

Licensing Sub-Committee

Date: Thursday, 18th May, 2023

Time: 10.00 am

Venue: Council Chamber - Guildhall, Bath

Councillors: Steve Hedges, Sarah Moore and Manda Rigby

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.15am



Mark Durnford

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394458

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

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 Guildhall - Bath

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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4. **Emergency Evacuation Procedure**

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Licensing Sub-Committee - Thursday, 18th May, 2023

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 4 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.

(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 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests).

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETINGS: 6TH APRIL 2023 & 20TH APRIL 2023 (Pages 5 - 26)

6. LICENSING PROCEDURE (Pages 27 - 30)

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

7. APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR BATH CARNIVAL, SYDNEY GARDENS, BATH. BA2 6NF (Pages 31 - 86)

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

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BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 6th April, 2023

Present:- Councillors Rob Appleyard (Chair), Steve Hedges and Sally Davis

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services) and Wayne Campbell (Public Protection Officer (Licensing))

109 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

110 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

111 DECLARATIONS OF INTEREST

There were none.

112 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

113 MINUTES OF PREVIOUS MEETINGS: 9TH MARCH 2023 AND 23RD MARCH 2023

The Sub-Committee **RESOLVED** to approve the minutes for the meetings held on 9th March 2023 and 23rd March 2023 and they were duly signed by the Chairman.

114 LICENSING PROCEDURE

The Chairman referenced the procedure for each of the applications before the Sub-Committee and stated that all parties would be given an equal opportunity to make their representations and give evidence.

115 EXCLUSION OF THE PUBLIC

The members of the Sub-Committee agreed that they were satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972.

It was **RESOLVED** that the public be excluded from the meeting for the following items of business and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

116 APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - CONSIDERATION OF FIT AND PROPER - 23/00105/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether a driver remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence.

He outlined the key points from the report.

The Chairman asked the driver to address them on why he believed he should remain considered as fit and proper to hold his licence and specifically, first of all, why he had not informed the Licensing department when he had received the penalty points for speeding.

The driver replied that at the time he was honestly not aware that he had to inform Licensing and that he had reported it to his insurance company only.

The driver added that he has had no complaints made against him from passengers and that he now understood fully the need to report any further issues to the Licensing department.

Councillor Sally Davis asked if he had re-read the conditions of his licence since being informed that he had to attend the Sub-Committee.

The driver replied that he had.

The Chairman asked the driver if he felt he had given the Sub-Committee as much information as he could regarding his case.

The driver replied that he had and apologised once more.

Decision and Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of failures to disclose motoring convictions whilst licensed.

In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members heard from the Licensee in oral representations who indicated that he was not aware that he had to report these convictions to licensing. On questioning he indicated that he was aware now, he understood what was required of him and he apologised to Members for his failure to comply with the terms of his licence.

Members noted the Licensee had been licensed with BANES since 2017 and there had been no complaints against him made by members of the public.

On balance, Members find that the Licensee is fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a final warning to the Licensee in the strongest possible terms that:

1. He must comply with the conditions on his licences as they are an important safeguard to ensure the safety of the travelling public.
2. He must take care to ensure that he completes his documentation related to his BANES licences with care and accuracy, if in doubt he should seek assistance from licensing.
3. It is his responsibility, nobody else's, to ensure compliance with the terms of his licences.
4. He must take care to travel within the road speed limits as the safety of the travelling public is of the utmost importance.
5. If he comes before the Licensing Sub-Committee again, against this background, there is a very strong risk of revocation of his licence.

117 CONSIDERATION OF FIT AND PROPER STATUS - 22/00614/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether a driver remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence.

He outlined the key points from the report.

The Chairman asked the driver to address them on why he believed he should remain considered as fit and proper to hold his licence.

The driver began by apologising to all concerned for making such a huge mistake and said that the last six months had been very tough for him and his family. He explained that in the Summer of 2022 his father had been unwell and that he had had to visit him in Pakistan. He added that while he was away he had been contacted to inform him that his home had been burgled and that this had added to the ongoing stress he was feeling.

He stated that he was truly sorry and regrets the lies he had told. He apologised for letting the Licensing team and his family down by his actions.

The Chairman acknowledged the written statements that had been received from the driver and his partner. He asked if the driver's partner, who was present, would like to address the Sub-Committee.

She confirmed that it had recently been a stressful time for the whole family due to her father-in-law being unwell. She said that her husband has a clean driving record with no convictions and is a very caring person who helps many people in the local area.

The Chairman asked the driver if he felt he had given the Sub-Committee as much information as he could regarding his case.

The driver replied that he had.

Decision and Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of dishonesty concerning his vehicle insurance. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members had received and considered two lots of additional information on behalf of the Licensee. The first was an e-mail dated 10th March 2023 which had been provided by his partner, the second was an e-mail dated 14th March 2023 and was from the Licensee himself. The Licensee indicated that he had been in the taxi trade for more than 5 years without complaint or any indecent behaviour displayed at any time. He described himself as honest, law abiding, aware of his duties and responsibilities, conviction free and committed with work and in his personal life. In the period before the incident in question the Licensee's father was severely ill, there had been a burglary at the Licensee's home whilst he was overseas, and the Licensee was suffering greatly with stress. He admitted his mistake and described his fear and embarrassment at the situation he had put himself in. In his written and oral representations, the Licensee indicated that he was truly sorry and regretful for what he had done, he acknowledged the seriousness of it and assured Members repeatedly that it would never happen again if they gave him a second chance.

Members heard from the Licensee's partner in oral representations who indicated that she had observed the Licensee's guilt over what he had done. She explained that they are both responsible citizens who value everything from this country and want to give back. She described the Licensee as a caring, very empathetic person who genuinely likes helping people.

Members noted that the Licensee had held his combined Hackney Carriage/Private Hire Driver's licence with BANES since 2022, although he had been in the taxi trade in another local authority area for more than 5 years, there were no complaints against him from Members of the public.

Members noted that it is imperative that the Licensee is honest to the Licensing section and that he can be trusted. It is also vitally important that he is honest in his dealings with his insurance company as a valid policy of insurance plays a crucial role in ensuring the safety of the travelling public. This was a serious incident and Members take a very dim view of the Licensee's conduct in that regard.

Members found the written and oral representations made by the Licensee and his partner, to be compelling, persuasive and genuine. Members found this was an isolated and out of character occurrence involving an error of judgment which the Licensee initially found difficult to correct. Furthermore, this was in a period when the Licensee was under significant pressure in his personal life.

Members find that the Licensee truly understands the gravity of his actions and that this will not happen again. They noted the financial implications of his dishonesty which are no doubt a monthly reminder to him of his misconduct.

With all of that in mind and whilst it was finely balanced, on balance, Members find that the Licensee is fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a warning in the strongest possible terms to the Licensee that:

1. He must be honest in the way he conducts himself in relation to his licensing affairs.
2. If he comes before the Licensing Sub-Committee again, against this background, there is a serious risk of revocation of his licence.

118 CONSIDERATION OF 'FIT AND PROPER' STATUS - 21/02458/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether a driver remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence.

He outlined the key points from the report.

The Chairman asked the driver to address them on why he believed he should remain considered as fit and proper to hold his licence.

The driver, in response to the safeguarding concern, explained that he was helping a disabled man that he knew to get to a doctor's appointment. He acknowledged that he should not have done this while a child was in his vehicle on their way to school.

He added that during the journey he had been speaking to the man in Bengali as he did not speak any English. He said that he had not used any abusive or bad language in front of the child at any time.

Councillor Steve Hedges asked if the use of another language could sound like swearing to a child or cause them concern.

The driver replied that when talking in Bengali he does talk faster and admitted that it could sound a little aggressive if you did not know what was being said.

The Chairman asked why he had been reluctant to indicate who was driving his vehicle when a speeding penalty had been incurred.

The driver explained that this incident occurred in his private vehicle, not his licenced one and that his son, who had been driving the vehicle, had not informed him of it until a letter relating to a court appearance had arrived. He added that his son had previously tried to reply to initial correspondence to attend a speed awareness course without success.

The Chairman asked if he had been allowed to return to taking passengers as part of Home to School transport work.

The driver replied that he had.

The Chairman asked the driver if he felt he had given the Sub-Committee as much information as he could regarding his case.

The driver replied that he had and said he was truly sorry for what had happened regarding the matters that had been raised.

Decision and Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of a complaint concerning a home to school contract journey as well as the circumstances resulting in 6 penalty points having been imposed on his DVLA licence. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members heard from the Licensee in written and oral representations who indicated that he had undertaken the Blue Lamp Trust Safeguarding Course in October 2021 and he learnt from that course, amongst other things, to be aware of the safety of children who travel in licensed vehicles. He admitted that he had a disabled adult male friend in the front passenger seat of his licensed vehicle whilst a child was seated in the back passenger seat, for a home to school journey. The adult male was not fare-paying, he was just helping him to get to the doctor's surgery on time for an appointment. He denied using inappropriate language in front of the child during that, or any journey. He explained that when he is speaking his first language it is fast paced and could sound aggressive to a child. He acknowledged his mistake in allowing the adult male to travel in the vehicle, apologised for this which he said had never happened before and would not happen again.

In relation to the 6 penalty points on his DVLA licence he explained that he received these points for failing to notify who the driver of his vehicle was, in relation to a speeding offence, within the required period. The Licensee indicated that it was his son driving his personal vehicle rather than his BANES licensed vehicle and his son had concealed the first two letters from him, as he was trying to deal with things himself. His son made him aware once he had received the summons to attend court. The Licensee had tried to explain this to the court, but he had received 6 penalty points and a fine; he had arranged for his son to pay the fine. He notified Licensing of this motoring conviction within the 7-day period prescribed by licensing condition.

Members had considered the correspondence from the Local Authority Designated Officer (LADO) for BANES who had indicated that the LADO threshold had not been crossed as there had not been clear harm to a child and that they would be closing the matter. They did indicate however that it was totally inappropriate for the driver to have acted in this way.

Members noted that the Licensee had been licensed since 2012 and whilst there were previous matters on his record for failing to notify the licensing team of motoring convictions, he had understood and complied with those obligations now.

Members find the Licensee's account to be credible and whilst his motives may have been altruistic in conveying the disabled male to his doctor's appointment, he now understood why this must not happen again. Members noted that he had been allowed to resume home to school contract work in January of this year. In relation to the circumstances leading to his latest motoring conviction, they believe that his son concealed correspondence from him and it was in fact his son that was driving in relation to the speeding offence.

With all of that in mind, on balance, Members find that the Licensee is fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a warning to the Licensee that:

1. He must adhere to his safeguarding responsibilities and must not permit any other passengers into his BANES licensed vehicle when fulfilling home to school contracts unless permitted to do so by the contract or the Passenger Transport Team.
2. He must continue to comply with the conditions on his licences as they are an important safeguard to ensure the safety of the travelling public.
3. If he comes before the Licensing Sub-Committee again, against this background, there is a risk of revocation of his licence.

The meeting ended at 12.48 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 20th April, 2023

Present:- Councillors Rob Appleyard (Chair), Steve Hedges and Sally Davis

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services), John Dowding (Lead Officer - Licensing), Geoff Cannon (Public Protection Officer (Licensing)), Wayne Campbell (Public Protection Officer (Licensing)) and Holly Woodrow (Public Protection Officer (Licensing))

119 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

120 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

121 DECLARATIONS OF INTEREST

There were none.

122 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

123 LICENSING PROCEDURE

The Chairman referenced the procedure for each of the applications before the Sub-Committee and stated that all parties would be given an equal opportunity to make their representations and give evidence.

All parties present acknowledged that they had received and understood the procedure that would be followed at the meeting.

124 APPLICATION FOR A NEW PREMISES LICENCE FOR: BUDO BA, 3 ARGYLE STREET, BATHWICK, BATH. BA2 4BA

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine the application for a new Premises Licence for Budo Ba, 3 Argyle Street, Bathwick, Bath. BA2 4BA.

He stated that a relevant representation had been received from the owner of a flat located above the premises within the statutory period.

Terrill Wolyn, the applicant's agent, addressed the Sub-Committee and confirmed the application was for the Exhibition of Films (indoors), Late Night Refreshment (indoors) and the supply of alcohol for consumption on and off the premises.

In respect of the exhibition of films she said that the intention was to show Japanese films silently on screen. She added that the application does not include any request to allow live or recorded music to be played at the premises.

She explained that the concept behind the new premises had been trialled at another of the owner's premises within the city, The Grapes in Westgate Street, and that this had not had any adverse effect on any of the licensing objectives, nor had it affected the lodgings directly above it.

She informed the Sub-Committee that BeerCraft had operated from the same premises in Argyle Street between 2017 – 2022 which included a taproom underneath the residential flat. She stated that no complaints had been made to the Licensing department regarding its use.

She said that a number of other premises in the area have either later or similar hours of operation to those that are being applied for and that the premises was not within the cumulative impact area.

She stated that there have been no objections received from the Police or any other of the Responsible Authorities and no direct objection from the tenant of the flat above the premises.

She said that it was anticipated that there would be minimal noise from customers leaving the premises and that the owner was willing to offer a further condition as follows.

- No new customers will be allowed entrance to the premises beyond 23.30.

The Chairman asked if while the concept had been trialled at The Grapes whether films had been shown.

The applicant, Ellie Leiper replied that films had not been shown during the trial period.

The Chairman asked the Public Protection Officer (Licensing) if he could confirm the hours that the taproom at BeerCraft operated under.

The Public Protection Officer (Licensing) replied that they ceased their licensable activities at 23.00 every day.

Suzanne Evans had made a relevant representation and was present to address the Sub-Committee. She informed them that she owns the first floor flat above the premises and has let it on a long-term basis for the past eight years. She said that she feared her tenant would have problems if the premises operated after 23.00.

She said that the applicant had accompanied her to a visit to the flat whilst some music was played in the premises below and informed the Sub-Committee that some

of the noise was audible. She asked if a noise limiter could be put in place as part of the licence.

She stated that no additional acoustic measurements have been put in place and acknowledged that no complaints had been submitted while BeerCraft had operated within the premises. She added though that she believed that they had often closed by 21.30.

She asked whether a condition could be set as part of the licence for the number of times a year that the late licence, after 23.00, could be used.

She said that the other premises that had been referenced by the applicant's agent were clubs that were primarily in basements that have no residents above them.

She stated that she had no doubt that the owners are responsible people, but that she wished for some controls to be in place from her perspective.

She concluded by asking the Sub-Committee to consider adding the following conditions to the licence should it be granted.

- A limit to the number of nights per year the premises can operate after 23.00
- No music to be played after 23.00
- A noise limiter to be put in place on the premises
- Grant the licence for 12 months initially to allow for a review after that period

The Chairman asked if there had been a prior agreement to only operate the premises after 23.00 six times a year.

Ellie Leiper replied that this had been an error on her part and that at the time of the conversation she had had a number of other things ongoing in her life.

The Chairman asked both parties if they had any further comments to give to the Sub-Committee regarding the application.

Ellie Leiper said that she would like the flexible option to have premises open after 23.00 to give the business a chance. She added that they have a licence to open later at her other premises, The Grapes, but said that they rarely do so.

Suzanne Evans said that from her point of view it would be welcome to have some form of control over the hours of operation. She added though that she was happy with the conversations that have been held with the applicant.

Decision and Reasons

Members have determined an application for a new Premises Licence at Budo Ba, 3 Argyle Street, Bathwick, 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 on the information before them. Members reminded themselves that each application must be considered on its own merits.

Members had regard to 2 lots of additional information provided by the objector which comprised a chain of e-mails between the objector and applicant between 20th and 30th March 2023 and an e-mail dated 6th April 2023 from Carter Jonas. There were 2 lots of additional information from the applicant comprising Beercraft Premises Licence and Plan and 16-page additional information document.

Terril Wolyn, agent for the applicant addressed members and talked them through what was applied for in terms of regulated activities. To amplify, she explained that the exhibition of film was to enable old style Japanese black and white films to be played with no sound and that they were not applying for live or recorded music. Ms Wolyn noted that the applicant had undertaken a trial of the concept as a pop-up at The Grapes which had had no adverse effects on the licensing objectives and she noted that Beercraft which had a tap room and was located at the premises previously from 2017 until surrendered last year, had not been the subject of any complaints and this had been confirmed by the licensing team. In conclusion Ms Wolyn submitted that the proposed nature and character of the premises was reasonable, and the conditions offered were appropriate and proportionate, the premises is not in the cumulative impact area, and there had been no representations from the expert responsible authorities. On behalf of the applicant, Ms Wolyn offered an additional condition, namely "On occasions when the premises trades after 2300 there will be no new entry to the premises after 2330."

There were written and oral representations of objection from Suzanne Evans who is the owner of the flat located above the premises who felt that if granted the operation of the licence would undermine the Prevention of Public Nuisance licensing objective. Ms Evans indicated that she was not objecting to the application in its entirety but in respect of late-night activities after 2300. Ms Evans indicated that she was hoping they could negotiate a level of decibels that could be played and that there could be formal agreement. Ms Evans noted the examples of other licences submitted by the applicant and referred to differences she perceived between those premises and the application premises, in terms of nature of the operation, composition of the buildings and locations. In conclusion, Ms Evans indicated that she has no doubt that the applicant would be responsible, but she owns half of the building and feels she should have some control as well as the applicant's assurances. Ms Evans invited members to limit the number of late nights throughout the year, with no music after 11pm on the ground floor, a noise limiting device and for the licence to be given on a 12-month period initially with review at that point.

In determining this application Members were careful to take account of the relevant written and oral representations both for and against the application and balanced their competing interests but they noted that the objector was not against the application in its entirety, only in relation to activities after 2300.

Members noted that there had been no representations from Responsible Authorities nor the Licensing Authority.

Members disregarded irrelevant issues including matters concerning Building Control, matters the subject of other statutory regimes and noted that the applicant had not applied to play live or recorded music at the premises.

Members were satisfied on the evidence they had heard and read that the application, including the operating schedule and additional condition offered, would promote the licensing objectives.

Authority is therefore delegated to the licensing officer to issue the licence with conditions consistent with the operating schedule subject to the following additional condition offered by the Applicant and indicated below, which members consider to be appropriate and proportionate in the promotion of the Prevention of Public Nuisance licensing objective:

“On occasions when the premises trades after 2300 there will be no new entry to the premises after 2330.”

125 EXCLUSION OF THE PUBLIC

The members of the Sub-Committee agreed that they were satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972.

It was **RESOLVED** that the public be excluded from the meeting for the following items of business and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

126 CONSIDERATION OF FIT & PROPER - 22/00254/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether a driver remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence.

He outlined the key points from the report and stated that additional information, correspondence between the driver and himself, had also been circulated to the Sub-Committee prior to the meeting.

The Chairman invited the First Complainant into the meeting. He and the Team Leader, Legal Services asked her to confirm that the content of the statement made on 27th October 2022 was true and accurate and asked her to confirm some of the specific points from within it.

The First Complainant confirmed that the statement was true and accurate.

The driver was given the opportunity to ask questions of the First Complainant through the Chairman but he did not have any questions that he wanted to ask.

The Chairman asked the driver if his recollection of the journey involving the First Complainant was similar to the statement that she had made.

The driver replied that it was not.

The members of the Sub-Committee thanked the First Complainant for attending the meeting. She then left the room as the meeting continued.

The Chairman asked the driver to address them on why he believed he should remain considered as fit and proper to hold his licence and referred him to each of the annexes from the report.

The driver informed the Sub-Committee that he had a high rating as an Uber driver and that over 15 years he had provided journeys for around 200,000 customers. He added that he has a clean driving licence and has not been convicted of any action.

He said that on the journey of 17th October 2022, it was 5/6 months ago, and he does not remember word by word the conversation, he only engaged in usual small talk with the First Complainant and that you can judge if some customers will want to talk or not. He added that many times the customer will say please I don't want to talk, I have just broken up with my boyfriend or something like that.

He denied saying that the First Complainant '...can read men's minds and you're beautiful' and that he did not offer her his mobile number. He added that he could not recall the whole conversation.

The Chairman asked the driver if he had said that he would '...lay his seat back' when nearing the home of the First Complainant.

The driver replied that he did not.

The Chairman explained that a statement had also been made by a friend of the First Complainant who was at home at the time of the journey and that she had received a text message to say that '...her driver was acting a bit weird and that she felt uncomfortable'. He added that the friend had agreed to meet the First Complainant at home after asking to be dropped at the end of their road. The driver said if this is escalated to court, he would request phone data.

The Chairman asked the driver about the incident in February 2013 involving parking enforcement officers and the driver moving back and forth on the single and double yellow lines. The driver said that there was a period of time where he was chased by parking officers, he confirmed that he was solely driving back and forth and he explained that driving there and back slowly is not an offence as at no time was he stopped.

The Chairman asked the driver about the verbal complaints regarding plying for hire at Bath University campus and asked the driver if he can only take jobs if given to him by an operator to which he replied yes. The driver denied taking any "flyers", said there was no proof and you need proof to make allegations.

The Chairman asked the driver what happened in the reported incident at Bath Spa train station in June 2018.

The driver said that the station can be busy / chaotic, especially when trains from London arrive, and that on this particular day there were 5 or 7 people in the queue outside the station. He explained that the customer, who had made the complaint, had just jumped into his car, ignoring the queue, without permission and that he had then asked him to leave the vehicle.

He added that by the time other people had got into other taxis the complainant had ended up being his customer and said that he was angry at not being accepted as his customer in the first place.

The Chairman stated that this did not match the statement that had been made by the complainant. He then asked the driver to comment on the latest incident which had been alleged to have taken place on 17th March 2023.

The driver said that he had picked up two passengers from the University and that at the bottom of Bathwick Hill the male passenger had asked to get out. At this point the driver said that the female passenger asked to sit in the front and that the male passenger had warned him that she was a 'dangerous girl'.

The driver informed the Sub-Committee that the female customer actually lives two doors away from him and that this may have in some way panicked her. He said that he sometimes makes jokes with customers and that the allegations that have been made against him are not true.

He stated that his Uber account had been suspended within 2 hours of this journey and that he had asked the Police to visit the Second Complainant to take an alcohol level reading.

The Chairman asked the driver if he had seen the Second Complainant before this journey had taken place.

The driver replied no.

The Chairman asked the driver if he had said '...I've seen you go on runs' to the Second Complainant when discussing on the journey where she lived.

The driver replied no.

The Chairman asked the driver if he had touched the Second Complainant's leg whilst the journey was in progress.

The driver replied that this was not true and said that the passenger was very drunk.

Councillor Sally Davis asked why he hadn't mentioned the male passenger's comments about the Second Complainant being 'dangerous' to the Licensing team before today.

The driver replied that he had been given little time to reply to the allegation and therefore only gave very brief answers. He said again that he thought that the Second Complainant was very drunk.

The Public Protection Officer (Licensing) asked the driver if he could recall what sort of joke he would have told on the journey with the Second Complainant.

The driver replied that he had told the passenger while on the journey that they were neighbours and that if you see my car parked here then don't worry I am not stalking you.

The Chairman asked the driver if he had any final comments to make to the Sub-Committee regarding his case.

The driver repeated his earlier comments regarding having a high Uber rating and driving over 200,000 customers. He added that he felt he was at the meeting because 1 student had taken his humour the wrong way.

Decision & Reasons

Members have had to consider whether or not the licensee is a fit and proper person to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of complaints made against him by female passengers and his conduct since he was first licensed by BANES. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

The Licensee came before the Licensing Sub Committee on 23rd March 2023 when the matter was deferred with the agreement of the Licensee due to a new complaint that had been made on 17th March 2023.

Members were aware that on 31st March 2023 the licensee had had his Combined Hackney Carriage/Private Hire Driver's Licence suspended with immediate effect in the interests of public safety. Members, however, determined the matter on its merits having considered all relevant evidence and noted the suspension did not pre-determine the outcome of the hearing.

Members had considered additional written information which comprised e-mails between the Licensee and the Public Protection Officer (Licensing) between 30th March and 6th April 2023.

Members had read the Licensee's written representations and heard from him in oral representations when he indicated that in relation the journey on 17th October 2022 he denied commenting on the passenger's looks, denied suggesting that he give her his phone number or that he would lay the car seat back at the destination. He described the passenger as being angry at the start of the journey. He indicated that he had informed the passenger of the change in route to a quicker alternative, and she had agreed to this. He denied saying anything to make the passenger feel uncomfortable however, he also said in oral representations to the Members that it was 5 or 6 months ago, and he does not remember word for word the conversation. In relation to the journey on 17th March 2023 he denied being inappropriate with the customer, he denied stroking her leg and asking if that was "okay" and he denied calling her sexy.

He explained to Members that the female passenger had, in his view, been very drunk, and he had wanted the police to take her blood alcohol levels. The Licensee's account was that the male passenger who had been in the vehicle for the first part of the journey had warned him to be "careful it's a dangerous girl" in relation to his female passenger.

The Licensee was led by the Chair through each of the historic matters on his licence so that he could give his account of those occurrences in detail. In conclusion, the Licensee asked Members to take into account that he has held his licence for 15 years, he has undertaken approximately 200,000 journeys, he has the highest rating with Uber, and he asked Members to consider if it is ok to send someone to unemployment because one student did not like something.

Members had read the witness statement provided by the complainant concerning the journey on the 17th October 2022 (the First Complainant) and they heard oral representations from her today. On questioning she indicated that the Licensee had made the following comments to her: "You can read men's minds and you're beautiful", he said he should give her his number and that he said he was going to lay his seat back. She confirmed the contents of her statement dated 27th October 2022 were true and accurate. Members had also read a statement, contained in Annex F of the reports pack, from her friend who met her after the journey had ended.

Members noted from the agenda reports pack that there was an e-mail from Uber Operations Lead UK that indicated the driver took a different turning to reach the destination but did not consider that to be a route deviation as such.

Members found the evidence that they heard and read from the complainants for the journeys on 17th October 2022 and 17th March 2023, to be credible and compelling.

It cannot have been pleasant for the First Complainant to come before the Committee today, appear in the same room as the Licensee to give her oral account and re-live what had happened to her. It was evident from how she presented before Members and taking into account the statement provided by her friend, that the words the licensee had used towards her had a lasting impact. In the immediate aftermath she was "visibly upset [and]...shaken up". Today she was in floods of tears before Members and clearly distressed.

Conversely, based on what they had heard and read from the Licensee they did not find him to be credible, he sought to minimise and deflect in the way he gave his evidence. He questioned the honesty of all of the complainants including a solicitor, Councillor, BANES Civil Enforcement Officers and two female complainants who have no relationship to each other. He mentioned things before Committee today such as the alleged comment by the male passenger concerning the 17th March 2023 incident, which he did not mention in his telephone or written account to licensing in the days after the incident. He said he could not recall the conversation with the first complainant in October 2022 but was able to give Members a through account of the incident concerning the Civil Enforcement Officers in 2013 and the incidents concerning the solicitor and Councillor in 2018. His communications with licensing officers showed a lack of respect and understanding of the seriousness of the incidents concerning him.

When weighed in the balance, Members believe and prefer the evidence of the two female complainants who are apparently completely unrelated and have nothing to gain from making unfounded allegations.

Members take into account how long the Licensee has been a licensed driver, the substantial number of journeys that he has completed and the Uber rating he described to them. However, based upon the two incidents alone concerning female passengers, Members are no longer satisfied that the licensee is fit and proper to continue to hold his combined Hackney Carriage/Private Hire Driver's Licence. They have also taken into account his BANES driver's record as a whole when considering his fit and proper status and this shows that throughout the 15 years that he has been licensed there is a catalogue of incidents and misconduct, the nature of which has been more serious as time has gone on.

The cumulative impact of these incidents when assessing the Licensee's fit and proper status have bolstered Members' finding that he is not fit and proper to continue to hold his Combined Hackney Carriage/Private Hire Driver's Licence. For the avoidance of any doubt, the incidents concerning the licensee that have led Members to conclude that he is no longer fit and proper are as follows:

- (i) On 17/03/23 he made inappropriate comments and engaged in inappropriate touching of the Second Complainant:
 - Commented that not being married meant that he "would not be able to receive blow jobs from girls like [her]"
 - Commented "you are sexy"
 - Placed his left hand on her right thigh, quite firmly for a few seconds and said "is this okay", to which she said "no" and she slid across towards the passenger side door. The driver's hand had touched the bare flesh of her thigh as she was wearing a tennis skirt.
- (ii) The Second Complainant was shocked and "worried for her safety", she has felt vulnerable leaving her flat as the driver lives close to her, she is more security conscious at home and wary of travelling in a taxi. She sent a complaint to Uber when she got home as she was very angry about what had happened.
- (iii) The Second Complainant had a male friend travelling in the taxi with her during the first part of the journey, when he left the vehicle, he said: "be careful with the driver."
- (iv) On 17/10/22 made inappropriate comments towards the First Complainant:
"You can read men's minds and you're beautiful"
He should give her his number
Made comments about her appearance and said he was lucky to drive around pretty girls like her
That he was going to lay his seat back when they got to where she lived.
- (v) Following these comments, the First Complainant sent a message to her friend and asked her to wait outside for her as she was scared.

- (vi) The friend saw the First Complainant was visibly upset and shaken when she met her immediately following the journey. The First Complainant does not feel that she wants to take an Uber taxi again, she says she would be frightened even with other people travelling with her, because of the Licensee's behaviour.
- (vii) On 12/04/12 the Licensee was given a warning for failing to declare a fixed penalty notice for speeding within the 7-day period required by condition on his BANES licence.
- (viii) On 13/02/13 he was given a verbal warning having repeatedly taunted BANES Civil Enforcement Officers employed to enforce parking matters.
- (ix) On 01/05/13 the Licensee was issued with a written warning by Licensing in relation to illegally plying for hire and it was noted that he had already been spoken to by his Operator in relation to these issues.
- (x) On 17/08/15 the Licensee was issued with a Simple Caution from the police for being drunk and disorderly in a public place. He was referred to the Licensing Sub Committee who took a very dim view of his behaviour and issued him with a formal warning in relation to his future conduct.
- (xi) On 19/09/18 the Licensee received a further formal written warning from licensing for refusal of a fare and aggressive conduct reported in writing by a solicitor. At the same time a complaint of aggressive driving reported in writing by a BANES Councillor was noted and he was informed it would be retained on his file.

Taking all of this into account, Members find that the Licensee is no longer fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence. Given the way in which his conduct has escalated and the seriousness of the most recent two matters which involved inappropriate comments and inappropriate touching of a passenger, his licence is revoked with immediate effect pursuant to section 61(2B) in the interests of public safety.

127 CONSIDERATION OF FIT & PROPER – 20/00354/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether a driver remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence.

He outlined the key points from the report.

The Chairman asked the Public Protection Officer (Licensing) if there had ever been any gaps in insurance cover or MOT status of the driver's vehicle.

The Public Protection Officer (Licensing) replied that there had been none.

The Chairman asked the driver to address them on why she believed she should remain considered as fit and proper to hold her licence.

The driver replied apologised and said that she had simply forgot to do this part of the process. She added that she had been quite unwell over the past two years, having caught the Covid virus 5 times.

Councillor Steve Hedges asked how she would make sure that this does not happen again.

The driver replied that she would now set herself multiple reminders to fulfil the process and said that she was now more aware of how serious this situation had become.

The Chairman asked the driver if she felt she had given the Sub-Committee as much information as she could regarding her case.

The driver replied that she had.

Decision & Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold her combined Hackney Carriage/Private Hire Driver's licence in the light of failures to comply with the conditions of her Private Hire Vehicle Licence relating to insurance and MOT certificates. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members heard from the Licensee in oral representations who indicated that she had had completely forgotten, she had had Covid 5 times and health problems over the last two years. In order to stop this happening again she will make sure that she gets reminders and because she is here today, she will be more careful and aware of the consequences.

Members noted that compliance with the conditions relating to MOT and insurance certificates is vital so that the Council can be assured that the safety of the public when travelling in a BANES licensed vehicle is not compromised. Indeed, compliance with all licence conditions is of the utmost importance.

Members noted that this concerned a purely administrative failure to comply with the conditions of her licence and there had not been a gap in insurance cover.

With that in mind, on balance, Members find that the Licensee is fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a warning to the Licensee in the strongest possible terms that:

1. She must comply with the conditions on her licences in all matters as they are an important safeguard to ensure the safety of the travelling public.

2. She must take care to ensure that she completes her documentation related to her BANES licences with care and accuracy, if in doubt she should seek assistance from licensing.
3. It is her responsibility, nobody else's, to ensure compliance with the terms of her licences.
4. If she comes before the Licensing Sub-Committee again, against this background, there is a risk of revocation of her licence.

128 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-22/02626/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She explained that they were being asked to determine whether an applicant should be granted a combined licence to enable them to drive Hackney Carriage/Private Hire vehicles.

She outlined the key points from the report and distributed copies of the Disclosure and Barring Service (DBS) Certificate and a statement that had been written by the applicant to the Sub-Committee.

The Sub-Committee paused for a few moments to allow the Members to read the content of the DBS Certificate and the accompanying statement.

The Chairman asked the applicant to address them on why he believed he should be granted a licence.

The applicant explained that since 2017 he had not had an alcoholic drink and that at this present time he did not feel that he would ever do so again. He added that he was currently a part-time bus driver.

Decision & Reasons

Members have had to determine an application for the grant of a combined Hackney Carriage/Private Hire Driver's Licence where the applicant has a previous conviction. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members took into account the applicant's oral representations, the contents of the report and the results of the Disclosure and Barring Service check.

The applicant addressed Members in oral representations and indicated that he had voluntarily decided not to drink alcohol since 2017 and that he drives part-time as a bus driver.

Members noted that this previous conviction was not caught by the Council's Policy which provides that a period of 5 years should have elapsed since the last conviction of this nature, which had been in 2015. Members further noted that he was currently driving on a professional basis as a part-time bus driver.

Members determine that the applicant is fit and proper to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Accordingly, authority is delegated to the licensing officer to grant the licence subject to satisfactory outcome in respect of the remainder of the licensing process.

The meeting ended at 3.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

The Sub-Committee will reconvene the meeting and the Chair will announce the Sub-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.

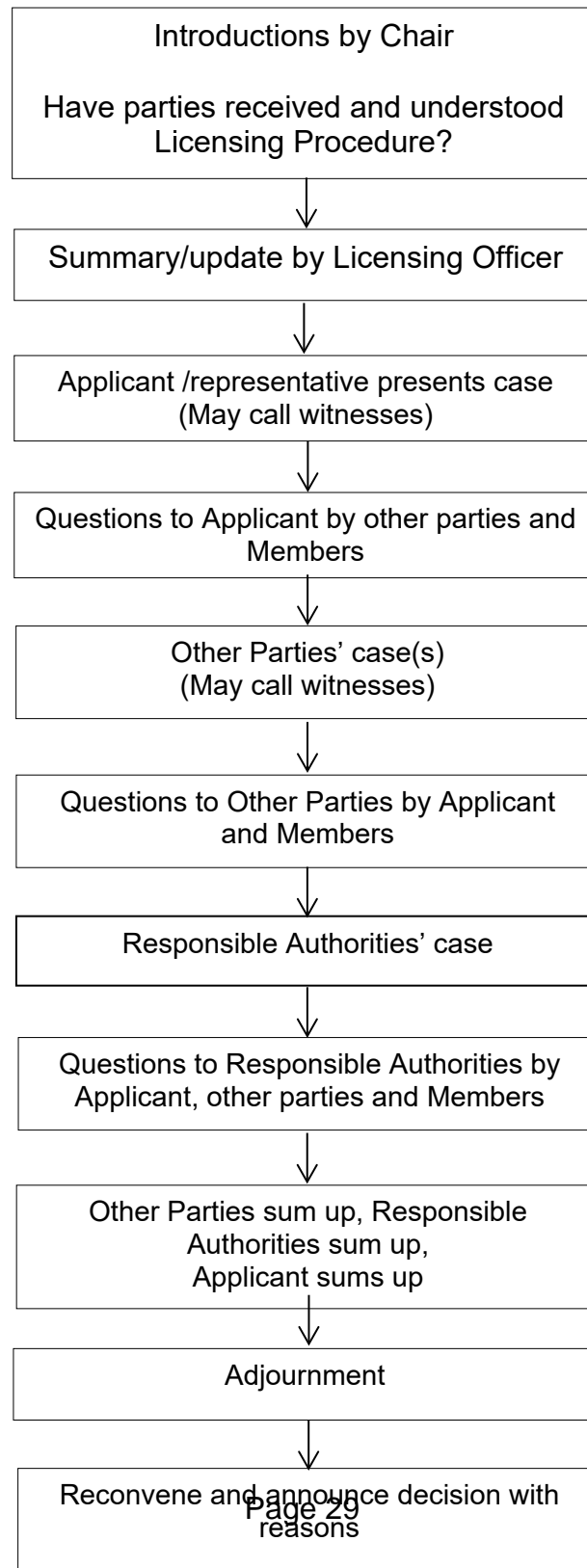
PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Sub-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 Sub-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.

**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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Bath & North East Somerset Council		
MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 18 May 2023	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a Variation of a Premises Licence for: Bath Carnival Sydney Gardens Bath BA2 6NF	
WARD:	Bathwick	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a Variation of the Premises Licence.		
Annex B Current Premises Licence.		
Annex C Plan of existing Licensable activities area.		
Annex D Representation of objection to the application		

1 THE ISSUE

- 1.1 An application to vary the Premises Licence for Bath Carnival has been made under s.34 of the Licensing Act 2003. The premises is not located within the B&NES Cumulative Impact Area and the Cumulative Impact Policy is not relevant to this application.
- 1.2 A relevant representation has been received from Pulteney Estate Residents Association.

2 RECOMMENDATION

- 2.1 The Committee is asked to determine the application.

3 THE REPORT

- 3.1 An application has been received from Bath Carnival Community Interest Company to vary the Premises licence for Bath Carnival, Sydney Gardens, Bath BA2 4DB . **(Annex A)**

3.2 The application proposes the following variations to the existing licence:

To remove the existing Annex 2 condition:

- We will manage the number of people within the premise and restrict the capacity to a maximum of 3000 people at one time. These numbers will be available to the Licensing Authority or any other responsible representative upon request throughout the day.

and replace this condition with the following:

- We will manage the number of people within the premise and restrict the capacity to a maximum of 4750 people at one time. These numbers will be available to the Licensing Authority or any other responsible representative upon request throughout the day.

There are no proposed changes to Licensable Activities or timings.

3.3 The following additional measures have been offered by the applicant to promote the licensing objectives in addition to existing conditions attached to the operating schedule:

- Additional SIA security and stewards to meet current guidance and taking into account the increase in attendees.
- Sufficient toilet facilities to cater for the increase in attendees.
- Inform our medical supplier to ensure they accommodate the increase in attendance numbers

3.4 A copy of the current Premises Licence is attached (**Annex B**)

3.5 The plan showing the extent of the current licensable activities areas is attached (**Annex C**)

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

- a) the prevention of crime and disorder.
- b) public safety.
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

3.7 Each objective is of equal importance and 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.

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

3.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance

issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:

- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2020 policy;
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised December 2022;
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.

- 3.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 3.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 3.12 In accordance with the requirements of the Act, copies of the application were forwarded to the Police, the Fire Authority, the Environmental Protection Team, Development Control, Trading Standards, Health Authority and the Safeguarding Children and Young Persons Team.
- 3.13 The applicant was required to place a notice at the premises for a period of 28 consecutive days starting the day after the application was deemed valid, and to place an advert in a local newspaper within 10 working days of submitting a valid application to the licensing authority.
- 3.14 A representation of objection has been received within the statutory period from Ceris Humphreys on behalf of Pulteney Estate Residents Association Residents (PERA). The representation expresses concern that the applicant's proposals are likely to undermine the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public safety and Protection Of Children From Harm Licensing Objectives (**Annex D**)
- 3.15 As a relevant representation has been received, the Licensing Sub Committee must determine the application in accordance with the Licensing Act 2003.

4 STATUTORY CONSIDERATIONS

- 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 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The costs of processing licences are covered by the fees charged. The fee for this application is £100

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

- 7.1 The licensing objectives do not require the applicant to specify steps to mitigate the impact of climate emergency. However, the applicant is encouraged to consider locally sourced ingredients and reducing single use plastic in the operation of their business.

8 OTHER OPTIONS CONSIDERED

- 8.1 None.

9 CONSULTATION

- 9.1 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), Section 151 Officer (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.
- 9.2 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Geoff Cannon Public Protection Officer (Licensing) 01225 396719
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
Please contact the report author if you need to access this report in an alternative format	

Annex A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Bath Carnival CIC**

(Insert name(s) of applicant)

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

Premises licence number	18/01077/LAPRE
-------------------------	----------------

Part 1 – Premises Details

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

Sydney Gardens
Sydney Pl, Bathwick,
Bath

Post town	Bath	Postcode	BA2 4DB
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Telephone number at premises (if any)	Not available
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Non-domestic rateable value of premises	£0
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Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	2 Broadmoor Park Weston Bath BA1 4JN		
Post town	Bath	Postcode	BA1 4JN

Part 3 - Variation

Please tick as appropriate

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

☐ Yes

☒ No

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

DD		MM		YYYY			
0	8	0	7	2	0	2	3

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

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

Wish to remove the existing Annex 2 condition:

We will manage the number of people within the premise and restrict the capacity to a maximum of 3000 people at one time. These numbers will be available to the Licensing Authority or any other responsible representative upon request throughout the day.

and replace this condition with the following:

We will manage the number of people within the premise and restrict the capacity to a maximum of 4750 people at one time. These numbers will be available to the Licensing Authority or any other responsible representative upon request throughout the day.

All other aspects of the license to remain the same

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

Part 4 Operating Schedule

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

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

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)			
Mon						
Tue						
Wed						
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)			
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sun						

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

K

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

L

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

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

Please tick as appropriate

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

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

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

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

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

Additional SIA security and stewards to meet current guidance and taking into account the increase in attendees.

Sufficient toilet facilities to cater for the increase in attendees.

b) The prevention of crime and disorder

c) Public safety

Inform our medical supplier to ensure they accommodate the increase in attendance numbers

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	24-03-2023
Capacity	Bath Carnival Director

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

Signature	
Date	
Capacity	

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

Post town		Post code	
Telephone number (if any)			

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

Notes for Guidance

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

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

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - 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 (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003
Premises Licence

Premises Licence Number

18/01077/LAPRE

Premises Details

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

Bath Carnival
Sydney Gardens
Sydney Place
Bathwick
Bath
BA2 6NF

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Saturday and Sunday 10:00 - 22:00

Performance of Dance (Outdoors only)

Saturday and Sunday 10:00 - 22:00

Performance of Live Music (Outdoors only)

Saturday and Sunday 10:00 - 22:00

Performance of Recorded Music (Outdoors only)

Saturday and Sunday 10:00 - 22:00

The opening hours of the premises

This is an open public space.

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

Alcohol is supplied for consumption on the premises

Name of holder of premises licence

Bath Carnival

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

Registered Business Number - Not applicable

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

As per Operating Schedule at Annex 2.

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

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

Dated 2 June 2021

Annex 1 – Mandatory conditions

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

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

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

where:

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

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

From 1 October 2014:

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a) games or other activities which require or encourage, or are designed to require or encourage individuals to i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or, ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

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

Annex 2 – Conditions consistent with the Operating Schedule

An Event Management Plan will be produced which will set out how the event will be managed and the procedures, roles and specific responsibilities of the management team, security and associated personnel. The finalised version of the plan will be submitted and approved by the licensing authority no later than 7 days prior to commencement of the event.

We will manage the number of people within the premise and restrict the capacity to a maximum of 3000 people at one time. These numbers will be available to the Licensing Authority or any other responsible representative upon request throughout the day.

Access for emergency vehicles will be maintained around the premises at all times.

A dedicated team of litter pickers will manage the waste for the event with clearance and disposal of waste undertaken as soon as reasonably practicable.

A First Aid team will be on site at all times.

Drugs and alcohol policies will be in place. The public will not be allowed to bring alcohol on site.

All drinks will be served in plastic or polycarbonate drinking vessels.

A lost children's policy will be in place with SIA trained staff and stewards to manage it. Trained and fully police checked staff will run the Welfare point/lost children area. Access to this area will be strictly limited and parents must fill out and sign a form to 'claim' their lost child.

Robust enforcement of 'Challenge 25' policy.

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

Hours for all licensable activities to have an effect on no more than one day per calendar year on the following days and times:

Saturday 10:00 hours to 22:00 hours

OR

Sunday 10:00 hours to 22:00 hours.

A minimum of 15 stewards including not less than 5 SIA Registered Staff to be on duty at the premises from at least 09:30 until 22.30 and at all times (with the applicant having regard to rest breaks during which this minimum requirement of 15 must still be maintained)

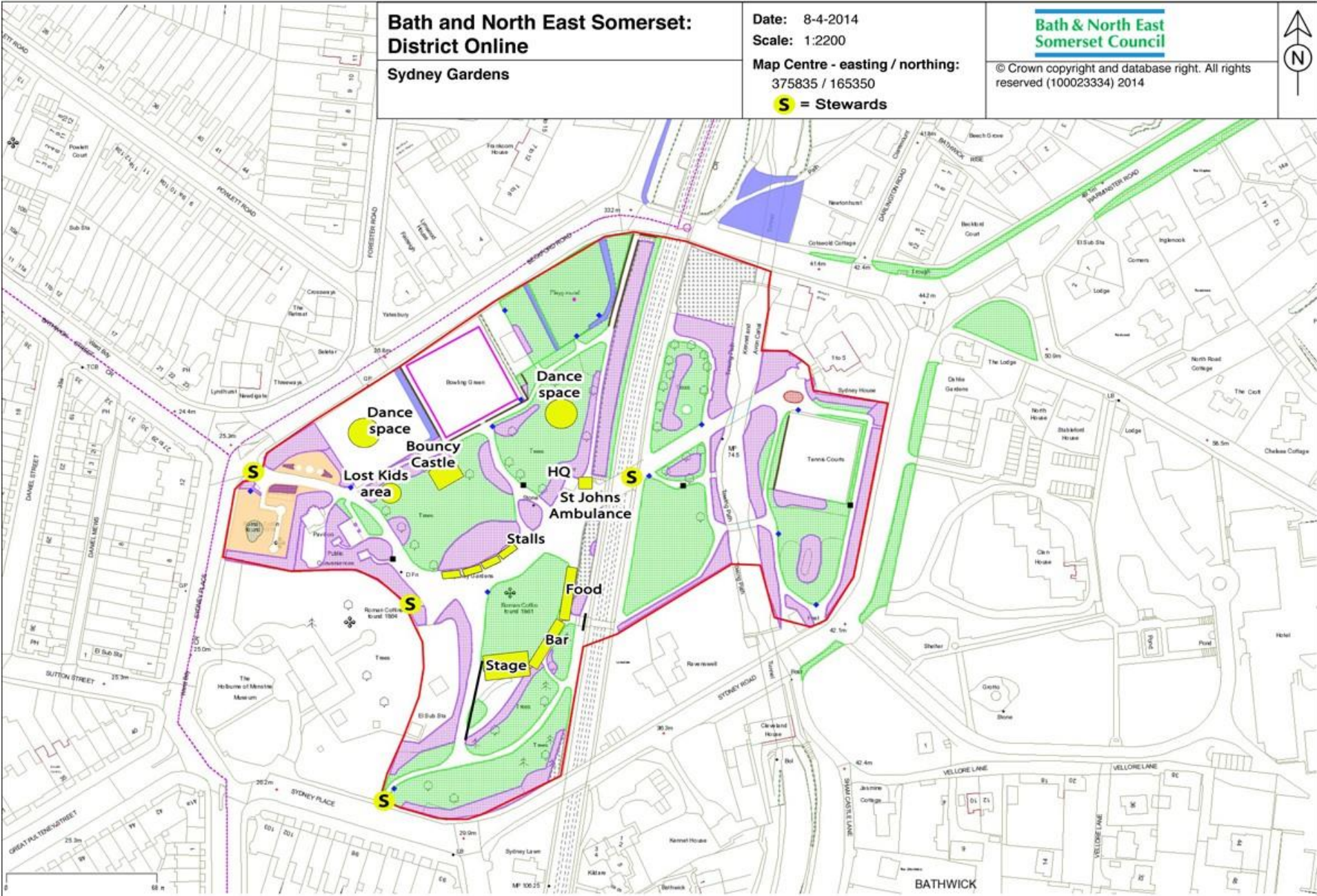
3 months' notice of the event to be given each year to the Relevant Responsible Authorities

Within 28 days prior to an event, a detailed noise management plan shall be submitted to the Environmental Protection Team at Bath and North East Somerset Council

Annex 4 – Plans

As submitted with application.

Annex C



LICENSING ACT 2003**INTERESTED PARTY REPRESENTATION**

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

I/We object to the following application:

Application number:	23/00595/LAPRE
Applicant's name:	Bath Carnival
Premises name and address:	Sydney Gardens Sydney Place Bathwick, Bath BA2 6NF
Application for a:	Variation of 18/01077/LAPRE to increase capacity

Objector Details:

Objector's Name:	Pulteney Estate Residents' Association
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	Representing residents of the Pulteney Estate area including in particular members in the vicinity of Sydney Gardens at Sydney Place (Upper and Lower), Sydney Road, Great Pulteney Street and Darlington Street.
Organisation name if applicable:	

Objection Details:

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

Prevention of crime and disorder



Prevention of public nuisance



Protection of children from harm



Public safety



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

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

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

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

☐

Detailed Objections:

The requested Variation would increase permitted capacity at the Premises by nearly 60%. We object that any increase in the capacity will be contrary to public safety, contrary to the objectives of preventing harm to children and preventing crime, and will cause public nuisance.

We are supportive of the Carnival as a community event. However, the 2022 event failed in various respects to comply with B&NES policies, with the approved Event Management Plan, and with Licensing Conditions of the Licence. In order to feel confident that an increase in the permitted capacity is appropriate, the Licensing Committee should need to be satisfied by the evidence that the organisers can manage the event in accordance with a proper approved Event Management Plan and adhering to the existing Licensing Conditions.

The appropriate time to consider a capacity increase, and especially the large increase currently requested, would be following at least one event in which the above criteria are met by a well-run event, demonstrating the organisers have the capability and competence, within the existing capacity limit of 3000, to safeguard public safety (including that of many children and young people) and comply with existing Licence Conditions. The evidence from the 2022 Bath Carnival is contrary to this, and the increased capacity, if permitted, would therefore represent a risk to safety and security of the general public, children and local residents.

In the event of non-compliances in the 2023 event such as occurred in the 2022 event, we would consider seeking a review of the full Licence.

PUBLIC SAFETY

The existing Bath Carnival Licence has in Annex 3 a condition requiring

“A minimum of 15 Stewards including not less than 5 SIA Registered Staff to be on duty at the Premises from at least 09.30am until 22.30 and at all times”.

For a considerable period during the 2022 event there were no Stewards on site, breaching that Licence Condition both in overall number of Stewards and number of SIA Registered Staff on duty. A search for a Carnival representative to report a problem experienced mid-afternoon located no Steward on site (see attached Witness Statement). At this time, there were numerous people on the Premises, including many children, and there were stalls selling food and drink. The potential safety and security risks of the total or almost total absence of Stewards at Sydney Gardens for an extended period with significant numbers of members of the public present were clearly significant, and would have impaired proper response to any incident or emergency, representing an unacceptable risk to public safety.

Furthermore, during visits to the Premises there appeared to be no counting of people entering and leaving the Premises, and clearly this cannot have been done at all during the hours when there were no Bath Carnival staff present. It seems implausible that the Licensee had any accurate count for the number of people on site, and there is every reason to think it likely that at busy times the maximum capacity set in Annex 2 of the Licence would have been exceeded in breach of the capacity Condition.

PREVENTION OF HARM TO CHILDREN

The requested increase in capacity would increase the risk of harm to children, for the same reasons. The absence of Stewards on site for a considerable period during which there were significant numbers of children on site, including in a Kids Area explicitly designed to attract children to the Premises, was particularly concerning, raising questions about how safeguarding-related policies can have been properly managed. In order to have confidence that the requested increase in maximum capacity will be capable of complying with the Licensing Objective of Prevention of Harm to Children, the Licensing Committee ought first to require evidence of a responsibly run 2023 event complying with the current Licensing Conditions and within the current capacity limit of 3000.

PUBLIC NUISANCE

(i) Noise nuisance: Although there was a Noise Management Plan (NMP) in 2022 as required in Annex 3 of the Licence, this was both inadequate and not complied with. The NMP stated that: “Sound technicians will record the level of sound in the noise sensitive areas throughout the day. This information will be recorded in a log. The music noise level will not exceed 65dB over a 15 minute period as recommended by the Bath and North East Somerset Code of practice for concerts and outdoor events. The music noise level will not exceed 65dB over a 15 minute period”.

Noise Sensitive Areas were defined as all houses on Beckford Road, Sydney Place, Darlington Street, Sydney Road and Pulteney Street.

The data provided by the Carnival to B&NES showed:

- Noise levels were apparently sampled for just five brief sampling periods during the 13 hour event. This does not adequately represent the level of sound “throughout the day” as required in the NMP.
- In one of the most noise-sensitive locations (Sydney Place, immediately opposite the Premises) measurements failed to be taken during three sampling periods, leaving only two brief sampling periods in the entire thirteen hours. During one of these two periods there was substantial exceedance at Sydney Place, and during the other the measured level was 63 db which, within measuring tolerances, is effectively at the maximum stated level.
- In fact, there was substantial exceedance during one sampling period at two residential locations (“Darlington”, 72 dB and “Sydney Place”, 72 dB).
- In three of the brief sampling periods there were also measured levels that were within the measurement tolerance of the limit (64dB at two locations at 4.20pm, 63dB at two locations at 8pm and 63dB at two locations at 9.25 pm).

Given how little measurement was done and the high levels measured on those occasions including substantial exceedances, it must be assumed the exceedance was much more extensive than reported, and it is not credible that 65dB was only exceeded on one short occasion at Sydney Place and Darlington Street.

(ii) Waste nuisance: There was still widespread waste strewn around the Premises on the morning after the event, causing the cancellation of a historical walk event due to the extensive discarded waste and the poor impression this would create for visitors. It is suggested the organisers be required to have cleared waste by early the next morning (no later than 8am or 8.30am) in order to allow normal usage of this park widely visited by tourists to the city to resume.

PREVENTION OF CRIME & DISORDER

The requested increase in capacity would increase the risk of crime and disorder, for the same reasons given above under Public Safety.

PROPOSED CONDITIONS IF VARIATION PERMITTED

If, notwithstanding the evidence of breaches in 2022, the requested Variation to Annex 2 is to be permitted, this should be accompanied by additional Conditions in Annex 3, including:

(a) Additional Condition for Public Safety: variation of the current Annex 3 condition requiring 15 Stewards for the entire period of 9.30am to 22.30pm to require at least a commensurately increased number of Stewards for that period, to enable adequate monitoring and control of the increased number of people across the large area defined in the Licence as Premises. Bearing in mind the very large size of the Premises (as defined by the Licensee) and the high number of entrances, it is suggested that significantly more than a commensurate increase in Steward numbers would be preferable if any increase in capacity is permitted

(b) Additional conditions to prevent public nuisance, in particular to ensure the noise monitoring is adequate and fairly reflects the experienced noise levels at noise sensitive areas, including at least:

(i) Requirement to monitor at least hourly at all noise sensitive locations

(ii) Requirement to appoint a noise consultant who is a member of the Association of Noise Consultants or Institute who will control noise on the day of the event and prepare a report to be submitted to Environmental Protection after the event.

Note: (ii) above is in B&NES's Checklist for Noise Control at Large Outdoor Events and should not therefore be onerous. In view of the poor track record of noise control on the Premises and the poor quality of the reported information after the 2022 event, the inclusion of the above terms would seem essential to prevent public nuisance.

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

Signed

/Ceris Humphreys/ For and on behalf of PERA

27 April 2023

██████████

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

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

Ceris Humphreys

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>
Ceris Humphreys	Written Witness Statement accompanies this form

Form to be returned to:

Licensing Services
Public Protection
Lewis House
Manvers Street
Bath BA1 1SN

Important Information About Your Representation

Why do I need to fill in this form?

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

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

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

Anonymous representations will not normally be accepted.

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

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

What do I need to know when writing my representation?

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

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

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

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

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

I want to make a representation about traffic/planning issues

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

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



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Witness Statement – Ceris Humphreys (Vice Chair, Pulteney Estate Residents' Association)

On 9th July 2022 I called B&NES Council Connect at 3.25pm from Great Pulteney Street to report serious concerns about the Bath Carnival Procession on Great Pulteney Street which was causing continuing problems in that location within our Residents' Association area due to failure of the procession to operate according to its pre-announced programme. As the Council Connect staff member I spoke to was unable to do more than record my call as a complaint to be considered the following Monday and was not in a position to address the issue of immediate concern, I walked along to the Bath Carnival site at Sydney Gardens in an attempt to secure help there from the Carnival organisers.

On arrival at Sydney Gardens at about 3.30pm I started looking for a Bath Carnival representative to request attention to the problems on Great Pulteney Street. Although unaware of it at the time, I have subsequently become aware that the Bath Carnival "Licensed Premises" consists of almost all of Sydney Gardens, a large open area with seven entrances. There were numerous members of the public on the Premises at that time, adults and children, milling around in various locations around Sydney Gardens including the large designated Carnival "Kids Area". The Kids Area was unsupervised, except for a man by the bouncy castle, and engagement with this person proved futile as he was apparently connected with the bouncy castle provider and indicated his responsibility was only monitoring the number of children going onto/off his bouncy castle and behaviour on the castle – he was unaware of anyone from the Carnival organisers on site and did not know how to contact them. After looking around much of the site for quite some time without finding any Steward, I noticed someone in a high-viz jacket collecting rubbish near the food area. I asked him to direct me to someone from the Carnival. He advised me that nobody from Bath Carnival was on site as they were all out on the carnival parade.

Having failed to secure assistance I gave up and continued onto the canal path for a walk. I later returned via the canal path entrance to Sydney Gardens, staying for a while to enjoy listening to a Community Choir performing, and then left by the Bathwick Street entrance. I did not observe anyone counting people entering or leaving the Premises either when I entered and left Sydney Gardens on my outward journey or when I entered and left on my homeward journey.

At the time of my visits to the Premises on 9th July 2022 I was not aware of the Bath Carnival Licence for its event or the Conditions in it. However, I was very concerned by the absence of any responsible Carnival presence on site at a time when there were many people including many children present, which clearly raised serious concerns with regard to public safety. It was clear to me that, if any emergency had arisen during this time requiring evacuation of the Premises there was no arrangement in place to do this or to even have any idea of the number of people needing to be evacuated and accounted for.

In fact, I was so concerned about public safety that in correspondence in July and August 2022 concerning various failures to comply with B&NES policies I raised the issue of public safety with B&NES's Events and Environmental Monitoring team. In my email of 15 August 2022 to Environmental Protection I explicitly asked that an incomplete written record of the information I had provided in phone calls be corrected to document missing information as follows (in which the "note" referred to is the officer's incomplete note of phone calls with me):

"I also specifically cited, with reference to the arrangements at Sydney Gardens, my concern that the impossibility of finding anyone in control (in spite of enquiring with three separate people connected

with the event on site) revealed a complete absence of contingency planning for any potential emergencies at Sydney Gardens whilst the Parade was going on, but this safety concern also appears to be absent from the note. I am not sure if that is a matter for your department but, if not, please could you advise with whom in the council this concern should be raised? It would not appear appropriate for this event organiser to be given similar event permissions in future without proper provisions for safety and mitigation of impacts being in place."

At the time of writing the above, I was still unaware of the Bath Carnival Licence Condition requiring at least 15 Stewards on the Premises (5 SIA Registered). However, once I became aware of the Licence I obviously recognised the non-compliance with that Licence Condition and explicitly raised this with B&NES Licensing shortly after the above correspondence. Furthermore, during my visits to the Premises during the 2022 event I saw no evidence of any counting of those entering/leaving the Premises, as would be necessary for the Licensee to know whether they were complying with the Licence Condition requiring a maximum of 3000 people on the Premises at any time.

Signed: /Ceris Humphreys/

Date: 27 April 2023

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Additional Information for Licensing Sub-Committee
Thursday, 18th May, 2023 10.00 am

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ATTACHMENT 1: Statement of Robert Deadman, MD RS Security, on site manager for Bath carnival

RS Security Response to Resident's Concerns – 2022 Event

RS Security has a long and prestigious history in supplying staff to venues and events across the BaNES area. To date, we have never had any complaints or negative feedback, relating to dangerous events, shortage of staffing numbers, Lack of attention and so on. Some of the clients we work for are very high profile, such as Bath Rugby, Bath Festival Finale held at the Rec, Bath Music festival (city wide), Banes Heritage services and other departments within BaNES council direct. I have personally overseen events for crowds in excess of 18000, spread across large venues so am very experienced in this field.

During our longstanding partnership with Bath carnival, they have always been very receptive to our suggestions and recommendations in regards to staffing numbers and safety issues, from the base area (Sydney Gardens) to the route and speed of the procession through town. To date, all recommendations we have made during Post event wash ups have always been implemented for the following years event. It is a continual learning curve, but one that has never been done by cutting corners or resources. The very fact that only the day before 2022s event, the carnival committee more than doubled the SIA numbers as pre caution speaks for itself.

Running a safe and enjoyable event in a park that is open to the public is never an easy task, without fencing off and closing all non-event areas of the park. However, as is demonstrated by the lack of medical incidents, crowd disorder events, police interaction, et al, the event has proven to run in a very safe enjoyable fashion, enjoyed by 1000s every year. A comprehensive staff briefing is held every year by both a member of Bath carnival team, and the allocate security manager. This covers all possible scenarios, ranging from a maurading terror attack, to a lost child or parent, including the correct use of 2 way radios and specific code words, as detailed ion the EMP.

I was personally present for the duration of the event at Sydney gardens and at the head of the procession route, and also gave the security briefing to ALL the staff on site. With regards to the stewards, For the duration of this event, Bath Carnival ordered 11 SIA licenced officers, which was more than double the previous years (5). 5 officers were on duty between 09.30 and 22.00, with the additional 6 on duty between 11.30 and 18.00. This was to back fill any shortage of volunteer stewards due to it still being the back end of the covid period.

Once the procession departed (14.15), 6 of these SIA escorted the parade, and the remaining 5 remained on post within Sydney Gardens for the full duration. This was in addition to the carnivals own volunteer stewards, and the 2 carnival staff manning the control point., upon the procession's return, there was in excess of 20 SIA and stewards on site.

During the period of the procession, public numbers within Sydney gardens were very low, less than 100 at any time, and given the 5 SIA alone, this was a minimal ratio of 1 to 20, with other volunteer stewards also present to assist and monitor any activity taking place. Staff were easily identifiable wearing orange and blue His Vis vests with security written on the rear.

For the duration of the event, SIA roles covered were Entry and egress gates, foot patrol of the event area, monitoring of the children's areas (all SIA staff hold valid DBS certificates), monitoring of catering outlets, escorting the parade through the city centre, and general customer service.

During the peak times approx. 12.00 – 16.00, stewards at the entry points were joined by players of Bath Rugby, who were assisting as community volunteers. In fact a number of these players, took it upon themselves to do the gate counting as it was something totally different for them, and a good way for them to see things from a different perspective. This was in addition to the SIA staff at gates, so effectively double staffing.

Whilst the procession was taking place, the main carnival committee personnel were away from the gardens, however, the staff left on site, were more than competent to deal with any issues or possible emergencies that may have occurred, having all had the same briefing and knowledge of evacuation points, safe areas, code words etc. At no point did I have any concerns at all in regards to safety of any aspect of this event.

R C Deadman
04 May 2023

ATTACHMENT 2: Paid invoice from RS Security evidencing the SIA cover for the 2022 Bath Carnival event

RS Security & Training Ltd



VAT INVOICE

INVOICE TO
Bath Carnival

INVOICE
DATE 11/07/2022
TERMS Net 30
DUE DATE 10/08/2022

DATE	SERVICE	DESCRIPTION	VAT	QTY	RATE	AMOUNT
08/07/2022	Security	22.30 - 08.30 X2	20.0% S	20	14.50	290.00
09/07/2022	Security	09.30 - 22.30 X5	20.0% S	65	14.50	942.50
09/07/2022	Security	14.00 - 18.00 X3	20.0% S	12	14.50	174.00
09/07/2022	Security	11.30 - 18.00 X6	20.0% S	39	14.50	565.50
09/07/2022	Security	22.30 - 08.30	20.0% S	10	14.50	145.00
SUBTOTAL						2,117.00
VAT TOTAL						423.40
TOTAL						2,540.40
PAYMENT						2,540.40
BALANCE DUE						£0.00
						PAID

VAT SUMMARY

	RATE	VAT	NET
VAT @ 20%		423.40	2,117.00

ATTACHMENT 3: Statement of Caroline Sullivan, Sydney Gardens Site Manager for Bath Carnival

To whom it may concern

My name is Caroline Sullivan. I am a qualified SIA Licensed Close Protection Operator, SIA Security course instructor for Close protection and Door supervisor and Security Consultant.

On 9th July 2022 I was deployed by DSG Close protection Ltd as Site Manager for Bath Carnival in the Sydney gardens area. This is a role which I have carried out for the last 3 Carnivals in Bath.

My duties that day involved managing the various vendors coming on to the site ensuring they were placed correctly and safely. I was also responsible for signing in all SIA security staff and the issuing of radio communications along with the booking in and rotation of all stewards for the day.

My other duties included but were not limited to:-

1. Regular radio checks to ensure all staff were in place and aware of their duties manning all exits/entrances to the gardens.
2. The monitoring and collation of numbers of the public entering and exiting the gardens by way of counter clickers that all stewards were issued.
3. Regular Decibel readings for the noise sensitive areas listed in the Noise Management plan

On the evening of Saturday 9th, one breach of noise was recorded, immediately rectified and a secondary reading taken to ensure compliance.

All security staff and stewards were regularly checked on and rotated leaving no entrance/exit unmanned to ensure accurate monitoring of numbers to comply with the venue capacity. Numbers were reported every hour to myself from all gates and regular patrols carried out by myself and the security staff to ensure public safety.

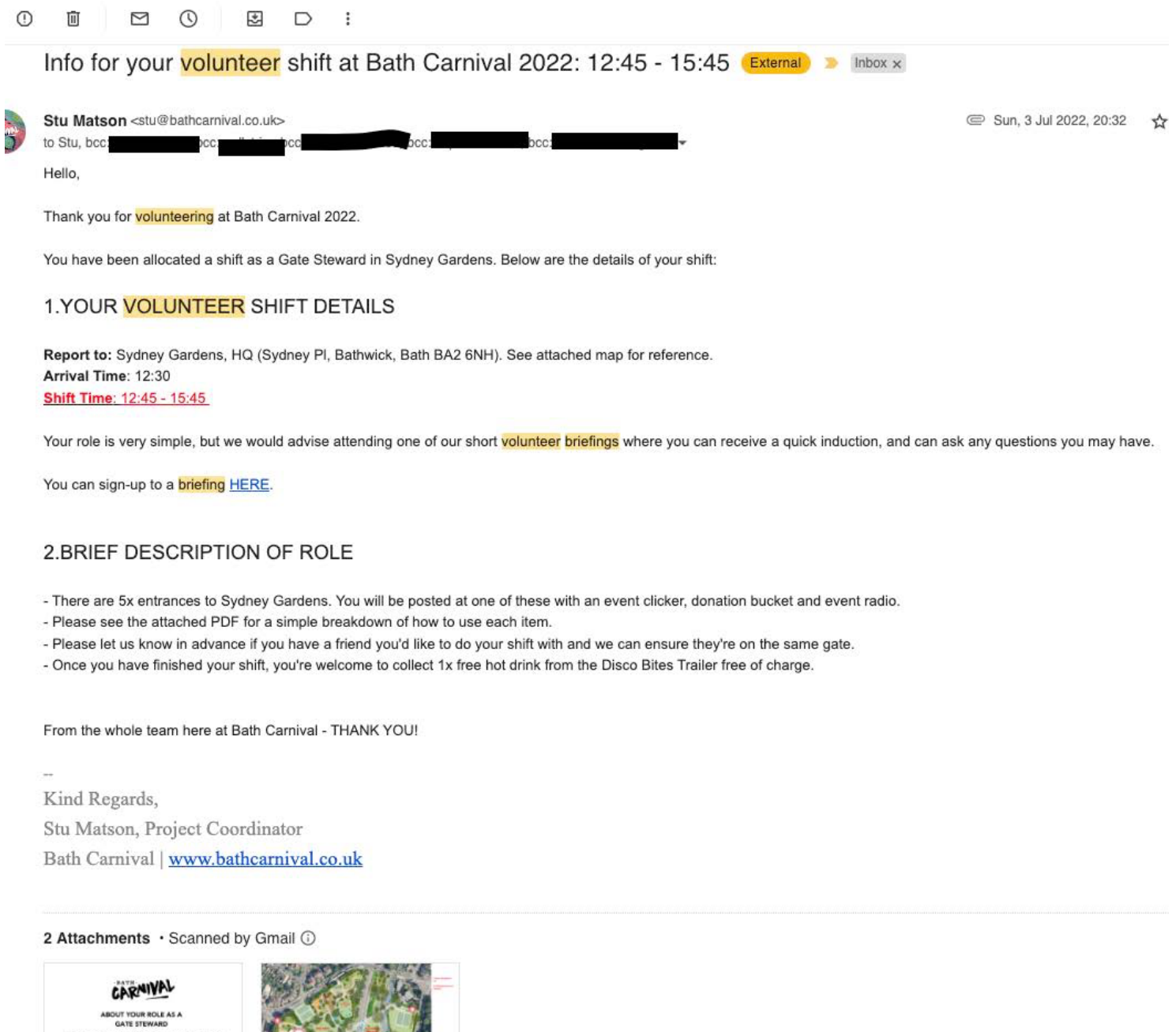
The day in general was a success with many people attending to enjoy not just the carnival but the entertainment provided in the gardens, helped by the warm weather and good mood of the public.

There were no serious incidents reported to myself by staff or the public with the one exception of a noise breach as reported above.

My duties continued on until midday of the Sunday 9th where I witnessed and helped with a number of volunteers in the clearing of litter from the grounds and supervision of refuse disposal returning the gardens to as near as possible clean state.

I hope this statement made by myself helps alleviate any concerns anyone may have about any possible breaches of licensing objectives throughout the duration of the event.

ATTACHMENT 4: Copy of email sent to Gate Stewards one week prior to event, including PDF attachments explaining the process of (and their role in) monitoring numbers on site.



ATTACHMENT 5: Copy of PDF attachment sent to all Gate Stewards prior to the Bath Carnival 2022 event.



ABOUT YOUR ROLE AS A GATE STEWARD

On arrival report to Carnival HQ in Sydney Gardens where you will be allocated the following 3x items at the start of your shift.

EVENT CLICKER



**Each entrance is allocated 2x
event clickers**

- Use Clicker 1 every time someone enters.
- Use Clicker 2 every time someone leaves.

RADIO



**Each entrance allocated 1x
Radio**

- Event HQ will radio you every 30minutes to log the number of each clicker.
- This ensure we know how many people are in the park at any given time.

DONATION BUCKET



**Each entrance is allocated 1x
Donation bucket**

- Please welcome people as they arrive and thank them as they leave.

Stewarding a gate in Sydney Gardens for just a few hours makes a huge difference, you will be:

1. Helping us stay within the conditions of our license by monitoring numbers on site
2. Collecting vital donations to keep the community project alive
3. Providing a friendly face for people as they arrive and leave

From everyone at Bath Carnival THANK YOU for your community spirit and support.

ATTACHMENT 6: Statement of Wendy Maden, B&NES Council Officer, regarding her volunteering session as a Gate Steward

Tuesday 09 May, 2023

Following online registration and a week prior to the Carnival day, I received an email detailing what would be involved in my role as Volunteer steward. These responsibilities included: wearing high vis, stewarding the entrance gate to the site, using 'clickers' to monitor numbers access and egressing the site, responding to a radio to report back attendee numbers.

I volunteered to do 2 shifts on the event day in the afternoon and reported to the HQ to receive high vis. I was then led to the gate to do a formal handover between myself and the previous volunteer, to ensure continuity of recording. This involved explanation of recording access/egress with the two clickers and how to use the radio to record these numbers with HQ periodically.

During my shift I recorded the numbers and reported back whenever I was asked on the radio to do so. Security personnel were patrolling round the site throughout my shift and regularly checked in at the gate to ensure everything was going smoothly. I saw at least 4 different members of security staff who frequently received radio messages between them and could respond to any issues arising.

At the end of my shift there was a handover with another member of staff, including recording the numbers on the clickers for completeness.

Wendy

ATTACHMENT 7: Photographs of the Sydney Gardens site at start of site setup

FRIDAY 8 JULY, 2022: SITE SETUP



ATTACHMENT 8: Photographs of the Sydney Gardens site during site pack down

SUNDAY 10 JULY, 2022: SITE PACK DOWN



ATTACHMENT 9: Statement of Jason Prentice, Director of SuperPirates

RE: Bath Carnival 9th July 2022

Dear Stu,

I can confirm:

Staffing:

- We had 3 members of Staff on duty rota'd 10am - 10pm
- All staff present on the day of the Bath Carnival 2022 were DBS checked.
- All were 12-hour Paediatric First-Aid trained.
- All staff were very experienced, One has a Level 3 childcare qualification
- All staff had read and understood event risk assessments
- All staff were trained in child safeguarding at the time of the event
- All staff wore uniform representing their position as SuperPirates staff
- All staff present that day still work for the company so can be called to corroborate if needs be, and additional evidence can be supplied related to above statements if required.

Our operations on the day:

- We were strictly running a play provision, not childcare. Parents were responsible for their children at all times.
- The provision that we ran for Bath Carnival was very typical for us. We run the same provision for a number of other, larger festivals, throughout the year.
- We were fully insured
- The bouncy castle was run in accordance with supplier guidance and insurance

Broader context for SuperPirates:

- We are an experienced team of playworkers, actors, entertainers and qualified teachers. We have run large and small events, as well as a chain of Ofsted registered after school clubs for more than 10 years. We have a fantastic reputation locally and our Ofsted inspections qualify our work and commitment to children's happiness and welfare. In short, we know exactly what we're doing.

Our impression of Bath Carnival:

- We have been contracted by Bath Carnival to run it's kids play area since its conception.
- The event is well managed: communication is clear, risk assessment and security is diligent.
- Site management is very slick, with a respectable management team, proper outsourcing to professionals where necessary (i.e, security, food).

Should Bath Carnival be granted the increase in capacity, we feel there is more than enough room to cater for the increased children's presence on site, and we are already prepared to put sufficient staffing in place for the kids area for this year.

Kind regards

Jason Prentice

Director of SuperPirates

