



Temporary Event Objection

Pollution of Environment (Noise)

Name	Mark Curtis
Job Title	Environmental Health Officer
Postal and email address	<u>mark.curtis@bristol.gov.uk</u> Pollution Control Brunel House St Georges Road, Bristol, BS1 5UY
Contact telephone number	0117 92 23256

Name of the premises you are making a representation about	Nailsea Electrical
Address of the premises you are making a representation about	102 Gloucester Road, Bristol
Date Notices Received	11 th October 2018
Date of Temporary Events	29 th November to 1 st December 2018 6 th to 8 th December 2018 13 th to 15 th December 2018 20 th to 24 th December 2018
Objection	YES

Reason(s) why allowing the premises to be used in accordance with the notice would undermine licensing objective
<p>Temporary Event Notices for the Xmas Tavern in November/December 2018 were first submitted for this event in May of this year for the following times.</p> <p>Wednesday 4pm - 10pm Thursday 4pm - 11pm Friday 4pm - 11.30pm Saturday 11am - 11.30pm Sunday 11am - 10pm (11.30 pm on Sunday 23rd December)</p> <p>Following objections from Avon & Somerset Police and the Pollution Control Team these notices were withdrawn.</p> <p>A premises licence was applied for the Xmas Tavern on the 15th August 2018. The application was time limited from 26th November till 24th December 2018 for sale of alcohol during the following times:</p>

Sale of Alcohol	Thursday 16:00 - 22:15
Sale of Alcohol	Friday 16:00 - 22:30
Sale of Alcohol	Saturday 11:00 - 22:30
Sale of Alcohol	Sunday 11:00 - 22:00
Sale of Alcohol	Monday to Wednesday 16:00 - 22:00

At a licensing hearing held on 4th October the following hours were granted for the sale of alcohol with the premises having to be cleared of customers by 21.30.

Sale of Alcohol	Thursday 16:00 – 21.00
Sale of Alcohol	Friday 16:00 – 21.00
Sale of Alcohol	Saturday 11:00 – 21.00
Sale of Alcohol	Sunday 11:00 – 21.00
Sale of Alcohol	Monday to Wednesday 16:00 - 21:00

Under these Temporary Event Notices the applicant has applied to open from 16.00 till 22.30 on 4 consecutive Thursdays, Fridays and Saturdays between 26th November and 23rd December. An extension of hours for the sale of alcohol by 1.5 hours on 12 nights. The final TEN also includes an extension of the opening hours between 11.00 and 16.00 on the 24th December.

The Xmas Tavern opened under Temporary Event Notices for 4 weeks from Tuesdays to Saturdays in 2016 and 2017. In 201 the event operated until 23.00 and in 2017 until 23.30.

From complaints, a petition received from local residents following the 2017 event, and objections made by residents to the premises licence application it would appear that residents main concerns are with music noise, the lateness of opening of the bar (particularly in 2017) and fairness with the opening times for outside areas to other licensed premises in the area.

As regulated entertainment has not been applied for under these Temporary Event Notices I feel that I can only consider noise from customers under these Temporary Event Notices and not music noise.

There are no set times or noise levels for when customer noise will become a nuisance however the potential for noise nuisance from customers to occur is likely to increase the later the noise occurs and the longer it occurs for. Allowing these TENs would therefore be likely to increase the potential for noise nuisance from customers from these premises and this is the reason for my objection against these Temporary Event Notices.

If the licensing committee are minded not to give a counter notice I would ask that they impose the conditions detailed below, being conditions that are also imposed on the premises licence that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice and being conditions that would not be inconsistent with the carrying out of the licensable activities under the temporary event notice:

Appendix 2 – Operating Schedule Conditions

1. This premises will operate as a Christmas themed bar. The licence is time limited: 26th November 2018 - 24th December 2019.
2. Drunk and disorderly behaviour will not be tolerated on the premises.

3. Measures will be put in place to prevent the use and sale of illegal drugs. Any person believed to be in possession of or using drugs on the premises will be reported to the police immediately.
4. Violent and anti-social behaviour will not be permitted on the premises.
5. We will be operating in a style of 'continuous improvement' where staff will not only be expected to adhere to the licensing objectives but also to feedback ways we can improve our operation for the enjoyment and safety of our customers.
6. The premises license holder shall co-operate with Police or Officers of the local authority in the implementation of any initiatives to combat crime, disorder, anti-social behaviour or nuisance in the vicinity
7. All drinks will be served in plastic containers to an appropriate safety standard. They shall not produce sharp shards when broken - no glass will be used.
8. Staff trained to be vigilant and report back to a senior member with any warning signs of disruptive behaviour.
9. Bottled water will be available at £1 per bottle .
10. Soft drinks will be available for purchase.
11. The venue will be fully risk assessed prior to opening and a copy available on site for viewing by relevant authorities.
12. Only 'Christmas Songs' are permitted to be played at the premises.
13. The total capacity for the premises shall be limited to 200 guests. This includes all staff and guests.
14. The minimum number of door supervisors provided shall be based on a risk assessment. The risk assessment shall follow the recommendations as laid out in the Health & Safety Executive's Event Safety Guide or any other similar guidance recognised by the Licensing Authority. The assessment will be available for inspection on request.
15. The premises license holder shall ensure that suitable policies are implemented to ensure the safety of vulnerable persons, such as disabled persons on the premises whilst the licensable activity is taking place.
16. An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of people involved, incident description, time and date, actions taken and final outcome of the situation.
17. Prominent, clear and legible notices will be displayed at the exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
18. Deliveries of goods necessary for the operation of the business will be carried out alongside the normal operating hours of Nailsea Electrical which has an existing in/out delivery schedule of 8am - 6pm.
19. Customers will be asked not to stand around loudly talking in the street outside the premises.

20. Customers will not be served in the premises after the opening hours.
21. The movement of bins and rubbish outside the premises will be kept to a minimum after 10pm. This will help to reduce the levels of noise produced by the premises.
22. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
23. As all receptacles are disposable. We will supply an adequate number of bins at the venue to ensure the correct disposal of waste within the boundary of the premises.
24. The Licensee shall ensure that any receptacles are removed from guests leaving the premises.
25. There shall be no consumption of beverages purchased from the premises outside of the premises.
26. On evenings where trade is permitted past 10pm, a senior representative will walk to the first house on Berkeley Road to gauge volume. Music will be turned down to a modest level if required.
27. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
28. At the end of each day, staff will be required to remove waste associated with The Xmas Tavern from the immediate vicinity outside of our premises.
29. Any children under the age of 18 must be accompanied by an adult after 8pm.
30. A 'Challenge 25' proof of age scheme shall be in operation. Signs will be placed at the bar, on entrance and also our social media pages.
31. Children must be accompanied by a parent or guardian when toasting marshmallows at the fire pits.
32. CV11 The premises shall not be permitted to be used for 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, which prohibited uses include, among other things, nudity or semi-nudity, films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 except where that is expressly permitted under a licence or waiver granted or given under that legislation.

Appendix 3 – Conditions imposed at hearing

Environmental Health:

1. Customer noise

The premises supervisor, manager or other competent person shall manage customers in any outside area so that they do not cause unreasonable disturbance to the occupants of any properties in the vicinity.

2. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays.

Health and Safety:

CA08 *The licence holder shall determine the occupant 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.

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.

(ii) 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.

SX05 *Except where expressly permitted no lasers, smoke producing effects, light shows (strobe lights) or pyrotechnics shall be used at any time when licensable activity is taking place.*

SX07 *Acts and Performances. No act or performance where there may be a risk of injury from fire; falling objects or people; impact; moving equipment; animals or any other source should take place within the venue unless it is done safely and without risk to the public. Control measures must be decided on the basis of a written risk assessment, which must be submitted to the licensing authority at least 14 days before the event. Written permission of the licensing authority must be given before the act or performance can go ahead.*

SX04 Use of premises by third parties. Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the premises licence holder must ensure that there are appropriate procedures in place that will ensure that as far as is possible, the third party is aware of the licensing conditions and has in place their own procedures / arrangements which will ensure that the licensing objectives are not compromised.

FA01 For events where it is anticipated that more than 100 persons will be in attendance or where an activity is taking place that is likely to give rise to personal injury (e.g. indoor sporting events/ use of special effects/ etc.), the premises licence holder shall ensure that first aid provision is available at all times that licensable activity is taking place and shall have a suitably qualified first-aider on the premises during that period.

GB04 The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

GS26 All traffic routes used by members of the public (including entrance ways, gangways, lobbies, corridors, passages and exit routes and all steps and stairways) should have:

- (i) Nosings of the treads of steps in a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions.*
- (ii) Any changes in level clearly visible to members of the public, such as by using contrasting colours or additional lighting.*
- (iii) Mats more than 1 cm thick sunk to floor level unless of rubber with wide bevelled edges.*

A continuous handrail securely fixed on each side of all staircases, steps and landings at a height of not less than 840 mm nor more than 1 metre, measured vertically from the pitch line, except that only one such handrail need be provided to such staircases, flights of steps or landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.

GS27 Heavy Fittings. Heavy fittings such as projectors, stage lights, etc must have not less than two independent means of suspension e.g. clamp and chain.

EL06 The premise licence holder shall ensure that a Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amps, are fitted to all power circuits supplying sockets that may be used by entertainers / members of the public for plugging in electrical equipment. These should be regularly tested to ensure they are still functioning as required.

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.

WM01 No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

TL01 The premises licence holder shall ensure the designated premises supervisor, or nominated deputy in their absence, provides unhampered use of a telephone on the premises for use in an emergency, while licensable activity entertainment is taking place. In premises that do not have the benefit of a permanent phone installation then a mobile phone must be available.

Name: Mark Curtis

Date: 16th October 2018



**Avon & Somerset Constabulary
Temporary Event Objection
Licensing Act 2003
Section 104**

Your Name	Louise Mowbray PC 862 Aitchison
Job Title	Police Licensing Officers
Postal and email address	The Bridewell 1-2 Bridewell Street BRISTOL BS1 2AA
Contact telephone number	01278 649299

Name of Premise User (person who gave the TEN)	Carl Busby
Name or location of the premises you are making a representation about.	Nailsea Electrical
Address of the premises you are making a representation about.	102 Gloucester Road Bristol BS7 8BN
Date of function:	13th – 15th December 2018

Reason(s) why allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives	<p>This application is for a temporary bar to be housed outside the premises in the car park for a pop up bar in the lead up to Christmas for alcohol to be sold to attending customers.</p> <p>The applicant initially applied for a temporary event notice earlier in the year, the application was objected to by the police due to a number of issues associated with the temporary event in previous years, a number of residents having contacted the police</p> <p>The applicant Mr Busby met with the police following the objection and it was mutually agreed that in light of the month long 'temporary event' leading up to Christmas a Premises Licence was more appropriate.</p> <p>The premises licence could be proportionately conditioned and enforced, whereas a Temporary Event Notice is unconditional.</p> <p>As such a premises licence was applied for and granted at committee, however, a number of residents attended the hearing</p>
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	<p>and due to the testimonies of the residents and the impact of the event on their quality of life the committee were mindful to grant the premises licence but limit the terminal hour daily to 2100hrs.</p> <p>This application therefore seeks to extend the hours of the month long event, contra to the premises licence applied for and granted (within the last month) at committee.</p> <p>The application has limited details of how the event will be run, managed or that the conditions as agreed for the premises licence as granted would be adhered to.</p> <p>The premises licence was granted with due process and it is the belief of the police that the granting of this T.E.N would be contra to the licensing committee decision as granted and would undermine the Licensing Objectives and the application should be refused.</p> <p>The Council's own Licensing policy gives some guidance on considering such an application.</p> <p>In R (Daniel Thwaites PLC v. Wirral Borough Magistrates Court [2008] EWHC 838 the judge stated that the views of the police concerning crime and disorder should be given a heavy weight.</p>
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16/10/18



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Address of the premises you are making a representation about.	102 Gloucester Road Bristol BS7 8BN
Date of function:	29th November -1st December 2018

Reason(s) why allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives	<p>This application is for a temporary bar to be housed outside the premises in the car park for a pop up bar in the lead up to Christmas for alcohol to be sold to attending customers.</p> <p>The applicant initially applied for a temporary event notice earlier in the year, the application was objected to by the police due to a number of issues associated with the temporary event in previous years, a number of residents having contacted the police</p> <p>The applicant Mr Busby met with the police following the objection and it was mutually agreed that in light of the month long 'temporary event' leading up to Christmas a Premises Licence was more appropriate.</p> <p>The premises licence could be proportionately conditioned and enforced, whereas a Temporary Event Notice is unconditional.</p> <p>As such a premises licence was applied for and granted at committee, however, a number of residents attended the hearing</p>
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Date of function:	29th November -1st December 2018

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Address of the premises you are making a representation about.	102 Gloucester Road Bristol BS7 8BN
Date of function:	6th – 8th December 2018

Reason(s) why allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives	<p>This application is for a temporary bar to be housed outside the premises in the car park for a pop up bar in the lead up to Christmas for alcohol to be sold to attending customers.</p> <p>The applicant initially applied for a temporary event notice earlier in the year, the application was objected to by the police due to a number of issues associated with the temporary event in previous years, a number of residents having contacted the police</p> <p>The applicant Mr Busby met with the police following the objection and it was mutually agreed that in light of the month long 'temporary event' leading up to Christmas a Premises Licence was more appropriate.</p> <p>The premises licence could be proportionately conditioned and enforced, whereas a Temporary Event Notice is unconditional.</p> <p>As such a premises licence was applied for and granted at committee, however, a number of residents attended the hearing</p>
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