



Gloucester City Council

Licensing Sub-Committee

**Meeting: Monday, 17th December 2012 at 10.20 am
in Education Centre, Folk Museum, Gloucester GL1 2JS
(please access via rear entrance on Quay Street)**

Membership:	Cllrs. C. Witts, Lugg and Porter
Contact:	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

AGENDA

1.	ELECTION OF CHAIR
2.	INTRODUCTIONS AND PROCEDURES Chair to arrange introductions and explain the procedures to be followed at the Hearing.
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF HEMPSTED MEADOW, SECUNDA WAY, HEMPSTED, GLOUCESTER, GL2 5GA (Pages 1 - 48) Report of the Corporate Director of Services and Neighbourhoods

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Julian Wain
Chief Executive

Date of Publication: Friday, 7 December 2012

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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Gloucester City Council

Committee	: LICENSING SUB COMMITTEE
Date	: 17 DECEMBER 2012
Subject	: APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF HEMPSTED MEADOW, SECUNDA WAY, HEMPSTED, GLOUCESTER, GL2 5GA
Ward	: WESTGATE
Report By	: CORPORATE DIRECTOR OF SERVICES AND NEIGHBOURHOODS
No. Of Appendices	: A: COPY OF APPLICATION FROM GLOUCESTER CITY COUNCIL B: PLAN SHOWING LAYOUT AND LOCATION OF PREMISES C: COPY OF PLANNING RESTRICTIONS D: COPY OF REPRESENTATIONS FROM RESIDENTS E: PROCEDURE TO BE FOLLOWED AT A HEARING
Reference No.	: ES21147

1.0 Purpose of Report

- 1.1 To outline to Members an application made by Gloucester City Council in respect of Hempsted Meadow, Secunda Way, Hempsted, Gloucester GL2 5GA under Section 17 of the Licensing Act 2003 to which representations have been made. The application is for the provision of regulated entertainment and late night refreshment.

2.0 Recommendations

- 2.1 Having considered the application, any relevant representations, the legislative provisions, the Council's Statement of Licensing Policy and the Home Secretary's Guidance, Members have the following options as considered appropriate to promote the Licensing Objectives.
- (a) To accept the application and attach conditions as consistent with the operating schedule.
 - (b) To accept the application and modify the conditions of the licence which includes altering, omitting or adding new conditions.
 - (c) To reject the whole, or part of the application.

2.2 The Licensing Objectives are :-

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

3.0 Background

3.1 Members are advised that when considering an application for a new premises licence the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 18, paragraphs 3 and 4:

- (3) *'Where relevant representations are made, the authority must –*
 - (a) *Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and*
 - (b) *Having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.*
- (4) *The steps are –*
 - (a) *To grant the licence subject to:-*
 - (i) *The conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives; and*
 - (ii) *Any conditions which must under sections 19, 20 or 21 be included in the licence*
 - (b) *To exclude from the scope of the licence any of the licensable activities to which the application relates;*
 - (c) *To refuse to specify a person in the licence as the premises supervisor;*
 - (d) *To reject the application*

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

If none of these steps are required the application must be granted.

3.2 Members should note that this application has policy implications as detailed in section 6 of this report.

3.3 Members are reminded that all applications must be considered on their own merits, and that findings on issues of fact should be on the balance of probability.

4.0 The Application

4.1 This is an application for a new premises licence made under Section 17 of the Licensing Act 2003. The application was received by the licensing team on 22nd October 2012, from Gloucester City Council and has been advertised in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005. A copy of the application is attached as **Appendix A**

4.2 A plan showing the layout of the premises and its location is attached at **Appendix B**. Members are respectfully advised to familiarise themselves with the area concerned.

4.3 There are planning restrictions relating to this site. They are attached as **Appendix C**

4.4 The application concerns the proposal for the following licensable activities / times:-

- Live music
- Recorded music
- Performances of dance
- Anything of a similar nature
- Sunday to Thursday 12:00 – 22:00
- and Friday and Saturday 12:00 – 23:00

- Plays
- Films
- Indoor sporting events
- Boxing or wrestling entertainments
- Sunday to Thursday 10:00 – 22:00
- and Friday and Saturday from 10:00 to 23:00
- and late night refreshment on New Years Eve only from 23:00 to 01:30.

- 4.5 The applicant has set out in the operating schedule the measures proposed to be taken to promote the four licensing objectives if the application is granted these measures are:-

The prevention of crime and disorder

Any event that is proposed to take place will be assessed by the City Council in terms of the type of event, audience profile and proposed security arrangements; and the Police will be consulted. No contract will be entered into or permission given unless prevention of crime and disorder is being handled satisfactorily.

Public Safety

All events that are proposed for this site will be assessed by the City Council in liaison with the Police. All Health And Safety aspects of the event will be identified in a risk register and any mitigating measures agreed before any contract is entered into or permission for an event is given.

The prevention of public nuisance

All events proposed will be assessed for potential noise impacts and advice will be sought from the Noise Control Officer at the City Council.

The protection of children from harm

Family events will be encouraged on this site. All events will include the involvement of the Police and "lost children" posts will be encouraged. Any promoters of events that will involve children will be required only to employ staff which have been CRB checked.

These proposals would be made into workable, enforceable conditions should the licence be issued.

5.0 Representations

- 5.1 Representations have been received from 2 responsible authorities, namely Gloucestershire Constabulary and Gloucester City Council Environmental Protection. Both representations have been withdrawn with the applicants agreement to having the following conditions attached to the licence.

Gloucestershire Constabulary Conditions

1. A minimum of 12 weeks prior to any major event (a major event being defined as an event that has a capacity over 499 persons within the venue at one time) the Constabulary's Licensing Manager shall be notified of the event in writing (or by e-mail) and be provided with an Event Safety Plan detailing risk assessments, security measures, crowd management plans, and traffic management plans. (The organiser should note that Gloucestershire

Constabulary will not assume responsibility for security arrangements or traffic management of the event unless prior arrangements have been made with the Chief Officer of Police and that such provision may incur costs to the organisers.)

2. For every major event (being over 499 persons) the risk assessment shall be conducted in consultation with the Safety Advisory Group (SAG). If a traffic regulation order is considered necessary by the events co-ordinator, Police or SAG for the safe movement of public to and from the venue, then an application will be submitted within the time limits.

Where this licence is used in conjunction with a Temporary Event Notice in order to permit the sale or supply of alcohol at the event, the following conditions shall also apply:

1. Where any event extends beyond 2300hours, Registered Doorstaff shall be provided from the time that the Bar opens until the last customer has dispersed. Doorstaff shall be supplied at a ratio of 1:100 customers and be subject to a minimum of two. Doorstaff shall wear an item of high-visibility clothing in order to facilitate their rapid identification.
2. CCTV shall be provided by means of at least two body-worn cameras (worn by Doorstaff) and one of these shall operate predominantly in the Bar Area. Footage from these cameras shall be retained for a minimum of 14 days and be made available to any authorised officer of the Police or Licensing Authority within three days upon reasonable request. Signage shall be clearly displayed to the effect that CCTV equipment is in operation to promote security and customer safety.
3. Access to the Bar Area that is licensed by the Temporary Event Notice shall be controlled by doorstaff, and alcohol shall be consumed in the area covered by the TEN except that, in addition, it may be provided by waiter/waitress service to customers who are seated at tables for the purpose of dining.
4. Only Polycarbonate, disposable plastic or toughened glass drinking vessels are to be used for the supply of alcohol.
5. Customers shall not be permitted to bring their own alcohol to any event.

The proposed conditions above agreed between the applicant and the Police prior to the end of the period for receiving representations will replace any similar steps intended to promote the four licensing objectives as set out in the operating schedule.

Environmental Protection Conditions

1. Where any event covered by this Premises License involves the amplification of sound or the generation of any other type of sound that is audible off the site for extended periods then the following information is to be submitted at least 12 weeks prior to the event taking place: -

- Description of event
 - Date and duration of event
 - List of identified noise sources
 - Location of noise/sound making equipment
 - Noise management strategy (including noise mapping of event if deemed relevant by Environmental Health)
 - Event organizers contact details including site details for event day (including addresses)
 - Sound engineers / sound company contact details (including addresses)
 - Details of how complaints will be dealt with from members of public during the event
2. For live and amplified outdoor music events of 5 hours duration or more (advertised start – finish time) or for any other event as it is deemed necessary by Environmental Health, a competent and professional noise consultant (Member of the Institute of Acoustics) shall be employed by the licensee or event organizer in order to oversee noise monitoring and noise management at the event to the satisfaction of Environmental Health.
 3. Music noise level shall not exceed 65dB(A) over a 15 minute period as measured 1 metre from the façade of any noise sensitive premises.
 4. The music noise level shall not exceed 75dB(a) in either 63Hz or 125Hz octave frequency band at the façade of any noise sensitive premises.
 5. On Sundays through to Thursday all outdoor regulated entertainment shall not start before 12:00 midday and finish by 22:00hrs. On Fridays and Saturdays all outdoor regulated entertainment shall not start before 12:00 midday and finish by 23:00hrs.
 6. There shall be no more than 12 events (consisting wholly or partly of a licensable activity) held on this premises each year and none within 10 days of each other. Furthermore there will be no more than 2 events held in any calendar month.
 7. The licensee or event organizer shall advertise and operate an attended complaint telephone number (where deemed necessary by Environmental Health) through which noise complaints can be channeled and responded to. All complaints received through this channel shall be dealt with immediately. Should the music noise level found to be breaching Conditions 2 and or Condition 3 the level shall be reduced accordingly. A written record of all complaints shall be kept and be made available for inspection by an authorised officer of the Local Authority.
 8. The licensee or event organizer shall provide written notification to all noise sensitive dwellings in the locality (as specified by Environmental

Health) not less than 14 days before a planned event involving amplified music is scheduled to take place.

9. The licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the maximum permissible music noise levels and that they are correctly adhered to. Confirmation and a record of notifications shall be forwarded onto Environmental Health 12 weeks prior to the event.
10. All litter and waste resulting from any licensable activity shall be cleared from the site within 12 hours of the event closing to the satisfaction of this Council.
11. Litter patrols within and around the boundary of the site shall be carried out hourly during licensable activity and litter cleared as and when found.

Representations from Residents

Representations have been received from 9 residents, Copies of these are attached as **APPENDIX D** of this report.

- 5.2 Residents' concerns with regard to the licensing objectives relate mainly to a perceived propensity for an increase in public nuisance should this licence be granted.
- 5.3 Representations must be relevant and not vexatious or frivolous. In other words they must relate to the proposed licensable activity and its likely effect on at least one of the licensing objectives. They must not be born out of malice or dispute and they must be serious.
- 5.5 The applicant, responsible authorities and other persons have been given a Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

6.0 The Licensing Policy Statement and Guidance

- 6.1 Sections 3,4,5 and 6 of Gloucester City Council's Licensing Policy Statement outline the authority's policy with regard to the licensing objectives. Section 7 refers specifically to licensing hours.
- 6.2 The relevant parts of the Home Office guidance (amended April 2012) for this application are Chapter 2 on the four licensing objectives, Chapter 8 on applications for premises licences, Chapter 9 on determining applications and Chapter 10 conditions attached to premises licence.
- 6.3 Paragraphs 10.1 to 10.19 deal with the attaching of conditions to licences and state that only appropriate, proportionate conditions, which promote the licensing objectives, should be attached to the licence if it is granted. The Licensing Authority may then only impose such conditions as are appropriate

to promote the licensing objectives arising out of the consideration of the representations. If other existing law already places certain statutory responsibilities on an operator of a premises it cannot be appropriate to impose the same or similar duties as conditions.

- 6.4 Paragraph 10.4 states that “The courts have made it clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.”
- 6.5 Additionally, at 10.38 of the guidance, it states that “In the context of festivals and carnivals, local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need permission of the local authority to put on the event”.

7.0 Conclusions

- 7.1 Members should be aware of a case decided in the Court of Appeal. *Daniel Thwaites v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin) concerned an appeal against a decision by the Magistrates to impose restrictions on the hours of operation of a licensed premises without proper evidence and by giving their own views excessive weight. The resulting decision that it was necessary to do so in order to promote the licensing objectives was ruled unlawful and the decision was quashed. The wording of the Licensing Act 2003 has since been amended as set out at paragraph 3.1 above so that Members must now decide the steps to be taken that are “appropriate” for the promotion of the licensing objectives but the courts have not yet been called upon to explain the implications of substituting the word “appropriate” for “necessary” in the legislation.
- 7.2 Members should consider the relevant facts regarding the application, the guidance and representations received and make a decision in accordance with the options outlined in paragraph 2.1 of this report.

8.0 Financial Implications

- 8.1 There are no financial implications relating to this report.

9.0 Legal Implications

- 9.1 The Licensing Sub Committee is asked to consider an application made under Section 17 for a premises licence to be determined under Section 18.
- 9.2 To consider the application, the Sub-Committee must be satisfied:
- The application is properly made.
 - The applicant has given proper notice.
 - The applicant has satisfied the advertising requirements.
- 9.3 The four licensing objectives are set out in paragraph 2.2 of the report and each should be considered of equal importance.
- 9.4 The Sub-Committee must, having regard to the application and any relevant representations, decide on any of the options set out in the report at paragraph 2.1(a) – (c).
- 9.5 The Sub-Committee has the power to adjourn and carry forward the hearing to additional specified dates.
- 9.6 For the purposes of determining an application, a “relevant representation” means a representation which:
- a) Is relevant to one or more of the licensing objectives.
 - b) Is made by a responsible authority or other person within the prescribed period.
 - c) Has not been withdrawn
 - d) If having been made by an other person (who is not a responsible authority), that they are not in the opinion of the Licensing Authority frivolous or vexatious.
- 9.7 In deciding what action, if any, it should take, the Sub-Committee members must direct their minds to the causes and concerns the relevant representations identify. Any action should generally be directed to these causes and should always be no more than is an appropriate and proportionate response based on the evidence produced to the Sub-Committee. Any detrimental financial impact on the applicant of the Sub-Committees decision must be appropriate and proportionate. The Sub-Committee is required to have regard to the Home Office guidance when making its decision. However, the guidance is not legally binding and it does not cover every possible situation, so long as the guidance has been properly and carefully understood, the Sub-Committee may depart from it if they have reasons to do so. Full reasons must be given if this is the case.
- 9.8 Following the case of Daniel Thwaites v Wirral Borough Magistrates’ Court 2008, referred to in paragraph 7.1 of the report the Sub-Committee needs to avoid:

- a) Speculating of what might happen in the absence of evidence that harm would or could happen.
 - b) Not paying attention to Home Office guidance where failing to follow it requires good reasons to be given.
 - c) Imposing conditions that do not promote the licensing objectives.
- 9.9 Where the Sub-Committee determines an application it must notify the determination and reasons for making it to:
- a) the applicant
 - b) the person who made the relevant representations
 - c) the Police
- 9.10 The Sub-Committee has its own procedure for determining applications that are attached to the report as **Appendix E**.
- 9.11 In considering this application, the Sub-Committee is solely performing the role of Licensing Authority. The Sub-Committee sits in a quasi-judicial capacity and must act impartially. It must offer a fair and unbiased hearing of the application. The Sub-Committee needs to disregard the wider Council objectives and other statutory roles and must direct themselves to making a determination solely based on the licensing law, Home Office guidance and Council's Statement of Licensing Policy.
- 9.12 As a quasi-judicial body, the Sub-Committee is required to consider the application on its merits. It must take into account only relevant factors and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant.
- 9.13 Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.
- 9.14 The Sub-Committee has a duty under Section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the City.
- 9.15 Other persons, Responsible Authorities and the applicant have the right to appeal the Sub-Committee's decision the Magistrates' Court within a period of 21 days beginning with the day on which they were notified of the decision to be appealed against.

10.0 Risk Management Implications

- 10.1 There is a right of appeal to the Magistrates Court for both the applicant and all interested parties. Costs may be awarded against the Council on successful appeal if the Sub Committee has not acted reasonably in reaching its decision. In the case of Birch House Business Centre Ltd v Denbighshire County Council (8th December 2010) District Judge Shaw awarded costs in excess of £20,000 against the local authority for not scrutinising with greater care evidence presented to it.

11.0 People Impact Assessment (PIA):

Please ensure you complete this section even if a PIA is not required.

Is a PIA required?	Yes	No	Explanation: Screening assessment conducted as part of the Council's Licensing Act Policy Statement.
		X	
Has an initial PIA screening been completed?	Yes	No	Explanation: As above
		X	
Has a full PIA been completed?	Yes	No	Explanation: As above
		X	
Is the PIA available?	Yes	No	Explanation: As above
		X	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	As above *Please ensure PIA is available
		X	

12.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)

1. Community Safety

The four licensing objectives of the Licensing Act 2003 are designed to support community safety and are dealt with in the body of the report.

2. Environmental

As above – dealt with in the body of the report.

3. Staffing

None

4. Trade Union

No comments.

- Background Papers** : Gloucester City Council Licensing Hearing Procedure
- Published Papers** : Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005 Gloucester City Council Licensing Policy Statement Home Secretary (Home Office) Guidance issued under section 182 of the Licensing Act 2003 (April 2012)
Daniel Thwaites v Wirral Borough Magistrates Court (2008) EWHC 838 (Admin)
- Person to Contact** : Richard Barnett
Tel: 01452 396311
E-mail: Richard.Barnett@gloucester.gov.uk

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

ENVIRONMENTAL
HEALTH
FIRST 22 OCT 2012

PLEASE READ THE FOLLOWING INSTRUCTIONS

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.

12013296226
 010007311276

I/We Gloucester City Council
 (Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Hempsted Meadow, Secunda Way, Hempsted			
Post town	Gloucester	Post code	GL2 5GA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£25,000pa

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as:

- Please tick yes
- a) an individual or individuals * please complete section (A)
 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

ENVIRONMENTAL HEALTH & REGULATORY SERVICES

New Premises Licence Application (Jan2011)/18/10/2012

Gloucester City Council
 Herbert Warehouse
 The Docks
 Gloucester GL1 2EQ
 Tel 01452 396396 Fax 01452 396340
 Email heretohelp@gloucester.gov.uk
 Minicom 01452 396161
 www.gloucester.gov.uk



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

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Michael Thorpe
Address Group Manager Planning and Economy Gloucester City Council Herbert Warehouse The Docks Gloucester GL1 2EQ
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) District Council/Local Authority
Telephone number (if any) 01452 396835
E-mail address (optional) Michael.thorpe@gloucester.gov.uk

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
3	0	1	2	2	0
1	2	2	0	1	2

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

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)

Purpose built market site and events venue sited between the Canal and the South West By-pass, with surrounding field and footpaths that are accessible to the public.

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

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

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

Provision of regulated entertainment

Please tick yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	22.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	10.00	22.00			
Wed	10.00	22.00	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	10.00	22.00			
Fri	10.00	23.00	<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 5)		
Sat	10.00	23.00			
Sun	10.00	22.00			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.00	22.00			
Tue	10.00	22.00			
Wed	10.00	22.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	10.00	22.00			
			<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 5)		
Fri	10.00	23.00			
Sat	10.00	23.00			
Sun	10.00	22.00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	10.00	22.00	
Tue	10.00	22.00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	10.00	22.00	
Thur	10.00	22.00	<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 5)
Fri	10.00	23.00	
Sat	10.00	23.00	
Sun	10.00	22.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	22.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	10.00	22.00			
Wed	10.00	22.00	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur	10.00	22.00			
Fri	10.00	23.00	<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 5)		
Sat	10.00	23.00			
Sun	10.00	22.00			

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12.00	22.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	12.00	22.00			
Wed	12.00	22.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	12.00	22.00		On New Year's Eve the time will be extended to 1.30 am (New Year's Day)	
Fri	12.00	23.00	<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 5)		
Sat	12.00	23.00			
Sun	12.00	22.00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12.00	22.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	12.00	22.00			
Wed	12.00	22.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	12.00	22.00		On New Year's Eve the time will be extended to 1.30 am (New Year's Day)	
Fri	12.00	23.00	<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 5)		
Sat	12.00	23.00			
Sun	12.00	22.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12.00	22.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	12.00	22.00			
Wed	12.00	22.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) On New Year's Eve the time will be extended to 1.30 am (New Year's Day)		
Thur	12.00	22.00			
Fri	12.00	23.00	<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 5)		
Sat	12.00	23.00			
Sun	12.00	22.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	12.00	22.00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	12.00	22.00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	12.00	22.00			
Thur	12.00	22.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	12.00	23.00	On New Year's Eve the time will be extended to 1.30 am (New Year's Day)		
Sat	12.00	23.00	<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 5)		
Sun	12.00	22.00			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	01.30	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23.00	01.30			
Wed	23.00	01.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	01.30		Late night refreshments will only apply on New Year's Eve (extending into New Year's Day)	
Fri	23.00	01.30	<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 5)		
Sat	23.00	01.30			
Sun	23.00	01.30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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 (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

N

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 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	00.00	The hard standing and event space is restricted to opening times by fencing and locked gates, but there is 24 hours access to the surrounding field and footpaths which are open to the public.
Tue	00.00	00.00	
Wed	00.00	00.00	
Thur	00.00	00.00	
Fri	00.00	00.00	
Sat	00.00	00.00	
Sun	00.00	00.00	
			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 (please read guidance note 5)

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Any event taking place on these premises will be assessed against the four licensing objectives and the City Council guidelines for putting on events. All relevant Council Services will be consulted. No contract will be entered into or permission given until all criteria have been met satisfactorily.

b) The prevention of crime and disorder

Any event that is proposed to take place will be assessed by the City Council in terms of the type of event, audience profile and proposed security arrangements; and the Police will be consulted. No contract will be entered into or permission given unless prevention of crime and disorder is being handled satisfactorily.

c) Public safety

All events that are proposed for this site will be assessed by the City Council in liaison with the Police. All Health and Safety aspects of the event will be identified in a risk register and any mitigating measures agreed before any contract is entered into or permission for an event is given.

d) The prevention of public nuisance

All events proposed will be assessed for potential noise impacts and advice will be sought from the Noise Control Officer at the City Council.

e) The protection of children from harm

Family events will be encouraged on this site. All events will include the involvement of the Police and "lost children" posts will be encouraged. Any promoters of events that will involve children will be required only to employ staff which have been CRB checked.


Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11).
If signing on behalf of the applicant please state in what capacity.

Signature	
Date	19 th October 2012
Capacity	Group Manager Planning and Economy

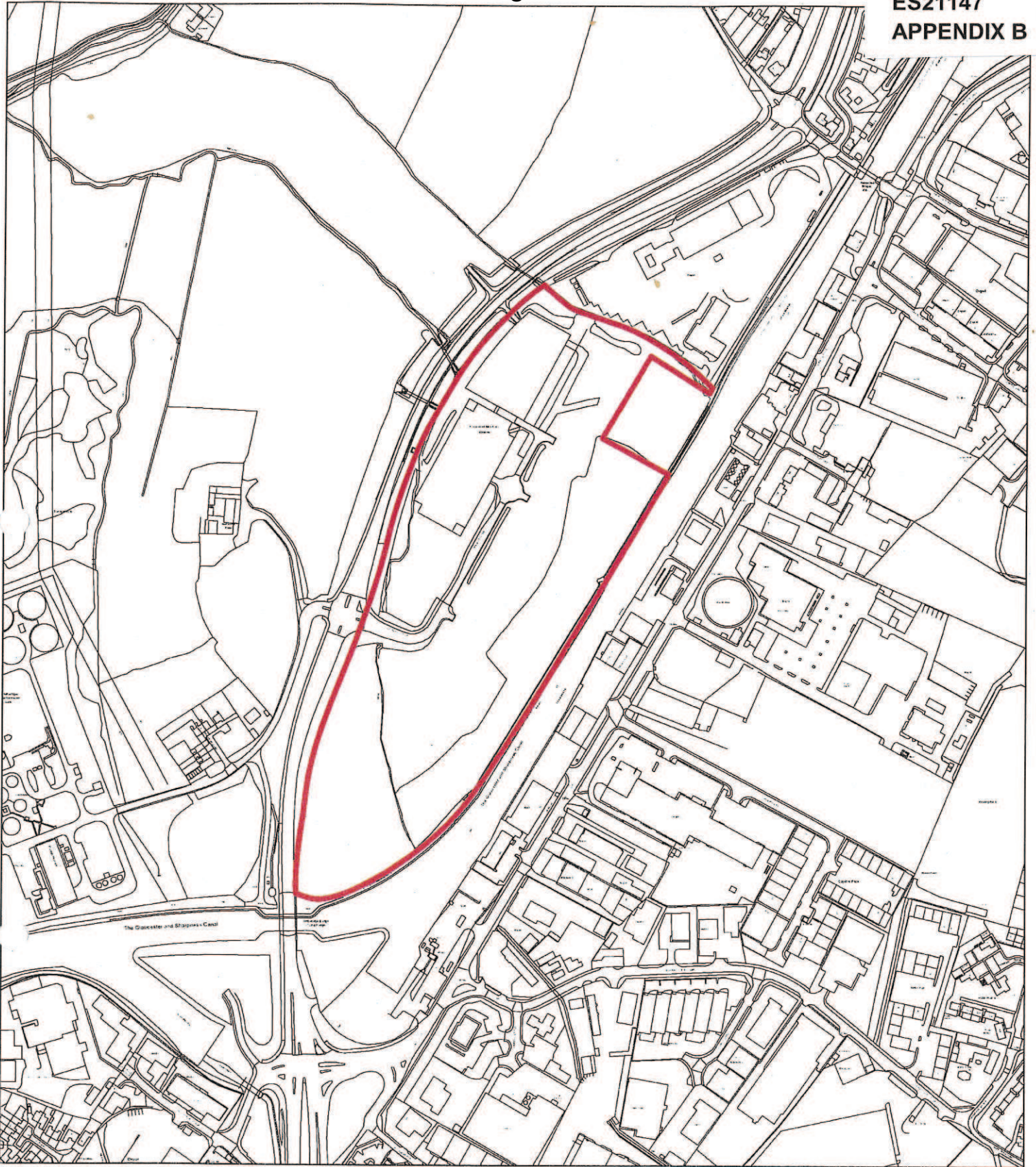
For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12).

If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

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)			



Hempsted Meadows Premises License Application

1:5000



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Gloucester
City Council

Condition 8 of planning consent 07/00442/COU, dated 30 March 2007, restricts the hours whereby the market/car boot site can be open to the public to 8:00 am to 4:00pm Wednesdays and Saturdays, and 9:00 and 1pm Sundays. However, the Permitted Development rights under Part 4 of Schedule 2 of the General Permitted Development Order 1995 mean that for not more than 28 days a year other events can be held. Notwithstanding the restricted hours conditions attached to the 2007 consent, there is nothing in Planning terms to prevent the temporary (no more than 28 days a year) use of the site under Part 4 of the GPDO 1995 for the uses and times stated within the licence application. After each temporary use, the site reverts back to the lawful use (granted under the 2007 consent), and all the conditions attached to that consent will apply.

Richard Barnett

From: Licence Team
Sent: 12 November 2012 09:44
To: Richard Barnett
Subject: FW: Licence Application made by Gloucester City Council for the grant of a Premises Licence for the Hempsted Meadows market site

From: [REDACTED]
Sent: 11 November 2012 17:17
To: Licence Team
Cc: [REDACTED]
Subject: Licence Application made by Gloucester City Council for the grant of a Premises Licence for the Hempsted Meadows market site

To whom it may concern.

I wish to object to the above application on the following grounds.

- (1) A licence has already recently been refused for a Public house in Hempsted.
- (2) The noise created by such events as documented in the Public Notice will cause unnecessary disturbance to the Residents of Hempsted.
- (3) There is an ongoing litter problem at Hempsted Meadows caused by the existing Car Boot Sale which takes place on Wednesdays and Sundays. Complaints made by me to the City Council over the last two years, about the litter, have largely been ignored and the site still remains an eyesore. There is photographic evidence to support this.

I understand that when the Car Boot Sale was proposed, a meeting was held with the Residents of Hempsted and assurances were given that the site would remain clean and litter free. These undertakings have not been fulfilled, in spite of the assurances given at the time. Therefore, I most positively object to any future activities on the Hempsted Meadows site as this will only exacerbate an existing problem, even more so where alcohol is involved.

[REDACTED]

12/11/2012

Richard Barnett

From: Licence Team
Sent: 15 November 2012 11:43
To: Richard Barnett
Subject: FW: objection to application

From: [REDACTED]
Sent: 15 November 2012 11:17
To: Licence Team
Subject: objection to application

I wish to object to this application.

1) I live very near this site and think the noise will be too much for local residents. We brought the property away from the town and bars for the very good reason. Peace and quiet.

I can't quite believe you are thinking of doing this in this area! There must be a much better site with all the Bars and Clubs in the local area.

2) It is going to encourage a lot of people hanging around the canal up to no good with drink inside them! **(its not a very good mix).**

3) We normally receive a copy through the door telling us about poseurs by mail? it does not say who has applied for this application?

I think you are trying to sneak it through without informing us, by the proper channels. I am very disappointed by this fact and would like a reply why you have not done this in the usual way?

1) We pay a large amount of rates to the local council and we deserve the council, to protect us from this application and all it entails.

5) I would also like confirmation that this objection has gone to the CC of the Council.

Regards



15 November 2012

I writing to inform you that I oppose the application made by **Gloucester City Council** to the Licensing Authority for Gloucester City for the grant of a Premises Licence for the Hempsted Meadows market site off Secunda Way Gloucester GL2 5GA

Objections:

Due to the late night events especially 10 pm in the week along with 11 pm Friday and Saturdays, this is with New Years Eve until 1.30 am! It's too late.

I see no reason what so ever for this. Residents of Hempsted have not been asked for our point of view or consulted on late night licences; in fact when I contacted the licence team Lisa Jones informed me that GCC don't need to contact residents as this is a licence application and not a planning application. I feel putting up just 3 notices on posts at Hempsted Meadows entrance isn't good enough for a City Council, also online we have problems the first view PDF on the licence team web site has even had the times applied for left out - why I ask?

I pointed this out to Lisa her reply was 'we don't have to'. But she would put this to the team for future reference.

This Licence application I feel would not fit in with the character of the area, this is canal side, opposite a nature reserve and not the city centre.

The duration of noise I feel would be to long for all residents to endure, as I do not see a permanent construction here, so in effect this is an open air event or at very least a marquee/tent. This would then create a public nuisance, noise has no boundaries it won't stop at the gates of Hemsted Meadow it will travel and affect all the close residents.

In the past I have worked very hard with Gloucester City Council Environmental Health. Avon Metals a company about 200m away line of sight from Hempsted Meadows having to change its permit/licence over noise pollution. Its taken over 3 years to have the permits changed and put in place, this I state again is in relation to noise, no tipping or loud industrial type noise past 10 pm Monday to Friday Saturday morning 9.00 - 12.00, Sunday mornings 10 - 12, this shouldn't be one rule for Avon and non for Gloucester City Council.

There are other points that are also very important, when you then bring in temporary licenses for the sale of alcohol and food; this is for who ever purchases the event slots. The last thing I want is congregations of people going to and from events causing anti social behaviour on the pathways in and around the residential areas surrounding Hempsted Meadows, this includes the highways, as due to the speed and noise created by some vehicles up and down Secunda Way.

The events would produce high levels of comings and goings at unexpected times, this would not be acceptable, as a resident beside the canal it's a great place until this sought of occurrence happens, rarely at the moment.

I don't want to see or hear of this happening due to the City Council opening up a peaceful environment for their own gain it will only cause stress on residents and the local environment. This then means the appropriate authorities including your own teams along local police will end up dedicating yet more time and money to a problem that at present doesn't exist.

Keep and contain the late night venues in town, together with associated alcohol & food. You know where they are, people know where they are, most importantly the relevant authorities know where they are.



Richard Barnett

From: Licence Team
Sent: 16 November 2012 12:13
To: Richard Barnett
Subject: FW: market site licence application

1201329GLPRMG
010007311276

Richard Barnett
Licensing And Enforcement Officer
Environmental Health And Regulatory Services

From: [REDACTED]
Sent: 16 November 2012 10:48
To: Licence Team
Subject: market site licence application

LICENCE APPLICATION FOR HEMPSTED MEADOWS MARKET SITE

I am writing on behalf of the Residents of Hempsted, but especially those who live at the southern end of Hempsted Lane, the south facing part of High View, and Netheridge Close.

We are not objecting out right, but put forward some suggested modifications to the application.

As this licence application is an extension of the existing licence, we feel it should be an **experimental extension**, and therefore we would request the number of days being applied for should be reduced from 28 days per calendar year to **6 days per calendar year**.

The low position of the site is ideal for the transmission of sound to the surroundings especially the southern slopes of Hempsted. We would therefore want strict controls to be enforced concerning generated noise. However, some of the noise will be generated by people/vehicles leaving the site after the event is over. Therefore we would like to see the **New Year finishing time reduced by 30 minutes to 1 am**. This is to hope that all noise will have stopped by 1.30am.

We would hope that the Police would have a presence during such an event, so that illegal parking is not allowed. We have received complaints from Netheridge Close, about the illegal parking on market days.

[REDACTED]
Secretary Hempsted Residents Association.



16th November 2012

Re: application by Gloucester City Council to the Licensing Authority for Gloucester City for the grant of a Premises Licence for the Hempsted Meadows market site off Secunda Way, Gloucester GL2 5GA

OBJECTIONS

- GCC have not informed residents
- GCC failed on one notice to show proposed evening timetable.
- Hempsted Meadows site potential for public nuisance, either leaving the site by foot along the canal path (a hazard) local footways or vehicle would create noise.
- Hempsted Meadows site potential for crime & disorder, there will always be an element of attendees with no regard for the area, intent on anti social behaviour.
- 24 hour Supermarkets & local shops within easy reach for pre sales & consumption of alcohol. Litter, already a problem in the area would be considerably increased.
- Hempsted Meadows as a late night area would give residents disturbed, stressful sleepless nights.
- As there is no permanent building on site, such a venue would either be out of doors or a marquee erected, public safety, fire safety & security would have to be put in place at an additional cost. Additional lighting & security for the area. Gloucester City Council & Police Authority has limited funds. There are plenty of permanent regulated venues within the city centre for late night events.
- Who will vet the applicants who may wish to use the proposed site? Gloucester City Council would have a vested interest.
- Gloucester City Council will consult with Environmental Protection, Lloyd Griffiths & Gareth Hooper have worked tirelessly over the last 3 years with Hempsted residents & Avon Metals who have a permit in place with noise restrictions to 10pm Mon - Fri and noon weekends & Bank Holidays.

Gloucester City Council may be looking to generate income from Hempsted Meadows, the extension of hours for the Car Boot/ Market were turned down. The public nuisance to local residents, additional costs involved i.e. lighting, insurance, safety, security, litter picking and administration far out weigh any potential income.

Richard Barnett

From: [REDACTED]
Sent: 17 November 2012 18:25
To: Licence Team
Subject: Fw: Hempsted Meadows License Application

1201302GLPRMG
29
010007311276

Dear Sirs,

I wish to register my concerns & opposition with regard to the subject line license application.

The opposition is registered on the basis of the potential for:

• Noise levels in open air concerts or marquees.

Increased litter.

Late night revellers taking shortest routes through residential late at night.

The facility was to my knowledge, was never developed with late night licensed outdoor entertainment.

Today, I have received an advertising flier for a New Years Eve licensed event at Hempsted Meadows.

I would appreciate your clarification with respect to the event, as the organisers appear to have made plans without any license granted to date.

Unfortunately, it would appear the license application is a foregone conclusion.

I look forward to Gloucester City Council explanation of the current situation.

Best Regards,

Richard Barnett

From: [REDACTED]
Sent: 18 November 2012 17:28
To: Licence Team
Subject: Licence Application, Hempsted Meadows, GL2 5GA

We note the details of the above Licence Application and regrettably must express grave concern at the possible harm that will be inflicted on a quiet peaceful village. We have lived in many parts of the UK and rate our ten years in Hempsted as probably the nicest friendly village of them all.

Currently the activities at the Meadows are conducted in daylight hours and regrettably there seems to be very little evidence of the users being controlled with respect to the depositing of rubbish and litter. Goodness knows what we Locals would have to put up with after events carried out in hours of darkness.

28 days per Calendar Year seems far too high a target. We would suggest it should be limited to 12 days for at least one year until the Organisers have demonstrated that they can control the behaviour of the users to the satisfaction of we local residents.

No licence should be granted for alcohol on New Years Eve there are enough licensed premises already stretching Police resources without having to cope with the remoteness of the Meadows.

Yours Sincerely
[REDACTED]

16 November 2012



Environmental Health
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ



Dear Sirs

We wish to object to the application for a licence under the Public Licensing Act 2003 to have regulated entertainment at Hempsted Meadows, Secunda Way, Gloucester GL2 5GA as detailed in the application dated 22 October 2012, Reference No. 1201329GLPRMG on the following grounds:

1. The original planning permission was, quoting from Gloucester City Council's own website, to "have a permanent site from which the City can continue its great tradition of market trading". The performance of plays, sporting events, live music, dance, etc. does not constitute "market trading" and falls outside the planning permission.
2. The original planning permission allows for "occasional camping and caravanning" largely in connection with Rowing Club events. "Occasional camping" does not cover events where alcohol is to be served or noise generated to the levels involved in live music or sporting events as listed in the application.

3. Noise: Noise from current occasional events already causes a nuisance to residents in Hempsted: the village is on a hill, noise rises and travels a great distance, and it is to be assumed that “live” music includes rock and pop concerts.
4. There is no detail within the application as to who is to be designated as “regulating” these “regulated” events, or whether those so designated will be available late on Friday, Saturday or Sunday nights to deal with noise and other nuisances created by and associated with events such as live music.
5. It is a large site with low open fencing surrounding it: it is impossible to close off and is therefore unsuitable to ensure that underage drinking does not occur.
6. The site could accommodate several thousand concertgoers, for example, but there is insufficient space for a similar number of vehicles. This would cause haphazard and dangerous parking on a road that is used as a major trunk route through the city by those wanting to attend a concert but are unable to park.
7. Nuisance is not always confined within a site and the Council has neither the staff or money available to deal with it. A prime example would be the motorcycle events held at Hempsted Meadows in previous years: who was designated to deal with the deafening and stressful noise of powerful motorcycles using Secunda Way as a race track?

At a time when Gloucester City Council is cutting vital services, this sort of activity is not a core council service and should not be pursued.

Yours faithfully



Richard Barnett

From: [REDACTED]
Sent: 19 November 2012 12:01
To: Licence Team
Cc: [REDACTED]
Subject: Hempsted Meadows

Dear Sir,

Premises Licence - Hempsted Meadows.

I refer to the above licence application for Hempsted Meadows market site.

I have not had the opportunity to visit your office to view the full application which I understand runs into many pages. Therefore could you clarify for me the "market site" -. Is it solely the paved areas ?

Whilst I appreciate the necessity to make the best use of, and realise income from, the investment in the market site, I am of the opinion that assurances given to Hempsted residents when the market site planning application was approved should be borne in mind.

Those assurances included references to the use of the site for activities that involved the control of noise and disturbance which could effect the residents on Hempsted pitch, part of High View and the houses at Netheridge. As I understand it the latter still suffer from parking etc problems on market days and when the few past events have been held...

This application is for 28 days per calendar year, roughly one every two weeks - an entirely new venture.

Being such a new venture I am of the opinion that the least the residents could expect is that a trial period could be instituted to gain experience of the effect of such activities - perhaps an initial approval of say 6 days.

Furhermore although I do not wish to be a killjoy on New Year's Eve I would suggest a slightly earlier finish time of say 1.00 a.m. as inevitably there will be an overspill of time with consequential effects.

Also to be borne in mind is that this is unlikely to be the only application in this area as eventually the Rowing Club will seek similar facilities.

Therefore in its current form I must raise objection to the proposal but I believe that amendments could be made which may make it acceptable.

Finally I have had a reaction from many possibly affected residents saying " what licence application ". Could you let me know where the application has been published.

Many thanks

Yours faithfully

[REDACTED]

PROCEDURE FOR LICENSING SUB COMMITTEES

General

1. The Sub Committee shall consist of three members drawn from the Licensing & Enforcement Committee. *In the event of one member of the Sub Committee having to withdraw, the Sub Committee may continue with the hearing in their absence provided all the parties consent.* The Sub Committee is non-political and will make decisions based upon the representations made to it in accordance with the licensing objectives, the Licensing Policy Statement and Guidance issued under section 182 of the Licensing Act 2003.
2. A Local Authority Solicitor will act as legal advisor to the Sub Committee and provide advice, when needed, on matters which may be raised of a legal or procedural nature either during the hearing or before the decision is announced.
3. An officer from the authority's Committee Secretariat will be in attendance to take a record of the hearing.
4. If a party has informed the authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
5. If a party who has not so informed the authority fails to attend or be represented at the hearing, the Sub Committee may
 - (a) adjourn the hearing to a specified date where this is necessary in the public interest; or
 - (b) continue in the party's absence.
6. A party may withdraw any representations
 - (a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
 - (b) orally at the hearing.
7. The hearing shall take place in public unless the Sub Committee considers that the public interest in excluding the public from all or part of the hearing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. A party and any person representing or assisting a party may be treated as a member of the public.
8. If any person attending the hearing is behaving in a disruptive manner, in the opinion of the Sub Committee, the Chair can require him to leave the hearing and may
 - (a) refuse to permit that person to return; or
 - (b) permit him to return only on such conditions as the Sub Committee may specifybut such a person may, before the end of the hearing, submit to the Sub Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. The authority may adjourn the hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. Where the hearing is adjourned or to be held on additional dates, the authority will notify the parties forthwith of the date, time and place to which the hearing is to be held. If a hearing is adjourned or part heard the Sub Committee to which it is adjourned must consist of the same Members.

Time Limits

10. The Sub Committee shall provide the Applicant, Relevant Authorities and Interested Parties an equal opportunity to address the Sub Committee. All parties will be requested to provide a time estimate for any presentation to the Sub Committee. It is expected that all parties will be permitted a maximum of 15 minutes each, except in exceptional circumstances.

Introduction

11. The Chair will introduce Members of the Sub Committee then invite officers and parties present to introduce themselves and to confirm whether or not they wish to make oral representations. Where there are a number of interested parties with similar representations, they may wish to appoint a representative.
12. The Chair will explain the procedure to be followed. On rare occasions it may be necessary, in order to ensure the fairness of the proceedings and in the public interest, for the Chair to alter the order in which parties speak from that set out below.
13. The Chair will explain that all parties have an equal maximum period of time during which to address Members, to question other parties and to give further information in response to a point upon which the authority has requested clarification. The Chair will request confirmation from each party that the proposed maximum period of time is adequate.
14. The Sub Committee shall consider any request from a party for permission to have another person appear at the hearing.
 - (a) Such request must be included in that party's notice in response to the Notice of Hearing.
 - (b) Permission shall not be unreasonably withheld.
15. The Chair will remind the parties that the hearing shall take the form of a discussion led by the Sub Committee and cross-examination shall not be permitted unless the Sub Committee considers that cross-examination is required for it to consider the representations, application or notice as may be required.
16. The Chair will invite the parties to request permission to question or to cross-examine any other party or parties and the Sub Committee shall determine whether permission is granted (permitted parties). All questions must be relevant to the application and must relate to the licensing objectives, Licensing Policy Statement or the guidance issued under section 182 of the Licensing Act 2003.
17. The Chair will remind the parties that it will consider the written representations of any parties who are absent and will hear the representations of those parties who are present.

The Licensing Authority

18. The Licensing & Enforcement Manager ('LEM') or authority representative shall present his report. The report shall not make any recommendation in terms of the outcome of the hearing. The report may summarise the application, the representations and the LEM's comments as to how these relate to the licensing objectives, the Licensing Policy Statement and the Guidance issued under section 182 of the Licensing Act 2003.
19. The parties may ask the LEM for clarification of any points made in the report in such order as the Chair shall decide.

20. Members of the Sub Committee may ask the LEM for clarification of any points made in the report.

The Applicant

21. The Applicant or his representative shall address the Sub Committee and shall call witnesses if applicable.

22. The permitted parties shall ask their questions in such order as the Chair shall decide.

23. Members of the Sub Committee shall ask the Applicant and witnesses questions if they wish to do so.

Responsible authorities & Interested parties

24. In such order as the Chair shall decide, those parties who have made relevant representations or their representative(s) shall address the Sub Committee and shall call witnesses if applicable.

25. The permitted parties shall ask their questions in such order as the Chair shall decide.

26. Members of the Sub Committee shall ask questions if they wish to do so.

Final Statements

27. The Chair will invite the parties to make final statements in the following order

(a) Any responsible authority or interested party who has made relevant representations (in such order as the Chair shall decide)

(b) The LEM on any factual issues relating to the application

(c) Applicant

Decision making

In circumstances where the determination is to be given at the conclusion of the hearing:-

28. The Chair will ask the parties and any other persons to leave the room, unless it is more practicable for Members themselves to retire to another room.

29. Once Members have made their decision, the parties and any other persons will be invited to return to the meeting room and the Chair will announce the decision of the Sub Committee.

30. The decision of the Sub Committee shall be confirmed in writing to the Applicants, Relevant Authorities and Interested Parties. The rights of appeal shall be included with the written decision.

Adjournments

31. It is anticipated that the majority of hearings will be heard and determined at the scheduled meeting of the Sub Committee, however there will be occasions when the Applicant, Relevant Parties or Sub Committee may wish to adjourn the hearing. Whosoever requests the adjournment shall provide reasons for the adjournment and the Sub Committee shall consider these. If the Sub Committee considers it is in the public interest to adjourn they shall have the power to do so to a specified date with the same Sub Committee. If the application is refused reasons shall be given.