

**LICENSING SUB COMMITTEE
 DECISION RECORD
 HELD ON: 13 March 2014**

Conduct of a hearing into an application for the GRANT of a licence made by:
 Thomas Patrick Paine in respect of: Love Saves The Day, Castle Park,
 Bristol, BS1 3XD

Process	Detail	Comments	
	Date	Initials (sent to / sent by)	
Original sent to legal		3 rd April 2014	
Original sent to comm. clerks			
Draft sent by clerks to legal and LO			
Final sent by legal to LO			
Licence drawn up and DR sent to clerks for signing			

PRIORITY STATUS:

Environmental Health (Pollution Control) (s.13 (4) (e))	Mark Curtis
Social Services Authority (s.13 (4) (f))	Not a part to this hearing.
Any other relevant Licensing Authority (s.13 (4) (g))	Not in attendance at the hearing, but the Representation was noted.
Weights and Measures Authority (s.13. (4) (i))	Not a party to this hearing.
Others	Derek Robinson Joel Baillie-Lane Heather Frenkel, Mary Wright and Kara Gosden were not in attendance at the hearing, but their Representations were noted.

RECORD OF HEARING:

The authority made a contemporaneous hand written (long hand) record of the hearing. Any party wishing to receive a typed transcript should contact Councillor Support Officer (Democratic Services, City Hall, College Green, Bristol) for information regarding the arrangements for transcribing and any charge levied where the authority produces the same. Set out below is a summary of the reasons for the decision, in the event of an appeal the Licensing Authority reserves the right to elaborate on the reasons.

DECISION MADE:

1.(a) That the application be GRANTED subject to *the conditions on the licence as follows:

- (i) the conditions as to hours for licensable activities as detailed in the standard times and the non standard timings below and the conditions t* in annex 2 below
- (ii) The addition of conditions as detailed in Annex 3 below
- iii) The mandatory conditions included in the licence under section 19, 20, 21 of the Act

Accordingly the licence is to be issued subject to the following

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

- 1.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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Licensing Conditions - Additional conditions imposed by Policing and Crime Act 2009

Conditions numbered 1,2, and 3 shall be in force as of the 6 April 2010

Conditions 1, 2, 3 and 5 shall not apply where the premises licence authorises sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Conditions numbered 4 and 5 shall be in force as of the 1 October 2010

4.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- ii) A noise management plan detailing how off site and front of house noise levels will be monitored and how any complaints of noise will be dealt with shall be submitted to and approved by an authorised officer of the Pollution Control Team no later than 2 weeks prior to the event.
- iii) (The Music Noise Level (MNL) 1 metre from the façade of any residential property shall not exceed LAeq(15 min) 75 dB throughout the duration of the event. Condition amended at committee – now appears in annex 3)
- iv) A noise propagation test shall be undertaken at a time to be agreed prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound systems shall be configured and operated in a similar manner as intended for the event.
- v) Logging noise level meters shall remain at the mixing desks at stages/marquee to be agreed with an authorised officer of the Pollution Control Team and detailed in the Noise Management Plan.
- vi) The organiser shall ensure that the promoter, sound supplier and all individual sound engineers are informed of the sound control limits.
- vii) (Condition amended at committee – now appears in annex 3)
 - vii) The appointed noise control consultant(s) shall monitor noise levels throughout the duration of the event at the following positions:
 - (a) Ferrymans Court, Queen Street
 - (b) Brewhouse, Georges Square
 - (c) 6 St Nicholas Street
 - (d) Eclipse/Horizon, Broad Weir/Philadelphia Street (e) Any other position as agreed with an authorised officer of Bristol City Council Pollution Control Team.
- viii) The appointed person must be able to contact the mixer desks and advise the sound engineer accordingly to ensure the MNL outside the event is not exceeded. The applicant must ensure that the licensing authority can contact the consultant at any time during the event. The licensing authority shall have access to the results of the noise monitoring at any time.
- ix) If requested the results of any noise monitoring shall be provided to the licensing authority within 10 working days of any request for them.
- x) Any activities that are audible at any residential properties such as the set up and dismantling of the stage, refuse disposal, provision and emptying of toilets, generators etc shall only be carried out between 08.00 and 23.00 hours on the day of the performance and between 08.00 and 19.00 hours on any other day.
- xi) The occupiers of premises in the area highlighted on the attached map shall be informed in writing at least 21 days prior to the event as to:
 - (a) The exact times of all performances and sound checks
 - (b) A contact name and telephone number should they wish to make a complaint of noise

12 DC10 - The Premises Licence Holder shall require the Designated Premises Supervisor, or in his/ her absence other responsible person, to keep an 'Incident report register' in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

13 DC13 - The Door Stewards shall be responsible for preventing the admission and ensuring the departure from the premises of persons who are drunk and disorderly in such a manner as not to cause further disorder.

14 DC15 - Where queuing is allowed outside of a premises door steward(s) shall maintain an orderly queue of patrons.

15 DC17 - In pursuit of the proper co-ordination of stewarding of the site and provision of the required level of assistance in the event of an emergency situation arising, the premises licence holder shall ensure that a suitably competent person from amongst the door supervisors/security staff is attached to the emergency services team at all appropriate times as a liaison point for stewards and security staff.

16 DC19 - The minimum number of door supervisors provided at venues, holding regulated entertainment for more than 500 persons, shall be based on a risk assessment. The risk assessment shall follow the recommendations as laid out in the Health and Safety Executive's Event Safety Guide or any other similar guidance recognised by the Licensing Authority.

17 DC20 - The premises licence holder shall ensure that appropriate measures are employed at the premises to verify the ages of customers obtaining alcohol. Any measures that are to be used shall be approved by the Licensing Authority in consultation with the Police.

18 DC24 - All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.

19 DC25 - All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of 'high visibility' clothing (such as a jacket or waistcoat).

20 PS01 - Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.

21 PS07 - The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or a constable upon request.

22 PS08 - Drugs and weapons seized will be placed in a locked receptacle set aside

at any time.

34 CA04 - All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

35 CA05 - Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.

36 CA06 - Admission to the event shall be through the approved entrances. The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.

37 CA07 - Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.

38 CA08 - The licence holder shall determine the occupancy capacity of the premises on the basis of documented risk assessment(s).

(i) The risk assessment(s) must take into account all relevant factors including space, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

(ii) Where necessary separate occupancy levels must be set for different parts of the premises.

(iii) The premises licence holder shall ensure that they consult the Public Health Services of Bristol City Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure.

Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based.

(iv) The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence.

(v) Measures must be put in place to ensure that the capacity is not exceeded at any time.

(vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

(vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.

39 CA09 - Where necessary separate occupancy levels must be set for different parts of the premises. The proposed capacity figure must be notified to the Licensing Authority within (_insert period_)24 hours prior to of the date of (_insert either date of hearing or date of issue of licence_)the commencement of the event

40 FA02 - The minimum standard of first aid provision for events of more than 500 persons shall be in accordance with a risk assessment. The risk assessment shall take into account the recommendations of the Health and Safety Executive's Event Safety Guide or any other guidance recognised by the Licensing Authority.

41 FA04 - Individual toilet units, not available for general public use shall be sited adjacent to the first aid post(s).

premises whilst the licensable activity is taking place.

55 CV08 - The premises licence holder shall ensure that suitable measures are implemented to ensure the safety of disabled persons. Regard should be made to any particular aspect of the premises layout or nature of activities that may pose particular hazards for disabled persons.

56 SA01 - All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

57 SA02 - (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

(b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

58 SX01 - (i) All special effects, equipment and mechanical installations shall be selected, arranged, stored and used so as to minimise any risk to the safety of the audience, performance and staff. This must be on the basis of a written risk assessment.

(ii) 'Special effects' include:

dry ice machines, cryogenic fog machines, smoke machines and any other type of fog generators, pyrotechnics including fireworks, explosives and other highly flammable substances, real flame, firearms, motor vehicles, strobe lighting, lasers, foam, any other unusual or novel effect.

(iii) Furthermore written permission must be sought from the licensing authority before using any of the above - for the first time and after any significant changes have been made to the venue, usage of the effect or the equipment itself.

59 EL09 - Electrical installation in areas used by members of the public shall be subject to the following:

(i) Any alterations made to electrical installations, including the use of temporary wiring and distribution systems, shall comply with the relevant edition of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same).

(ii) All electrical equipment and installations shall be subject to regular visual checks to ensure that they are safe and in good working order, as well as formal routine tests by a competent person as advised in the aforementioned BS 7671 guidance.

(iii) A Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

60 GS27 - Heavy Fittings. Heavy fittings such as projectors, stage lights, etc must have

2. That the GRANT here agreed will take effect immediate effect.
3. That in accordance with Section 23 of the Act a duly authorised officer be directed to give Notice of determination to:
 - (a) Thomas Patrick Paine
 - (b) The Chief Officer of PoliceAnd the following bodies that made representations:
 - (a) Mr Mark Curtis
 - Heather Frenkel
 - Derek Robinson
 - Joel Baillie-Lane
 - Mary Wright
 - Andy Lyle
 - Kara Gosden

REASONS FOR DECISION

The following paragraphs summarise the sub-committee's reasons for granting the application and for modifying the conditions on the Licence.

The sub-committee carefully considered the representations together with the information provided for the Hearing and that received during it. The sub-committee had regard to the Secretary of State's guidance to Licensing Authorities and the Authorities own statement of licensing policy.

The committee's decision was particularly influenced by the consideration of the promotion of the licensing objectives concerning the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

The Committee first noted that the premises was located within an area that had been designated under the Council's Statement of Licensing Policy as a Cumulative Impact Area. "Cumulative Impact" is defined in the National Guidance as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance in a town or city centre of a large concentration of licensed premises in that part of the local authority area. The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licences will normally be refused if relevant representations to that effect are received, unless it can be demonstrated by the applicant that the operation of the premises will not add to the cumulative impact already being experienced in the area.

The Licensing Policy Adviser summarised the application. She advised that the application had only been advertised until 23.00 (and not 23.30 as applied for). This meant that the Committee could only consider the application until 23.00.

Thomas Paine put his case highlighting the following:

Pollution Control Team.”

Condition 7 in Annex 3 to last year's licence (condition 7(vii) in Annex 2 to the new licence) will have a paragraph- (f) so that Somerset Street shall be added to the list of positions.

SIGNED:



CHAIR
Councillor Fi Hance