

**Bath & North East Somerset Council**

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

**1 THE ISSUE**

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

**2 RECOMMENDATION**

- 2.1 That the Sub Committee determines this application.

**3 RESOURCE IMPLICATIONS**

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

**4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

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

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

## 5 THE REPORT

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

5.2 The application proposes the following licensable activities:

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

Tuesday to Sunday                      17:00 – 23:00

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

Tuesday to Sunday                      17:00 – 21:30

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

Tuesday to Sunday                      18:30 – 23:30

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

Tuesday to Sunday                      17:00 – 23:55

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6. RATIONALE**

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

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

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

## **9 RISK MANAGEMENT**

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

## **10 ADVICE SOUGHT**

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

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



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We. The Luna Cinema Limited**

*(Insert name(s) of applicant)*

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

**Part 1 - Premises details**

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

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

**Part 2 - Applicant details**

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

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

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

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

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

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

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

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

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



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

**(B) OTHER APPLICANTS**

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

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

**Part 3 Operating Schedule**

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

--	--	--	--	--	--	--	--

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

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

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

Bath Royal Crescent Lower Lawn, an open green space

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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



**In all cases complete boxes K, L and M**

## A

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

## B

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

C

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

## D

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

## E

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



## F

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

## G

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

## H

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

## I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption</u> <u>- please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon					
Tue	17:00	23:00			
Wed	17:00	23:00			
Thur	17:00	23:00			
Fri	17:00	23:00			
Sat	17:00	23:00			
Sun	17:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for</u> <u>the supply of alcohol at different times to those listed in the</u> <u>column on the left, please list</u> (please read guidance note 6)		

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

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



K

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

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

L

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

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

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

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

**b) The prevention of crime and disorder**

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

**c) Public safety**

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

**d) The prevention of public nuisance**

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

**e) The protection of children from harm**

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

**Checklist:**

Please tick to indicate agreement

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

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

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

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

**Part 4 - Signatures** (please read guidance note 11)

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



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

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

Signature	
Date	
Capacity	

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

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

#### Notes for Guidance



**Consent of individual to being specified as premises supervisor**

Lucy Hall

I .....  
*[full name of prospective premises supervisor]*

of

6A Bexley High St  
Bexley  
Kent  
DA5 1AD

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

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

Premises License

.....  
*[type of application]*

by

The Luna Cinema Limited

.....  
*[name of applicant]*

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

for

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

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

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

George Wood

-----  
*[name of applicant]*

concerning the supply of alcohol at

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

-----  
*[name and address of premises to which application relates]*

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

Personal licence number

PERS3659

-----  
*[insert personal licence number, if any]*

Personal licence issuing authority

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

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

Signed

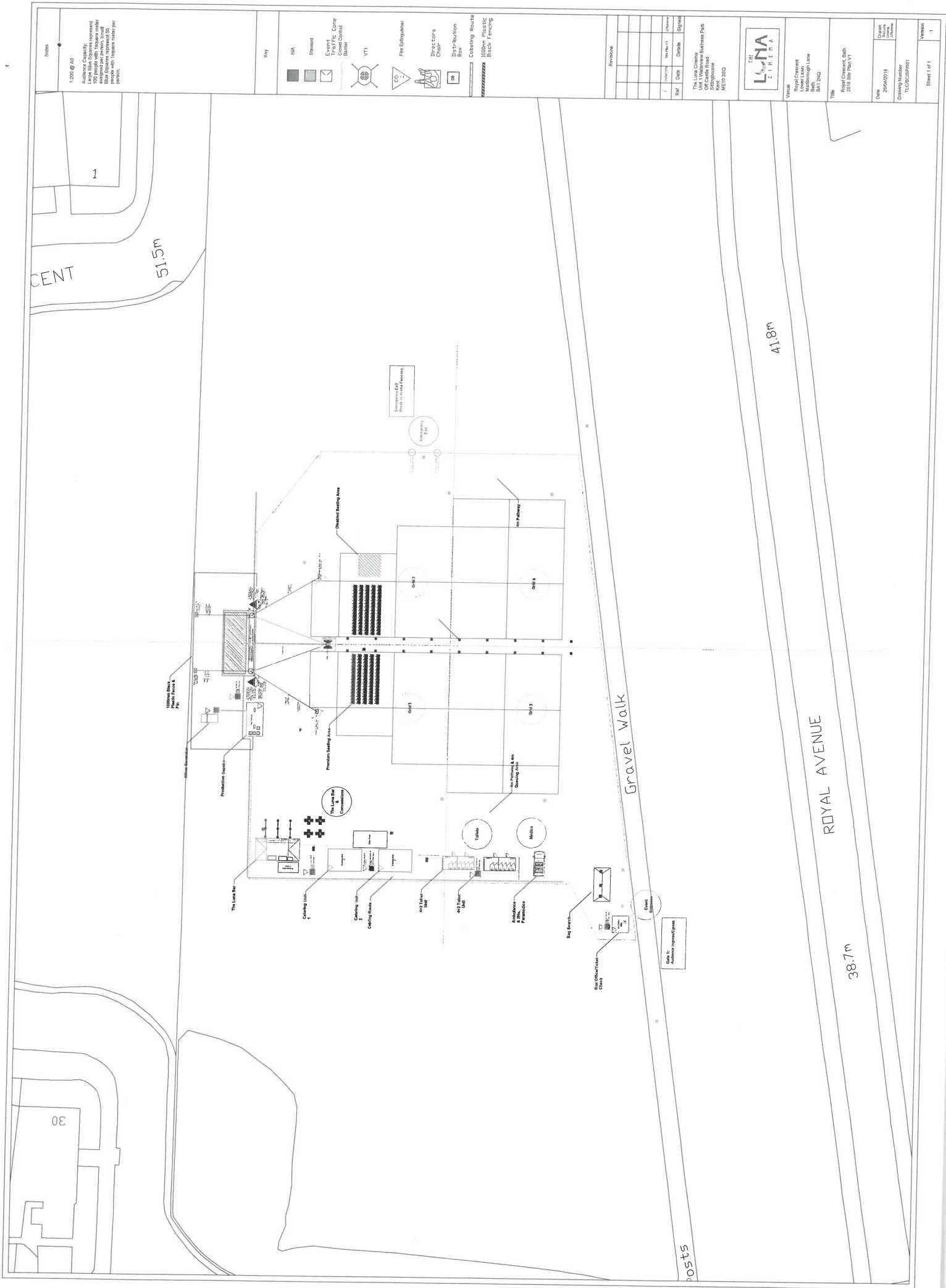
Lucy Hall

Name (please print)

Lucy Hall

Date

07/08/2018



Notes  
 1:200 @ A0  
 Audience Capacity  
 100 people with 1 square meter  
 1000 people with 1 square meter per  
 person with 1 square meter per  
 person.

Key

- SA
- Steward
- Event Traffic Cone
- Crowd Control
- YTI
- Fire Extinguisher
- Director's Chair
- Reception Box
- Collection Route
- 1000m Barrier
- Black Piling

Ref	Date	Details	By
1	04/05/18	Issue	JR

The Luna Cinema  
 Lower Lawn  
 Royal Crescent, Bath  
 2018 Site Plan V1  
 METS 350



Version:  
 Royal Crescent  
 Lower Lawn  
 Royal Crescent, Bath  
 2018 Site Plan V1

Date: 04/05/18  
 Drawn: JR  
 Drawing Number: TLC/CS/P/01  
 Sheet 1 of 1  
 Version: 1





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

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

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



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

## ANNEX

C -

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

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

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

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

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

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

The proposed Operating Schedule to be amended as follows

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

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

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

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

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

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

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

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

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

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

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

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

event taking place.

ANNEX

C-

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

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

Signed: G Cannon (Police Licensing Officer)

Date: 16.08.18

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

**Terrill Wolyn**

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**Subject:** FW: The Luna Cinema - New Premises Application

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

Thanks Geoff,

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

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

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

Kind Regards,

George

**George Wood**

Managing Director  
Tel: 07779 301578  
Email: [george@thelunacinema.com](mailto:george@thelunacinema.com)  
[www.thelunacinema.com](http://www.thelunacinema.com)



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

Good morning George.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**All tickets will be sold in advance to control capacity.**

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

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

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

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

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

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

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

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

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

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

With kind regards,

**Geoff Cannon**

BANES Police Area Licensing Officer

Redbridge House

BATH BA2 3EW

' Ext: 01278 645524 Int: 45524

Mob: 07889 655950

 [Geoff.Cannon@avonandsomerset.pnn.police.uk](mailto:Geoff.Cannon@avonandsomerset.pnn.police.uk)



## LICENSING ACT 2003

## INTERESTED PARTY REPRESENTATION

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

**I/We object to the following application:**

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

**Objector Details:**

Objector's Name:	Environmental Protection Team
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	Environmental Protection Lewis House Manvers Street Bath BA11JG
Organisation name if applicable:	Bath and North East Somerset Council

**Objection Details:**

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

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

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

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

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

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

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

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

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

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

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

The proposed Operating Schedule to be amended as follows

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

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

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

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

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

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



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

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

Signed



Date

20.08.2018

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

01225 396651

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

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

Name Nigel Shire

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



**LICENSING ACT 2003  
REPRESENTATION FORM**

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

**I/We object to the following application:**

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

**Objector Details:**

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

**Objection Details:**

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

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

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

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

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

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

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

Signed

S W Huard

Date

20<sup>th</sup> August 2018.

**LICENSING ACT 2003  
REPRESENTATION FORM**

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

**I/We object to the following application:**

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

**Objector Details:**

Objector's Name:	<b>Nicola Isherwood</b>
Objector's Address:	<b>Royal Crescent Bath, BA1 2LR</b>
Organisation name if applicable:	<b>Royal Crescent Society Residents Association</b>

**Objection Details:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signed

Nicola Isherwood

Date

24/08/2018

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

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

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

Name \_\_\_\_\_

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

I will be represented at the hearing by \_\_\_\_\_

I will be calling the following witness(es):

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

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

Form to be returned to [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk) or:

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



**LICENSING ACT 2003  
REPRESENTATION FORM**

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

**I/We object to the following application:**

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

**Objector Details:**

Objector's Name:	<b>Prof Heather Piper &amp; Dr John Piper</b>
Objector's Address:	<b>Royal Crescent Bath, BA1 2LT</b>
Organisation name if applicable:	<b>Royal Crescent Society (Lawn Events)</b>

**Objection Details:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Signed

Heather Piper & John Piper

Date

03/09/2018

Contact telephone number(s)

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

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Name

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

I will be represented at the hearing by

I will be calling the following witness(es):

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

**LICENSING ACT 2003  
REPRESENTATION FORM**

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

**I/We object to the following application:**

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

**Objector Details:**

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

**Objection Details:**

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

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

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

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

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

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

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

#### Public Nuisance

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

#### Safety and Security – and Public Liability

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

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

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

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

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

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

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

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

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

Kind Regards

Tim Forester

Director

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

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

Signed

Tim Forester (Director)

03/09/2018

Date \_\_\_\_\_

Contact telephone number(s)  
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Please delete as appropriate: I consider a hearing to be necessary/unnecessary

Form to be returned to [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk) or:



**LICENSING ACT 2003  
REPRESENTATION FORM**

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

**I/We object to the following application:**

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

**Objector Details:**

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

**Objection Details:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kind Regards

Rachel Clarkson-Short

Resident, Royal Crescent

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

Signed

Rachel Clarkson-Short

Date

3 September 2018

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

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

From: Andrew Furse (Cllr)

Sent: 21 August 2018 13:51

To: Terrill Wolyn

Subject: Re: Luna Cinema - representation of objection

Terrill,

My formal objection is as follows;

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

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

Regards

Cllr Andrew Furse

