

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 25th April, 2019, 10.00 am

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

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

84 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

85 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

86 DECLARATIONS OF INTEREST

Cllr Appleyard declared a non-pecuniary interest as a former member of Westfield Parish Council until four years ago. He said this would not influence his determination of the Parish Council's licensing application.

87 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

88 MINUTES OF THE MEETING OF 28 MARCH 2019

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

89 MINUTES OF THE MEETING OF 4 APRIL 2019

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

90 LICENSING PROCEDURE

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

91 APPLICATION FOR A PREMISES LICENCE FOR WESTHILL RECREATION GROUND, WESTHILL ROAD, WESTFIELD, RADSTOCK BA3 3TE

Applicant: Westfield Parish Council, represented by Lesley Close (Parish Clerk)

Responsible Authority: Avon and Somerset Police, represented by Geoff Cannon (Police Licensing Officer)

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

The Senior Public Protection Officer presented the report.

Ms Close stated the case for the applicant and was questioned by Members. She confirmed that the applicant accepted the additional conditions proposed by the Police.

Mr Cannon stated the case for the Police and was questioned by Members. He confirmed that the applicant had accepted the additional conditions proposed by the Police.

Decision and reasons

Members have determined an application for a new Premises Licence for the Westhill Recreation Ground, West Hill Road, Westfield, BA3 3TE. 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

Lesley Close as Parish Clerk on behalf of the applicant indicated that the premises licence is sought in relation to a Fun Day which is due to take place on one Sunday in the year from 1200 to 1600 hours. The licensable activities sought related to regulated entertainment in the form of live music, recorded music, performance of dance and anything of a similar description to those, to take place outdoors only. Ms Close confirmed verbally before members that the applicant was in agreement with the conditions proposed by the Police which they had found helpful and in relation to which, arrangements had already been made.

Interested Parties/Other Persons

There were no representations received from interested parties.

Responsible Authorities

The Police Licensing Officer Geoff Cannon, had made a representation that the applicant's proposals were likely to undermine all four licensing objectives and proposed conditions to mitigate those concerns which were at Annex C to the report to the Committee. Mr Cannon confirmed those representations orally before the committee.

Members

Members noted that the Licensing Act 2003 is a permissive regime that is intended to minimise the regulatory burden.

Members noted that there had been no representations from Other Persons but that there had been a representation from the Police as a Responsible Authority.

Members carefully considered the representations made by the Police that all four licensing objectives may be undermined by the proposed application and had regard to the proposed conditions to mitigate any potential impacts. Whilst the applicant had agreed to the conditions proposed by the police, Members were mindful that it was for them to decide ultimately, if a condition was appropriate and proportionate in the promotion of the licensing objectives.

In all the circumstances Members found the application to be reasonable however, they were satisfied that the licensing objectives would be promoted by conditions offered by the applicant and recommended by the police, subject to amendments described below. Members therefore resolve to approve the application with the imposition of conditions consistent with the operating schedule (as amended below), the Mandatory Conditions and the additional conditions recommended by the Police Licensing Officer (as amended below) which they considered to be appropriate and proportionate in the promotion of all four of the licensing objectives:

Conditions amended on operating schedule as follows:

‘The Parish Council tent shall clearly advertise a Lost Children Point’ shall be amended in accordance with the Police Licensing Officer’s recommendation to ‘The premises will operate a lost child and vulnerable adult procedure. All staff working at the event will be made aware of this procedure.’

Additional conditions recommended by the Police, agreed to by the applicant and approved by Members:

The organisers of the event to which this licence relates, will give the Police at least 2 months notification of the event taking place.

The organisers will also provide the police with a copy of the Event Management Plan at least 2 months in advance of the event taking place.

Identifiable trained First Aid staff will be on duty at all times when the event is open to the public.

There will be a minimum of 10 clearly identifiable stewards on duty at the premises during the time the event is open to the public.

Additional condition proposed by the Police but amended by Members on the grounds of appropriateness and proportionality:

There will be a minimum of 1 SIA trained security on duty at the premises during the times the event is open to the public.

Note

As the supply of alcohol is not sought as a licensable activity from the premises and the activities related to sale of alcohol from the Westhill Social Club relate to a

separate premises licence, Members do not impose any condition related to alcohol being taken onto the field as offered in the Operating Schedule.

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

The meeting ended at 11.09 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services