

Public Agenda Pack



Notice of Meeting of

LICENSING SUB-COMMITTEE

Monday, 2 October 2023 at 11.00 am

**John Meikle Room, The Deane House, Belvedere
Road, Taunton, TA1 1HE**

To: The members of the Licensing Sub-Committee

Chair: Councillor Simon Carswell
Vice-chair: Councillor Marcus Kravis

Councillor Jason Baker	Councillor Peter Clayton
Councillor Simon Coles	Councillor Hugh Davies
Councillor Lance Duddridge	Councillor Jenny Kenton
Councillor Tony Lock	Councillor Connor Payne
Councillor Tom Power	Councillor Tony Robbins
Councillor Diogo Rodrigues	Councillor Brian Smedley
Councillor Andy Soughton	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by the Proper Officer on Friday, 22 September 2023

AGENDA

Licensing Sub-Committee - 11.00 am Monday, 2 October 2023

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

Click here to join the online meeting (Pages 7 - 8)

1 Apologies for Absence

To receive any apologies for absence.

2 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

3 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 (Pages 9 - 12)

4 Consideration of an application for a Premises Licence for Taunton Winterfest (Pages 13 - 50)

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Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 344 765 048 07

Passcode: Qq8x4m

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+44 1823 772277,,370574240#](#) United Kingdom, Taunton

Phone Conference ID: 370 574 240#

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Procedure to be followed when considering Licensing Applications under the Licensing Act 2003

1. The Chair will open the Hearing and introduce the Sub-Committee and Officers. They will then ask each Party to introduce themselves.
2. The Chair will confirm that if a Party is not present their representation/application will be read and taken into account in reaching the decision.
3. The Chair will address any registerable interest arising under the Code of Conduct.
4. The Chair will consider any submitted requests from a Party for permission for another person to appear at the Hearing. If necessary, the Sub-Committee will retire to deliberate before making a decision.
5. The Chair will confirm that the Hearing will take the form of a round-the-table discussion led by the Sub-Committee in accordance with this procedure. If all Parties present confirm that they have seen and understood the procedure to be followed at the Hearing and agree that they are ready to proceed then the Hearing shall commence.
6. The Chair will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e.

To enable those with a right to appear, to amplify their written application or representation. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues.

7. The Chair will confirm what advance papers have been received and that these have been read.
8. The Chair will make clear that all Parties should only address the Sub-Committee in relation to matters they have raised in their application/representation. Any Party wishing to submit late evidence at the Hearing will only be able to do so with the consent of all Parties present and with the consent of the Sub-Committee.
9. The Chair will confirm whether all Parties have seen and understood the procedure to be followed and are ready to proceed with the Hearing.

10. The Chair will ask the Applicant whether they wish to make any amendments to their application with a view to addressing any issues raised by representations.

11. Order of Oral Presentation

- (a) The Licensing Officer will present their report outlining the details of the application/notice/representations received.
- (b) Any Party may question the Licensing Officer.
- (c) The Members may question the Licensing Officer.
- (d) Responsible Authorities will present their case and call any witnesses.
- (e) Any Party may question the Responsible Authorities and any witnesses.
- (f) Members may question the Responsible Authorities and any witnesses.
- (g) Other Person(s) will present their case in turn and call any witnesses.
- (h) Any Party may question the Other Person(s).
- (i) Members may question the Other Person(s).
- (j) The Applicant/Licence Holder will present their case and call any witnesses.
- (k) Any Party may question the Applicant/Licence Holder and any witnesses.
- (l) Members may question the Applicant/Licence Holder and any witnesses.

The Chair at their discretion, may change the order of oral presentation at any stage, if it is considered to be beneficial to the flow of the hearing.

12. Before moving on to the next Party, the Chair will check there are no further points the current Party wishes to make or any further questions that need to be put to that Party.

13. The Licensing Officer may present any further information such as proposed non-mandatory Conditions deriving from the Operating Schedule or suggested by any Party. However, it will remain for the Sub-Committee to determine what conditions will apply, if any, should the application be successful.

14. Each Party will be invited to make closing submissions in the following order –

- a. Responsible Authorities
- b. Other Persons
- c. The Applicant
- d. Licensing Officer

15. The Chair will then close the Hearing and the Sub-Committee will retire to determine the matter. The Legal Advisor will retire with the Sub-Committee to answer any points of law.

16. The Sub-Committee will come to a decision which will be sent to the Applicant and all other relevant Parties together with the details of the right to appeal.

NOTE:

In producing this procedure the following has been considered: -

The relevant legislation and statutory guidance together with local policies and procedures.

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Somerset Council

Licensing sub-committee – **Monday 2nd October 2023**



Somerset
Council

Application for the grant of a Premises Licence under the Licensing Act 2003

Lead Officer: Brad Fear, Licensing Officer

Author: Brad Fear, Licensing Officer

Contact Details: 01823 219447, brad.fear@somerset.gov.uk

Executive Lead Member: Cllr Federica Smith-Roberts

Division / Local Member: Licensing Sub-Committee

1. Summary

- 1.1 Members are asked to consider an application to grant a Premises Licence under the Licensing Act 2003 for Taunton Town Centre, to be effective one Sunday per year for the annual Taunton Winterfest (Christmas light switch-on) event, between the hours of 10am and 8pm.

2. Issues for consideration/recommendations

- 2.1 As a relevant representation has been received by the licensing authority, the sub-committee must take such steps as it considers appropriate for the promotion of the four licensing objectives, being:

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

- 2.2 The steps the sub-committee may take are to:

- Grant a premises licence subject to conditions identified in the applicant's operating schedule/agreed position (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and any appropriate mandatory conditions.

- Grant a premises licence subject to variations to the licensable activities and or timings proposed in the application, or to propose additional conditions relevant to the four licensing objectives.
- Reject the application.

3. Background

- 3.1 A completed application and associated paperwork were received from applicants Craig Stone and Ben De-Vey for the granting of a premises licence for areas of Taunton's town centre. Specifically, the application relates to areas of Fore Street, East Street, High Street, Corporation Street, Hammet Street and North Street.
- 3.2 A copy of the application can be found attached as **Appendix A**. The application relates specifically to the annual Taunton Winterfest event, which takes place yearly on the last Sunday in November, and is to allow for licensable activities at this event, with the licence intended to commence from 25th November 2023 and to be valid up to 1st January 2048 (i.e. time-limited for a period of 25 years). The licensable activities applied for are: live and recorded music, performances of dance, sale of alcohol (for consumption on and off the premises area) and other entertainment activities such as magicians, comedians and comperes that will be using amplification and or background recorded music whilst performing. All activities are being applied for to take place between 10:00 and 20:00 and this will be for the single Taunton Winterfest event each year.

4. Consultations undertaken

- 4.1 This application was circulated to relevant responsible authorities on 10th August 2023. A period of 28 days consultation commenced from this date. Public notices were placed up at various positions around the town centre by the applicant for this consultation period, and the application information was posted to the Somerset Council 'list of current licence applications' on the Council's website. A copy of the public notice was also printed in the Somerset County Gazette in the 17th August 2023 edition.
- 4.2 The Licensing Authority received a representation from Area Licensing Practitioner Nicola King, on behalf of Avon and Somerset Constabulary, on 22nd August 2023. The full content of this representation can be found attached as **Appendix B**. In this representation, concerns were raised

regarding the scale of the proposed event and the length of licence applied for (i.e. 25 years). The Police did not consider the information provided under the proposed operating schedule (shown under Section M of the application form as steps the applicant intends to take ‘to promote the four licensing objectives’) as sufficiently addressing matters such as the safe management of visitor footfall, crowd safety, toilet provision, stewards/security provision, etc. A copy of this representation was also served on the applicants by Nicola King, on the same date that it was served on the Licensing Authority.

- 4.3 In response to the representation, applicant Craig Stone responded directly to Avon and Somerset Constabulary to share and discuss Winterfest’s formal written event management plans, with a view to allaying concerns raised in the representation. A face-to-face meeting at the Deane House in Taunton was arranged following this, between the applicant and representatives of Avon and Somerset Constabulary, to see if suitable licence conditions could be agreed (based on the event management plan) between both parties.
- 4.4 At the meeting between the applicant and representatives of the Police, the size of the proposed licensed area was discussed, as the Police voiced concerns about effectively and safely managing such a large licensable area and the number of people occupying it. As such, both parties agreed to reduce the licensed area to focus more specifically on areas where the licensable activity itself would be carried out (e.g. around the areas where alcohol was likely to be sold and entertainment taking place), rather than the entire Winterfest market/event area, thereby allowing a more manageable area to be covered by, and conditioned under, the premises licence. The reduced area, as proposed by Craig Stone, can be found attached as **Appendix C**.
- 4.5 In addition to the above, the Police have also proposed a number of amendments to the licence proposals, as well as a number of conditions, to address their concerns. The full list of proposed amendments and conditions, as served on the applicant, can be found attached as **Appendix D**. Amendments include reducing the period of the licence to cover five years only, as well as further amendments to the plan proposed under Appendix C, to include the whole of North Street under the licence.
- 4.6 At the time of submitting this report, the applicant has yet to agree to these proposals.

5. Implications

- 5.1 The Licensing Sub Committee, when determining this application, must comply with the Licensing Act 2003. It should also have due regard to the Home Office Guidance and the Council's Licensing Policy.
- 5.2 In determining an application relating to a Premises Licence, any Responsible Authority or other party can make representations in relation to the application.
- 5.3 The Licensing Act 2003 created four licensing objectives and in determining this application, only factors that relate to the licensing objectives can be taken into account. Any representation must relate to the licensing objectives and any conditions added by the Licensing Sub Committee must relate to the promotion of the licensing objectives.

Human Rights Act 1998

- 5.4 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

Appeals

- 5.5 If the sub-committee modifies conditions or rejects the application, the applicant may appeal within 21 days of notification of the decision to the Magistrates' Court. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded a licensable activity. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.

6. Background papers

- **Appendix A** – Premises licence application form and plan of area to be covered
- **Appendix B** – Representation on behalf of Avon & Somerset Constabulary
- **Appendix C** – Revised plan, following meeting between applicant and Police
- **Appendix D** – Proposed amendments and licence conditions from the Police, following meeting with applicant

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APPENDIX A

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

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 Craig Stone and Ben De-Vey

(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			
Taunton Town Centre Fore Street, East Street, High Street, Corporation Street, Hammet Street and North Street of Taunton			
Post town	Taunton	Postcode	TA1 1HE

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£ 0

Part 2 - Applicant details

Please state whether you are applying for a premises licence as
Please tick as appropriate.

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
i	as a limited company/limited liability partnership		please complete section (B)
ii	as a partnership (other than limited liability)	✓	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)

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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 (by ticking yes to one box below):

- 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	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

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Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(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 Craig Stone & Ben De-Vey
Address Craig Stone ██████████ Ben De-Vey ██████████

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Registered number (where applicable)
N/A
Description of applicant (for example, partnership, company, unincorporated association etc.)
Partnership.
Telephone number (if any)
██████████
E-mail address (optional)
██████████

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	5	11
2	0	23

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

DD	MM	YYYY
0	1	12
0	4	8

Please give a general description of the premises (please read guidance note 1)

The premises for Taunton's Winterfest is held in the town centre of Taunton, it occupies a number of streets in the town, which include;

Fore Street
 North Street
 Hammet Street
 East Street
 Corporation Street
 High Street.

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

4,000

What licensable activities do you intend to carry on from the premises?
 (please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

	Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	

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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)	✓

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	✓

In all cases complete boxes K, L and M

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A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	-----	-----		Both	
Tue	-----	-----	<u>Please give further details here</u> (please read guidance note 4)		
Wed	-----	-----			
Thur	-----	-----	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Fri	-----	-----	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

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B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	-----	-----	<u>Please give further details here</u> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

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C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

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D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

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E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	✓
Mon	-----	-----		Both	
Tue	-----	-----			
Mon -----			<u>Please give further details here</u> (please read guidance note 4)		
Tue -----			A variety of community groups will be singing, dancing and playing their own music on a stage, amplified.		
Wed -----			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur -----			This will be late autumn, early winter. Last Sunday in November.		
Fri -----			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat -----			N/A		
Sun 10:00 20:00 -----					

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F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	✓
Mon				Both	
			<u>Please give further details here</u> (please read guidance note 4) Recorded music will be used to provide Christmas songs to the crowds and support the acts and artists performing on stage.		
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) This will be late autumn, early winter. Last Sunday in November.		
			<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 6)		
			N/A		
Sun	10:00	20:00			

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G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	✓
				Both	
Mon			<p>Please give further details here (please read guidance note 4)</p> <p>Performances of Dance will take place on stage, with amplified music. Other performances will take place in the High Street and North Street, but these are smaller dance performances but may still have their own amplifier/backing music.</p>		
Tue					
Wed			<p>State any seasonal variations for the performance of dance (please read guidance note 5)</p> <p>This will be late autumn, early winter. Last Sunday in November.</p>		
Thur					
Fri			<p>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 (please read guidance note 6)</p> <p>N/A</p>		
Sat					
Sun	10:00	20:00			

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H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing There will be magicians, comedians, comperes and other similar entertaining acts that will be using amplification and or background recorded music whilst performing.		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	-----	-----		Outdoors	<input checked="" type="checkbox"/>
	-----	-----		Both	<input type="checkbox"/>
Tue	-----	-----		<u>Please give further details here</u> (please read guidance note 4)	
Wed	-----	-----			
Thur	-----	-----	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri	-----	-----	This will be late autumn, early winter. Last Sunday in November.		
Sat	-----	-----	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun	10:00	20:00	N/A		
	-----	-----			

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I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun				N/A	

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J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)		On the premises	
					Off the premises	
Day	Start	Finish			Both	✓
Mon	-----	-----	State any seasonal variations for the supply of alcohol (please read guidance note 5)			
Tue	-----	-----	This will be for a one day annual event, in Taunton Town Centre.			
Wed	-----	-----	The event is the turning on of the Christmas lights in Taunton town centre.			
Thur	-----	-----	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)			
Fri	-----	-----	N/A			
Sat	-----	-----				
Sun	10:00	20:00				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Craig Stone
Date of birth	12 September 1982
Address	
Taunton Town Council Deane House Belvedere Road TAUNTON	
Postcode	TA1 1HE
Personal licence number (if known) TA/046739	
Issuing licensing authority (if known) Taunton Deane Borough Council.	

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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 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) This will be for a one day annual event, in Taunton Town Centre. The event is the turning on of the Christmas lights in Taunton town centre.
Day	Start	Finish	
Mon			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 6) N/A
Tue			
Wed			
Thur			
Fri			
Sat			
Sun	10:00	20:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

To promote the licensing objectives and stay updated on legislative changes and best practices to continually improve responsibility and best practices.

Encourage communication with stall holders and share information to address key issues.

To develop a clear policy and guidance which sets an additional set of rules specific to the Winterfest event.

Actively engage with the local community and seek their involvement. To help build trust and create a positive environment aligned to the licensing objectives.

b) The prevention of crime and disorder

Carry out regular inspections of the alcohol traders and to ensure that they are challenging anyone who looks under the age of 25.

Not to serve anyone that appears or acts under the influence of drink or drugs.

Follow up any identified/reported issues immediately and to take appropriate action.

c) Public safety

For the safety of the public, ensuring the crowds have enough space to move freely in and out of the entertainment areas to reduce risk of aggression, slips, trips and falls. Incl. violence.

Fire extinguishers are located on each ride and front / side of stage area.

First Aid provision is available for the duration of the event.

Crowd Barriers will be used to provide space for emergency vehicles to access the front of the stage area in the event of an emergency.

d) The prevention of public nuisance

Waste bins will be situated next to food and drink stands.

Sound levels will be suitable for the size of the crowds in attendance.

Encourage a no smoking site.

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e) The protection of children from harm

Challenge 25, not to sale alcohol to anyone who is unable to provide proof of ID that looks under the age of 25.

To ensure family-oriented activities are next to a alcohol trader, mixing families with those consuming alcohol.

Ensuring that the alcohol trader is targeted appropriately towards adults.

Checklist:

Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	<input type="checkbox"/>
•	I have enclosed the plan of the premises.	<input type="checkbox"/>
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input type="checkbox"/>
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input type="checkbox"/>
•	I understand that I must now advertise my application.	<input type="checkbox"/>
•	I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	<input type="checkbox"/>

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do
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	<p>not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>C Stone</i>
Date	7 August 2023
Capacity	Designated Premises Supervisor

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	Event Organiser

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

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- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to

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consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

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In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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Content of Police Representation (Made by Area Licensing Practitioner – Nicola King)

An application has been received for the grant of a new premises licence in respect of Taunton Winterfest, Taunton Town Centre, Fore Street, East Street, High Street, Corporation Street, Hammet Street and North Street of Taunton. The proposed licensable activities are: live music, recorded music, performance of dance and supply of alcohol. Capacity has been set at 4000 and the licence is for a 25 year period.

On behalf of the Chief Officer of Police we submit our formal representation in respect of this application.

Having considered the application and the details provided and whilst also taking into consideration the promotion of the licensing objectives and Somerset Statement of Licensing Policy, the police are not satisfied that the proposed grant of a premises licence will promote the licensing objectives.

The application has been set at 4,000 persons but existing events which have been held under a separate licence have attracted over 90,000 during a day footfall. No detail has been provided to the police outlining how numbers will be controlled or how persons will be prevented from entering the area identified red on the plans when capacity is reached. This is an open area, with shops, restaurants and bars open to the public making it almost impossible to manage. With no plans to view at this time we are concerned that numbers could be considerably exceeded.

There are no plans available showing the layout of the proposed site – alcohol outlets, stages, main event area, first aid provision, security, fire exits etc. What consideration has been given to Counter Terrorism? No detail has been provided with regards to Crowd Safety, Major Incident, Toilet Provision, Traffic Management Plans, Toilet Provision, Stewards/Security Provision to name but a few.

Without the submission of any associated documentation to allay fears, concerns or identify the management of the event in a public area, we are not able to assess whether the granting of the licence will promote the four licensing objectives.

Unfortunately, no formal consultation has taken place with the Licensing Dept or Event Planning Unit of the Avon and Somerset Constabulary prior to the submission of the application, which has resulted in an objection being raised due to the lack of information/documentation.

Events of this nature require extensive conditions to be attached to the licence to ensure the promotion of the licensing objectives. Such conditions need to be robust whilst at the same time be appropriate, relevant, clear, reasonable, and enforceable. These conditions outline in detail how the event organiser will produce an event specific management document known as an Event Safety Management Plan (ESMP). Any such ESMP will include, as a minimum, site plans, stewarding/security plans, eviction plans, crowd management plans, emergency plans, safeguarding plan, medical plan, fire plan, specific safety policies, risk assessments, traffic management plans, possible noise nuisance plans, drug plans/policies, alcohol plan and ingress/egress plan etc. It is the intricate detail contained within these policies/procedures which is paramount in delivering a safe event.

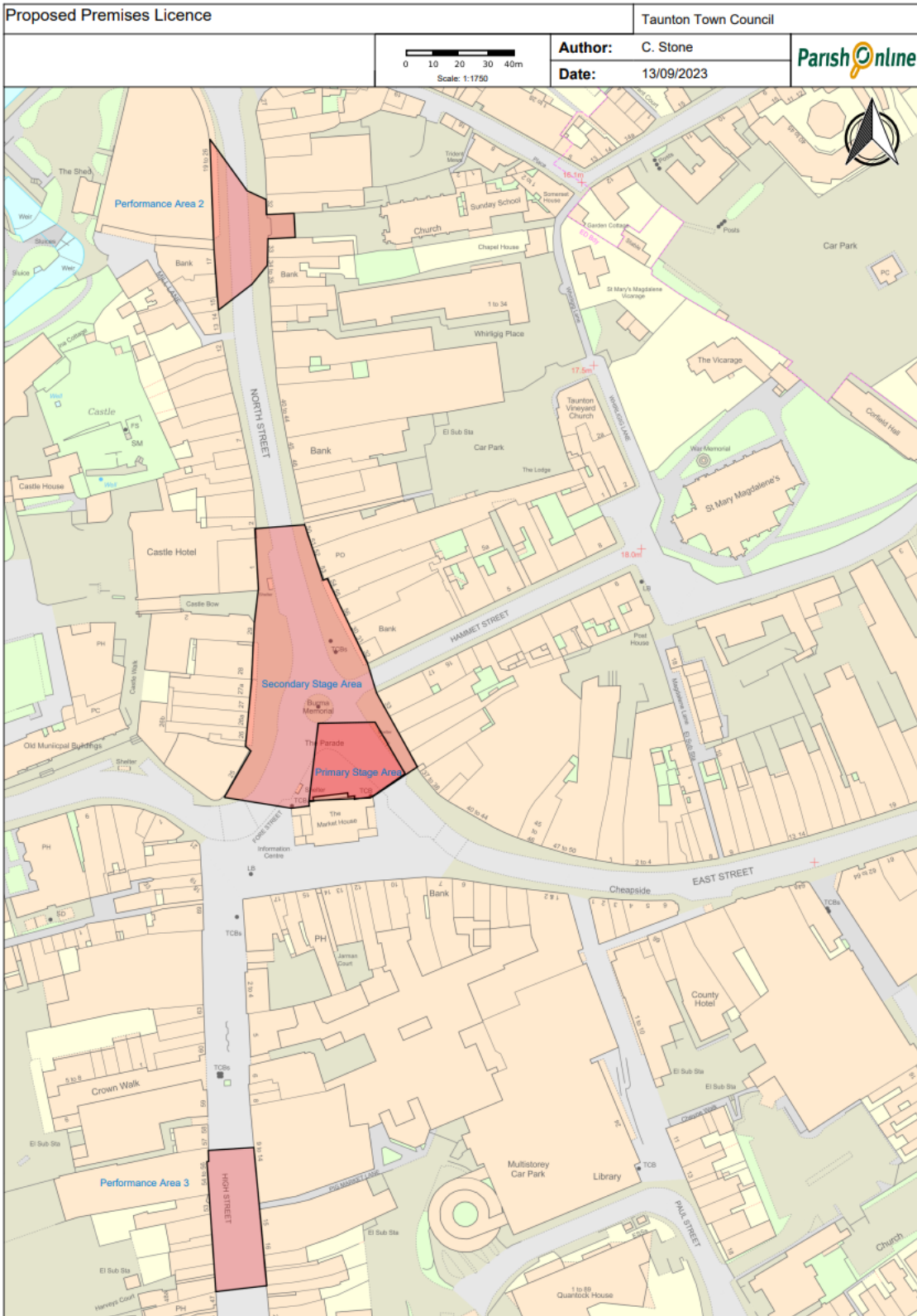
At this time, we do not consider that the applicant has provided adequate detail within their operating schedule to mitigate risk and promote the licensing objectives. 4.6.11 of The Statement of Licensing Policy states: The Authority believes that this risk can be adequately mitigated by the

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submission of an up to date, relevant, detailed and complete operating schedule that is specific to the proposed event on each separate occasion or for a specific period less than permanent – on this occasion we do not believe this has been met especially as this is for a 25 year period.

Whilst we strive to support all local events, unfortunately, on this occasion we are not able to support this application as it is the opinion of the police that the granting of the application will not promote the licensing objectives and will have a detrimental effect upon public safety.

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APPENDIX D

PROPOSED AMENDMENTS AND CONDITIONS, AS SUBMITTED BY NICOLA KING (AVON AND SOMERSET CONSTABULARY) TO CRAIG STONE (APPLICANT) ON WEDS 20TH SEPTEMBER 2023:

Good afternoon Craig

I have now managed to speak with John Rendell with regards to the application, the amendments and my proposals to ensure that it can be achieved under the current application.

John has agreed that they would be willing to accept an amended plan at this late stage as you are not increasing the identified area but in fact reducing the area you have applied for. As indicated, I thought this would be the case, but I wanted to ensure that the Council were happy.

I have also been in liaison with Gary Bowden over the new proposed area on the amended plan as I had concerns over the 'void' area in the middle of your two proposed licensable locations – one at the top of North Street and one at the bottom of North Street. Both Gary and I share these concerns and therefore we propose that you licence the whole of North Street which will allow you better control over public safety. The red line would therefore be from the primary stage area to performance area 2.

I would also like to propose the following conditions be attached to the premises licence to enable the promotion of the licensing objectives:

1. The licence is for a 5-year period only
2. Number of all people on site will need to be maintained at all times and made immediately available if requested.
3. An event safety management plan will be drawn up and forwarded to the police no less than 12 weeks prior to the event taking place". Any such event plan shall include the following:-
 - a. General operational procedures for the event
 - b. Command Structure which shall contain all emergency contact numbers
 - c. A layout plan for the event
 - d. Details of the proposed event promotion and ticketing if applicable
 - e. An outline of the strategy for the safe public movement during ingress, egress and during the event, including consideration of crowd densities
 - f. Details of the dispersal of patrons
 - g. Details of the assessment of staffing numbers (including SIA staff) and staff deployment within the event area.
 - h. Details of all services and other significant infrastructure that is to be provided
 - i. The evaluation of the site plan and layout of the premises identifying potential areas of concern
 - j. An assessment of first aid requirements and details of provision
 - k. Details of any full-scale evacuation and emergency action plan including consideration of flow rates, including hand-over to emergency services
 - l. Details of traffic management to and from the event
 - m. Security measures to be implemented, including staffing levels and competencies
 - n. Details of crime reduction measures to be implemented, included those in relation to drugs, alcohol, weapons, anti-social behaviour and violence, Violence Against Women and Girls (Safe Spaces), Ask Angela, #Enough
 - p. Procedures for protecting children from harm, including lost/found children procedures.

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Conditions in respect of the Prevention of Crime and/or Disorder & Protection of Children from Harm

4. The Premises Licence Holder shall have a written drugs policy (in line with the Misuse of Drugs Act 1971 and The Misuse of Drugs Regulations 2001) within the ESMP and on advertising material. It will also include advice regarding the illicit possession, use or sale of Nitrous Oxide and/or other drugs or psychoactive substances . If anyone is found in possession of drugs or concerned in the supply of drugs, nitrous oxide or psychoactive substances the Premises Licence holder or nominated person shall refuse entry or eject the individual/s from the event as per the Eviction Policy.
5. The Premises Licence Holder shall ensure that any security contractor prepares a written security operations plan, which will be contained within the ESMP.
6. Stewards/security personnel shall be deployed at access/egress points and other appropriate locations in accordance with the final ESMP.
7. Measures should be put in place so that the 'policing' of the event shall be controlled by Security staff/Stewards.
8. The approved "Challenge 25" proof of age scheme shall be adopted, implemented and advertised within the premises whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
9. The Premises Licence Holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book at each alcohol vending venue in which full details of all incidents are recorded. This shall include details of any challenges and refused sales and shall give details of the persons involved, age, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbooks are to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a representative of Avon and Somerset Constabulary when required. These incident/refusals logs shall be retained for a minimum of three months after the event and shall be made available to the Licensing Authority and Avon and Somerset Constabulary within 7 days of any request being made.
10. Measures shall be in place so that the Designated Premises Supervisor is onsite when the licence authorises the sale of alcohol.
11. Measures shall be put in place so that each person selling alcohol via any of the site bars is authorised to sell alcohol in writing by the Designated Premise Supervisor.

I would also like to propose that once the licence is granted you consider transferring the premises licence into the name of Taunton Town Council, who, in essence, have the responsibility of delivering the event with the event organiser.

I note your comments in the email below with regards to Hull City and their premises licence. As you are no doubt aware Council's, event organisers and Police forces do operate differently but I am sure that Gary Bowden or Nicola Cooper would be willing to speak with you in respect of this moving forward.

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Please let me have your comments on the above which may negate the need for a hearing in respect of this matter.

I look forward to hearing from you.

Kind regards
Nicola King
Area Licensing Practitioner

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