

Licensing Sub-Committee

Date: Thursday, 25th April, 2019

Time: 10.00 am

Venue: Council Chamber - Guildhall, Bath

Councillors: Les Kew, Rob Appleyard and Deirdre Horstmann

Chief Executive and other appropriate officers
Press and Public

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



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

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Licensing Sub-Committee - Thursday, 25th April, 2019

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. 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 THE MEETING OF 28 MARCH 2019 (Pages 5 - 12)

6. MINUTES OF THE MEETING OF 4 APRIL 2019 (Pages 13 - 22)

7. LICENSING PROCEDURE (Pages 23 - 26)

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

8. APPLICATION FOR A PREMISES LICENCE FOR WESTHILL RECREATION GROUND, WESTHILL ROAD, WESTFIELD, RADSTOCK BA3 3TE (Pages 27 - 60)

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, 28th March, 2019, 10.00 am

Councillors: Anthony Clarke (Chair), Rob Appleyard and Deirdre Horstmann

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

69 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

70 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Cllr Les Kew, for whom Cllr Anthony Clarke substituted.

71 DECLARATIONS OF INTEREST

There were none.

72 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

73 MINUTES OF PREVIOUS MEETING: 1ST MARCH 2019

The public and exempt minutes of the meeting of 1st March 2019 were approved as a correct record and signed by the Chair.

74 LICENSING PROCEDURE

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

75 APPLICATION FOR A PREMISES LICENCE FOR THE BIG SAM JAM, EVENT FIELD, WOODBOROUGH MILL BARN, WOOLLARD BS39 4JT

Applicant: Edwin Osborne (Premises Licence Holder) accompanied by Scott McKean (Outdoor Events Manager & Consultant).

Other persons: Paul Holmes, Sally Isles, Colin Taylor, Teresa Allward, Jonathan Cross (representing Anne Cross), Cllr Sally Davis (representing Sylvia Box)

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 8 “other persons”, which collectively related to all four of the licensing objectives, and a petition with 13 signatures relating to the

public nuisance and public safety licensing objectives had also been received. There had been no representations from the Responsible Authorities. Additional information from the parties had been circulated since the publication of the agenda.

Mr Edwin Osborne stated his case. He said that the event was a way for the Samaritans to raise money and increase awareness of the service they offer. The Samaritans provide a unique, 24/7, 365-days a year service. In 2018 there had been 5,821 recorded suicides. In the same year the Samaritans received five million calls, hundreds of thousands of texts and emails and held thousands of face-to-face meetings with clients. All profits from the event would go to the Samaritans. Similar events had been held for the Samaritans elsewhere over the past seven years. The planned event is similar in size and structure to those held previously, which, however, had been held in a smaller field than designated for the Big Sam Jam.

Mr Osborne said that he had run several smaller events on the proposed venue for a number of years for various charities, and he had run other events in other areas. He had run pubs and clubs, a restaurant in Bristol, and had been involved in running a greyhound stadium and in the operation of horse-race tracks for very large events. He did therefore possess considerable relevant experience. However, he had no experience in running a music festival, which is the reason that additional help had been engaged, including Mr McKean, who is involved in the preparation of the event management plan. Three companies specialising in festivals had submitted proposals. A contract had been made with a company whose owner is a resident of the village to supply stage equipment. Another contract has been made for refuse collection and recycling. Quotations had been received from St John's ambulance and two other contractors for first aid. A contract had been made for power generation and several quotes had been received from specialist companies for fencing. The proposed event is relatively small as music festivals go, and planning is at an early stage. The event management plan is a living document and aims to set out everything that will be needed to run the festival, including health and safety, on- and off-site traffic management and the management of volunteers, of whom there will be a considerable number.

In response to questions from Members Mr Osborne stated:

- Some volunteers will have the role of ensuring the safety of children; anyone with direct contact with children will be DBS checked.
- There will be a fence approximately ten feet away from the river adjacent to the site. The fence will keep people away from the river and provide a low backdrop to the stage.

At the invitation of the Deputy Team Leader (Legal) Mr Osborne addressed the representations made by the Other Persons. He said that there was no evidence that the licensing objective of the prevention of crime and disorder would be undermined. A relatively small family event with mixed music would be unlikely to promote criminal behaviour. He submitted that some representations had grossly exaggerated this; even larger commercial events do not have the level of crime that they feared. Some representations had implied that the level of stewarding would be insufficient, but it complied with the minimum level recommended by the Police. However, if a higher level seemed necessary after the completion of the event management plan, this would be provided.

There was no evidence that there would be a higher level of danger on the highways in the area because of the event. There was no evidence that cars in the car park would be more at risk of theft than cars in any other car park near a public road. The site would be fenced and access would be controlled and monitored. It had been suggested that a single event per year would constitute a change of use of the field from agricultural to festival use. He considered this a strange statement, and it had no relevance to the issue of public nuisance. The closure of the road through the village for four hours once a year to allow a race did not change the nature of the road. The application was for one Big Sam Jam event per year, not multiple events as wrongly stated by one of the representations. He did not believe that the site was too close to residential properties; the festival field is approximately 350 metres from the nearest road, on which there were three residences. His own house was the nearest to the site. He did not accept that the event was too big for the site; the car park could hold about 400 cars and 200 tents and the licensed area could hold, if necessary, over 5,000 people based on the footprints of similar family events. The event would be for about 800 people. The Shovel Rocks Festival was held on a field less than 10% of the size of that intended for the Big Sam Jam.

Some low-level noise from the PA system would be audible away from the site. He believed that a 23:00 terminal hour for regulated entertainment and a 02:00 terminal hour for the sale of alcohol were appropriate for this type of event and were supported by the Police. The event management plan made provision for waste collection and recycling. Glasses would not be used for the sale and supply of alcohol. It was not true that sewage would run off into the river, as suggested by a representation, and at least sixteen public urinals would be provided. There are four main entry points for the road network leading to the site: Pensford, Charlton Road, Compton Dando and Hunstrete. The event has been staggered to allow for lower traffic levels over the Friday and the Saturday. No bar will be available on the Sunday morning, in part to reduce the likelihood of guests all departing at the same time. There appeared no reason to believe that the event would have a detrimental effect on local farming or livestock. There will be a transport plan as part of the event management plan.

He addressed public safety. Stewarding levels had been set by the Police and would be reviewed as the event management plan developed. Stewards would be on duty for the whole of the event and not just when licensable activities were in progress. First aid would be provided by St John's Ambulance or a similar organisation. There would be a separate entrance, running through his own garden, for use by emergency vehicles. The river would be fenced and monitored by stewards. Vehicles would not be allowed to drive on the site except for entry, exit and parking. He submitted that there was no evidence that the event would encourage drunk driving: public houses operated in the area throughout the year and other festivals took place without particular problems. A camp fire would only be provided under suitable conditions, and would be managed as part of the event with a risk assessment in place. It would not be like the Guy Fawkes bonfires which took place at local public houses and there would be no fireworks. He could see no rationale for the suggestion that odours from catering would reach local residents or that visitors would trespass on neighbouring property.

In relation to the protection of children from harm, safeguards to prevent children from consuming or purchasing alcohol will be in place, including a Challenge 25

policy at the bar and training for stewards to monitor the activities of children. Procedures for drug testing will be agreed with the Police as part of the event management plan. B&NES guidelines for child protection will form part of the event management plan.

Questions from the other persons clarified that alcohol purchased within the licensed area could be taken outside of it in open or closed non-glassware containers, that visitors would not be permitted to bring their own alcohol into the premises, and that the terminal opening hour of 13:00 on Monday given in the Operating Schedule was an error, and that it should be 13:00 on Sunday.

In response to a question from the Deputy Team Leader (Legal) Mr Osborne confirmed that it was intended to operate a Challenge 25 policy, not a Challenge 21 policy as stated on the Operating Schedule. If the application were granted, he would be happy for Challenge 25 to be made a condition.

The Other Persons stated their cases.

Mr Holmes stated that his main concern was public safety. When the applicant had first contacted the parish council, he had no written public safety risk assessment. His plan had no mention of fire safety, or evidence that he had been in contact with the Fire and Rescue Service. The applicant had mentioned sanitation in his submission, but there was no written information about it. He had referred several times to the event management plan, which was not yet completed. He submitted that the event management plan needed to be part of the application for Members to be satisfied that the application was competently prepared. The Chair advised Mr Holmes that this was not the case, and that the event management plan did not have to form part of the application. The Senior Public Protection advised that the event management plan had to be approved by the other competent authorities before the event could go ahead. The application was copied to the Responsible Authorities, who could have made representations at today's hearing. Mr Holmes wished to refer to the Council's Events Policy, but the Deputy Team Leader (Legal) explained that that Policy was separate from the licence application process.

Sally Isles said she was concerned about late-night noise for the two nights of the event, which would affect residents in the vicinity of the site. She was also worried about the risk from bonfires.

Colin Taylor said that he was concerned about noise at night, which could have an adverse impact on the mental health of residents.

Teresa Allward said that she was concerned about the potential impact of noise on residents and local businesses. Who would residents inform if they were experiencing problems because of the event? The Deputy Team Leader (Legal) explained that there was a team within the Council who could be contacted about noise problems. There was also a procedure for reviewing the premises licence. Mr Osborne said that a contact number would be given in the event management plan which could be used by any resident who was experiencing problems during the event. Responding to the Deputy Team Leader (Legal) he said that he would be happy for the provision of a contact number to be made a condition of the licence.

Jonathan Cross said that his main concern was potential noise and disturbance. He submitted the venue was unsuitable because of the proximity of residential properties. It was not reasonable that residents should have to put up with disturbance, given the rural character of the area.

Cllr Sally Davis explained that she was representing Sylvia Box. She submitted that it was not reasonable that some activities would continue until 02:00 on Sunday morning.

The parties were invited to sum up.

Cllr Davis summed up on behalf of the Other Persons. She accepted that a number of issues, such as safety by the river, had been dealt with during the hearing and that there were others that were not relevant to an application under the Licensing Act. She felt it was unfortunate that the completed event management plan was not available. She agreed with the Chair that the event organisers and residents needed to get together to discuss concerns.

Mr Osborne said that he had little to add to his submission. He did understand the concerns of residents and issues which had been raised in today's hearing would inform the event management plan, which was already 400 pages long. He would be happy to share a copy of the event management plan with residents and to meet groups of residents to make sure that their views were taken into account.

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

Decision and reasons: The Big Sam Jam

Members have determined an application for a new Premises Licence for the The Big Sam Jam, Event Field, Woodborough Mill Barn, Woollard, BS39 4JT. 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

Mr Edwin Osborne as applicant indicated that The Big Sam Jam mini festival/fair would be an annual, family focused event to promote awareness and raise funds for the Samaritans. The event would take place each year on one weekend in July.

The applicant explained that there would be soft opening for the annual event from late Friday afternoon, with the main event being Saturday. On Sunday there would be a Big Sam Jam breakfast for all those who had stayed over at the site and that the site would be clear of patrons no later than 13:00 on the Sunday. He clarified for the Committee that there was a typographical error at section L of the application form found at Annex A to the committee report as it was indicated that the finish time

for the event would be 1300 hours on Monday when in fact, it would be 1300 hours on Sunday.

The Operating Schedule provides that the premises licence holder shall give two months' written notification of the event to the Police and Licensing Authority; and they shall also supply a copy of the Event Management Plan to the Police at least one Month in advance of the event taking place.

The applicant further indicated that he has experience of hosting previous events in the field in question for local villagers and that he has experience of running pubs, clubs and large horseracing events. He indicated that he did not have previous experience of running a festival but had engaged, or was in the process of engaging, the professional services of Scott McKean as Outdoor Events and Management Consultant – who was in attendance – as well as professionals in stewarding, toilets, refuse and recycling, first aid, power and specialist festival fencing, amongst others. Mr Osborne explained to members that the Event Management Plan already runs to some 400 pages and includes a Traffic Management Plan to deal with on-site and the roads around the premises, albeit they are beyond the premises' control.

In his oral submissions to members Mr Osborne indicated that a Challenge 25 age verification policy was now being offered in place of the Challenge 21 policy specified in the Operating Schedule and that if members were minded to grant to the licence, he was content for that to be made a condition of the licence.

Interested Parties/Other Persons

Eight written representations objecting to the application were received from “other persons” as defined in the Act who collectively raised concerns in relation to all four licensing objectives. In addition to that, a petition with 13 signatures had been received in respect of the prevention of public nuisance and public safety licensing objectives.

Members heard oral representations from 5 people as well as Councillor Sally Davis who was duly nominated as representative for Mrs Sylvia Box. Concerns were expressed that the event would attract criminal behaviour, drug and alcohol abuse, drink and drug driving, drug dealing and that there would be road traffic accidents. The times proposed for the sale of alcohol were said to be inappropriate and too late. One “other person” asserted that underage drinking would occur on the premises. Representations were made that SIA registered staff and 10 stewards referred to in the Operating Schedule were inadequate for the security and safety of patrons. The noise and air pollution that would emanate from the site were cited as a source of public nuisance to neighbouring residents and businesses. The Public Safety licensing objective was referred to with reference to access and egress of emergency vehicles to and from the event.

Members

Members noted that the Licensing Act 2003 is a permissive regime that is intended to minimise the regulatory burden however, the regime also encourages community involvement in licensing decisions giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

In terms of representations, Members noted all written and oral representations. Members also noted that there were no representations from Responsible Authorities in particular the Police, the Fire Service and 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 matters such as traffic movements, the perceived effect of the event on livestock and the use of the land in planning terms.

In all the circumstances Members found the application to be reasonable and they were satisfied that the licensing objectives would be promoted by the conditions to the licence. 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 condition offered by the applicant to members 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 premises shall operate a “Challenge 21” age verification policy and will display signs advertising this policy at all bar areas” is amended to “The premises shall operate a “Challenge 25” age verification policy and will display signs advertising this policy at all bar areas”.

The finish time shall be amended from 1300 on Monday to 1300 on Sunday.

Additional condition offered and approved by Members

The Applicant will ensure that the Event Management Plan includes an up to date contact telephone number for the event which is manned 24 hours a day for the period of event each year. This contact telephone number shall be made available to residents on request also.

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

The Other Persons were advised of the Licensing Act Review process which is the key protection mechanism for the community and must be supported with evidence and they were informed that in the event of concerns relating to noise that there is a dedicated council webpage dealing with noise nuisance where they can get more information about making a complaint. Alternatively, they can contact the noise team during office hours on 01225 477551 or the logging service is available out of hours on 01225 477477. The Council does not offer a reactive out of hour’s service.

The meeting ended at 12.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 4th April, 2019, 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)

76 EMERGENCY EVACUATION PROCEDURE

The Democratic Services officer advised the meeting of the procedure.

77 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

78 DECLARATIONS OF INTEREST

There were none.

79 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

80 MINUTES: 17TH JANUARY 2019

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

81 LICENSING PROCEDURE

82 APPLICATION FOR A PREMISES LICENCE FOR GARFUNKEL'S, ORANGE GROVE, BATH BA1 ILP

Applicant: The Restaurant Group (UK) Limited, represented by Clare Eames (Poppleston Allen) and Mary Wilcock (Managing Director, Brunning & Price Ltd)

Other Persons: Anne Robins (The Empire Owners' Association), Professor Stan Kolaczowski (Chairman of the Empire Owners' Association) and Ian Perkins (The Abbey Residents' Association)

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

The Senior Public Protection Officer presented the report. The application was for a new premises licence. There was an existing premises licence attached as Annex D to the report. Members noted that the premises were located in the Cumulative Impact Area, and that there was therefore a rebuttable presumption that the application should be refused unless the applicant could demonstrate that the application would not add to the cumulative impact of licensed premises in the Area. There had been eight representations from Other Persons, which collectively related

to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance Licensing Objectives. There had been no representations from the Responsible Authorities. Additional information from the applicant had been circulated since the publication of the agenda (attached as Appendix 1 to these minutes).

Ms Eames stated the case for the applicant. She said that the premises currently traded as Garfunkels and the licence was held by the Restaurant Group. The plan of the premises was not included within the premises licence in the agenda: it could be found in pages 10 and 11 of the additional information submitted by the applicant. The Restaurant Group operated over five hundred restaurants and had recently acquired Wagamama. Today's application had been made in the name of the Restaurant Group. The company wished to rebrand Garfunkels as a Brunning and Price business and to make a significant investment in Bath. As part of this investment the premises would be substantially upgraded. On pages 12 to 21 of the additional information there were photographs of Brunning and Price premises in Chelmsford and Beaconsfield, which gave a flavour of what was planned in Bath. A Brunning and Price brochure had been submitted with the application.

The current Garfunkels' licence came into force in November 2005 following its conversion from the old licensing regime. The current licence required the sale of alcohol to be ancillary to the sale of food, a condition inherited from the old licensing regime. She submitted that this condition was somewhat ambiguous and a hangover from legislation that had been repealed. She suggested that in general the conditions in the current license were not very clear, and that the fifteen conditions offered as part of this application resulted in a more robust operating schedule more in keeping with present-day circumstances. The application actually proposed a slight reduction in trading hours with an earlier terminal hour on several nights, despite the fact that the proposed starting hour for licensable activities was 09:00, rather than 10:00 as at present. She submitted that a 09:00 start was common in the trade, and provided the operator with flexibility to serve customers who might want to have a glass of champagne for a celebration, for example. There was no evidence from any part of the country that beginning at this hour had led to problems.

She stated that the application had not been drawn up until the applicant had met local residents.

She said that another significant difference between the application and the current licence lay in the significant restrictions on the use of the external terrace that were proposed. At the moment there were no restrictions, but the new conditions proposed that the terrace had to be cleared of customers by 22:30, that customers using it had to be seated, and that it should be serviced by waiter/waitress service. In addition the applicant would accept a condition which limited the number of people on the terrace to 30. Residents had raised concerns relating to the use of the terrace as a smoking area; the applicant would be content with a condition prohibiting smoking there.

She drew attention to the lack of representations from the Responsible Authorities.

She noted concerns expressed by Other Persons that the premises might be converted to a pub. In fact in today's extremely competitive conditions the operators of licensed premises had to provide as comprehensive an offer to the public as they

could, and it was increasingly difficult to define what a “pub” or “restaurant” was. She submitted that the premises were well run and that there was no evidence that they were undermining the licensing objectives. Other Persons had raised concerns about vertical drinking, but this was something that the current licence did not prevent. The redesign actually slightly reduced the floor space. The applicant was not planning to create a “megabar”; the bar area remained much the same and the number of covers was nearly the same. About 170 covers were provided at the premises now, but the applicant would accept a condition limiting this to 150.

Other Persons had raised planning issues, which were not relevant to the Licensing Act regime, but the applicant wished to be open about these with residents. Listed Building Consent was required for the internal works at the premises, but change of use was not required.

Other Persons had expressed concerns about a possible future change of ownership of the premises. She could reassure them that Brunning and Price had no intention of moving, but nevertheless they would be happy to accept a licence that was limited to them. They would make a significant investment in the business, and wanted to find a modus operandi that allowed a harmonious relationship with the residents.

If residents wanted a condition requiring a quarterly meeting with the licence holder, the applicant would be pleased to accept this.

Mary Wilcock said that her desire was for a licence that worked in the interests of the applicant and the residents.

In response to question from Other Persons Miss Eames and Ms Wilcock stated:

- There had been no intention to mislead about the trading hours, which it was true would slightly increase. However it was the terminal hour that was the usual trigger for concerns about cumulative impact; she could not recall cumulative impact having been raised anywhere in relation to morning opening.
- As the Licensing and Planning regimes were separate, it would not have been appropriate to include any feedback received on the noise report submitted as part of the Listed Building Application with the licence application.
- The applicant did have other premises that had residential accommodation in the same building, but to the side and not above. The applicant always strove to be a responsible member of the community in which they were located. No complaint had ever been received from neighbouring residential premises.

In reply to questions from Members they stated:

- The problem of customers wishing to smoke was one that all licensed premises faced, but over time customers had become more reconciled to the fact that if they wished to smoke they had to go outside. This was the case in workplaces as well.

Replying to the Team Leader (Legal) Ms Eames confirmed that a condition prohibiting smoking on the terrace could include vaping.

The Chair asked whether the applicant wished specifically to address cumulative impact. Ms Eames submitted that there was an argument that as the premises was already licensed, cumulative impact was not engaged by this application. If however that was not the case, she drew attention to the fact that in the application licensable activities never ran past midnight and that a robust set of conditions had been proposed for the replacement licence, compared with the absence of restrictions on the existing licence. It was also noteworthy that the Responsible Authorities had made no representations to the application. The Team Leader (Legal) said that in his view cumulative impact was engaged by this application. The Council's policy was quite clear that cumulative impact applied to all applications within the Cumulative Impact Area and therefore to this application, regardless of the fact that the premises was already licensed.

Anne Robins stated her case. She said the first point she wished to make was demographic: the average age of residents of The Empire had been 79 for many years and five of the current residents were over 90. The potential impact of Public Nuisance had to be understood in that context. If the application was approved, a huge pub would be created in a building surrounded by elderly people's homes. The condition that the supply of alcohol should ancillary to the provision of food had been imposed over twenty years ago, to protect residents from drink-related nuisance. She begged the Sub-Committee not to remove this protection. Licence conditions should reflect the dominant use of the building, which was residential. There was the potential to create a large vertical drinking establishment operating till midnight in a city with a large student population. It is clear from their website that Brunning and Price regards itself as a pub operator. There were many licensed premises in the vicinity, and Grand Parade and Orange Grove area are always thronged with evening drinkers.

Professor Kolaczowski stated his case. He said that he was emeritus professor in chemical engineering of the University of Bath, and with his technical expertise had acted as an advisor to applicants and local authorities about the environmental impact of developments. He was here today in his capacity as an owner and Chairman of The Empire Residents' Association. He said that residents were very concerned about the proposed change of use, and feared that if allowed without additional conditions it would increase crime and disorder and public nuisance. He said that it was clear from the photograph on page 2 of the additional information submitted by the applicant that The Empire is a predominantly residential block with two restaurants at its base. It was entirely the wrong place to try to make money by a change of use from a restaurant. The applicant wished to replace the main eating area with a mega-bar, and they should be concerned about the consequences. The noise impact assessment had been submitted very late for this hearing and was very superficial and selective. The residents' own noise consultant had provided many helpful suggestions in his reply to the applicant's report and had fundamentally confirmed residents' concerns. Residents were not opposed to the granting of a premises licence, but wanted their welfare to be protected. After careful consideration of the problem in consultation with an independent noise expert, residents were suggesting a number of conditions that should be attached to the licence, and felt sure that the applicant would find them helpful. The first condition relates to internal noise: a noise level of 75dBA not to be exceeded within the

premises. The applicant had included a limit of 74dBA in the Listed Building Application, so 75dBA should be attainable. The noise limiter should be set so that there is no audible noise in apartments, the dining area or entrance hallway. The noise limiter level should be reviewed regularly. There should be an interlock of the noise limiter with the sound system and there should be an indication when background noise has been exceeded. The noise limiter should be kept in a locked cupboard with access only to the licensee. With regard to external noise, residents suggest that the number of seats on the terrace should be restricted and that the applicant should consider siting umbrellas with noise-reducing properties there, that there should be no queues outside the premises after 18:00, and that there should be controlled dispersal of customers after closing. The last proposed condition related to operating hours as detailed by other representors.

In reply to a question from a Member he suggested that in its proposals for noise control the applicant had just provided a wish list; what he had done was to provide specific numbers for noise levels which were generally accepted as appropriate.

Mr Perkins stated his case. He said that the premises were an important part of the night-time economy in Bath, but were in a very sensitive location. The applicant had failed to convince local residents that it had an adequate plan to mitigate nuisance. Residents were looking for reassurance through the imposition on the licence of robust and enforceable conditions. In the course of the hearing the applicant had made useful suggestions for additional conditions.

The parties were invited to sum up.

Summing up for the Other Persons, Anne Robins said that residents wanted assurance that the premises were not going to become a pub and that conditions should be imposed that prevented that.

Ms Eames said that it was important that to have a licence that worked for everybody. The operating schedule contained detailed conditions designed to promote the licensing objectives. The Sub-Committee had to base its determination on evidence. The fact that the Responsible Authorities had made no representations showed that they had no concerns about this application. Representations had referred to the risk of nuisance, for example, but no evidence had been presented that this was actually occurring under the existing licences. The applicant had offered additional enforceable conditions in the course of the hearing.

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 Premises Licence for Garfunkels, Orange Grove, 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 before them. Members noted that applications must be considered on their merits and on this occasion the Cumulative Impact Policy is engaged.

The Applicant

The premises currently trades as Garfunkels. The applicant stated it operates in excess of 500 restaurants and gastro pubs across the UK and now wish to invest in these premises and rebrand them as Brunning and Price. Part of that process has included obtaining listed building approval for internal alterations and engagement with Resident Associations to tailor an application to specific concerns regarding the proposed changes. This process commenced in 2018 and the additional information provided gives a flavour of the type of business it proposes to operate. It was further stated that the new application includes 15 conditions relevant to 2019 dealing with how the premises will promote the licensing objectives and address any cumulative impact concerns.

The applicant stated they were committed to their responsibilities under the Licencing Act and associated legislation and confirmed the premises will be sympathetic to the community, continue to provide a strong food offer and be well run. To a certain extent the new application is a tidying up exercise and whilst an additional hour in the morning had been applied for the trading hours as a whole have been reduced and there is no suggestion nationally that additional hours in the morning have negative impacts on the licensing objectives. In terms of operation the restaurant covers remain similar to the existing, the bar size similar and the overall floor area is slightly reduced.

With regard to neighbours the applicant aims to continue working with them and the following additional realistic conditions are therefore offered.

There shall be no smoking or vaping on the terrace

The outside terrace area shall be limited to 30 persons seated

The number of covers limited at 150

The New Year's Eve terminal hour will be 01:00 am

The licence granted shall be limited to Brunning and Price &P only

Accordingly, it was considered that with no off sales, the premises implementing the Noise Impact Assessment recommendations and conditions consistent with the robust operating schedule the premises would be unlikely to add significantly to any cumulative impact being experienced, if the Policy applies, and the licence granted.

Other Persons

Eight written representations objecting to the application were received from "other persons" as defined in the Act. Whilst not necessarily against a licensed premises in this location the representations raised concerns that the proposals could undermine the prevention of crime and disorder, public safety (relating to the use of the terrace) and the prevention of public nuisance licensing objectives.

The objectors stated the removal of the linkage between food and alcohol service represents a shift in the business from food led to a huge alcohol led venue with resultant noise and anti-social behaviour associated with high volume vertical drinking establishments. Further, given the current level of nuisance and anti-social behaviour experienced from the outside terrace and surrounding area, in terms of noise, litter and rowdy behaviour, there is a potential that longer hours could attract customers from other premises in the area which could impact negatively on residents. The objectors also had concerns about the efficacy of the noise mitigation measures proposed and the number of people on the terrace could be problematic in terms of public safety.

The objectors were worried that with the watering down of the restrictions in terms of planning, the lease and licensing the basis upon which they bought apartments could be undermined. This could make life intolerable for those in the building particularly as staff will inevitably change and there will be no point of contact in the event they needed to complain.

Members

Members noted that the Licensing Act 2003 is a permissive regime intended to minimise the regulatory burden. Nevertheless, the regime encourages community involvement in the decision making process.

In terms of the premises Members noted they are in the Cumulative Impact area and as this is a new premises licence application there is a rebuttable presumption that the licence should be refused unless the applicant demonstrates they are unlikely to add significantly to cumulative impact being experienced.

Members noted all written and oral representations and were careful to balance their competing interests. Members, however, disregard irrelevant representations which on this occasion related to planning issues and leasehold matters. Members also noted that there were no representations from Responsible Authorities in particular the Police, Fire & Rescue and Public Protection Services.

With regard to opening and terminal hours Members reminded themselves of the general principal of staggered hours and that arbitrary restrictions would undermine the flexibility principal. Whilst noting the representations Members found no examples of anti-social behaviour directly attributed to the premises and did not consider there was a distinct possibility that migration would result in the licensing objectives being undermined as the hours were modest in extent particularly in the morning.

In terms of nuisance Members noted the premises had long been established in this location operating as a restaurant and bar. Whilst reference was made to a number of complaints to premises' management these were addressed and there was no history of complaint to Licensing or Environmental Protection services. In the circumstances, therefore, Members found that by implementing the recommendations in the Noise Impact Assessment, for example, plant and building modifications, operational adaptations and a suite of 15 new conditions, there would be greater protection for residents than under the existing licence.

In reaching their decision Members also reminded themselves that, whilst they should be mindful of other statutory controls, their decisions must not duplicate other statutory regimes. Moreover, conditions should not be overcomplicated as they must stand alone and be capable of enforcement by Licensing Officers. In terms of this application the issues raised were issues where duplication commonly occurs. For example, nuisance in the form of noise, smoke, and litter is governed by the Environmental Protection Act 1990, fire safety by the Fire Safety Reform Order 2010, planning and enforcement by the Town and County Planning Act 1990 and anti-social behaviour not directly attributable to the premises the police. In all the circumstances, therefore, Members found the application reasonable in extent and the conditions appropriate and proportionate to promote the licensing objectives without duplication or over complication.

Accordingly, Members found that with the imposition of conditions consistent with the operating schedule, Mandatory Conditions, additional conditions imposed by Members and those offered by the applicant that the premises would be unlikely to add significantly to any cumulative impact being experienced or undermine the licensing objectives. Members therefore resolve to grant the premises with the additional appropriate and proportionate conditions as follows:

- There shall be no smoking or vaping on the outside terrace
- The outside terrace area shall be limited to 30 persons seated
- The New Year's Eve terminal hour shall be 02:00 am

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

83 APPLICATION TO VARY THE PREMISES LICENCE FOR HOMEWOOD PARK HOTEL AND SPA, HOMEWOOD, HINTON CHARTERHOUSE, BATH BA2 7TB

83 APPLICATION TO VARY THE PREMISES LICENCE FOR HOMEWOOD PARK HOTEL AND SPA, HOMEWOOD, HINTON CHARTERHOUSE, BATH BA2 7TB

Applicant: Neil Glasspool (Managing Director)

Responsible Authority: Sara Chiffers (Senior Environmental Health Officer)(H&S))

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

The Senior Public Protection Officer presented the report. The applicant was seeking to vary hours and remove non-standard timings, add conditions agreed with the Police and revise the plan of the ground floor. In addition the variation sought to remove the Annex 2 condition:

No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the exiting hotel bar.

Environmental Health had made a representation objecting to the removal of this condition. No other representations had been received.

Mr Glasspool stated his case. He said that Homewood was part of the Kaleidoscope Collection, which owned three hotels in Bath, Homewood, 15 Great Pulteney and The Bird. Kaleidoscope had purchased Homewood from Longleat Enterprises in August 2018. Homewood had been very run down and required major investment. As part of that investment guest facilities were being improved including the Spa. There was a champagne bar in the spa, which he did not agree with. He felt that guests should usually go to the main bar to purchase drinks so that management could maintain control over the consumption of alcohol. He wanted to put a pop-up snack bar adjacent to the outside pool area to sell tea and coffee, snacks, soft drinks, wine and beer, but no spirits or fortified wine. Guests would be served in the existing patio area, where they can sit and drink already around the pool area. The snack bar would operate only in high season between May and September from 2pm to 6pm for guests and staff members. The applicant would wish to deter people from drinking excessively in the spa area. Guest safety is a primary concern. People can already purchase drinks from the main bar to take to the patio. The area will be staffed, giving management greater control over the consumption of alcohol by guests. The amount that guests can purchase from the pop-up bar during its four hours of opening will be controlled. The aim of the pop-up bar is not to make money, but to enhance the experience of guests by providing an additional service, and to allow the supervision of what goes on around the pool area. The champagne bar will be removed.

Ms Chiffers stated her case. She said that she had objected to the removal of the condition because of the well-documented risks of drinking alcohol before the use of spa facilities. How will management judge whether a guest has consumed too much from the pop-up bar? Having a bar near the spa facilities may encourage guests to indulge in unsafe behaviour.

Responding to questions from Members Mr Glasspool said:

- Staff serving from the pop-up bar would be skilled bar staff who would be able to decide from experience whether a customer had drunk too much.
- The pop-up bar would serve only wine and beer, but under the licence customers could buy spirits from the main bar and bring them to the pool area. The pop-up bar would limit the amount and types of drink immediately available to guests and would be open only for limited hours.
- There was CCTV monitoring on the premises.

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

Decision and reasons

Members have determined an application to vary a Premises Licence for Homewood Park Hotel & Spa, Hinton Charterhouse, 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 merits.

The Applicant

The applicant stated the company operate a number of venues in the district and have invested and refurbished these premises which included the spa area. The application was designed to provide the flexibility to operate a pop up shack adjacent to the pool where guests can buy soft drinks, beer, wine and snacks during peak times in the summer months. Moreover, guests entering the spa area must sign in and that any sale of alcohol within the spa would be through trained bar staff.

Responsible Authority

The objector stated the consumption of alcohol prior to spa treatments etc. causes dehydration, heat exhaustion and is ultimately a safety risk. Further, it would be a difficult judgement for spa staff to make whether people were intoxicated and a bar in direct view of the spa would have the effect of encouraging unsafe behaviours.

Members

Members noted that the Licensing Act 2003 is a permissive regime intended to minimise the regulatory burden. In terms of representations, Members noted the written and oral representations and were careful to balance their competing interests.

Members reminded themselves that consumption is not regulated activity and guests are able to consume their own or purchase and consume alcohol from other areas before attending the spa. Further, as guests entering the spa would sign into the spa and any sale of alcohol therein subject to the normal controls these are additional safeguards for guests. Accordingly, members grant the application as applied for with conditions consistent with the operating schedule, mandatory conditions and delegate authority to the Licensing Officer to issue the licence.

The meeting ended at 1.07 pm

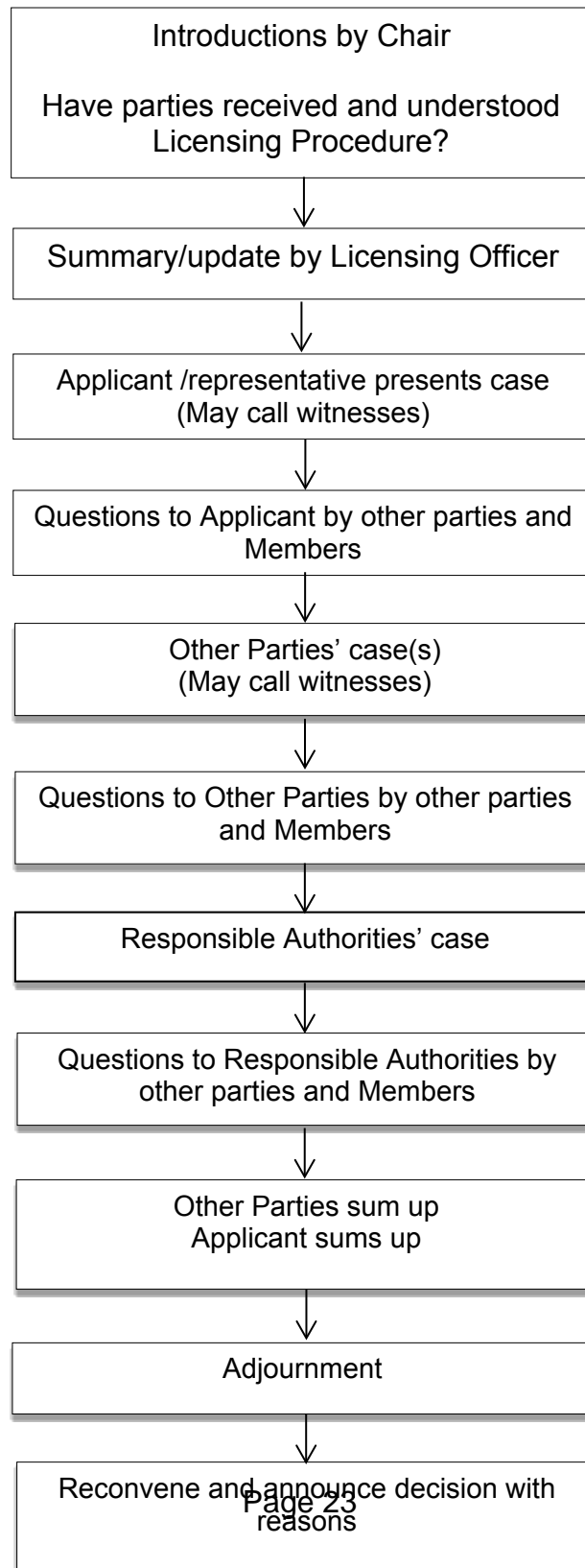
Chair(person)

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 25 April 2019	
TITLE:	Application for a Premises Licence for Westhill Recreation Ground, Westhill Road, Westfield, Radstock BA3 3TE	
WARD:	Westfield	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Annex A Application for a new premises licence</p> <p>Annex B Site Plans</p> <p>Annex C Representation received from the Police</p> <p>Annex D Applicant's agreement to Police conditions</p>		

1 THE ISSUE

1.1 An application has been submitted by Westfield Parish Council under s.17 Licensing Act 2003 in respect of a premises licence for Westhill Recreation Ground, West Hill Road, Westfield, BA3 3TE.

2 RECOMMENDATION

2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

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

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 An Equality Impact Assessment (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 Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

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

5 THE REPORT

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

5.2 The application proposes the following licensable activities during an annual Fun Day:

- 1) Regulated Entertainment by way of the performance of Live Music outdoors only:

Sunday 12:00 – 16:00

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

Sunday 12:00 – 16:00

- 3) Regulated Entertainment by way of the Performance of Dance outdoors only:

Sunday 12:00 – 16:00

- 4) Anything of a Similar Description to Live Music, Recorded Music or the Performance of Dance outdoors only:

Sunday 12:00 – 16:00

- 5) Hours the premises are open to the public:

The Recreation Ground is permanently open to members of the public, however the Fun Day shall take place on one Sunday in the year from 12:00 – 16:00 hours.

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

- The event will take place on one Sunday each year.
- The Parish Council tent shall clearly advertise a Lost Children Point.
- Customers will be asked not to take alcohol available from the nearby social club out onto the field.

5.3 Site plans are attached at Annex B.

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

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

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

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

5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.

5.11 One representation of objection has been received within the statutory period from the Police, expressing concern that the applicant's proposals are likely to undermine all four of the licensing objectives (Annex C). It suggests that the following conditions would mitigate those concerns:

- 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 provide the Police with a copy of the Event Management Plan at least 2 months in advance of the event taking place;
- There will be a minimum of 2 SIA trained security on duty at the premises during the times the event is open to the public;
- 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 times the event is open to the public;
- The premises will operate a Lost Child and Vulnerable Adult procedure. All staff working at the event will be made aware of this procedure.

5.12 The applicant has agreed in writing to the conditions proposed by the Police (Annex D).

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

6. RATIONALE

6.1 As a 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.

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Director – 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.

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **WESTFIELD PARISH COUNCIL**

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description WESTHILL RECREATION GROUND WESTHILL ROAD WESTFIELD			
Post town	RADSTOCK	Postcode	BA3 3TE
Telephone number at premises (if any)		N/A	
Non-domestic rateable value of premises		£N/A	

Part 2 - Applicant details

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

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

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

Telephone number (if any) 01761 410669
E-mail address (optional) council@westfieldparishcouncil.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
02	06	2019

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Recreation ground permanently open to the public</p>
--

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name WESTFIELD PARISH COUNCIL
Address THE OVAL OFFICE ST PETERS BUSINESS PARK COBBLERS WAY WESTFIELD BA3 3XT
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) PARISH COUNCIL

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4) Performances of unamplified live music in the show ring to audiences exceeding 500 people but not more than 5000.		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5) n/a		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) n/a		
Sat					
Sun	12.00	16.00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4) Amplified music played during the event in between performances in the show ring. Audiences exceeding 500 people but not more than 5000.	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5) n/a		
Thur					
Fri			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 6) n/a		
Sat					
Sun	12.00	16.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4) Dance displays in the show ring to audiences exceeding 500 but not more than 5000.		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5) n/a		
Thur					
Fri			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 (please read guidance note 6) n/a		
Sat					
Sun	12:00	16:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing Martial arts displays, falconry displays, dog show in the Show Ring		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4) Displays as described above in the show ring plus side shows on the field such as fairground organ and inflatables. To audiences exceeding 500 but not more than 5000.		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) n/a		
Fri					
Sat			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 (please read guidance note 6) n/a		
Sun	12:00	16:00			

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Day	Start	Finish	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

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

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

none

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			Westhill Recreation Ground is permanently open to the public, however, the annual Fun Day to which this application relates runs from 12pm to 4pm on one Sunday in the year.
Tue			
Wed			
Thur			
Fri			
Sat			
Sun	12:00	16:00	
			<p>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 6)</p> <p>n/a (see above)</p>

M

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

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

This event is promoted as a community event with a family atmosphere. It is deliberately scheduled in the middle of the day and finishing well before evening in order to ensure that the Fun Day does not descend into disorder. No alcohol is sold at the event. Although alcohol is available at the nearby social club, customers are asked not to take alcohol out onto the field.

b) The prevention of crime and disorder

The local beat team are informed in advance of the event. The event finishes well before the evening and alcohol is not sold on the field.

c) Public safety

The local beat team are informed in advance of the event. We have booked St John's Ambulance for First Aid cover. We have a tannoy system for public announcements. We do not sell alcohol at the event and promote a family atmosphere.

d) The prevention of public nuisance

The event is scheduled during the daytime and at the weekend to avoid public nuisance. It is on a single Sunday in the year. The event is well publicised in advance. It is promoted as a family event and we do not sell alcohol on the field.

e) The protection of children from harm

This is a family Fun Day with the aim that the entertainment and activities will appeal to all ages. We do not sell alcohol at the event and the event runs during the day time to ensure it is accessible to all. The Parish Council tent clearly advertises a Lost Children point.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. N/A
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). N/A

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work
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	check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	LJ Close
Date	21/2/19
Capacity	Parish Clerk, on behalf of Westfield Parish Council

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

Signature	
Date	
Capacity	

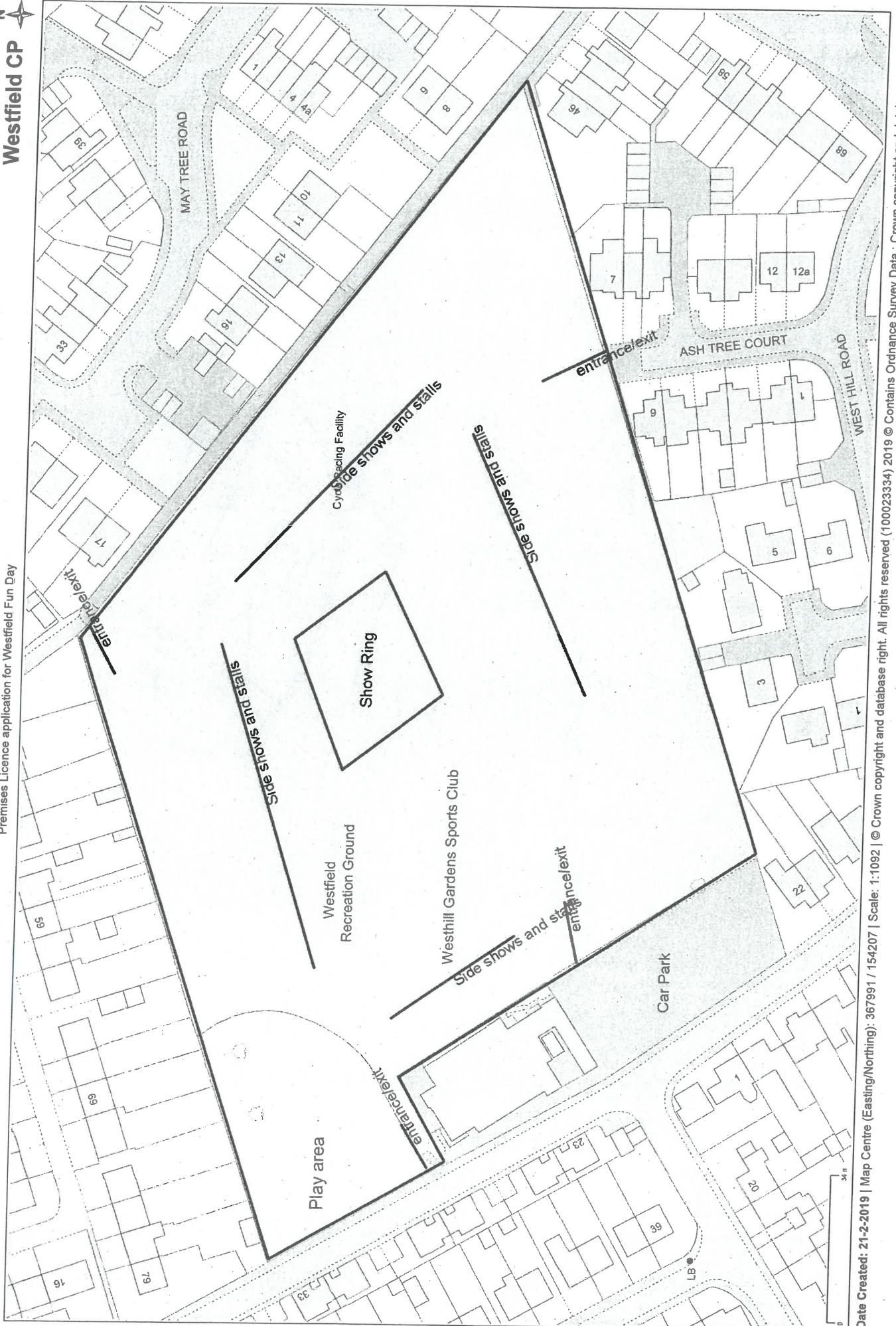
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Lesley Close Parish Clerk Westfield Parish Council The Oval Office Westfield			
Post town	Radstock	Postcode	BA3 3XT
Telephone number (if any)	01761 410669		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) council@westfieldparishcouncil.co.uk			

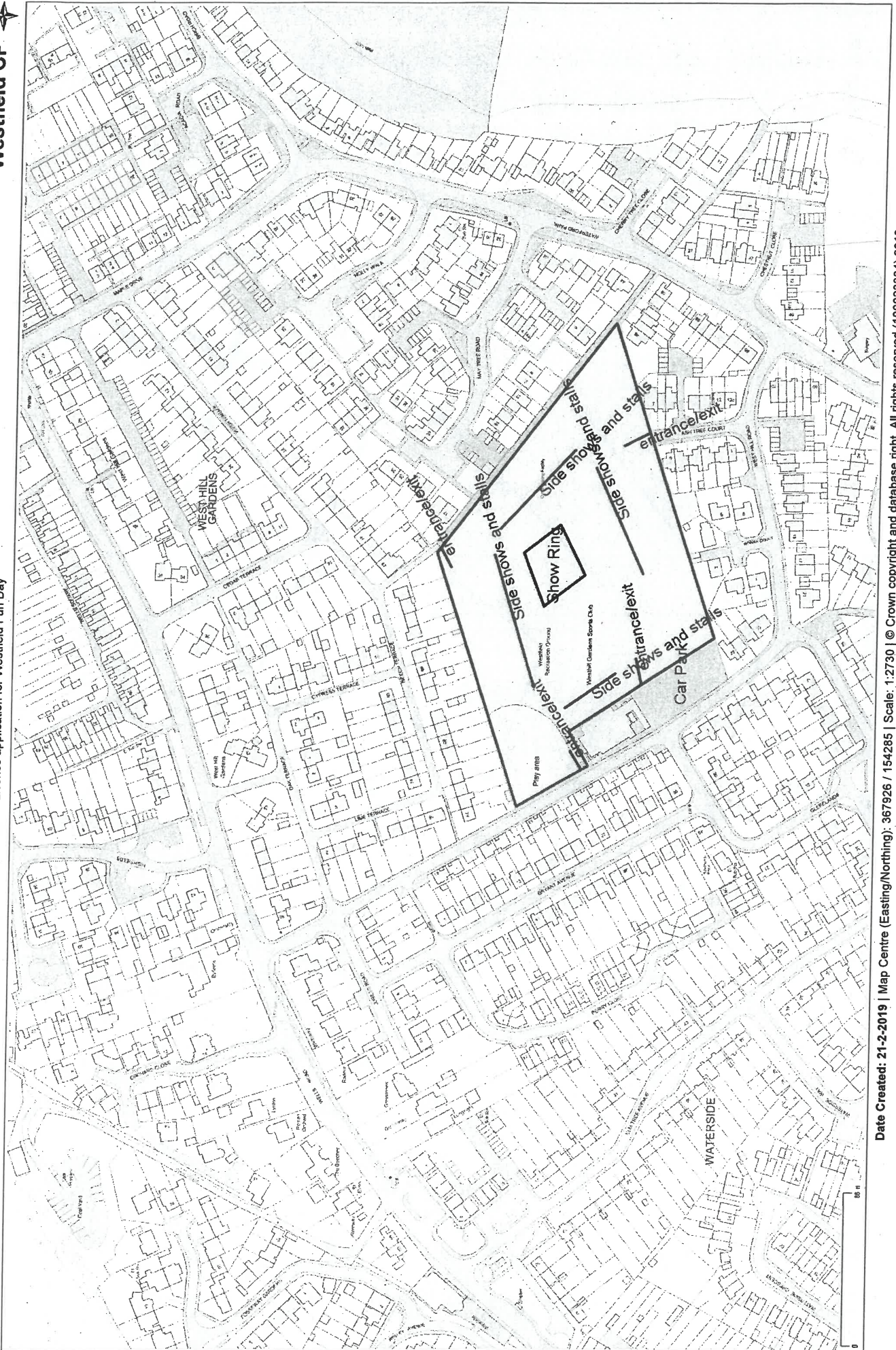
Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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.
 - any playing of recorded 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.
 - any playing of recorded 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

Premises Licence application for Westfield Fun Day

Westfield CP







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

Your Name	Geoff CANNON	
Job Title	POLICE LICENSING OFFICER	
Postal and email address	2 nd Floor REDBRIDGE HOUSE MIDLAND RD BATH BA2 3EW	
Contact telephone number/e-mail address	Geoff.Cannon@avonandsomerset.police.uk	
Name and address of the premises you are making representations about.	WESTHILL RECREATION GROUND WESTHILL ROAD WESTFIELD RADSTOCK BA3 3TE	
Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	YES	<p>The following relates to all four Licensing Objectives:</p> <p>The Police have received an application for a New Premises Licence in respect of Westhill Recreation Ground, Westhill Road, Westfield, Radstock. The applicant is Westfield Parish Council. The application is designed to facilitate the annual Westfield Fun Day for one Sunday only each year.</p> <p>Licensable activities applied for are: Live Music, Recorded Music, Performance of Dance and anything of a similar description. It is appreciated that the supply of alcohol has not been applied for.</p> <p>In each case the hours applied for are 12:00 – 16:00 on one Sunday only. The applicant has stated that the 'audiences' will exceed 500 but not 5000. The proposed hours the premises are open to the public are identical.</p> <p>The police fully appreciate that the event is very much family orientated and relatively low – risk in terms of crime, disorder public nuisance and public safety. The police also respect the fact that the event has been run in previous years with licensable activities authorised by a Temporary Event Notice without any issues. However, should the license be granted as applied for, the licence holder will be authorised to allow up to 4,999 people on the premises. This is a considerable increase in numbers and the measures offered to promote the four licensing objectives in the application in section M of the application do not reflect this. The police feel that as a result, all four</p>

		<p>licensing objectives could be compromised as the applicant has failed to show how the increase in numbers will be suitably managed in terms of security and safety. The 'premises' are extremely permeable and open to any member of the public. There is some history of incidents at this location involving anti – social behaviour and low – level crime caused by groups of young people.</p> <p>The Police Licensing Officer has met with members of Westfield Parish Council and outlined the concerns of the police. During the discussion; it was accepted that the actual numbers of people attending the 'Fun Day' were ever likely to exceed 1,000 but also that the organisers recognise that the event is growing and attracting more people than a Temporary Event Notice would allow for (499).</p> <p>The members fully appreciated the concerns raised and agreed to discuss suitable measures that would form prospective conditions to be attached to the operating schedule of the premises licence when granted. These proposed measures are set out below.</p> <p>The Licensing authority has been sent a copy of an email in which Westfield Parish Council confirm that they agree with all the proposals, as detailed in this representation form, put forward by the Police Licensing Officer.</p> <p>The police respectfully ask the Licensing Sub – Committee to take into consideration the agreed amendments when determining the premises licence application.</p>
To prevent Public Nuisance	YES	
To prevent crime and disorder	YES	
Public Safety	YES	
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.		<p>General – all four licensing objectives:</p> <p>The organisers of the event to which this licence relates, will give the Police at least 2 months notification of the event taking place.</p> <p>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.</p> <p>The Prevention of Crime and Disorder:</p>

	<p style="text-align: center;">The Prevention of Public Nuisance:</p> <p>There will be a minimum of 2 SIA trained security on duty at the premises during the times the event is open to the public.</p> <p style="text-align: center;">Public Safety:</p> <p>Identifiable trained First Aid staff will be on duty at all times when the event is open to the public.</p> <p>There will be a minimum of 10 clearly identifiable stewards on duty at the premises during the times the event is open to the public.</p> <p style="text-align: center;">The protection of children from harm:</p> <p>The premises will operate a lost child and vulnerable adult procedure. All staff working at the event will be made aware of this procedure.</p>
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N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: *Geoff Cannon*

Date: 14.03.19

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

Terrill Wolyn

From: Westfield Parish Council
Sent: 13 March 2019 10:17
To: Geoff Cannon; council@westfieldparishcouncil.co.uk
Cc: Geoff Fuller; PHILIP WILKINSON; Diana Cooper
Subject: RE: New Premises Application: WESTFIELD FUN DAY

Thank you for meeting us yesterday and for addressing this issue, it is very much appreciated.

I confirm that we are in full agreement with the wording below.

With kind regards,

Lesley

Lesley Close FSLCC
Parish Clerk

Westfield Parish Council
The Oval Office
Cobblers Way
Westfield
BA3 3BX

Tel: 01761 410669

Email: ParishClerk@westfieldparishcouncil.co.uk

Twitter: @westfield_pc

www.facebook.com/westfieldparishcouncil

The view and comments expressed in this email are confidential to the recipients and should not be passed on to others without permission.

From: Geoff Cannon [<mailto:Geoff.Cannon@avonandsomerset.police.uk>]

Sent: 12 March 2019 15:26

To: council@westfieldparishcouncil.co.uk

Subject: New Premises Application: WESTFIELD FUN DAY

Good afternoon Emily and Lesley.

Thanks you again for meeting with me earlier.

I have had another look at your Event Risk Assessment Form and I feel that you need to create an actual Event Management Plan (EMP). To assist, I have attached a template which you can use. This will formalise everything you are doing and made available in one document and will complement the Event Risk Assessment Form. Your EMP won't replace your Event Risk Assessment Form. You will see below in the proposed conditions that I therefore refer to an EMP.

As discussed, I propose not using any of the wording currently contained in section M of the application form and to replace with the below wording that will form conditions attached to the premises licence:

General – all four licensing objectives:

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.

The Prevention of Crime and Disorder:

There will be a minimum of 2 SIA trained security on duty at the premises during the times the event is open to the public.

Public Safety:

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

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

The prevention of public nuisance:

(No requirements from the police)

The protection of children from harm:

The premises will operate a lost child and vulnerable adult procedure. All staff working at the event will be made aware of this procedure.

Please check the above wording and if you are in full agreement, reply to this email accordingly.

I will then attach a copy of your reply to my Representation Form when I submit it to the Licensing Authority. This will allow the Licensing Sub – Committee to see in advance that we have agreed prospective changes to the License Operating Schedule.

With kind regards,

Geoff Cannon

BANES Police Area Licensing Officer
Redbridge House
BATH BA2 3EW

☎ Ext: 01278 645524 Int: 45524

Mob: 07889 655950

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

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