

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		
<p>List of attachments to this report:</p> <p>Annex A Application for a Variation of the Premises Licence.</p> <p>Annex B Current Premises Licence.</p> <p>Annex C Plan of existing Licensable activities area.</p> <p>Annex D Representation of objection to the application</p>		

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
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
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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	
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E-mail address (optional)	
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Current postal address if different from premises address	2 Broadmoor Park Weston Bath BA1 4JN
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Post town	Bath	Postcode	BA1 4JN
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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)			Will the playing of recorded music take place indoors or outdoors or both – please tick (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>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri					
Sat			<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)		
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

18/01077/LAPRE

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

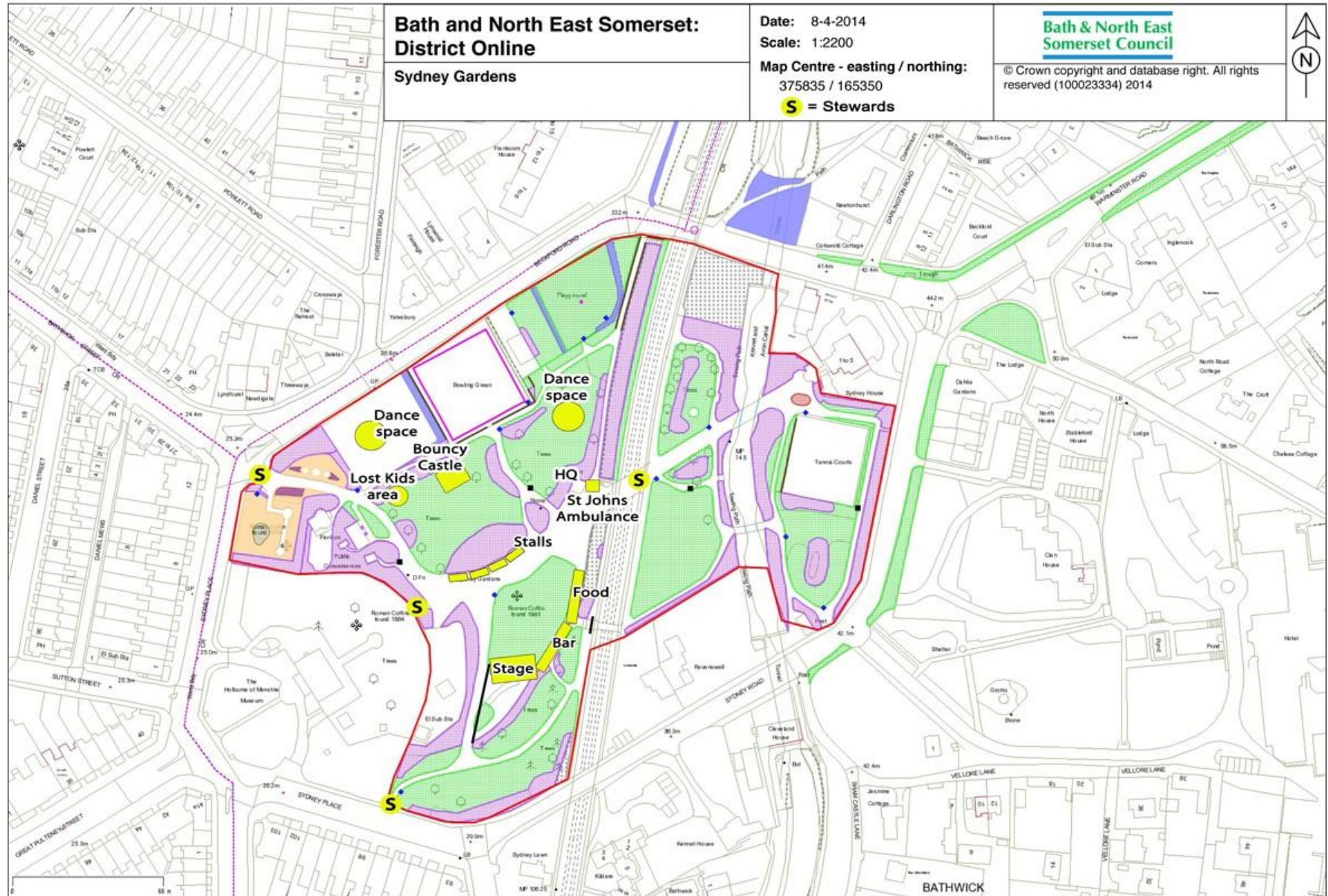
Within 28 days prior to an event, a detailed noise management plan shall be submitted to the Environmental Protection Team at Bath and North East Somerset Council

Annex 4 – Plans

As submitted with application.

PUBLIC REGISTER COPY

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

████████████████████

Name Pulteney Estate Residents' Association

I will be represented at the hearing by 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.



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