

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING ACT 2003 SUB-COMMITTEE 1

CHAIRMAN: Cllr Edward Hockin

DATE: 19 October 2018

REPORT OF: Licensing Manager

SUBJECT: **Application for a New Premises Licence – Ashburton Arts Ltd, 15 West Street, Ashburton, Newton Abbot, TQ13 7DT**

PART I

RECOMMENDATION

That the Licensing Act 2003 Sub-Committee is requested to consider this application.

PART I

1. THE APPLICATION

Applicant: **Ashburton Arts Ltd**

Premises: **Ashburton Arts Centre, 15 West Street, Ashburton, Newton Abbot, TQ13 7DT**

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the provision of plays, films, indoor sporting events, performance of dance, live and recorded music, anything of a similar description to live and recorded music and the supply of alcohol both on and off the premises.

The operating schedule shows:-

Hours Premises Open to the Public:

Monday to Sunday 08:00 to 00:00

Relevant licensable activities:

- Supply of alcohol.
- Provision of regulated entertainment: plays, films, indoor sporting events, live music and recorded music, performance of dance and anything of a similar description to live, recorded music or performance of dance.

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Hours of licensable activities:

Performance of Plays	-	Monday to Sunday 10:00 to 23:30
Provision of Films	-	Monday to Sunday 10:00 to 23:30
Provision of indoor Sporting Events	-	Monday to Sunday 09:00 to 23:30
Performance of Live Music	-	Monday to Sunday 09:00 to 23:30
Playing of Recorded Music	-	Monday to Sunday 09:00 to 00:00
Performances of Dance	-	Monday to Sunday 09:00 to 23:30
Provision of anything of a similar Description to live, recorded or dance	-	Monday to Sunday 09:00 to 23:30
Supply of Alcohol (on & off the premises)-		Monday to Sunday 08:00 to 23:30

Designated premises supervisor: Disapplied

Supply of alcohol is for consumption on and off the premises.

Steps to promote licensing objectives:

- General
Ashburton Arts will ensure its directors, staff and volunteers are aware of the four licensing objectives, and that they receive appropriate training and/or guidance so that activities on our premises support the aims of the four licensing objectives. Ashburton Arts will ensure it has the necessary policies and procedures in place to support our compliance with the licensing objectives, and that these are known to all relevant people.

Whenever the premises are in use, a Responsible Person, who is on the premises, will be identified and will have the responsibility for ensuring that all of our licensing conditions are complied with.

Ashburton Arts will inform its customers about the four licensing objectives, the various things we are hereby undertaking to implement and about what to do if they have any suggestions, queries or concerns. This will be done via our regular communications via our mailing list and social media, and using printed material placed in strategic areas of the building that lets people know about the four objectives and our undertakings, and asks for their help and cooperation in putting all this into practice. Ashburton Arts Centre aims to provide a community hub, building on the support of the people of the town who donated and loaned the money which enabled us to buy the building on behalf of the community; we believe that people will want to take an active role in helping us to be a responsible part of the community in providing a safe venue where they can trust that their families and friends

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will always be welcome, cared for and respected in whatever they are doing in the Arts Centre.

- **The Prevention of Crime and Disorder**

Ashburton Arts will aim to prevent crime and disorder as follows:

We will ensure that when alcohol is on sale, there is an appropriate number of trained staff/volunteers on duty for the number of people on the premises who are willing and able, when necessary, to refuse the sale of alcohol to those under age or making suspected proxy purchases or when drunkenness is evident or suspected.

Staff and volunteers will be trained how safely, lawfully and securely to run the bar, to know what to do in the event of an emergency and how to complete a refusal register and incident log where necessary. Such records will be kept for a minimum of 12 months. Procedures and necessary contact details should there be any kind of emergency will be clearly posted wherever and whenever alcohol is being sold.

Alcohol consumption will be permitted no longer than 30 minutes after the permitted supply time; alcohol will not be removed from the premises in open containers after the permitted supply time.

All alcohol will be securely stored outside the permitted supply time and when the bar is not open.

- **Public safety**

Ashburton Arts has already taken some general steps to ensure public safety:

All of the building's electrical fittings and wiring have been professionally checked and declared safe. This will happen again every 5 years, or as and when necessary where faults are discovered and repairs, modifications or new installations happen.

We invited Scott Mitchell of the Devon Fire Service to inspect the premises, and asked for his advice about what steps we should take to minimise the risk from fire, and to suggest any safety measures necessary. He visited the premises, and gave general advice for the use of all of the spaces. He recommended that we commission a professional Fire Risk Assessment and recommended several commercial companies; we engaged one of these, Westcountry Fire Protection Ltd, to conduct an assessment. We are in the process of implementing the recommendations in WFP Ltd's report; in the meantime we are following the assessor's recommendations for manual procedures to be adopted during events to best ensure public safety.

The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 330, subject to the following maximum occupancies:

Ground Floor

Main Hall: 200 persons

Lounge: 30 persons

First Floor

Gallery: 50 persons

Studio: 50 persons

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These numbers are reasonable estimates based on the regular and frequent historical usage of the building, and will be confirmed or amended by the Premises Licence Holder in order that the Licensing Authority may replace this condition on the licence with a condition detailing the capacity so determined.

Day to day usage: the Responsible Person shall monitor the total number of people in the building. The nature of the building, and the planned events are such that it is unlikely that the capacity will be reached. If it becomes apparent that more people than anticipated are on the premises, it will be their responsibility to conduct an accurate count and take steps to prevent the capacity being exceeded.

For any other usage, eg an event where a significant number of occupants is expected, a manual customer counting process shall be used so that the number of people on the premises is monitored at all times. When capacity is reached no further admission will be allowed. This information shall be immediately available on the request of an authorised officer of a responsible authority.

A risk assessment shall be undertaken for every type of use of the premises with the aim of ensuring that all reasonable steps are taken to minimise the risk of harm to anyone on the premises.

Sanitary conditions are monitored by staff and volunteers on duty throughout all events.

- **The Prevention of Public Nuisance**

Ashburton Arts aims to be a good and considerate neighbour, and in general to provide services and activities that are of benefit to the local community.

In particular, for the avoidance of public nuisance, we will consider these areas:

Noise, inside and outside the building;

Use of the forecourt;

Parking of cars and other vehicles;

People arriving and leaving the premises.

Noise:

See the previous 'Note on amplification of music and speech' and 'Note on using the outdoor space in the forecourt' in section 6, outlining our general approach to sound on the premises. In particular, we are currently investigating how to furnish the 20+ windows in main hall with the necessary blinds/glazing/curtains/shutters to keep sound, heat and light in, or out, as required. We are currently conducting experiments with the various means of achieving this and intend to install the option that we find works best as soon as possible. In the meantime we are taking extra care to ensure that our events do not cause public nuisance.

Forecourt:

In addition to the potential use for performances of the forecourt as described in Section 6, we plan to use the forecourt for markets (eg crafts, arts, food and drink), which may include the sale of alcohol. If anyone using the Arts Centre wishes to smoke, they must, by law,

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leave the building. As the forecourt is uncovered, and has two open sides, it is a legal place to smoke. Ashburton Arts will monitor whether people smoking outside begins to risk causing a nuisance to our neighbours or anyone else, and if so, will take steps to mitigate this.

Other potential noise nuisance: customers arriving and leaving the premises; deliveries; sorting of noisy waste (eg bottles) for recycling:

Notices will be displayed prominently inside the building asking people to leave quietly and not to congregate noisily outside after 21:00. These will be reinforced by public announcements when appropriate and possible.

Outside noise relating to large deliveries, plant machinery and generators is not anticipated at any time. Sorting and disposal of bottles and other waste items will not take place before 08:00 or after 21:00.

Parking: Ashburton Arts will take steps to make sure that staff, volunteers, performers, participants and audience members are aware of where to park in the surrounding area (for example, the Town Car Park behind the Town Hall, and the Greymatter compound on Chuley Road which is available for public use outside normal weekday business hours). In general during public opening hours, vehicular access to the forecourt will be restricted to deliveries, access and for disabled parking when necessary.

- **The Protection of Children from Harm**

Bar staff will be trained in the legality and procedure of alcohol sales; training will be signed and documented, refresher training will take place at regular intervals, records of training will be available for inspection for up to a period of 3 years. A written policy relating to age verification of customers will be in place and staff will challenge anyone who appears to be under 18 years of age by checking driving license, passport or PASS ID. As previously stated a refusal register will be kept. Notification will be displayed indicating that alcohol will not be served to anyone under 18 years of age. Children will be supervised by suitable adult(s) for all events specifically aimed at children. Ashburton Arts will establish a child safeguarding policy and ensure that it is read and understood by directors, staff, volunteers and all Responsible Persons involved in events where children may be present.

2. RELEVANT REPRESENTATIONS

Responsible authorities:

Police – no objection

Environmental Health Officer – no objection

Fire Officer – no observations

Planning Officer – no response

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Child Protection Agency - no response

Weights & Measures – no response

Interested parties:

One representation received on the grounds of Public Nuisance.

Note: Relevant extracts from D.C.M.S. Guidance and the Council's own Licensing Policy are attached at the end of the report to assist members consider these representations.

**Andrea Furness
Licensing Manager**

Wards affected	<i>Ashburton & Buckfastleigh</i>
Contact for any more information	<i>Andrea Furness 5545</i>
Background Papers (For Part I reports only)	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities and Statement of Licensing Policy</i>
Key Decision	<i>No</i>
In Forward Plan	<i>No</i>
Community Impact Assessment attached:	<i>No</i>
Appendices attached:	