

DECISION RECORD

Licensing Act 2003 (all section references in this record are references to the Act)

LICENSING AUTHORITY FOR BRISTOL

LICENSING (HEARINGS) SUB COMMITTEE MEETING HELD ON 31 July 2014

AGENDA TITLE

Conduct of a hearing into an application for the GRANT of a licence made by: Cotham School
in respect of: Cotham School, Cotham Lawn Road, Bristol, BS6 6DT

MEMBERS PRESENT:

1. Councillor Stone (Chair)
2. Councillor Jethwa
3. Councillor Clark

OFFICERS PRESENT

Kate Burnham-Davies, Legal Advisor
Abigail Holman, Licensing Policy Adviser
Allison Taylor, Committee Clerk

REPRESENTATIONS RECEIVED FROM:

Mr Tim Allsop
Mr Tim Lansley
Mr Tim Lansley
Mr & Mrs Cox
Mr Mark Jefferies

Applicants, responsible authorities and interested parties

PARTIES & REPRESENTATIVE (IF ANY) in attendance

Applicant

Chief Officer of Police (s.13(4)(a))

Not a party to this hearing

Fire Authority (s.13(4)(b))

Not a party to this hearing

Health and Safety Enforcing Authority (s.13(4)(c))

Not a party to this hearing

Local Planning Authority (s.13 (4) (d))	Not a party to this hearing
Environmental Health (Pollution Control) (s.13 (4) (e))	Not in attendance but the Committee had regard to the representation of Mark Jefferies
Social Services Authority (s.13 (4) (f))	Not a party to this hearing
Any other relevant Licensing Authority (s.13 (4) (g))	Not a party to this hearing
Weights and Measures Authority (s.13. (4) (i))	Not a party to this hearing
Relevant persons who are persons living in the vicinity of the premises (s.13 (3) (a))	Not a party to this hearing
Relevant persons who are a body representing persons living in that vicinity (s.13 (3) (b))	Not a party to this hearing
Relevant persons who are persons involved in a business in that vicinity (s.13 (3) (c))	Not a party to this hearing
Relevant persons who are bodies representing persons involved in such businesses (s.13 (3) (d))	Not a party to this hearing

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 modified as follows:
 - (i) The addition of conditions as detailed in Annex 3 below
 - (ii) 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:

STANDARD TIMES

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

Plays	Saturday 10:00 - 16:00
Plays	Monday to Friday 09:00 - 22:00
Live Music	Saturday 10:00 - 16:00
Live Music	Monday to Friday 09:00 - 22:00
Performances of Dance	Saturday 10:00 - 16:00
Performances of Dance	Monday to Friday 09:00 - 22:00

Should the licence be granted the supply of alcohol will be authorised as follows:

The opening hours of the premises

Saturday	10:00 - 16:00
Monday to Friday	09:00 - 22:00

NON STANDARD TIMINGS

- 1 Non standard timings not applicable.

Annex 1 – Mandatory conditions

Conditions to be applied should the application be granted

- 1 Mandatory condition Licensing Act 2003 - Door Supervision
Where this licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
(b) be entitled to carry out that activity by virtue of section 4 of that Act.
(As required by s21 Licensing Act 2003 as amended by the Violent Crime Reduction Act)

Annex 2 – Conditions consistent with the Operating Schedule

Conditions consistent with the operating schedule application submitted on 15 May 2014

1. CC01 CCTV shall be in use at the premises.
 - (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational by (insert date). Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by (insert date) and the system be fully operational on that date.
 - (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.
 - (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority
 - (iv) The correct time and date will be generated onto both the recording and the real time image screen.
 - (v) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.
 - (vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.
 - (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all (Insert hours) hours
2. SX03 Documented risk assessments shall be conducted by the management of the venue and such risk assessments shall be available upon request by an authorised officer of the Council or the Police. The risk assessments shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.
3. NP02 Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
4. Any special effects to be used will be subject to a satisfactory risk assessment being carried out.
5. A first aider shall always be available when the site is open to the public.
6. Regulated entertainment is not to be provided during school term breaks
7. Dance Studio: Any music, pre-recorded or performed live is to be incidental.
8. Drama Studio: To be used exclusively for the performance of plays. Any music to be incidental to the play provided.

9. Recital Room: To be used exclusively for the performance of live music
10. Main Hall: to be used for live music, plays and dance.
11. Auditorium:
 - a) No seat may be positioned more than 15ft from an isle
 - b) All aisles must be at least 3.5ft wide, and must be unobstructed
 - c) Each seat must be at least 1ft from the seat in front
 - d) All edges of any steps or platforms must be white
 - e) Any poles or fittings which could pose a risk of injury to the audience must be padded
 - f) All seats must be fastened together: interlocking seats or cable ties
 - g) Anything hung over the audience must be above 6'9"
 - h) No entrance or exit door may be locked while the space is in use
 - i) Glass in doors must not be covered.
 - j) Alcohol is not permitted to be sold or given away on site.
 - k) Soft drinks may be sold but must be in plastic cups if in a performance space.

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

Conditions proposed by Responsible Authorities:

- 1 Environmental Health
 1. The Premises Licence shall only cover the Main Hall A109, Dance Studio E008, Drama Studio E117, and the Recital Room E201 as such regulated entertainment (except with a Temporary Event Notice) shall only be performed in these rooms.
 2. Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
 3. No speakers for amplification of music or speech shall be placed on the outside of the premises (except with a Temporary Event Notice).

Conditions attached after this hearing by the licensing authority

- 1. The Premises Licence Holder shall ensure that entertainment shall be limited to events by students and staff for the benefit of the school.**

Annex 4 – Plans

1 Plans as submitted to the Licensing Authority on 15/05/2014 drawn by SKANSKA

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) Cotham School
- (b) The Chief Officer of Police

And the following bodies that made representations:

- (a) Mr Tim Allsop
- Mr Tim Lansley
- Mr Tim Lansley
- Mr & Mrs Cox
- Mr Mark Jefferies

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.

Councillor Jethwa first declared that she owned a licenced premises on St Michaels Hill and employed a pupil from Cotham School and staff sometimes frequented her premises. She stated that none of these factors affected her impartiality in this hearing.

The Committee heard that the application was for regulated entertainment within Cotham School from 8am to 10 pm Monday to Friday and 9am to 4pm on Saturday. In the past the school had submitted TENs but wished to regularise with a licence.

The applicant reported that the application had attracted written representations as the school had failed to effectively communicate with the neighbours the content of the application. The application was for nothing more than the normal school plays, concerts and productions schools do. It was anticipated 20 evening events and 1 every Friday night. He wished to reassure local residents that the current practice would continue unchanged.

It was noted that there was concerns regarding external providers and the applicant therefore agreed to a condition which limited events to students and staff, thus mitigating those concerns.

The Relevant Person asked whether the start times applied for were really needed as this was a Residents Parking Zones and parking would therefore become an issue at these times. The applicant stated that the school opened at 8.40 and he was content to move the start time to 9am. The Relevant Person also referred to Saturday performances and stated the pressure of residential parking would be alleviated if there was a later start time, such as 10am. The applicant replied that there was flexibility on his part.

The Committee, having carefully deliberated agreed to grant in part and reject in part and subject to Responsible Authority representations and an additional condition which the Committee agreed would further promote the licensing objectives.

The Committee gave weight to Relevant Persons representations regarding parking issues and welcomed the concession made by the applicant in offering a later start time which mitigated those concerns.

The Committee also noted written representation concerns regarding events and felt that the additional condition imposed would address their concerns about public nuisance.

SIGNED:

CHAIR

Name: Councillor Stone