance the ambience of the establishment during the hours of darkness; if this is copied by the café the fire risk will increase. Fire prevention and alarm systems are installed however use of naked flames, if not properly managed, will significantly increase this risk, to both the basement but also the whole of Hamilton House. Robust fire prevention precautions and management must be put in place.

12. An increase to the numbers and opening hours into the evening in a location where the access is far from ideal has risks. The entrance to the Courtyard Cafe is via a flight of concrete steps down to the courtyard, there is no level access. An incident on the steps involving a customer to the adjacent Hideout required attendance by the Ambulance services and shows the risks. Increasing the numbers using the courtyard could lead to the consumption of alcohol on the stairs increasing the risk highlighted above.

13. Section M does nothing to address these issues to promote public safety.

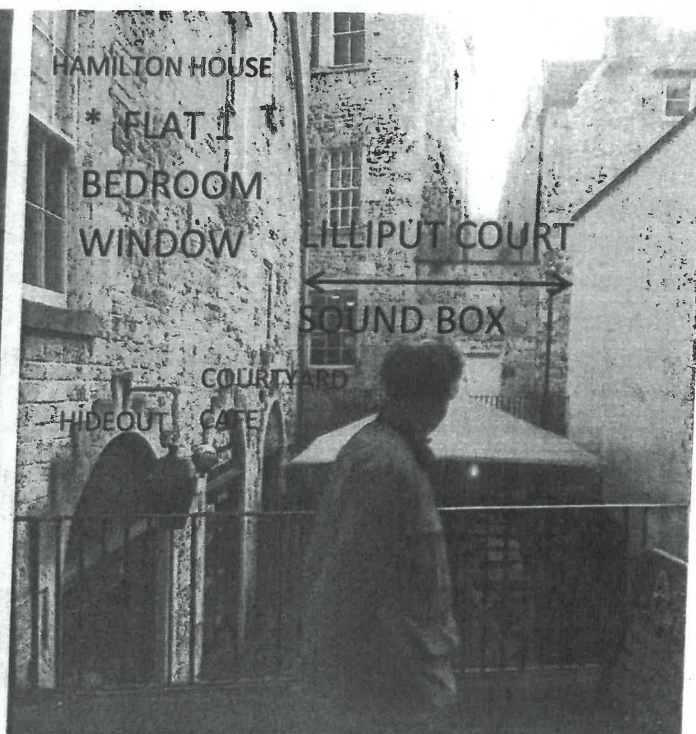
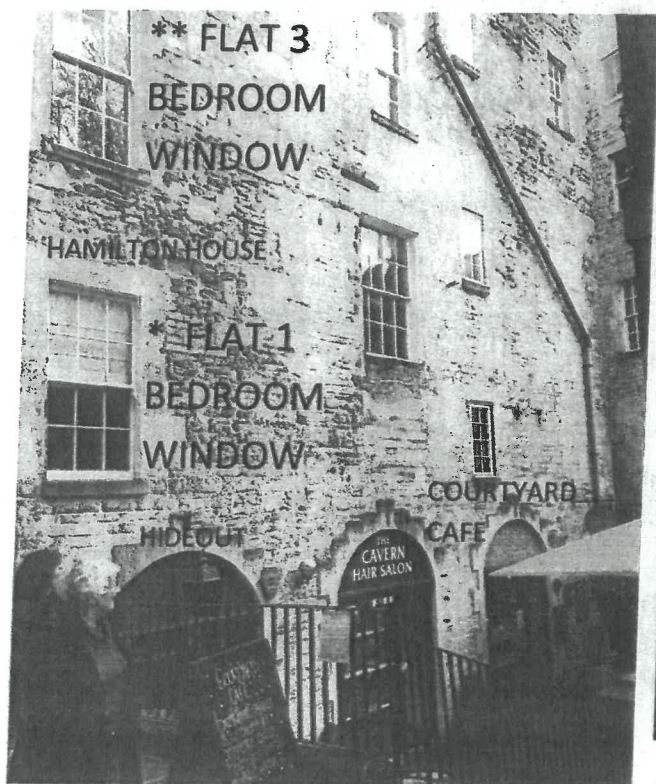
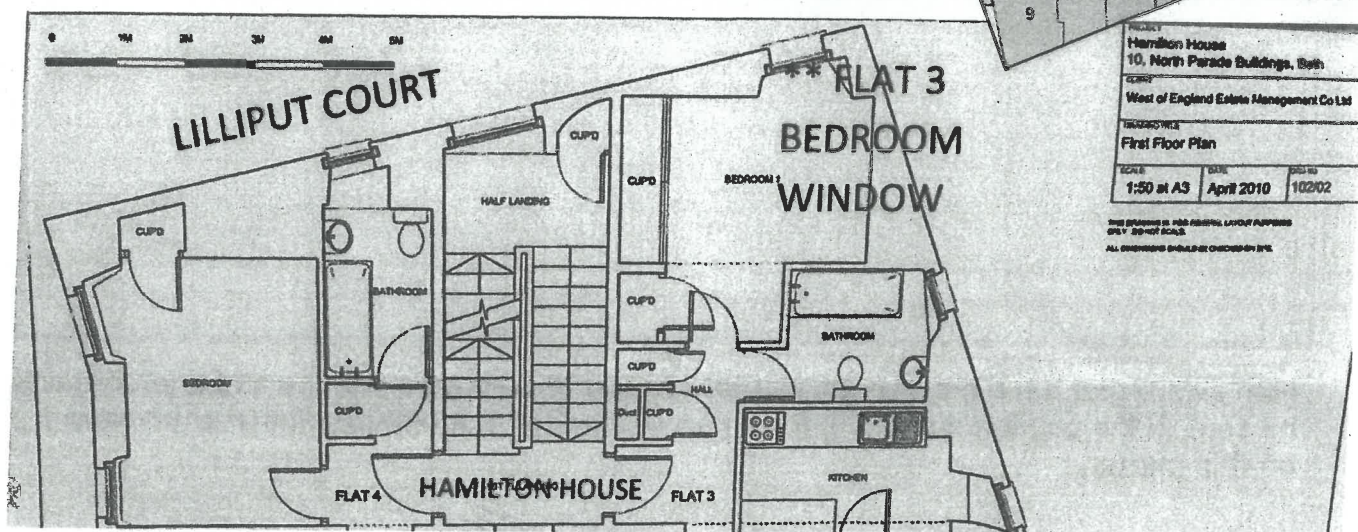
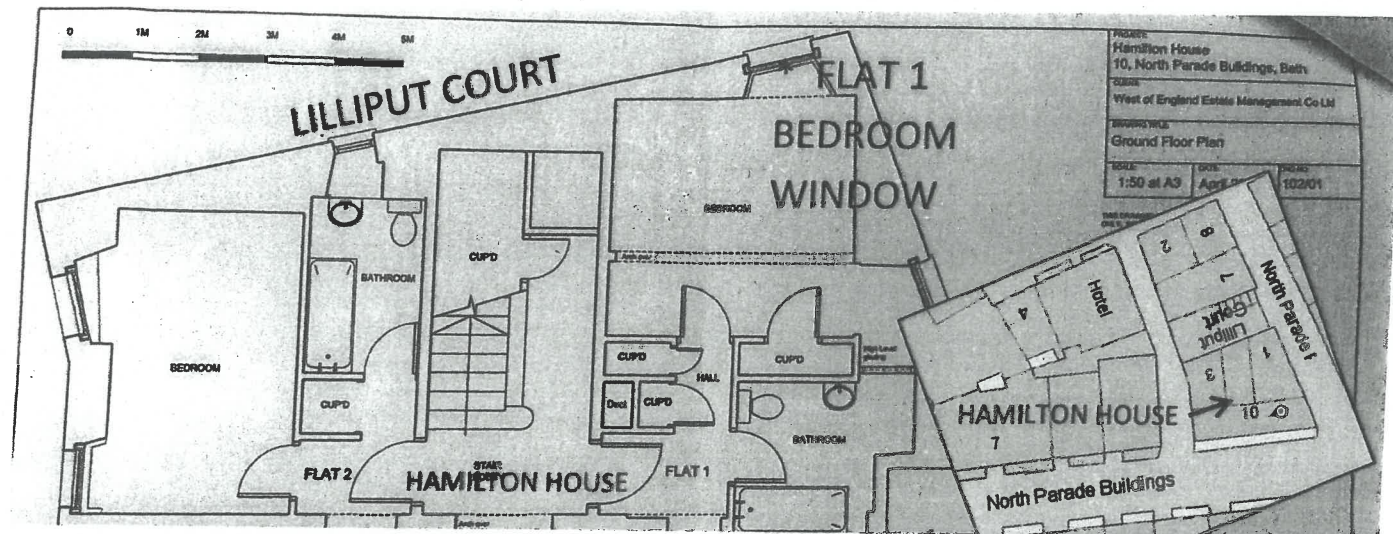
CONCLUSION

14. The management company of Hamilton House is not against the use and development of the retail outlets in Lilliput Court, but having suffered for 2 years with the existing problems we ask that the licence application be rejected in light of our experience and objections to protect public safety and the amenity of the residents of Hamilton House. We will be seeking a review of the Hideout licence in light of our experience to date.

15. Another establishment serving alcohol in the evening in Lilliput Court is very intense use of a small area for very similar activity and not in line with the cumulative impact policy.

16. The issues raised in this response are not things that might happen, they are based on the experience we already have from the impact of the operation of the Hideout bar.

20181210 Graphic for Farbridge Properties Bath Ltd - Representations interested party 601816LAPR



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 Snowden Director
Farbridge Properties (Bath) Limited

Date

10/12/2018

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

NOT TO BE DISCLOSED

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.

From: Philip Bouchard
Sent: 19 December 2018 00:02
To: Licensing
Subject: Re: Licensing Application No: 16/01816/LAPRE

Application number: 16/01816/LAPRE
 Applicant's name: The Lilliput Court Café Limited
 Premises name and address:
 The Courtyard Café 3 Lilliput Court North Parade Passage BATH
 BA1 1ND
 Application for a: To vary a premises licence

Objector Details:
 Objector's Name: Mr and Mrs P Dahan-Bouchard
 Objector's Address: Flat Hamilton House, 10 North Parade Buildings, Bath, BA11NS

Objection Details:
 Prevention of public nuisance
 Public Safety

1. My wife and I have owned Flat Hamilton since January 2000. We live on the First floor of the building and our bedroom overlooks the courtyard which houses the Courtyard Café and the Hideaway. Our window is approximately fifteen to twenty feet above the courtyard and directly over the entrance to the Hideaway.
2. We object to the extension of the licensing hours for the Courtyard Cafe with regard to the prevention of nuisance and public safety and request that the application is rejected.
3. Lilliput Court has always been a quiet place at night-time. During the daytime, the ambient noise of the city means that the sharper sounds of individuals talking in the courtyard is not particularly noticeable. However since the Hideaway bar opened, the nature of our experience has completely changed as at night-time there is no background noise and the sounds of individual conversations, laughter, arguments and the sounds of empty bottles being cleared away has echoed in what otherwise would be a very quiet environment. One of the residents, in his letter of objection, refers to the courtyard as a 'concrete/stone bowl which retains the noise generated by conversations and projects it upwards'. This is very much the case. As mentioned in paragraph 1 our bedroom overlooks the courtyard and this has meant that it has been difficult to get sleep until all noise has ceased.
4. We wonder also whether it might be the case that the night time conversations themselves are often much louder because of the

alcohol. There seems to be a real difference in the nature of daytime conversations when, on the one hand, people are having a quiet lunch or tea outside in the courtyard and then night time conversations when people are going out to have a good time and they are drinking alcohol. Somehow this seems to affect the volume at which they speak. It is difficult to explain and quantify but, living above it, it really is very noticeable and it is affecting our quality of life and that of other residents in the building.

5. As a result of our concerns, we recorded the noise on a number of occasions over a 30 day period during September and October last year. These were sent to the council and are a good example of the kind of noise generated by even a small group of people: 8th September 23:43hrs, 9th September 23:24hrs, 30th September 23:20hrs, 1st October 21:47hrs, 2nd October 23:35, 7th October 22:20hrs.
6. With these recordings it is evident that the Courtyard Café, with a greater volume of clients, would produce an even greater amount of echoing noise and exacerbate the problem even further.
7. We are also concerned about the problem with music being played too loudly in the premises. The building was built in 1742 and obviously was not designed for modern amplified music. The noise and vibrations from the music can travel up through the fabric of the building. Interestingly, there are times when the music might not even be played 'too loudly' and when, in fact, it might be virtually inaudible to the human ear and yet the intensity of the vibration can still be felt in the flats above. This is obviously something which is virtually impossible to monitor or quantify but there are times when it can be a very real problem. The difficulty is that this building was designed as a residential building in the Eighteenth Century for a single family (although there are now nine flats in the building, all of which are occupied) and these late night licences change the nature of what it means to be a resident in this beautiful old building. We feel we are now becoming hostage to commercial priorities in the form of noisy night time businesses in what has otherwise always been a very quiet residential area. This does impact on us negatively and at times can affect our quality of life. This is our first opportunity to state the case.

Philip Dahan-Bouchard and Belinda Dahan-Bouchard

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:	16/01816/LAPRE
Applicant's name:	The Lilliput Court Café Limited
Premises name and address:	The Courtyard Café 3 Lilliput Court North Parade Passage BATH BA1 1ND
Application for a:	To vary a premises licence

Objector Details:

Objector's Name:	M C Mackenzie
Objector's Address:	Hamilton House North Parade Buildings Bath
Organisation name if applicable:	

Objection Details:

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

- | | |
|----------------------------------|-------------------------------------|
| Prevention of crime and disorder | <input type="checkbox"/> |
| Prevention of public nuisance | <input checked="" type="checkbox"/> |
| Protection of children from harm | <input type="checkbox"/> |
| Public safety | <input checked="" type="checkbox"/> |

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

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

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

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

☐

1. The Courtyard Café is located in the basement of Hamilton House and opens onto Lilliput Court (the courtyard) which is situated at the rear of Hamilton House. (See attached graphic for locations). My family own 2 flats, lived in them for many years and a family member lives in one flat so we know the building very well and the bedrooms of the flats are at the back overlooking the premises and adversely affected on a nightly basis by the activities of the commercial premises.

2. We are most grateful to the Licensing Department for ensuring that the notice for this application was moved to a prominent position. Hitherto it had been placed in a courtyard (basement) window with a sheet of paper partially covering it. Previous applications for the other premises in the courtyard, run by the same operatives, were placed in similar, non-prominent positions, explaining why we were totally oblivious to the applications and did not raise any objections at the time. This is thus the first opportunity we have had to raise our objections to the proposed type of activity in the courtyard, but now our comments are based on the reality of the situation not on the fear of what might happen.

3. These facts need to be borne in mind when this latest application is considered and we want the application to be rejected to protect the amenity of the residents of Hamilton House.

PREVENTION OF PUBLIC NUISANCE

4. **PROTECT AMENITY OF RESIDENTS - NOISE** We are extremely concerned about the noise that will be generated by the extended licensing hours and the impact it will have on the amenity of the residents on all floors of Hamilton House. This is noise generated both inside the premises and outside on the courtyard and the following factors must be considered:

a. Outside noise during the evening – The conversations of customers outside on the courtyard will be heard in the bedrooms of the flats that look out onto the courtyard. A very significant issue on warm evenings when windows are open and people use the outside space due to the intimate nature of the inside of premises. Still an issue during the winter although customers would be expected to be inside. Experience with the Hideout has shown that people still spend time outside and generate noise. This is exacerbated by the use of the courtyard as a smoking area contrary to the requirements of the BANES Licensing Policy 16.17.10. See objections from individual flat owners for evidence.

- b. Outside noise at closing time - Here the noise generated by customers will have a significant impact as all customers have to leave by the courtyard steps. Again experience from the Hideout has shown that 23.30 is the time customers start to leave, not the time by which all customers have left the premises. See objections from individual flat owners for evidence.
 - c. Noise after closing - We are also concerned about the management of noise after closing time. Experience has shown that, as noted above, the noise does not cease at 23.30. plus there is also the noise generated by the staff as they tidy up.
 - d. Outside surroundings – Lilliput Courtyard is a concrete/stone bowl which retains the noise generated by conversations and projects it upwards. Unlike noise generated by pedestrians on North Parade Passage which is transient in nature, customers will remain outside in the courtyard for significant periods of time producing a constant noise.
 - e. Inside Noise - When the basement of Hamilton House was developed as retail units their use as bars or cafes was not considered, as there appears to be little if any mitigation provided to prevent noise affecting the residential properties directly above. Experience has shown that conversations and the sound and low frequency base vibration from music systems in the café and bar impact the amenity of the residents directly above. The owners of the 2 ground floor flats have had to ask the staff in the premises below to reduce the volume or find different locations for the speakers but the issue has not gone away.
5. The application does not address most of the items listed in paragraph 16.17 of the Licensing Policy particularly point 5 - Outside areas to be cleared at a reasonable time (time to be stated) and point 10 - Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises. Both of these items have proved to be significant issues with the Hideout located adjacent to the café and the addition of more customers on Lilliput Court will only make matters significantly worse.
6. **PROTECT AMENITY OF RESIDENTS - AIR QUALITY** Air quality concerns fall into 2 categories, the smells generated by cooking and passive smoking risks:
- a. Passive Smoking - As smoking will not be permitted inside the café any smoking has to take place in the courtyard, this is directly underneath the bedroom windows for the flats above. If the windows are open, even a small amount, the impact of passive smoking in the bedrooms is significant. Even with the windows closed smoke can still enter the flats as, due to the Grade II listing of Hamilton House, it is not possible to fit modern airtight windows.
 - b. Cooking Smells – The cooking smells generated by day by the café are noticeable but considered acceptable however if they were to continue late into the evening they would again significantly impact the amenity of the residents above.
7. Section M of the application does nothing to address the issue of passive smoking. By providing outside seating it is encouraging smoking outside creating the passive smoking environment by enticing smokers to drink there.
8. **PROTECT AMENITY OF BUSINESS** - Flat 1, located on the ground floor of Hamilton House directly above the Hideout bar and adjacent to the cafe, is a holiday rental and negative comment has been posted due to both internal and external noise from the

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Hideout. This has undoubtedly led to business being lost and the owner had to change letting agent as her preferred agent would not accept the property due to the negative noise feedback. The owner also has grave concerns about the use of the flat as domestic accommodation due to the serious issues of noise, smoke, disruption etc directly into that flat. Additional noise from the café late in the evenings will only make this situation worse.

PUBLIC SAFETY

9. It is not clear from the application, but it is understood, that the licence is to include consumption of alcohol both inside the café and outside on Lilliput Court. There is no obvious demarcation on the courtyard between the cafe and whiskey bar. This has not been an issue to date as the main opening times for both have been different but, with extended hours for the café, both establishments will be using the courtyard leading to excessive numbers using a confined space with only one entrance. The application states that no more than 25 people are expected per event but sets no limit. How will this limit be managed by the 2 establishments?

10. The inclusion of a request for a licence from 11.00 on 31 Dec to 23.00 on 1 Jan (36 hours) is very alarming. The thought of all night drinking rings serious alarm bells and if allowed by the planning approval for the café surely must be contrary to the B&NES Alcohol Harm Reduction Strategy.

11. The Hideout uses candles to enhance the ambience of the establishment during the hours of darkness; if this is copied by the café the fire risk will increase. Fire prevention and alarm systems are installed however use of naked flames, if not properly managed, will significantly increase this risk, to both the basement but also the whole of Hamilton House. Robust fire prevention precautions and management must be put in place.

12. An increase to the numbers and opening hours into the evening in a location where the access is far from ideal has risks. The entrance to the Courtyard Cafe is via a flight of concrete steps down to the courtyard, there is no level access. An incident on the steps involving a customer to the adjacent Hideout required attendance by the Ambulance services and shows the risks. Increasing the numbers using the courtyard could lead to the consumption of alcohol on the stairs increasing the risk highlighted above.

13. Section M does nothing to address these issues to promote public safety.

CONCLUSION

14. The management company of Hamilton House is not against the use and development of the retail outlets in Lilliput Court, but having suffered for 2 years with the existing problems we ask that the licence application be rejected in light of our experience and objections to protect public safety and the amenity of the residents of Hamilton House. We will be seeking a review of the Hideout licence in light of our experience to date.

15. Another establishment serving alcohol in the evening in Lilliput Court is very intense use of a small area for very similar activity and not in line with the cumulative impact policy.

16. The issues raised in this response are not things that might happen, they are based on the experience we already have from the impact of the operation of the Hideout bar.

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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

Sigbed Marion Caryn Mackenzie on her o

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 MArion Caryn Mackenzie

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

I will be represented at the hearing by _____

I will be calling the following witness(es):

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

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

Form to be returned to:

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

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

I/We object to the following application:

Application number:	18/03302/LAPRE
Applicant's name:	The Lilliput Court Cafe Ltd
Premises name and address:	Courtyard Cafe 3 Lilliput Court, Bath, BA1 1ND
Application for a:	Variation

Objector Details:

Objector's Name:	The Abbey Residents Association Ian Perkins
Objector's Address: <small>This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.</small>	George Street Bath BA1 1LA
Organisation name if applicable:	

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will form part of a public document prior to any hearing of this matter.

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

☐
☒
☐
☐

I/We object to this application being granted at all

☒

I/We object to the application being granted in its current form*

☐

* If you choose this option please tell us below what changes you would like to see.

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 also state if you consider a hearing to be unnecessary.

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.*

Founded in 2000, the Abbey Residents Association has about three hundred members including a number in area surrounding these premises and seeks to improve conditions for those living in the city centre.

We note that these premises are in the cumulative impact zone.

The premises are in a old building with all the sound proofing and sound transmission issues are created by Georgian building construction standards and techniques. Residents regularly report that the applicants have failed to address this challenge either through proper sound proofing or through proper management practices designed to reduce noise nuisance. Consequently all residents but particularly those directly above them, frequently report unacceptable noise in their premises.

These premises are very close to residential premises particularly the courtyard which is a source of both noise and smoke. One resident has windows less than 20 metres from the door from the courtyard to the interior. The design and construction of Lilliput Courtyard retains the noise generated by conversations and projects it upwards.

The proposed extension to hours in this application would considerably increase the already unsatisfactory levels of noise nuisance to which residents are currently subjected in an area which has already been impacted by a failure to meet the spirit if not the letter of the cumulative impact policy.

We therefore call on the committee to reject this application.

However, if the committee is minded to grant the application we would ask for additional conditions to be imposed as follows.

- All outdoor areas to be cleared within 15 minutes of closing
- No noise generated from the premises to be audible at the nearest noise sensitive premises
- Noise limiters to be fitted to all amplification systems set to levels agreed with

environmental health.

Signed

Ian Perkins

Date

18.12.18

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

I will 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>