

# Gloucester City Council

<b>Meeting</b>	<b>: Licensing Sub-Committee</b>
<b>Date</b>	<b>: July 3<sup>rd</sup> 2013</b>
<b>Subject</b>	<b>: Application under Section 17 of the Licensing Act 2003 by Gloucester County Council in respect of Gloucester Old Sports Academy Playing Fields (Bishops College Site) Estcourt Close Gloucester</b>
<b>Ward Affected</b>	<b>: Longlevens</b>
<b>Report of</b>	<b>: Corporate Director of Services and Neighbourhoods</b>
<b>Appendices</b>	<b>1. Copy of application from Gloucestershire County Council 2. Plan showing layout of premises 3. Copy of representation from residents 4. Letter to residents / Notice of hearing 5. Plan showing location of representatives 6. Extract from Policy guidance on festivals 7. Procedure for Licensing Sub Committee</b>
<b>Contact Officer</b>	<b>Philippa J. Golden-Licensing Enforcement Officer <a href="mailto:Philippa.golden@gloucester.gov.uk">Philippa.golden@gloucester.gov.uk</a></b>
<b>Reference No.</b>	<b>: ES21161</b>

## **1.0 Purpose of Report**

- 1.1 To present to members an application for a new premises licence made under section 17 of the Licensing Act 2003 for Gloucester Old Sports Academy Playing Field (Bishops College Site) GL1 3LR by Gloucestershire County Council. The application is for regulated entertainment.

## **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 necessary 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, section 18, subsections (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 necessary 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 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 5 of this report.

3.3 Members are reminded that all applications must be considered on their merits, and that findings on any 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 in accordance with section 17 of the Licensing Act 2003. The application was received by the Licensing Authority on 21<sup>st</sup> May 2013 from Gloucestershire County Council and was advertised in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. A copy of the application is attached as **Appendix 1**

4.2 The application has been made by Gloucestershire County Council to licence an open spaced area, which was part of a former school playing field located off Estcourt Close, Gloucester. A plan showing the layout of the premises is attached in **Appendix 2**

4.3 The following licensable activities have been requested in the application;

<b>Plays</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri - Sun</b>	<b>09:00 – 22:00</b>
<b>Indoor Sporting Events</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri - Sun</b>	<b>09:00 – 22:00</b>
<b>Films</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri - Sun</b>	<b>09:00 – 22:00</b>
<b>Boxing or Wrestling</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri - Sun</b>	<b>09:00 – 22:00</b>
<b>Live Music</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri - Sun</b>	<b>09:00 – 22:00</b>
<b>Recorded Music</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri - Sun</b>	<b>09:00 – 22:00</b>
<b>Performance of Dance</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri - Sun</b>	<b>09:00 – 22:00</b>
<b>Anything of a Similar description</b>	<b>Mon – Thurs</b>	<b>09:00 – 21:00</b>
	<b>Fri – Sun</b>	<b>09:00 – 22:00</b>

4.4 Eleven Representations have been received from local residents (other persons) in the form of a petition. Each representation is identical in content but has been signed by a different party. All of whom make reference to their concerns over potential noise and general disruption when a new local music event ‘Sports Beat’ is hosted at this site location the weekend commencing July 5/7 2013. See **Appendix 3**

4.5 No representations have been received by any other Responsible Authority in relation to this application, although Gloucestershire Constabulary and the Environmental Protection Team (both Responsible Authorities,) have liaised with the Applicant (Gloucestershire County Council) to ensure that amplified sound from the afore mentioned site

does not cause unreasonable disturbance to the residents living nearby. The following conditions have been agreed by Environmental Protection to be attached to the licence;-

1. *Where any event covered by this Premises License involves the implication of sound at least 8 weeks prior to the event taking place following information is to be submitted to the Environmental Protection Department:*
  2.
    - i) *Date and duration of event*
    - ii) *Description of event*
    - iii) *List of identified noise sources*
    - iv) *Noise management strategy*
    - v) *Event organisers contact details including on site details for event day (include addresses)*
    - vi) *Sound engineers/sound company contact details (include addresses)*
    - vii) *Location of noise/sound making equipment*
  3. *The music noise level shall not exceed 65dB(A) over a 15 minute period 1 metre from facade of any noise sensitive premises.*
  4. *The music noise level shall not exceed 72dB in either 63Hz or 125Hz octave frequency band at the facade of any noise sensitive premises.*
  5. *All noise measures shall be undertaken by a competent person.*
  6. *The licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound limits and that they are correctly adhered to.*
  7. *There shall be no more than 1 licensable event held on this premises each year and this will not exceed 72 hours in total.*
  8. *The licensee shall provide written notification to all noise sensitive dwellings in the locality not less than 7 days before a planned event taking place.*
  9. *Permissions must be sought from the landowner before any event can take place.*
- 4.6 The applicant and other persons have been given a Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. This was hand delivered along with a letter of clarification, explaining to those interested parties (nearby residents) what activities had been asked for in the premises application and what proposed noise controls had been agreed to prevent public nuisance. This letter was also taken as an opportunity to answer general licensing questions that had been raised in the representations received. The letter also advised that

residents may withdraw their representations if they were satisfied with the measures put in place to address Public Nuisance. A copy can be found in **Appendix 4**.

- 4.7 The location of the residents in relation to the premises (area of land) for which this application has been made can be seen in the plan on **Appendix 5**.
- 4.8 It is helpful for Members to note that there is already a premises licence in place for the adjoining 'Plock Court' playing field which forms part of this site. Members should be aware that the 'Sport Beat' Festival event referred to within the representations is planned to be located in this Gloucester Academy (Bishop's College site) playing field in addition to the 'Plock Court' playing field.
- 4.9 Members are advised that this hearing is to consider the premises licence application and the full range of activities covered by this licence application. The focus should not relate to the 'Sport Beat' event alone but the licence application in its entirety because the 'Sport Beat' Festival is just one type of event that the licence may allow. This licence application could also allow other lower key events that the local community may want such as choir singing, playing music and displays of dance.

## **5.0 THE LICENSING POLICY STATEMENT AND GUIDANCE**

- 5.1 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.
- 5.2 The relevant parts of the Amended Guidance issued under section 182 of the Licensing Act 2003 (October 2012) by the Home Secretary are Chapter 2 on the four licensing objectives, Chapter 8 on Applications for premises licences and Chapter 10 conditions attached to premises licence.
- 5.3 Paragraphs 10.1 to 10.13 of the Guidance deal with the attaching of conditions to licences and state that only necessary, 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 necessary to promote the licensing objectives arising out of the consideration of the representations. It also states that the pools of conditions that are supplied by the Home Secretary should not be applied universally, irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations. It is also advised that any conditions the Licensing Authority sees fit attach to the licence should not replicate any other legislation, such as the Licensing Act 2003 itself, or the Equality Act 2010.

- 5.3 Paragraph 10.10 states that Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.
- 5.4 Paragraph 10.16 to 10.19 of the Guidance provides guidance on Major Art and Pop Festivals, Carnivals Fairs and Circuses (see **Appendix 6**)
- 5.5 A premises licence does not relieve the holder from any requirements under planning law. In cases where a planning restriction imposing a terminal hour for a premises has been set and this differs from the hours permitted by a premises licence, the licence holder must observe the earlier time.
- 5.6 Members should also be aware of a case heard 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 evidence and by giving their own views excessive weight. The resulting decision to limit the hours of operation without it having established that it was necessary to do so in order to promote the licensing objectives was ruled unlawful and the decision was quashed.

## **6.0 Conclusions**

- 6.1 Members should consider the relevant facts, guidance and representations and make a decision in accordance with the options outlined in paragraph 2.1 of this report.

## **7.0 Financial Implications**

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

## **8.0 Legal Implications**

- 8.1 To consider the application, the Sub-Committee must be satisfied:
- (a) the application is properly made
  - (b) the application has given proper notice.
  - (c) The applicant has satisfied the advertising requirements.
- 8.2 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 a person who is not a responsible authority, that they are not in the opinion of the Licensing Authority frivolous or vexatious.

8.3 In deciding what action, if any, it should take, the Sub-Committee Members must direct their minds to the causes and concerns which the relevant representations identify. Any action should generally be directed to these causes and should always be no more than is a necessary and proportionate response. In particular, any detrimental financial impact of the Sub-Committee's decision must be necessary and proportionate response.

8.4 The Sub-Committee is required to have regard to the Home Secretary's Guidance when making its decision. However the Guidance 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 to do so. Full reasons must be given for any departure from the Home Secretary's Guidance.

8.5 Following the case of *Daniel Thwaites v Wirral Borough Magistrates Court 2008* referred to in Section 5.6 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 Government Guidance where failing to follow it requires good reasons to be given.
- c) Imposing conditions that do not promote the licensing objectives.

8.6 It should be noted by the Sub-Committee that in relation to this application, the Council has a number of roles through Council services. Representations to this application have not been received from the Environmental Health Pollution Control and Health and Safety Teams, or Development Control.

8.7 In considering the 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.

## **9.0 Risk Management Implications**

9.1 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 Council has not acted reasonably.

## **10.0 People Impact Assessment (PIA):**

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

Is a PIA required?	Yes	No	Explanation: A screening assessment has been conducted under the Councils Licensing Policy Statement.
		x	
Has an initial PIA screening been completed?	Yes	No	Explanation:
		x	
Has a full PIA been completed?	Yes	No	Explanation: Not Needed
		x	
Is the PIA available?	Yes	No	Explanation: Not Needed
		x	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	*Please ensure PIA is available
		x	

**Any Further Relevant Information: None**

## **11.0 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 (Oct 2012)

**Person to Contact** : Philippa Golden  
Tel: 01452 396028  
E-mail: [phf@gloucester.gov.uk](mailto:phf@gloucester.gov.uk)

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

ES21161  
APPENDIX 1

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Gloucestershire County 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**

Part former Gloucester Academy (Bishops' College site) playing field, Estcourt Close, Gloucester see attached plan showing land in question edged red.

<b>Post town</b>	Gloucester	<b>Post code</b>	GL1 3 LR
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<b>Telephone number at premises (if any)</b>	None
<b>Non-domestic rateable value of premises</b>	£ Nil - taken out of rating following school closure

**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**

Gloucester City Council Tel 01452 396303 Fax 01452 396340  
Herbert Warehouse Email [licence.team@gloucester.gov.uk](mailto:licence.team@gloucester.gov.uk)  
The Docks Minicom 01452 396161  
Gloucester GL1 2EQ www.gloucester.gov.uk



**GLOUCESTER  
CITY COUNCIL**

- 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	Gloucestershire County Council
Address	Asset Management & Property Services Shire Hall Westgate Street Gloucester GL1 2TG
Registered number (where applicable)	Not applicable
Description of applicant (for example, partnership, company, unincorporated association etc.)	Local Authority - County Council
Telephone number (if any)	01452 425744 (Richard Hanman, Estates Manager)
E-mail address (optional)	richard.hanman@gloucestershire.gov.uk

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year	

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)

Open Space - part former school playing field

See Annex 1 for details

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)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	09.00	21.00			
Tue	09.00	21.00			
Wed	09.00	21.00	<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur	09.00	21.00			
Fri	09.00	22.00	<b><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></b> (please read guidance note 5)		
Sat	09.00	22.00			
Sun	09.00	22.00			

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	09.00	21.00			
Tue	09.00	21.00			
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed	09.00	21.00			
Thur	09.00	21.00			
			<b><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></b> (please read guidance note 5)		
Fri	09.00	22.00			
Sat	09.00	22.00			
Sun	09.00	22.00			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	09.00	21.00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue	09.00	21.00	
Wed	09.00	21.00	
Thur	09.00	21.00	
Fri	09.00	22.00	
Sat	09.00	22.00	
Sun	09.00	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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09.00	21.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	09.00	21.00			
Wed	09.00	21.00	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur	09.00	21.00			
Fri	09.00	22.00	<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	09.00	22.00			
Sun	09.00	22.00			

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Mon	09.00	21.00		
Tue	09.00	21.00		
Wed	09.00	21.00	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)	
Thur	09.00	21.00		
Fri	09.00	21.00		
Sat	09.00	22.00	<b><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></b> (please read guidance note 5)	
Sun	09.00	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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	09.00	21.00			
Tue	09.00	21.00			
Wed	09.00	21.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	09.00	21.00			
Fri	09.00	21.00	<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	09.00	22.00			
Sun	09.00	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	09.00	21.00	<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09.00	21.00			
Wed	09.00	21.00	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur	09.00	21.00			
Fri	09.00	21.00	<b><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></b> (please read guidance note 5)		
Sat	09.00	22.00			
Sun	09.00	22.00			

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b></p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon	09.00	21.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09.00	21.00	<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed	09.00	21.00	<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Thur	09.00	21.00	<p><b><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></b> (please read guidance note 5)</p>		
Fri	09.00	21.00	<p><b><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></b> (please read guidance note 5)</p>		
Sat	09.00	22.00	<p><b><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></b> (please read guidance note 5)</p>		
Sun	09.00	22.00	<p><b><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></b> (please read guidance note 5)</p>		

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Thur				
Fri			<b><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></b> (please read guidance note 5)	
Sat				
Sun				

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>			
Day	Start	Finish				
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue						
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)			
Thur						
Fri			<b><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></b> (please read guidance note 5)			
Sat						
Sun						

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> 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	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

**L**

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

**M**

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

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

<b>Name</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**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**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**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)**

All Licencing objectives will be adhered to

**b) The prevention of crime and disorder**

Any event will have an operating schedule and will be adhered to.

**c) Public safety**

Any event will have an operating schedule and will be adhered to.

**d) The prevention of public nuisance**

Any event will have an operating schedule and will be adhered to.

**e) The protection of children from harm**

Any event will have an operating schedule and will be adhered to.

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	 N. D. Corbett
Date	16/5/2013
Capacity	Property Strategy Lead

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)

See Page 3 for contact details

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

## Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## Annex 1- Conditions consistent with the Operating Schedule

1. Where any event covered by this Premises License involves the amplification of sound at least 8 weeks prior to the event taking place the following information is to be submitted to the Environmental Protection Dept:
  - i. Date and duration of event
  - ii. Description of event
  - iii. List of identified noise sources
  - iv. Noise manage strategy
  - v. Event organisers contact details inc. on site details for event day (include addresses)
  - vi. Sound engineers/sound company contact details (include addresses)
  - vii. Location of noise/sound making equipment
2. The music noise level shall not exceed 65dB(A) over a 15 minute period 1 metre from the façade of any noise sensitive premises
3. The music noise level shall not exceed 72dB in either 63Hz or 125Hz octave frequency band at the façade of any noise sensitive premises
4. All measurements shall be undertaken by a competent person
5. The licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound limits and that they are correctly adhered to.
6. There shall be no more than 1 event held on this premises each year and this will not exceed 72 hours in total
7. The licensee shall provide written notification to all noise sensitive dwellings in the locality not less than 7 days before a planned event taking place.
8. Permissions must be sought from the land owner before any event can take place.



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Date :  
16.5.2013

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GL13LR

5<sup>th</sup> June 2013

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

Ref. 1300674GLPRMG

Dear Sirs

**Gloucester Academy (Bishops' College site) Estcourt Close, Gloucester  
and Plock Court Playing Field Tewkesbury Rd. Gloucester**

We understand that an application has been made as a necessary requirement to hold the proposed Sports and Music Festival, by SportBeat Ltd between 5<sup>th</sup> and 7<sup>th</sup> July 2013 on land at the above premises owned by Gloucestershire County Council (the applicants) and by Gloucester City Council.

We wish to make representations against the Grant of the Premises Licence applied for under the above reference number and would ask you to treat this letter as our formal objection to the proposals in respect of this event.

There are five public entrances to the main 19 acre site of Plock Court Playing Field which adjoins the land forming part of the former playing fields being the application site. Those persons not wishing to pay the entrance fee to the event "arena" which is to be fenced off within the playing field, obstructing a public footpath, will not be prevented from gaining access through those various entrances. There is also nothing currently preventing anyone from bringing alcohol onto any of the land which will form part of the site of the proposed SportBeat festival as it does not benefit from being an alcohol free zone.

Parking problems already exist in our road and in others on the Oxstalls estate during events on Plock Court. Despite proposals to direct those attending the festival to car parks in the area, dangerous congestion is likely to be caused by the number of people attending this proposed event. Our homes were built in the 1950s with narrow estate roads and we are as concerned as our neighbours, many of whom are elderly, for the safety of ourselves and those attending the event, should the attendance of an emergency vehicle be required.

The disturbance caused by an event such as this with the playing of loud music and the general commotion which can be created by a large number of people, especially when inebriated by alcohol, would be intolerable. We are concerned at the effect the noise will have both on us and on the quality of life of our neighbours. There has been no public consultation whatsoever and promised public meetings have not materialised. The organisers have not given any consideration to the welfare of local residents living close to the site of the proposed SportBeat festival and we object in principle to the grant of the Premises Licence currently applied for by Gloucestershire County Council for the following reasons:

1.
  - (a) The nature of the proposed entertainment
  - (b) The fact that this entertainment is to be provided in the open air
  - (c) The number of members of the public attending this event is unlimited
  - (d) The effect on the amenities of private residents is bound to be disproportionate and could cause a public nuisance.
  
2. If it is intended to obtain this consent (for the premises which include that allocated for the "Camp Fire Stage") will this stage be in substitution for the Centre Stage on the adjoining Playing Field ? If not, why are two separate performance stages required, because they will be competing to be heard one over the other. ?

3. The proposals for this event have been known to Gloucester City Council for approximately a year. The first that some local residents heard about this was when we received a "flyer" on Sunday 10<sup>th</sup> March 2013. Why has it been left until now to take steps to make this application ?
4. In detail, there are anomalies between the Public Notices displayed on the gates of the Bishops College site of Gloucester Academy in Estcourt Close and the pending application to Gloucester City Council, as follows:

The Public Notices refer to this being an application

- (a) for the grant of a Premises Licence for "**part of the playing fields of the former Gloucester Academy (Bishops' College site) Estcourt Close, Gloucester, GL1 3LR.**

The pending Licence Application is for the grant of a Premises Licence /Club Certificate for the Gloucester Academy Estcourt Close Gloucester GL1 3LR .....and includes proposals to Regulated Entertainment at the Gloucester Academy and the Open Space which was part of the former playing field.

- (b) to include proposals to "**run indoor sporting events**" and other activities for "**one event per year during the times 09.00 – 2200 hrs; Monday-Sunday inclusive.**"

There is no mention in the pending Licence Application of this being for "one event per year" . Could you also please advise how one can play "indoor sporting events" on part of the playing fields of the former Gloucester Academy – which of course are NOT indoors ?

- (c) inviting any person wishing to make representations concerning this application to "**give notice in writing (including email or fax number) to the above named by Friday 14<sup>th</sup> June 2013**"

The pending Licence Application invites representations by "18 June 2013".

These differences suggest that perhaps the Public Notices relate to a different application. Could you please confirm that they do in fact relate to that under reference number 1300674GLPRMG.

We therefore ask that you as the decision makers in this matter to please take note of this letter of objection to the proposed event and to the grant of the Premises Licence referred to within the above reference number.

Please acknowledge receipt of this letter within the next seven days, confirming the date of the Committee which is going to deal with this matter as we wish personal representations to be made on our behalf to the Committee.

Yours faithfully



**Herbert Warehouse**  
**Gloucester Docks, GL1 2EQ**

01452 396 396  
heretohelp@gloucester.gov.uk  
www.gloucester.gov.uk

21/06/2013

Dear Sir/ Madam

**RE: 1300674GLPRMG/Application under Section 17 of the Licensing Act 2003 by Gloucester County Council in respect of Gloucester Old Sports Academy Playing Fields, (Bishops College Site), Estcourt Close, Gloucester.**

Thank you for your letter dated 5<sup>th</sup> June 2013 made in reference to the above Premises Licence application. Your comments concerning the application have been considered.

Applications for Premise Licences are considered and determined with reference to this Council's Licensing Policy Statement, the Secretary of State's Guidance and to the Operating Schedule of the application itself within which the measures necessary to support the four licensing objectives are addressed.

These objectives are:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Licensing Authority has identified that your representations relate to concerns about Public Nuisance.

The following regulated entertainment was applied for by the applicant:-

Plays	Mon – Thurs	09:00 – 21:00
	Fri - Sun	09:00 – 22:00
Indoor Sporting Events	Mon – Thurs	09:00 – 21:00
	Fri - Sun	09:00 – 22:00
Films	Mon – Thurs	09:00 – 21:00
	Fri - Sun	09:00 – 22:00
Boxing or Wrestling	Mon – Thurs	09:00 – 21:00
	Fri - Sun	09:00 – 22:00
Live Music	Mon – Thurs	09:00 – 21:00
	Fri - Sun	09:00 – 22:00
Recorded Music	Mon – Thurs	09:00 – 21:00
	Fri - Sun	09:00 – 22:00
Performance of Dance	Mon – Thurs	09:00 – 21:00
	Fri - Sun	09:00 – 22:00
Anything of a Similar description	Mon – Thurs	09:00 – 21:00
	Fri – Sun	09:00 – 22:00

As part of the application process, a copy of the licence application was forwarded to all Responsible Authorities to consider the likely effect of granting the application on the promotion of the licensing objectives.

I wish to draw your attention to the controls in place to prevent Public Nuisance regarding this Premises Licence Application. Gloucestershire Constabulary and the Environmental Protection Team (both Responsible Authorities,) have discussed the application at great length to ensure that amplified sound from the aforementioned site does not cause unreasonable disturbance to the residents living nearby.

After lengthy deliberation with the applicant, the following conditions were agreed to be attached to the licence;-

*1) Where any event covered by this Premises License involves the implication of sound at least 8 weeks prior to the event taking place following information is to be submitted to the Environmental Protection Department:*

*2 i) Date and duration of event*

*ii) Description of event*

*iii) List of identified noise sources*

*iv) Noise manage strategy*

*v) Event organisers contact details including on site details for event day (include addresses)*

*vi) Sound engineers/sound company contact details (include addresses)*

*vii) Location of noise/sound making equipment*

*2. The music noise level shall not exceed 65dB(A) over a 15 minute period 1 metre from facade of any noise sensitive premises.*

*3. The music noise level shall not exceed 72dB in either 63Hz or 125Hz octave frequency band at the facade of any noise sensitive premises.*

*4. All noise measures shall be undertaken by a competent person.*

*5. The licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound limits and that they are correctly adhered to.*

*6. There shall be no more than 1 event held on this premises each year and this will not exceed 72 hours in total.*

*7. The licensee shall provide written notification to all noise sensitive dwellings in the locality not less than 7 days before a planned event taking place.*

*8. Permissions must be sought from the landowner before any event can take place.*

With regard to concerns over anti social behaviour and criminal activity, this Council along with the Police are currently working on strategies and initiatives to ensure robust enforcement of the Licensing objectives at Licensed Premises. It is normal practice for the Licensing Officers to carry out routine visits and monitor regulated entertainment at licensed Premises or in this case where there is a music event or similar to be held.

I would like to take this opportunity to answer some further questions that you have raised in your representations;

*'If it is intended to obtain this consent (for the premises which include that allocated for the Camp fire stage will this stage be in substitution for the centre stage on the adjoining field? If not why are two separate performance stages required, because they will be competing to be heard over the other?'*

If two stages decide to have performances at the same time, they both will be required to monitor their sound levels to ensure that the overall sound emanating does not exceed 72dB. This is in compliance with their noise conditions.

*'Why has it been left until now to take steps to make this application?'*

This Application was made by Gloucester County Council and not Gloucester City Council, so unfortunately we are unable to comment on the time taken to make this application.

*'There are anomalies between the Public notices displayed on the gates of the Bishops College site of Gloucester Academy in Estcourt Close and the pending application to Gloucester City Council;'*

I can confirm that the Public Notices on the gates and the Public notice on the Councils website relate to the same premises licence application Ref: 1300674GLPRMQ,

*'Can you advise how one can play 'indoor sporting events on part of the playing fields which are Not indoors?'*

It is possible to run indoor sporting events in an open field where perhaps a marquee is provided.

If you feel that this letter has addressed your concerns by explaining what the applicant intends to do at this site, to prevent Public Nuisance, you may wish to complete and return to me the slip at the bottom of the page advising us that you wish to withdraw your representation. Please return this by Monday 1<sup>ST</sup> July 2013.

If however the representations are not withdrawn, a Licensing Sub-Committee hearing has been scheduled for 18:30hrs on Wednesday 3<sup>rd</sup> July at Civic Suite, Council Offices, North warehouse, The Docks, GL1 2EQ to determine the application.

If you would like to discuss this further over the phone or if you would like to arrange to meeting, please contact me on the number below. I thank you once again for your interest in this matter.

Kind regards



Licensing & Enforcement Officer

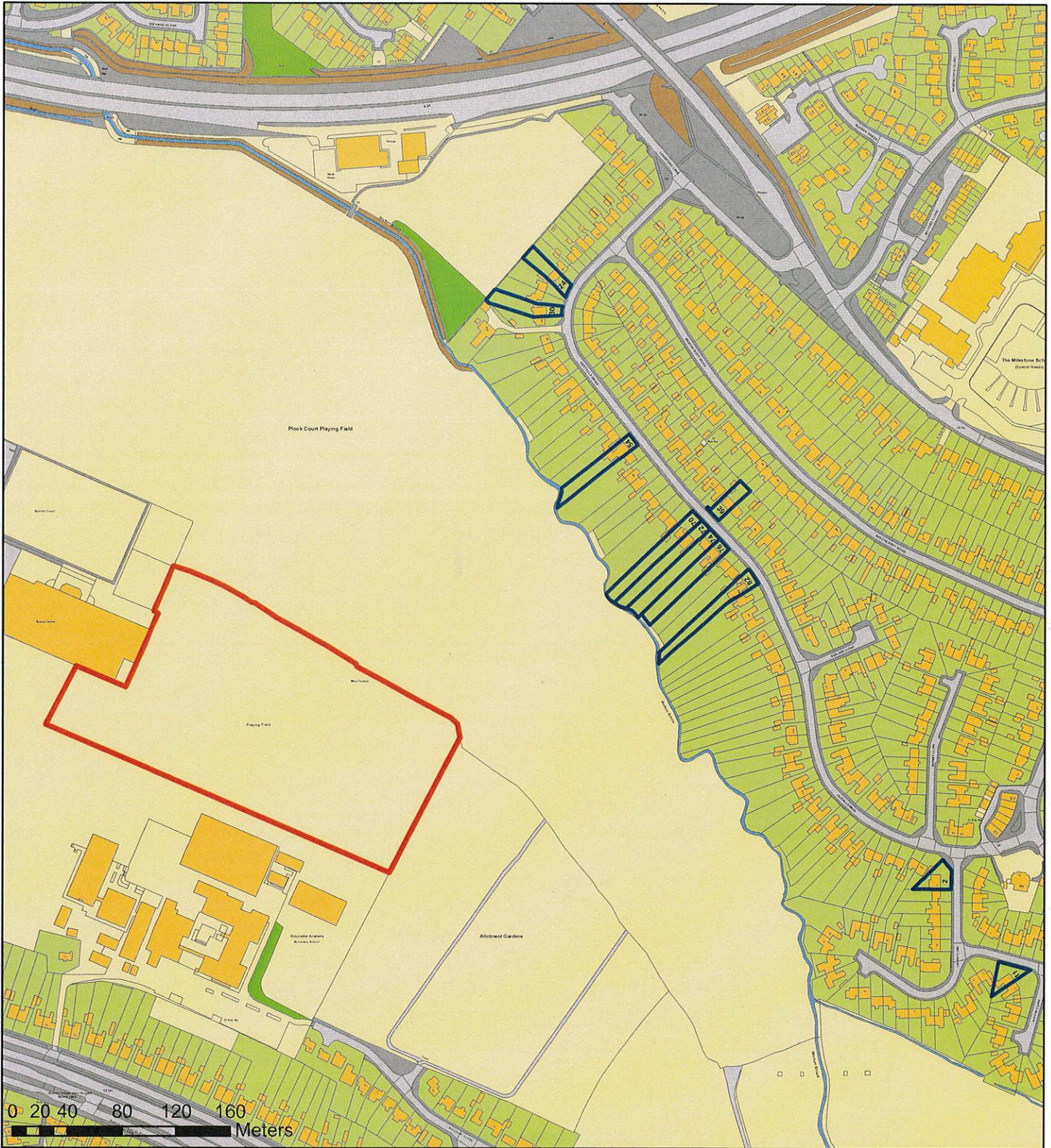
To withdraw a representation;

I wish to withdraw my representation in respect of Gloucester Old Sports Academy Playing Fields, (Bishops College Site), Estcourt Close Gloucester Premises Licence Application under Section 17 of the Licensing Act 2003;

Name .....

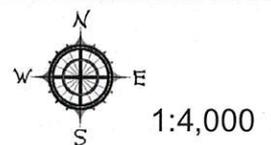
Address.....

Please return to Licensing Section, Environmental Health & Regulatory Services, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester, GL1 2EQ



Premises Licence:  
 Gloucester Old Sports Academy Playing Fields  
 (Bishops College Site)  
 Estcourt Close  
 Gloucester  
 GL1 3LR

- Extent of site
- Residents who made representation



**Gloucester**  
**City Council**

## **CENSORSHIP**

10.15 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

## **MAJOR ART AND POP FESTIVALS, CARNIVALS, FAIRS AND CIRCUSES**

- 10.16 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.
- 10.17 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.18 In the case of circuses and fairgrounds, much will depend on the content of any entertainment presented. For example, at fairgrounds, a good deal of the musical entertainment may be incidental to the main attractions and rides at the fair that are not themselves regulated entertainment.
- 10.19 In addition, 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 the permission of the local authority to put on the event.

## **FIXED PRICES**

- 10.20 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives.
- 10.21 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are

## 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.