



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee

Thursday, 23 July 2015
2.00 pm
Pittville Room - Municipal Offices

Membership	
Councillors:	Andrew Chard, Helena McCloskey, Adam Lillywhite and John Payne (Reserve)
Officers:	Louis Krog, Licensing & Business Support Team Leader Vikki Fennell, Solicitor

Agenda

1.	ELECTION OF CHAIRMAN	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	DETERMINATION OF AN OBJECTION NOTICE TO TEMPORARY EVENT NOTICE Hanover Street, Cheltenham	(Pages 3 - 32)

Contact Officer: Annette Wight, Democracy Assistant, 01242 264130
Email: democratic.services@cheltenham.gov.uk

This page is intentionally left blank

Cheltenham Borough Council

Licensing Sub Committee – 23 July 2015

**Determination of an objection notice to Temporary
Event Notice**

Hanover Street, Cheltenham

Report of the Licensing Team Leader

1. Introduction

- 1.1 The Licensing Act 2003 (“the 2003 Act”) allows a person (“premises user”) wishing to hold an event at which licensable activities are carried on, to give notice to the Council of the event known as a temporary event notice (“TEN”).
- 1.2 The TEN, in effect, exempts the premises user from the need for a licence, in order that licensable activities can take place.
- 1.3 The premises user must, in addition to the Council, also serve copies of the notice on Gloucestershire Constabulary and the Council’s Environmental Health Department responsible for noise nuisance.
- 1.4 On this occasion, objection notices were received from Gloucestershire Constabulary and the Council’s Environmental Health Department responsible. The objections relate to the prevention of public nuisance and public safety licensing objectives.
- 1.5 The committee is asked to consider the objection notices in relation to the TEN and decide whether to serve a counter notice to the TEN.

1.5 Implications

- 1.5.1 Financial **Contact officer: Sarah Didcote**
E-mail: sarah.dicote@cheltenham.gov.uk
Tel no: 01242 26 4125
- 1.5.2 Legal As detailed in the report.

Vikki Fennell
E-mail: vikki.fennell@tewkesbury.gov.uk
Tel no: 01684 272693

2. The Temporary Event Notice (TEN)

- 2.1 The TEN was served on the Council on Monday, 13 July 2015 for a proposed outdoor event at the junction of St Pauls Road and Hanover Street. A copy of the TEN is attached at **Appendix A**.
- 2.2 The TEN was served by Miss Nicola Morrison for the following proposed events:
 - The sale by retail of alcohol; and
 - The performance of regulated entertainment.

St Pauls Tavern	Page 1 of 8	Last updated 17 July 2015
-----------------	-------------	---------------------------

2.3 The proposed date for the event is Saturday, 15 August 2015 and for the hours of 14:00 to 22:00.

3. Objection Notices

3.1 Section 104 of the 2003 Act (as amended by section 112 of the Police Reform and Social Responsibility Act 2011) permits both the Chief Officer of Police and the Council's Environmental Protection team to serve an objection notice to a TEN on the basis of any of the licensing objectives.

3.2 Objection notices were submitted by Gloucestershire Constabulary and the Council's Environmental Health Department responsible for noise nuisance. Copies of the objection notices are attached at **Appendix B**.

3.3 The objection notice from Gloucestershire Constabulary has been made on the grounds of Public Safety. The objection relates to:

- the siting of the stage in the road that will leave only a 1.9m pavement between the temporary stage and the external wall of the public house;
- the obstruction of the fire exit to the public house that could impede any emergency exit; and
- the obstruction caused by the event that will impede emergency services in the event of an incident requiring a significant emergency services presence in Hanover Street.

3.4 The objection notice from the Council's Environmental Health Department has been made on the grounds of Public Safety and the Prevention of Public Nuisance. The objection relates to:

- the obstruction of the fire exit to the public house that could impede any emergency exit; and
- potentially significant noise nuisance from the event that has not properly been assessed and steps taken to mitigate the likely nuisance.

4. Statutory Guidance

4.1 Statutory guidance has been issued under Section 182 of the Licensing Act 2003. The committee must have regard to the guidance when determining this application. Below are relevant extracts for the benefit of the committee.

Licensing objectives and aims

4.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. (1.2)

4.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm. (1.3)

4.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. (1.4)

4.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. (1.5)

Legal status

4.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken. (1.9)

4.7 Each application on its own merits.

4.8 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (1.17)

Public Safety

4.9 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person’s health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority’s powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene. (2.6)

4.10 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;

- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

Public Nuisance

- 4.11 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (2.14)
- 4.12 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (2.15)

Temporary Event Notices (TENs)

- 4.13 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”). (7.2)
- 4.14 The police or “local authority exercising environmental health functions” (“EHA”) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. The police or EHA (“relevant persons” for the purposes of TENs) may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.31-7.35 below). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded. (7.5)

Role of the licensing authority

- 4.15 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.7). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate. (7.24)
- 4.16 Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or EHA on the basis of any of the four licensing objectives, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). (7.26)
- 4.17 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice. (7.27)

Police and environmental health intervention

- 4.18 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives. (7.31)
- 4.19 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers. (7.32)
- 4.20 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise. (7.33)
- 4.21 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN. (7.34)

4.22 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid. (7.35)

Modification

4.23 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree. (7.36)

Applying conditions to a TEN

4.23 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions. (7.37)

4.24 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations. (7.38)

Hearings to impose conditions

4.25 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN. (7.39)

5. Policy Considerations

5.1 The objective of this policy is to:

- promote the four licensing objectives;
- ensure that the premises are appropriate for their proposed use;
- ensure the premises layout and condition is acceptable for the proposed use; and
- ensure that the premises are being managed responsibly. (2.3)

5.2 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. (4.2)

- 5.3 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits.
- 5.4 Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed. (4.3)
- 5.5 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. (4.5)

Public Safety

- 5.6 The Council in its role as Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Council will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities and adequate means of escape are put in place and maintained, if not adequately provided for by other regulatory regimes.
- 5.7 Consideration should be given to whether:
 - a) appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises;
 - b) the premises already has a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken to assess the maximum number of people in terms of capacity in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency;
 - c) there are procedures proposed to record and limit the number of people on the premises with opportunities for going outside and readmission;
 - d) patrons can arrive at and depart from the premises safely;
 - e) music, dance and performance venues will use equipment or special effects that may affect public safety (i.e. moving equipment, pyrotechnics, strobe lights, smoke machines);
 - f) there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services, and/or
 - g) the levels of compliance with conditions on existing licences relating to public safety.

Public Nuisance

- 5.8 The role of the Council is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors. (5.24)
- 5.9 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower. (5.25)

6. Licensing Comments

- 6.1 The committee must have regard to the statutory guidance issued by the Secretary of State and the Council’s adopted policy statement when determining this application. In particular, the committee must seek to promote the four licensing objectives when determining the application.
- 6.2 The committee, having regard to the objection notice and the evidence it hears, must take such steps as it considers appropriate for the promotion of the licensing objectives which can include:
 - a) Serving a counter-notice if the committee is satisfied that the promotion of the licensing objectives will adversely be affected by the TEN; or
 - b) Do nothing if the committee does not accept the objection notices submitted.
- 6.3 The committee does not have the power to modify a TEN.
- 6.4 Copies of the mentioned plan and risk assessment are attached at **Appendix C & D** respectively.

Background Papers

Service Records

Report Author

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775004

15/01042

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)

1. Your name bob

Title Mr Mrs Miss Ms Other (please state)
Surname NICHOLA
Forenames ~~MISS~~ MORRISON

2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)

Title Mr Mrs F Miss Ms Other (please state)
Surname
Forenames

3. Your date of birth

4. Your place of birth

5. National Insurance Number

6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

~~FORWENT~~ ST PAULS TANGEN
19 ST PAULS ROAD CHESTERHAM
Post town GLOUCESTERSHIRE Postcode GL50 4SA

7. Other contact details

Telephone numbers

Daytime

01242 690975

Evening (optional)

Mobile (optional)

07745 539733

Fax number (optional)

E-Mail address

(if available)

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

~~FORWENT~~

Post town

Postcode

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail address
(if available)

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)
(Please read note 2)

~~XXXXXXXXXX~~ JUNCTION OF: ST PAULS TAVERN
ST PAULS ROAD AND
HANDOVER STREET.

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

~~CARAVAN~~ LIVE MUSIC DAY
PUBLIC HOUSE

Please describe the nature of the event below. (Please read note 5)

CHARITY LIVE MUSIC DAY FOR LOCAL
COMMUNITY.

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The provision of regulated entertainment

The provision of late night refreshment

Are you giving a late temporary event notice?
(Please read note 7)

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

✓
X
✓
*
X
SAT AUGUST 15th
2015

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)

- On the premises only
- Off the premises only
- Both

✓

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)

LIVE MUSIC 14.00 - 22.00
(AIMING FOR MUSIC TO FINISH AT 21.45)

4. Personal licence holders (Please read note 13)

Do you currently hold a valid personal licence? Yes No

(Please tick)

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority CHELTENHAM

Licence number

10/01001/PEEA

Date of issue

JUNE 2008

Date of expiry

03/06/2020

Any further relevant details

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) ends 24 hours or less before;
- or
- b) begins 24 hours or less after the event period proposed in this notice?

Yes No

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) ends 24 hours or less before;
- or
- b) begins 24 hours or less after the event period proposed in this notice?

Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) ends 24 hours or less before;
or
b) begins 24 hours or less after the event period proposed in this notice?

Yes

No

7. Checklist (Please read note 16)

I have: (Please tick the appropriate boxes)

Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated



Sent a copy of this notice to the chief officer of police for the area in which the premises are situated

Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated



If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority



If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police



If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions



Made or enclosed payment of the fee for the application



Signed the declaration in Section 9 below

8. Condition (Please read note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature

Date

Name of Person signing

13-07-2015
NICHOLA MORRISON

For completion by the licensing authority

10. Acknowledgement (Please read note 19)

I acknowledge receipt of this temporary event notice.

Signature



On behalf of the licensing authority

Date

14/7/15

Name of Officer signing

ANDY FOX

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year);
- and



K-9 ANGELS

Charity Limited Company
WWW.K-9ANGELS.CO.UK
WWW.FACEBOOK.COM/K-9ANGELS
REGISTERED CHARITY No. 1150314

Dear Sir/Madam,

We are writing to let you know that we are in full support of Nicola Morrison and her application to hold a charity music day on August 15th on behalf of our charity.

Her address is St. Pauls Tavern in Cheltenham GL50 4JA

We really do appreciate all the support our registered charity number is 1150314.

Kind Regards

A handwritten signature in black ink, appearing to read 'Rebecca Smith', written in a cursive style.

Rebecca Smith Trustee for K-9 Angels



This page is intentionally left blank

Objection by Environmental Protection**Temporary Event Notice**

Location: St. Paul's Tavern, 59 St Paul's Road, Cheltenham, GL50 4JA
Date: 15th August 2015
Event: Live Music Day

Objection Notice

As statutory consultees to the TEN process, this department raises an objection to this proposed event on the following grounds:

Public Safety

The applicant has included a sketch plan with their application, which claims to show the location of equipment in and around the site. The plan shows an "Fire Exit" at 23m from the front of the pub, but this appears to be a narrow exit into a neighbouring property, which is enclosed. The nearest street access is 36m from the front of the pub, between nos 2&4 Hanover Street. Access to this point will require the audience of up to 499, staff, etc to pass through a 1.9m gap at the side of the stage.

Prevention of Public Nuisance

The applicant has made mention of noise in a risk Assessment document attached to the application. This document identifies noise as a hazard and states: *"There is potential, when using amplified noise outside, that the level may be too high/loud and could cause an environmental nuisance, disturbance and/or irritate to customers, staff and residents in local area."* The assessment of risk is graded as likelihood 5, "Definite" and severity 2, "probable", giving a total of 7. (Note that usual convention is to multiply likelihood by severity, rather than add). The applicant then confuses the requirements of the Control of Noise at Work Regs 2005 (NAW) with the requirement under the Licensing Act 2003 to prevent Public Nuisance. The NAW Regs require action to be taken if staff or customers are exposed to a noise level of 85dB, averaged over daily or weekly exposure. There is no specified noise level that should be adhered to prevent public nuisance, as the appropriate level will vary greatly according to background noise levels normally experienced at that location and is based on a subjective opinion of an experienced officer.

The applicants claim: *"The decibel limit will be restricted to a maximum of 70dba (approx 15dba under the safety requirement)"* however there is no indication of where this measurement will be made. Trying to operate this event at this level within the confines of the licensed area is completely unrealistic, and will be totally unsatisfactory for anyone attending the event, as the voices of customers are likely to be louder than amplified music. If this is proposed as an off site noise level, the applicant needs to specify where the measurement points will be and it may then be possible to agree a suitable limit. The applicant also needs to explain what noise parameter they are measuring, as measuring noise is a complex matter, and to be completed properly should be carried out by an experienced professional using suitable, calibrated equipment. Such a person has not been identified.

Further, the applicant states: *"Checks are made from the immediate areas to within the vicinity of four streets away, at the start of each band, and every 30 mins thereafter throughout the event."* The expression "4 streets away" is not defined, and could mean pretty much anything.

They also state: *"Safety ear plugs are also provided to all free of charge."* I doubt very much that the applicant will be able to provide sufficient quantities of suitable ear plugs to this number of residents. This also does not prevent public nuisance, indeed it suggests that a considerable level of nuisance is expected.

The County Council Highways Department have provided us with a copy of a flyer apparently distributed to local residents (there is no indication of how widely this has been circulated). This provides an e-mail address for residents to use, but does not indicate the finish time, or provide a telephone number to residents to report issues or concerns over noise etc at this event.

In summary, such an event, at this location has considerable potential to cause public nuisance to residents of the area, and the applicants have not identified suitable ways to control this impact.

Gareth Jones M.Sc, B. Eng, MCIEH
Senior Environmental Health Officer
Environmental Protection
Cheltenham Borough Council

Objection by Gloucestershire Constabulary

In relation to the above premises and Temporary event submitted on 13th July in respect of an event scheduled to take place on 15th August in Hanover Street Cheltenham.

The Constabulary would like to raise an objection on the grounds of Public Safety.

This ten relates to an outdoor music event organised by the Designated Premises Supervisor of the St Pauls Tavern, St Pauls Road, Cheltenham, Nichola MORRISON, in order to raise money for a dog welfare charity.

An application has been submitted to Gloucestershire Highways for a special events road closure to allow for the partial closure of Hanover Street for 23m, in order that a stage can be erected in the road for live music acts, as well as for the siting of two 9x3m marquees.

Simultaneous, the pub will remain open for the serving of alcohol to customers inside as well as outside of the St Pauls Tavern.

A scale plan has been provided by the applicant showing the layout of the planned layout within the road closure (attached).

The Constabulary have concerns in relation to public safety in that the siting of the stage in the road as shown on the scale drawing, will leave only a 1.9m pavement between the temporary stage and the external wall of the public house.

The stage is also situated directly outside the Fire Exit to the public house and could impede any emergency exit.

Additionally, in the event of any incident requiring a significant emergency services presence in Hanover Street, the obstacles erected in the street (marquees and staging) will significantly delay access.

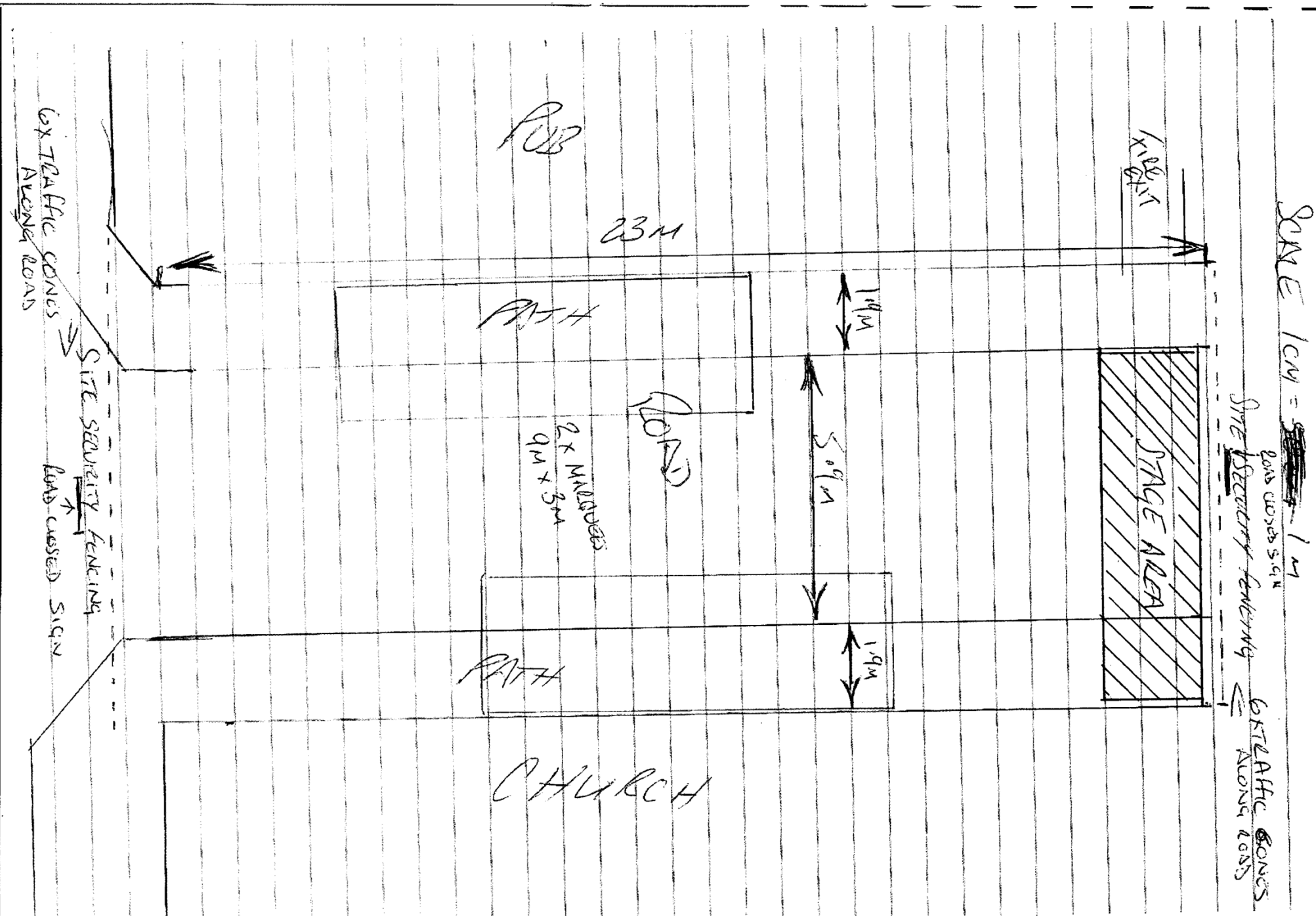
I have attached a photograph that is freely available on social media, showing the stage construction and marquee layout at a previous similar event in the same location. I have no information available to me to suggest that this stage is the same as planned on this occasion, but is used as an example.

Regards

Jaine Simner
Licensing Manager Gloucestershire Constabulary

This page is intentionally left blank





St Pauls Tavern Street Festival RISK ASSESSMENT

Company Name: St Pauls Tavern	Location: 59 St Pauls Road Cheltenham	Risk to be assessed: Outdoor Live Music Charity Day
Assessment undertaken by: Nichola Morrison Mundip Muddhar		Assessment no: 4
Assessment date: 13/07/2015		Reassessment date: 15/07/2015

1. PERSONS AT RISK					
<i>Include all persons who may be at risk. Do forget to include persons who may have access out of normal working hours.</i>					
Bar staff	<input type="checkbox"/>	Production staff	<input type="checkbox"/>	Maintenance staff	<input type="checkbox"/>
Cleaning staff	<input type="checkbox"/>	Visitors	<input type="checkbox"/>	Contractors	<input type="checkbox"/>
Expectant/Nursing mothers	<input type="checkbox"/>	Young Persons	<input type="checkbox"/>		
Detail: Members of the public visiting the event Staff working through the day to ensure safety of public					

2. NATURE OF HAZARD

A hazard is anything with the potential to cause harm. Examples of different types of hazards are: chemical, mechanical, environmental, ergonomic, electrical etc. Specify the type of hazard and identify what it is that creates the hazard. Ignore existing controls/measures & identify all significant hazards present.

Hazard	Hazard Type	Hazard source
1	Installation / Construction of Stage/Bar/Marquee	There is a risk of accident during the movement, construction and installation of stage, marquees and mobile bar - Potential for Slip Trip & Falls - manual handling Incidents
2	Trip Hazard	There is a risk of accident during the movement, construction and installation of stage, sound equipment, marquees and mobile bar - Slip, trip and Fall
3	Access to equipment	An accident may be caused by participants attempting to rush access to equipment or the designated signing on area in an inappropriate manner.
4	Weather Conditions	Inclement weather has the potential to make all areas and points of sale hazardous due to slippery surfaces. Hot conditions could be potential to public and staff.
5	Environment / General Public	There is a risk of Incident or injury due to the Increased volume of people present in an active environment as a result of overcrowding.
6	Legal Requirements	An Incident may be caused by participants being under the influence of alcohol, or by being unaware fully of the, activity, and or the potential consequences, in which they are attending.
7	Noise Level	There is potential, when using amplified noise outside, that the level may be too high/loud and could cause and environmental nuisance, disturbance and/or irritate to customers, staff and residents in local area.
8	Road Closure	Failure to warn public / vehicle traffic of road closure - Vehicle / Pedestrian Incident
9	Sound equipment	Installation of outdoor sound equipment - Electrical supply, weather conditions (Wet) IP66 / 65 rated electrical equipment - Electrical Incident
10	First Aid on site	Trained First Aider on Site in the event of Slip Trip Fall, Alcohol consumption, glass ware
11	Glasses	Drinks served in glasses. If dropped, could cause members of the public and staff injuries
12	Beer Barrels / Gas bottles	Staff or members of the public risk injury from explosion due to over-pressurization of beer pumps systems or faulty or damaged cylinders
13	Theft of robbery and violence	Staff or members of the public at risk from threats, assaults and abuse

3. ASSESSMENT OF RISK

Determine the inherent risk from direct exposure to the hazard(s) without control measures in place I.e. - likelihood of occurrence and severity of exposure.

Risk Grading: (1 - 3 = Trivial), (4 - 5 = Moderate), (6 - 8 = Tolerable), (8 - 12 = Substantial), (13 - 25 = Intolerable)

Hazard	Hazard Type	Likelihood of exposure					Severity of exposure					Risk Rating	Risk Grading
		Unlikely = 1	Possible = 2	Even Chance = 3	Highly Likely = 4	Definate = 5	Unlikely = 1	Possible = 2	Even Chance = 3	Highly Likely = 4	Definate = 5		
1	Installation / Construction of Stage/Bar/Marquee		2				1					3	Trivial
2	Trip Hazard		2				1					3	Trivial
3	Access to equipment		2					2				4	Moderate
4	Weather Conditions			3					3			6	Tolerable
5	Environment / General Public					5		2				7	Tolerable
6	Legal Requirements		2					2				4	Moderate
7	Noise Level					5		2				7	Tolerable
8	Road Closure					5				5		10	Substantial
9	Sound equipment		2							5		7	Tolerable
10	First Aid on site		2					2				4	Moderate
11	Glasses					5				5		10	Substantial
12	Beer Barrels / Gas bottles			3					3			6	Tolerable
13	Theft of robbery and violence			3					3			6	Tolerable

4. EXISTING CONTROLS

Detail or refer to the defined controls in place to protect the persons identified as at risk in section 2, from the hazards identified in section 1. Control measures include machinery guarding, interlocks, local exhaust ventilation, personal protective equipment etc. Note PPE should only be used as a temporary measure or as a last resort. Include details of training and maintenance arrangements where applicable.

Hazard	Hazard Type	Existing Controls
1	Installation / Construction of Stage/Bar/Marquee	All equipment installed by experienced trained staff using appropriate methods and safety equipment where required. The crew will conduct a pre use check and inspect all equipment prior to first public admission. Hazard warning tape will be used if required on equipment. All equipment and machinery will be removed post event by the same team of experienced staff. Additional information in section 6 and 7
2	Trip Hazard	All public areas under our control will be inspected before public access is granted and all trip hazards will be removed or clearly marked throughout the event. Bins are provided around the event, staff also to ensure rubbish is placed in the bins during the event.
3	Access to equipment	All machinery and serving areas will be under the supervision or control of St Pauls Tavern staff at all times.
4	Weather Conditions	All equipment and machinery is secured and weather proofed throughout the event. Marques's are secured via railings and weights due to wind or rain or sun. In case of hot conditions, squash cordial drinks are free as required.
5	Environment / General Public	We have a minimum of 2 security supervisors (SIA approved), trained event staff, professional musicians and a qualified sound engineer (name to be confirmed) on site throughout the event - Maximum 499 persons on site at any one time - Numbers will be monitored by security staff.
6	Legal Requirements	Public consumption of alcohol is constantly and consistently monitored, under 18's are to be with appropriate adult at all times until 19.30hrs. Use and/or sale of illegal substances will not be tolerated and we will not hesitate to call the police to attend.
7	Noise Level	Rig (sound equipment) has an output of 3.1kw. The decibel limit will be restricted to a maximum of 70dba (approx 15dba under the safety requirement), Checks are made from the immediate areas to within the vicinity of four streets away, at the start of each band, and every 30 mins there after throughout the event. Safety ear plugs are also provided to all free of charge.
8	Road Closure	Safety fencing, road cones and road closed signs sourced from local hire company to highlight closed road. Leaflets put through neighbours letterbox / or handed to inform them of upcoming event. Pavement access will not be closed off.
9	Sound equipment	Company employed to supply, setup at the beginning, monitor and remove equipment at the end of the event. By using an company all health and safety is adhered to. All equipment secured before the start of the event and checked to see no movement has occurred. All cable(s) are secured and marked out to prevent any danger to the public and event staff.
10	First Aid on site	First Aider to be on site all day (Mundip Muddhar). Monitor of the public and event staff health throughout the day, offering free soft drinks if required. Emergency services to be contacted if required by First Aider and explaining the situation
11	Glasses	All drinks to be served in plastics glasses. No glassware will be used during the event.
12	Beer Barrels / Gas bottles	Equipment checked on a daily basis, any issues with the equipment is reported to the management and dealt with immediately. Only trained staff to change barrels / gas bottles. Members of public blocked off from area, barrels and gas stored in cellar under pub.
13	Theft of robbery and violence	2 Security guards on site from start of the event to the end and members of staff. Management to keep cash low in the tills at all times, by placing monies in the safe. To which only 2 people have access too.

5. ASSESSMENT OF RISK WITH CURRENT CONTROLS

Evaluate the effectiveness of current controls detailed in section 4

Risk Grading: (1 - 3 = Trivial), (4 - 5 = Moderate), (6 - 8 = Tolerable), (8 - 12 = Substantial), (13 - 25 = Intolerable)

Hazard	Hazard Type	Likelihood of exposure					Severity of exposure					Risk Rating	Risk Grading
		Unlikely = 1	Possible = 2	Even Chance = 3	Highly Likely = 4	Definate = 5	Unlikely = 1	Possible = 2	Even Chance = 3	Highly Likely = 4	Definate = 5		
1	Installation / Construction of Stage/Bar/Marquee	1					1					2	Trivial
2	Trip Hazard	1					1					2	Trivial
3	Access to equipment		2					2				4	Moderate
4	Weather Conditions		2					2				4	Tolerable
5	Environment / General Public			3				2				5	Tolerable
6	Legal Requirements		2					2				4	Moderate
7	Noise Level					5	1					6	Tolerable
8	Road Closure					5				5		10	Substantial
9	Sound equipment		2				1					3	Trivial
10	First Aid on site		2					2				4	Trivial
11	Glasses	1					1					2	Trivial
12	Beer Barrels / Gas bottles	2						2				4	Trivial
13	Theft of robbery and violence		2					2				4	Trivial

6. EXISTING CONTROLS - Marquee

Detail or refer to the defined controls in place to protect the persons identified as at risk in section 2, from the hazards identified in section 1. Control measures include machinery guarding, interlocks, local exhaust ventilation, personal

protective equipment etc. Note PPE should only be used as a temporary measure or as a last resort. Include details of training and maintenance arrangements where applicable.

Hazard	Hazard Type	Existing Controls
1	Erection / dismantle of marquee	Marquees are owned by Nichola Morrison from St Paul's Tavern. Erection of marquees will be over seen by Nichola Morrison and Mundip Muddhar, who will be following the manufacturing direction. The marquees will be seated on the road (tarmac) and pavement within the closed off area of Hanover Street. No sides panels will be added on to the marquee at the time of the event. An area around the marquee will be sectioned off for erection and dismantle of the marquee.
2	Emergency Fire Access, Fire Escape, Fire Extinguisher	The marquees will have 3 open sides (other side will be against wall / fencing), leading to open areas - St Paul's Road and Hanover Street
3	Anchoring	2 marquees will be used. 1 marquee will be secured to a secure railing and attached to weights on the oppisite side. The other marquee will be anchored down to weights (water containers / straw bales)
4	Overhead / underground services	There are no overhead services eg - electrial cables, phone lines. No access to underground services will be blocked or damaged
5	Erlectical equipment	No electrical equipment will be used under the marquees. Street lights will provide enough light during the event. Event due to finish by 10pm.
6	Heating equipment	No heating equipment will be used under the marquees.
7	Bad weather	If weather is an issue during the setup or during the event, entertainment can be moved inside the pub (St Paul's Tavern). If only light rain, 2 sides can be added on to the marquee to offer slight protection to the public, This will cause no distribution to fire escapes.

This page is intentionally left blank