

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: democratic_services@bathnes.gov.uk

Web-site - <http://www.bathnes.gov.uk>

Date: 23 April 2014

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Licensing Sub-Committee

Councillors:- Manda Rigby, Patrick Anketell-Jones and Roger Symonds

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 29th April, 2014

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 29th April, 2014 at 10.00 am** in the **Council Chamber - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes, Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

3. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing Sub-Committee - Tuesday, 29th April, 2014

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 7TH APRIL 2014 (Pages 7 - 12)

6. LICENSING PROCEDURE: LICENSING ACT 2003: VARIATION OF PREMISES LICENCE (Pages 13 - 16)

The Chair will, if required, explain the procedure to be followed for the next application.

7. APPLICATION TO VARY THE PREMISES LICENCE FOR THE NEST, 7 BLADUD BUILDINGS, BATH BA1 5LS (Pages 17 - 78)

8. LICENSING PROCEDURE - MISCELLANEOUS (Pages 79 - 82)

The Chair will, if required, explain the procedure to be followed for the next two applications.

9. APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT THE PORTER, 2 MILES'S BUILDINGS BATH BA1 2QS (Pages 83 - 102)
10. APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT; ROSCOFF DELI, 18 NORTHUMBERLAND PLACE, BATH BA1 5AR (Pages 103 - 118)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on
democratic_services@bathnes.gov.uk.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Monday, 7th April, 2014, 10.00 am

Councillors: Manda Rigby (Chair), Bryan Chalker (In place of Roger Symonds) and Anthony Clarke

Officers in attendance: John Dowding (Senior Public Protection Officer) and Simon Barnes (Principal Solicitor)

118 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

119 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Roger Symonds, for whom Councillor Bryan Chalker substituted.

120 DECLARATIONS OF INTEREST

There were none.

121 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

Members stood in silence for one minute to show their respect for the late Councillor Gabriel Batt, a Member of the Sub-Committee, who had died the previous week. They sent their condolences to his family.

122 MINUTES: 4TH MARCH 2014

These were approved as a correct record and signed by the Chair.

123 LICENSING PROCEDURE - DRIVER APPLICATION

RESOLVED that the procedure for agenda items 127-130 be noted.

124 EXCLUSION OF THE PUBLIC

RESOLVED that having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the next four items of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

125 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR AA

The Sub-Committee considered the report, which sought determination of Mr AA's application for the grant of a combined Hackney Carriage/Private Hire Driver's licence.

Mr AA was present. He confirmed that he understood the procedure for the hearing.

The Senior Public Protection Officer presented the report and stated that as part of the application process a Disclosure and Barring Service check was undertaken, which had revealed previous convictions. He circulated the Disclosure and Barring Service check, personal statement and reference for Mr AA. The applicant and Senior Public Protection Officer withdrew from the meeting while Members took some time to consider these documents.

Mr AA put his case and was questioned. He also made a closing statement.

Following an adjournment it was

RESOLVED that Mr AA be refused a combined Hackney Carriage/Private Hire Driver's licence.

Reasons for decision

Members have had to determine an application by Mr AA for a combined Hackney Carriage and Private Hire Driver's licence.

In doing so, they took account of the Local Government (Miscellaneous Provisions) Act 1976, the Human Rights Act 1998, the Equality Act 2010, case law and the Council's policy.

Members had to consider whether Mr AA is a fit and proper person to hold such a licence and therefore asked themselves whether they would allow their son, daughter, spouse, partner or anyone they cared about to travel alone in a vehicle driven by Mr AA.

Members noted that Mr AA had been convicted of drink driving on 25 September 2006 and, in accordance with the Council's policy, they took a serious view of this offence, despite it being over 5 years old. Members also noted that Mr AA had been convicted of a number of offences between 2005 and 2011, primarily criminal damage, but also interfering with a vehicle and a public order offence. The last conviction was on 23 May 2011 meaning that 3 years has not yet elapsed. Members noted a theme of drink and aggression running through the convictions.

To assist them in making a determination, Members had regard to Mr AA's written statement and his reference and listened to his representations. Mr AA stated that he was much younger when the offences had occurred and they were as a result of drinking.

Members decided that Mr AA is not a fit and proper person to hold a private hire and hackney carriage drivers licence due to the nature and extent of his previous convictions, the fact that he has not been free of convictions for three years and the fact that drink and aggression featured in many of the offences. Accordingly his application is refused.

126 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR BB

The Sub-Committee considered the report, which sought determination of Mr BB's application for the grant of a combined Hackney Carriage/Private Hire Driver's licence.

Mr BB was present. He confirmed that he understood the procedure for the hearing.

The Senior Public Protection Officer presented the report and stated that as part of the application process a Disclosure and Barring Service check was undertaken, which had revealed a previous caution. He circulated the Disclosure and Barring Service check, personal statement and references for Mr BB. The applicant and the Senior Public Protection Officer withdrew from the meeting while Members took some time to consider these documents.

Mr BB put his case and was questioned. He also made a closing statement.

Following an adjournment it was

RESOLVED that Mr BB be granted a combined Hackney Carriage/Private Hire Driver's licence.

Reasons for decision

Members have had to determine an application by Mr BB for a combined Hackney Carriage and Private Hire Driver's licence.

In doing so, they took account of the Local Government (Miscellaneous Provisions) Act 1976, the Human Rights Act 1998, the Equality Act 2010, case law and the Council's policy.

Members had to consider whether Mr BB is a fit and proper person to hold such a licence and therefore asked themselves whether they would allow their son, daughter, spouse, partner or anyone they cared about to travel alone in a vehicle driven by Mr BB.

Members noted that Mr BB was cautioned for a public order offence on 13 December 2010 resulting from a drunken argument on the way home from the pub. Members noted that the caution was over 2 years old and that Mr BB has good references, including from the Head Chef of the restaurant in which he worked which stated that Mr BB is able to work in a pressurised environment.

In his representations to the Committee, Mr BB stated that the incident was a one-off, it would not happen again and he was grown up and wanted to start his professional life.

In light of the age of the caution, the references and Mr BB's frank explanation of the incident, Members are satisfied that Mr BB is a fit and proper person to hold a private hire and hackney carriage drivers licence and accordingly his application is granted.

127 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR CDC

The Sub-Committee considered the report, which sought determination of Mr CDC's application for the grant of a combined Hackney Carriage/Private Hire Driver's licence.

Mr CDC was present. He confirmed that he understood the procedure for the hearing.

The Senior Public Protection Officer presented the report and stated that as part of the application process a Disclosure and Barring Service check was undertaken, which had revealed previous convictions. He circulated the Disclosure and Barring Service check and references for Mr CDC. The applicant and Senior Public Protection Officer withdrew from the meeting while Members took some time to consider these documents.

Mr CDC put his case and was questioned. He also made a closing statement.

Following an adjournment it was

RESOLVED that Mr CDC be granted a combined Hackney Carriage/Private Hire Driver's licence.

Reasons for decision

Members have had to determine an application by Mr CDC for a combined Hackney Carriage and Private Hire Driver's licence.

In doing so, they took account of the Local Government (Miscellaneous Provisions) Act 1976, the Human Rights Act 1998, the Equality Act 2010, case law and the Council's policy.

Members had to consider whether Mr CDC is a fit and proper person to hold such a licence and therefore asked themselves whether they would allow their son, daughter, spouse, partner or anyone they cared about to travel alone in a vehicle driven by Mr CDC.

Members noted that Mr CDC had held a taxi licence issued by the authority between 1998 – 2010 and that the Committee had refused his application to renew the licence on 9 March 2010 due to cautions for forgery in 2000, intimidation of a witness in 2006 and a conviction for common assault in 2009. Members also noted that Mr CDC had breached the conditions of his licence by failing to notify the authority of the witness intimidation caution. He also had a conviction for theft dating back to 1996.

In his representations to the Committee, Mr CDC explained the circumstances of the offences. Members noted that the offences were relatively old in terms of their policy. Members were impressed by Mr CDC's frank explanation. They took account of his previous 12 years as a driver. Members were satisfied that Mr CDC realises the value of a licence and will not do anything to jeopardise it in the future.

Members also had regard to the written references provided.

In light of this, Members decided that Mr CDC is a fit and proper person to hold a private hire and hackney carriage driver's licence and accordingly his application is granted.

128 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR CS

The Sub-Committee considered the report, which sought determination of Mr CS's application for the grant of a combined Hackney Carriage/Private Hire Driver's licence.

Mr CS was present. Because of his limited English, he was accompanied by a friend to interpret for him. Mr CS confirmed that he understood the procedure for the hearing.

The Senior Public Protection Officer presented the report and stated that as part of the application process a certified translation of Mr CS's driving history had been obtained from Romania, which had revealed previous convictions. He circulated the certified translation, Mr CS's personal statement and references. The applicant, his friend and the Senior Public Protection Officer withdrew from the meeting while Members took some time to consider these documents.

Mr CS put his case and was questioned. He also made a closing statement.

Following an adjournment it was

RESOLVED that Mr CS be refused a combined Hackney Carriage/Private Hire Driver's licence.

Reasons for decision

Members have had to determine an application by Mr CS for a combined Hackney Carriage and Private Hire Driver's licence.

In doing so, they took account of the Local Government (Miscellaneous Provisions) Act 1976, the Human Rights Act 1998, the Equality Act 2010, case law and the Council's policy.

Members had to consider whether Mr CS is a fit and proper person to hold such a licence and therefore asked themselves whether they would allow their son, daughter, spouse, partner or anyone they cared about to travel alone in a vehicle driven by Mr CS.

Members noted that Mr C S had been convicted in Romania of 12 traffic offences including speeding, illegal stopping and using a mobile phone between 2008 – 2013 and that 6 of those offences had occurred within 3 years of the date of his application.

To assist them in making a determination, Members had regard to Mr CS's written statement and listened to his representations. Mr CS stated that he had worked in Romania as a medicine delivery driver and was therefore always rushing from place to place. He said that the police in Romania are corrupt and it is common to get convicted of such offences. However, Members were mindful that there was nothing before them to indicate that the convictions were unlawful and that they had to take the convictions at face value.

Members also had regard to the references provided.

Members reminded themselves of the Council's policy that minor traffic offences are not normally a bar to a licence being granted, provided there have not been more than three offences within the three years immediately preceding the application. In this case the policy was breached and Members saw no reason to depart from it.

Members decided that Mr CS is not a fit and proper person to hold a private hire and hackney carriage driver's licence and accordingly the application is refused.

The meeting ended at 11.55 am

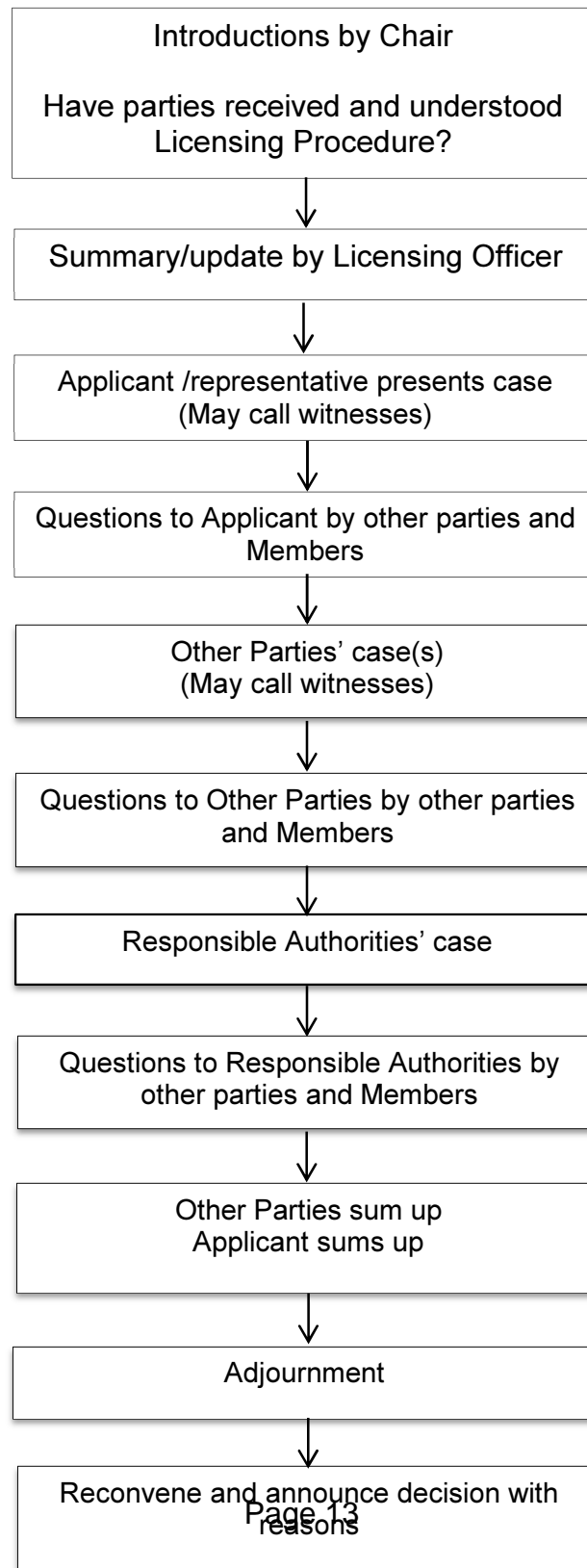
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES
LICENCE OR FOR A VARIATION OF A PREMISES LICENCE**

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

1. The Chair will introduce Members of the Sub-Committee, the Officers present and explain the procedure to be followed.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.*

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits or advise that the decision will be

released in writing with reasons within the statutory time limit, in this instance, 5 working days.

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 29 th April 2014	
TITLE:	Application to Vary the Premises Licence for The Nest, 7 Bladud Buildings, Bath BA1 5LS	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application to Vary the Premises Licence	
Annex B	Current Premises Licence	
Annex C	Site Plan	
Annex D	Representation from Avon & Somerset Constabulary	
Annex E	Representation from Environmental Protection	
Annex F	Representation from The Abbey and The Circus Area Resident's Associations	

1 THE ISSUE

- 1.1 An application has been received for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of **The Nest, 7 Bladud Buildings, Bath BA1 5LS** (*Annex A*).

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.
- 4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

5.1 An application has been received to vary an existing premises licence (*Annex A*).

5.2 The current premises licence as detailed in *Annex B*, authorises the following:

1) **The Sale of Alcohol**, for consumption **on and off** the premises:

Monday to Saturday: 10:00 – 02:00

Sunday: 12:00 – 22:30

2) **Performance of dance**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

3) **Exhibition of a film**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

4) **Performance of Live Music**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 00:00

5) **Performance of a Play**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

6) **Other Entertainment within the Act**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

7) **Late Night Refreshment**, indoors only:

Monday to Saturday: 23:00 – 02:00

8) **Non-standard timings** for all licensable activities:

“From normal activity start time on New Year’s Eve until normal activity finish time on New Year’s Day”

“From normal opening times on Sunday’s proceeding a Bank Holiday Monday until 02:00 Hours”

9) Opening hours:

Monday to Saturday: 10:00 – 02:30

Sunday: 12:00 – 22:50

Non-standard timings:

"From normal opening time on New Year's Eve until normal opening time on 1st January"

"From normal opening times on Sundays preceding a Bank Holiday Monday until 02:00 hours"

Annex 1 – Mandatory conditions

- No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity

of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

- 2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.
- 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

From 1 October 2010:

- 4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

- No open containers of alcohol shall leave the premises after 22:00 hours.
- An incident book shall be maintained at the premises in which all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily basis and retained on completion for 12 months and shall be made available to the Police and Licensing Authority.
- A register will be kept on the premises of each door supervisor showing their full name, full SIA badge number & time on and off duty. This register will be retained for 12 months and made immediately available for inspection by the Police and Licensing Authority.
- Staff will be trained regularly in matters concerning illegal drug use and sale of alcohol. Records will be kept of the training and made available to the Police and Licensing Authority on request.
- Challenge 21 policy will be implemented.
- Children will only be allowed on the premises until 18:00 hours.

Annex 3 – Conditions attached after a hearing by the licensing authority

- Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises.
- A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order. The recordings shall be retained for 28 days and made available to the police immediately on request.
- SIA registered door supervisors will be on duty at the premises at the discretion of the DPS or when requested by the police or licensing authority on any such days of the week and between such times as considered necessary in order to promote the licensing objectives. Such measures are to be agreed in writing between the DPS and responsible authority. Door staff will supervise any queuing into the premises and persons leaving. All door staff will wear yellow fluorescent jackets whilst on duty.

5.3 The variation application seeks to:

- **Extend** the opening hours on Fridays and Saturdays by half an hour, to show:
Fridays and Saturdays: 10:00 – 03:00
- **Extend** the sale of alcohol timings on Fridays and Saturdays by one hour, to show:
Fridays and Saturdays: 10:00 – 03:00
- **Extend** the provision of recorded music on Fridays and Saturdays by one hour, to show:
Fridays and Saturdays: 10:00 – 03:00
- **Remove** the condition
“All door staff will wear yellow fluorescent jackets whilst on duty”

5.4 A site plan is attached at *Annex C*.

5.5 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

Each objective is of equal importance; there are no other licensing objectives so these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

- 5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.8 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 16, 17, 18, 19, 20, 23, 24, 28, 30, 33, 35, 36, 37, 41 to 44 inclusive of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised June 2013)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 5.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.
- If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.12 In accordance with the requirements of the Act the applicants served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Health Authority and the Child Protection Agency.
- 5.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.14 A representation has been received from the **Avon & Somerset Constabulary** in respect of the Prevention of Crime and Disorder licensing objective. The representation states that the application is premature and overly ambitious because of concerns of drugs, crime and disorder, noise, drunkenness and anti-social behaviour associated in and around the premises (*Annex D*).
- 5.15 A representation has been received from **Environmental Health Authority** in respect of the Prevention of Public Nuisance licensing objective. It details that the Environmental Protection department have received numerous (11) complaints from local residents concerning noise and anti-social behaviour from the premises. Investigations concluded that music levels did not constitute a Statutory Nuisance as defined in the Environmental Protection Act 1990 s79 1(g), however the levels did cause a nuisance and the following condition is attached to the premises licence:

“Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises”.

(Annex E)

- 5.16 A joint representation has been received from **The Abbey Residents’ Association** (TARA) and **The Circus Area Residents’ Association** (CARA) in respect of the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety licensing objectives.

The representation expresses concern that the granting of this application will undermine the aforementioned licensing objectives (Annex F).

- 5.17 The premises lies within the cumulative impact area. As representations have been received there is a presumption that the application will be refused unless the applicant can demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.

- 5.18 This report has not been sent to the Trades Union because they would have no involvement in this application.

6 RATIONALE

- 6.1 As relevant representations have been received the Licensing Sub-Committee must determine the application in accordance with the Licensing Act 2003.

7 OTHER OPTIONS CONSIDERED

- 7.1 None\

8 CONSULTATION

- 8.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and the recommendations has been undertaken in compliance with the Council’s decision making risk management guidance.

10 ADVICE SOUGHT

- 10.1 The Council’s Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Background papers	Licensing Act 2003; Guidance issued under s.182 of the Licensing Act 2003; Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005; B&NES Statement of Licensing Policy.
Contact person	Kirsty Morgan, Public Protection Officer - 01225 396939

Application to vary a premises licence 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 Maxrod Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
13/00801/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE NEST 6/7 BLADUD BUILDINGS			
Post town	BATH	Postcode	BA1 5LS
Telephone number at premises (if any)	0788 4077334		
Non-domestic rateable value of premises	£32,750 (Band B)		

ENVIRONMENTAL SERVICES	
28 FEB 2014	
Post Log No:	60191
Receipt No:	60191
CH/CA	£190.00

Part 2 – Applicant details

Daytime contact telephone number	0788 4077334		
E-mail address (optional)	rodny6801@gmail.com		
Current postal address if different from premises address	18 Church Lane Kelston		
Post town	Bath	Postcode	BA1 9AG

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

X Yes ☐ No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
 (Please see guidance note 1) ☐ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To extend the opening hours on Fridays and Saturdays to show: 10:00 to 03:00 hours.

To extend the sale of alcohol timings on Fridays and Saturdays to show: 10:00 to 03:00hours (previously 10:00 to 02:00 hours)

To extend recorded music timings on Fridays and Saturdays to show: 10:00 to 03:00 hours (previously 10:00 to 02:00 hours)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | x |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

☐

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

x

In all cases complete boxes K, L and M

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
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					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri					
Sat			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 (please read guidance note 6)		
Sun					

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			
Fri			<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)
Sat			
Sun			

D

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

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<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)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	x
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) The continuation of recorded music from 02:00hrs to 03:00hrs on Fridays and Saturdays			
Mon	10:00	02:00				
Tue	10:00	02:00				
Wed	10:00	02:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur	10:00	02:00				
Fri	10:00	03:00	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 (please read guidance note 6)			
Sat	10:00	03:00				
Sun	10:00	23:00				

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	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed						
Thur			State any seasonal variations for the performance of dance (please read guidance note 5)			
Fri						
Sat			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)			
Sun						

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		
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 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					
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					

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	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur						
Fri						
Sat			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 (please read guidance note 6)			
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) The continuation of the sale of alcohol between 02:00hrs and 03:00hrs on Fridays and Saturdays.		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00			
Thur	10:00	02:00			
			<u>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</u> (please read guidance note 6)		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	23:00			

K

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).

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)
Day	Start	Finish	
Mon	10:00	02:00	
Tue	10:00	02:00	
Wed	10:00	02:00	
Thur	10:00	02:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	10:00	03:00	
Sat	10:00	03:00	
Sun	10:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

‘All door staff will wear yellow fluorescent jackets whilst on duty.’ We believe the necessity for this condition has ceased due to the fact that we now have colour CCTV which means our door staff can be clearly identifiable on any recordings.

Please tick as appropriate

- I have enclosed the premises licence x
- I have enclosed the relevant part of the premises licence x

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

Fridays and Saturdays are our two busiest nights of the week, on both nights at 02:00 hours 300 people leave the premises, we are proposing to extend our licensable activity hours to allow the gradual disperse of customers as well as increasing business revenue. We have proposed a number of conditions which we believe will ensure that this application will not add to the cumulative impact.

b) The prevention of crime and disorder

Toilet checks will be carried out every 20 minutes on Fridays and Saturdays after 23:00hrs and a 'log book' will be kept and made available to police on request.

Signage to be displayed in the front windows asking people to keep noise levels down.

Signage to be displayed in the WC's advising patrons of our 'drug policy'.

Joining 'Pub Watch'

A 'dispersal policy' shall be written and implemented on Fridays and Saturdays at a minimum and the policy will be made available to the Police upon request.

A minimum of two door staff to be employed after 23:00 hours (on Fridays and Saturdays) with a minimum of one stationed at the entrance at all times.

c) Public safety

A minimum of two door staff to be employed after 23:00hrs on Fridays & Saturdays with a minimum of one at the entrance at all times. A minimum of one door staff at the entrance to the premises from half an hour prior to the commencement of licensable activities.

d) The prevention of public nuisance

The smoking area will close at 02:00hrs. There will be a 'No Entry' and 'No Re-Entry on Fridays & Saturdays after 02:00hrs

Subject to the variation 'sale of alcohol and recorded music' extension being granted we will offer the condition that 'amplified live music' will cease at 23:00 hours every day.

All recorded music to go through a 'noise level limiter'

e) The protection of children from harm

The premises already holds a 'Challenge 21' policy and signage will be displayed advising patrons of this.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
x
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
x
- I understand that I must now advertise my application.
x
- I have enclosed the premises licence or relevant part of it or explanation.
x
- I understand that if I do not comply with the above requirements my application will be rejected.
x

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

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

Signature	Roderick Johnson
Date	18/02/14
Capacity	500

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) 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	Max Johnson
Date	18/02/14
Capacity	500

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Roderick Johnson
18 Church Road
Kelston

Post town	Bath	Post code	BA1 9AG
Telephone number (if any)	07884077334		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
rodody6801@gmail.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state 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 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 agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	13/00801/LAPRE
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Nest
7 Bladud Buildings
Bath
BA1 5LS

Telephone number Not available

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday to Saturday 10:00 - 02:00

Sunday 12:00 - 22:30

Performance of Dance (Indoors only)

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

Exhibition of a Film (Indoors only)

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

Performance of Live Music (Indoors only)

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 00:00

Performance of Recorded Music (Indoors only)

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

Other Entertainment within Act (Indoors only)

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

Performance of a Play (Indoors only)

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

Late Night Refreshment (Indoors only)

Monday to Saturday 23:00 - 02:00

Non Standard Timings:

From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day. From normal opening times on Sunday's preceding a Bank Holiday Monday until 02:00 hours.

The opening hours of the premises

Monday to Saturday	10:00 - 02:30
Sunday	12:00 - 22:50

From normal opening time on New Year's Eve until normal opening time on 1 January.

From normal opening times on Sundays preceding a Bank Holiday Monday until 02:00 hours.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption both on and off the premises

Bath & North East Somerset Council

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Maxrod Ltd
18 Church Lane
Kelston
Bath
BA1 9AG
0788 4077334
maxsjohnson@hotmail.com

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 7719509

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Roderick Johnson
18 Church Lane
Kelston
Bath
BA1 9AG

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

B&NES/11/03394/LAPER
Bath & North East Somerset Council

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of
Bath & North East Somerset Council:



Dated 5 August 2013

Annex 1 – Mandatory conditions

From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

From 1 October 2010:

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied

having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

No open containers of alcohol shall leave the premises after 22:00 hours.

An incident book shall be maintained at the premises in which all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily basis and retained on completion for 12 months and shall be made available to the Police and Licensing Authority.

A register will be kept on the premises of each door supervisor showing their full name, full SIA badge number & time on and off duty. This register will be retained for 12 months and made immediately available for inspection by the Police and Licensing Authority.

Staff will be trained regularly in matters concerning illegal drug use and sale of alcohol. Records will be kept of the training and made available to the Police and Licensing Authority on request.

Challenge 21 policy will be implemented.

Children will only be allowed on the premises until 18:00 hours.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises.
 2. A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order. The recordings shall be retained for 28 days and made available to the police immediately on request.
 3. SIA registered door supervisors will be on duty at the premises at the discretion of the DPS or when requested by the police or licensing authority on any such days of the week and between such times as considered necessary in order to promote the licensing objectives. Such measures are to be agreed in writing between the DPS and responsible authority. Door staff will supervise any queuing into the premises and persons leaving. All door staff will wear yellow fluorescent jackets whilst on duty.
-

Annex 4 – Plans

As submitted with application.





Licensing Services, Lewis House, Manvers St., Bath, BA1 1JG

Representation Form

**Responsible Authority.** (Please delete as applicable.)

Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures / Planning Authority / Marine Agency.

Your Name	Steven Mlildren
Job Title	Police Inspector
Postal and email address	Bath Police Station Manvers St. Bath.
Contact telephone number	01225842425

Name of the premises you are making a representation about.	The Nest
Address of the premises you are making a representation about.	6/7 Bladud Buildings Bath BA1 5LS

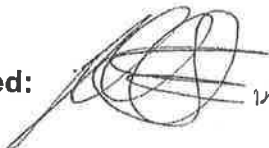
Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	yes	The Nest is premises that are situated to the north of the city centre following on from George Street into the Paragon. This area is a "hot spot" for crime and disorder and anti-social behaviour Bladud Buildings/. George Street and its immediate environs have a large number of licensed premises (see statement of Chris Leadbeater). The variation application is to extend the sale of alcohol and recorded music to 3am on Friday and Saturday. This is within the cumulative impact area the policy which specifies that applications for the grant or variation of licensed premises will normally be refused if representations are received unless the applicant demonstrates in their operating schedule that there will be no adverse impact on one or more of the licensing objectives..

		<p>The Police have had discussions with the management of the premises on the 29th Jan 2014 and informed them that the Police felt it was premature and overly ambitious at this time, because of concerns of drugs(,see letter dated 23rd May, that indicated drug activity), crime and disorder, noise, drunkenness and anti-social behaviour associated in and around the club(see statement of Chris Leadbeater and Mark Antony Hodder) and they should seek to rectify all of these matters prior to such an application. The Police acknowledge that the licence holders have had a new cctv system fitted, which has been checked by a crime reduction officer and despite minor rectification meets police requirements, made efforts to make their toilet surfaces less conducive to drug taking and developed a dispersal policy, but all this is done during the application process, no time has been given to see if these measures are effective. There has been a number of noise concerns that have been expressed by residents and this situation is ongoing with the environmental protection department.</p> <p>The Police feel at this time the application should be refused.</p>
Public safety	yes	
To prevent public nuisance		
The prevention of harm to children		

<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>The view of the Police is that the application should be refused.</p>
--	--

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed:



MSP E. M. G. J. E. N.

Date:

26/3/14

Please return this form along with any additional sheets to:

Bath and North East Somerset Council
Licensing Services
9-10 Bath Street
Bath
BA1 1SN

E-mail address: licensing@bathnes.gov.uk

This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.

RESTRICTED (when complete)

MG11

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of Chris LEADBEATER

Age if under 18 Over 18 (if over insert 'over 18') Occupation Police Constable 897

This statement (consisting of 6 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 12/03/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 897 Chris LEADBEATER of the Avon and Somerset Constabulary. I am currently stationed at Bath Police Station and occupy the role of Neighbourhood Beat Manager for Bath City Centre, my specific area of focus is Premise Licensing.

Over the period 15th February 2014-12th March 2014 I collated data for the period 15th August 2013-15th February 2014 in relation to incidents of criminality and calls made to police the subject of which was recorded as The Nest, 7 Bladud Buildings, Bath.

The primary source of this data is held internally on Avon and Somerset Constabulary IT systems, specifically Guardian and Webstorm.

I also collated data in relation to incidents of criminality and calls made to police for the area of George Street, Bath and the licensed premises contained within. George St is an area of Bath popular with patrons of the night time economy and contains a number of nightclubs, bars and restaurants. The Nest is situated on Bladud Buildings, adjacent to but on the same thoroughfare as George St.

George St and Bladud Buildings are made up of Georgian Style multi storey buildings. The majority of which are occupied on the ground floor by commercial premises. The upper floors of these buildings contain predominately residential premises with some further commercial units. The licensed premises that remain open past 0200hrs are mainly

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Signature witnessed by:

2010/11

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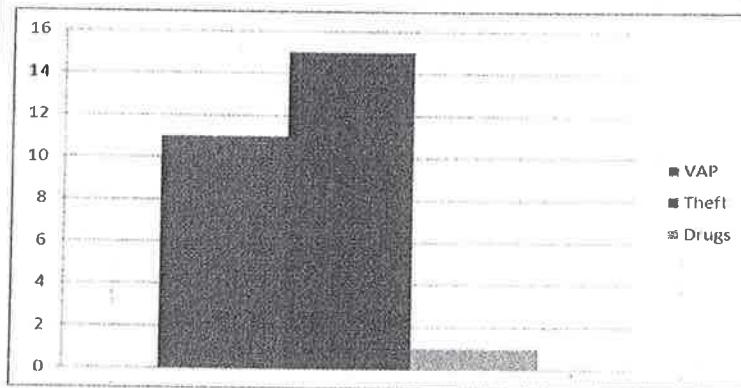
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Continuation of Statement of: Chris LEADBEATER

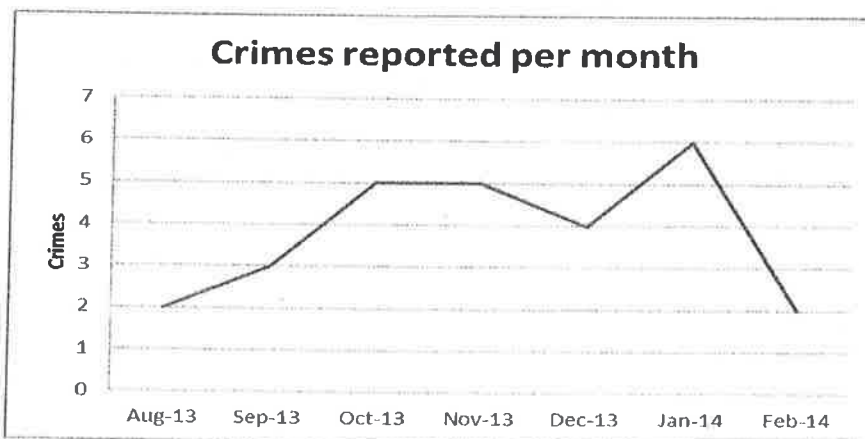
Page No 2 of 6

contained within basements, some may perform part of their operations on the ground floor at street level.

Within the dates set within the data parameters 27 criminal offences are recorded. Specifically 11 of these are categorised as violence against the person, 15 as thefts and one drugs offence.



The number of crimes recorded per month is presented as below with a median value of 3.86 crimes recorded per month.



When interpreted further it can be seen that the vast majority of these incidents occur during the period Friday-Sunday. It is important to consider that incidents occurring after 0000 on a

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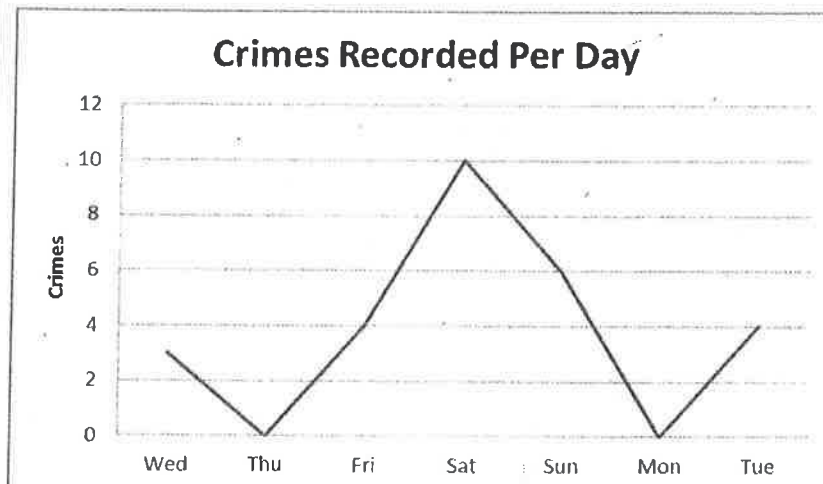
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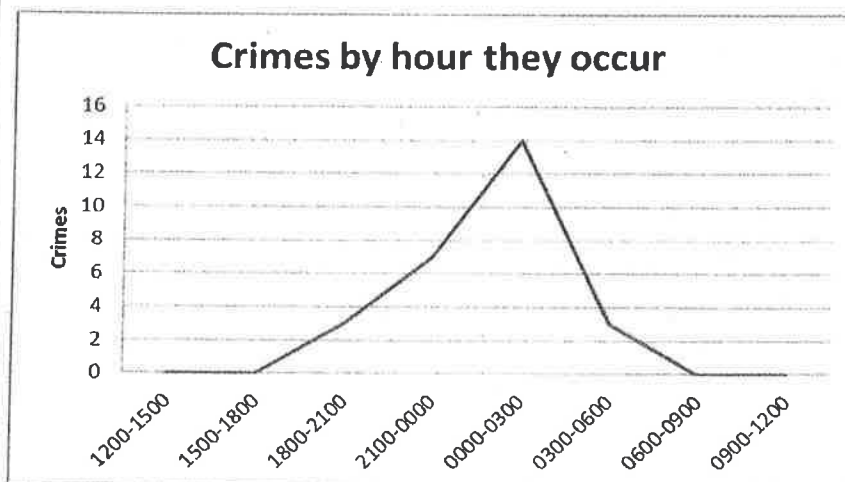
Page No 3 of 6

Continuation of Statement of: Chris LEADBEATER

Sunday will be recorded as such although will have occurred on the trading period of Saturday night.



The vast majority of crimes reported occur within the trading hours with a significant spike during the period 0000-0300, the latter part of The Nest's current operating hours.



For most crimes recorded the initial contact with police is made via telephone and a log is created via Webstorm. For the purpose of fairness I have not accounted for logs which subsequently were recorded as incidents as this was cause duplication. These calls specifically mention The Nest as the location of the incident, even if police contact has been

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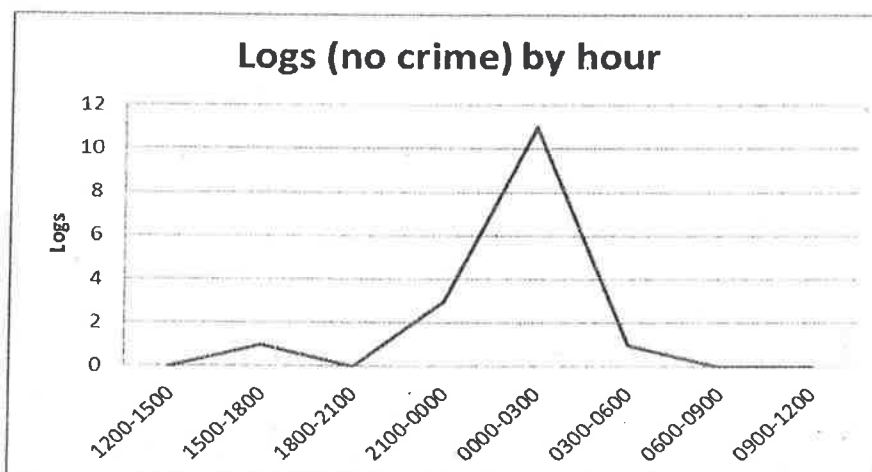
MG11

Page No 4 of 6

Continuation of Statement of: Chris LEADBEATER

made at a different location later on. For the data period selected 15 calls were made requesting Police at the location.

Again a clear spike can be seen for the period 0000-0300, the latter part of The Nest's operating hours.



It is again clear that the majority of calls occur on a Sunday, consistent with the latter part of Saturday evening's trading.



The type of call has also been analysed, with the most being a report of disorder.

Signature:

Signature witnessed by:

2010/11

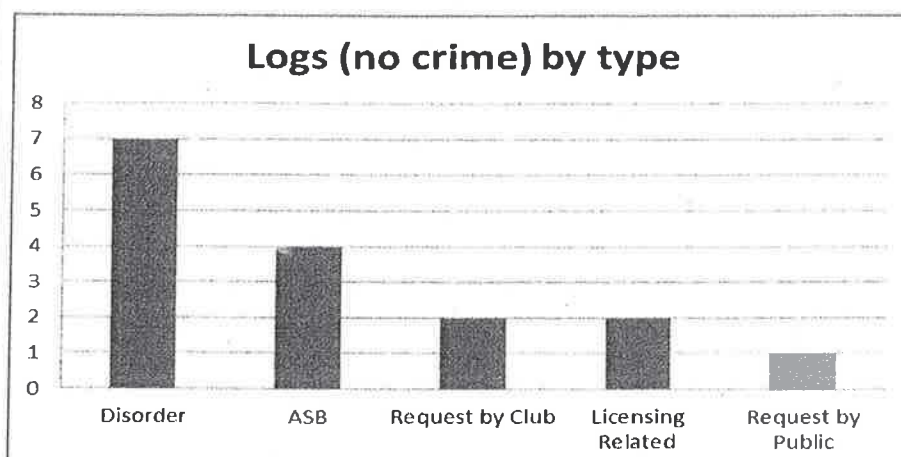
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Page No 5 of 6

Continuation of Statement of: Chris LEADBEATER



On two occasions I have conducted surface swabs at The Nest in order to establish levels of drug trace within the premise.

These swabs were later analysed on a GE Ion Trap Mobility Spectrometer. This device measures for most narcotic substances and interprets its results as a numerical reading.

A reading of 1-3 would be interpreted as trace contact only and would indicate that a substance has been transferred between surfaces.

A reading of 3-4 would indicate a higher level surface transfer or a low level direct transfer.

A reading of 4 plus would indicate direct contact with that substance on the surface.

On Thursday 28th November 2013 I visited The Nest as part of a multi agency licensing visit and conducted surface swabs. The results of that visit are presented below.

Location	Drug	Reading
Gents Toilet Shelf left hand side of urinals	Cocaine	4.66
Left Hand Stair rail Ground Floor to Basement	Cocaine	2.34
Customer side of Bar Ground Floor	Cocaine	1.3

Signature:

Signature witnessed by:

2010/11

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MG11

Page No 6 of 6

Continuation of Statement of: Chris LEADBEATER

On Friday 17th January 2014 I visited The Nest and conducted surface swabs. The results of that visit are presented below.

Location	Drug	Reading
Gents Shelf	Cocaine	5.78
Gents Shelf	Ketamine	1.40
Basement Far R/H/S Table	Cocaine	4.14
Ladies Shelf	Cocaine	5.84
Ground Floor Bar	Cocaine	1.00
Ground Floor Stair Shelf	Cocaine	1.61
Basement Table in front of door	Cocaine	2.59

I also conducted research into the numbers of recorded incidents of suspected criminality reported during the sample period for George Street itself and the bars and nightclubs contained within the immediate vicinity of The Nest. I have included only incidents which can be linked to the night time economy and have excluded any incidents that can be associated with The Nest as these have been accounted for earlier in the document.

82 incidents of suspected criminality were recorded during the sample period. Of these 31 cannot be specifically linked to any one premise and have been recorded as having occurred on the street.

Furthermore 19 of these incidents have occurred in the period 0200-0500.

158 calls were made to police during the sample period which can be attributed to the night time economy, of these 86 were made during the period 0200-0500.

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

AVON AND SOMERSET CONSTABULARY

RESTRICTED (when complete)

MG11T

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of Mark Antony HODDER

Age if under 18

Over 18

(if over insert 'over 18') Police Constable

This statement (consisting of 2 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature



Date 10/03/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC3908 HODDER of the Avon and Somerset Constabulary stationed at Bath Police Station. I am a trained operator of the Ion Track Itemiser GE Itemiser (3) Drug Trace Detection device which is used to check surfaces for traces of illicit drugs and explosives.

Cocaine is one of the most reactive and easy to detect substances in the Itemiser library. Responses are reported to the user by a simple and clear computer interface, an alarm strength number gives the intensity of the response. This strength is an indication of the amount of narcotic contamination that was collected on the Teflon coated fibreglass trap.

Following the wiping or swabbing of a surface with the trap, the trap is inserted into the Itemiser and analysed using the principles of Mass Spectrometry. (The traps used are cleaned and packaged by the manufacturers to ensure they are not contaminated before use).

Generally, a response of above 4.00 on the user interface (touch screen) can be classed as a "strong" response, indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

On Saturday 11th May 2013 at 01.41hrs, I was on duty in company with Pc3928 St BARBE-HUNT and Pc1682 PALMER when we attended BAROQUE Night Club, 7 BLADUD BUILDINGS, BATH BA1 5LS.

At the location my colleagues used sample traps provided by GE Securities to sample surfaces, using a fresh pair of gloves to take each sample. After sampling each trap was sealed into an individually numbered envelope, each identified with a reference number & location for later testing. Sampling inside the club was commenced at 01.45hrs and concluded at 01.52hrs.

On Sunday 12th May 2014 at 02.10hrs whilst at Bath Police Station and in company with Pc3928 St BARBE-HUNT I calibrated the Ion Track Itemiser device and used it to analyse the 6 sample traps taken from Baroque Night Club.

Using new clean gloves for each test, I unsealed each evidence envelope individually, removed the trap from the envelope and inserted it into the device.

As each trap is inserted into the device the particles collected on the trap are heated and vaporised. The particles in the vapour are then tested by the device. When drugs are detected by the device an alarm sounds and a reading shows the type and level of drug detected.

After each test I cleared the device by initiating a 'purging and self check analysis' prior to repeating

Signature:

Signature witnessed by:

2006/07 (1)

RESTRICTED (when complete)

Bath Police Station
Manvers Street, Bath BA1 1JN
Telephone: 101 Facsimile: 01225 842471
Office Hours: 0900-1700 Mon-Fri

Mr R Johnson
Baroque Night Club
7 Bladud Buildings
BATH BA1 5LS

Our Ref: EB/MP/LPP

Your Ref:

Date: 23rd May 2013

Dear Mr Johnson

Thank you for seeing my Licensing Officer, Martin Purchase and myself on Wednesday, 22nd May 2013.

On Sunday, 12th May the Police attended your premises, as you are aware, and used the drugs itemiser. Traces of drugs were found and this matter should receive your urgent attention.

The issues can be addressed by good pro-active management and I would expect to see improvement in these matters.

If there is anything I can do or advise you on concerning these issues, either myself or Martin Purchase would be more than happy to discuss them with you.

Yours sincerely

Inspector Steven Mildren
Neighbourhood Inspector
steven.mildren@avonandsomerset.police.uk

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	14/01968/LAPRE
Applicant's name:	Mr Roderick Johnson
Premises name and address:	The Nest 7 Bladud Buildings Bath BA1 5LS
Application for a:	Variation:

Objector Details:

Objector's Name:	Environmental Protection Team
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	Environmental Protection Lewis House Manvers Street Bath BA11JG
Organisation name if applicable:	Bath and North East Somerset Council

Objection Details:

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

ENVIRONMENTAL SERVICES
24 MAR 2014
Post Log No:
Receipt No:
CH/CA £.....

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Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

☐

My name is Nigel Shire and I am an Environmental Health officer working within the Environmental Protection service at Bath and North East Somerset Council.

During the past 8 months the Environmental Protection service has received numerous complaints (11) concerning noise and anti social behaviour from this premise.

The complaints received, detailed noise from music from the club and noise from patrons on the street to the front of the premise, whilst queueing to gain access or using the street for the purpose of smoking. All of the complaints made reference to activities causing nuisance throughout the operating times of the premise, but particularly after 00.00 and until 02.30. As part of my investigation noise monitoring equipment was installed at residents property to capture the alleged nuisance and on one occasion recordings indicated of licensing activities taken place outside of the permitted hours for licensable activities.

Investigations concluded that although the music levels did not constitute a Statutory Nuisance as defined under the Environmental Protection Act 1990 s79 1(g), the levels did cause nuisance.

The existing premise license has a condition attached that states

"Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises"

The owners Rod and Max Johnson along with the manager Harry Cochrane attended Banes offices in Lewis house on 18.12.2013 to listen to recordings of the music levels taken at complainants residences using a sound level monitor and agreement to control the levels using an existing "limiter" was agreed. This was instigated on the 20.01.2014.

Subjective noise assessments were conducted prior to the extension of the use of the existing "limiter" within the stairwell of 6 Bladud buildings and afterwards, the conclusion was that after the installation of the "limiter" a significant improvement in respect of volume from music was experienced.

Other concerns identified by residents in the vicinity of The Nest included the noise from patrons on the street to the front of the premise. Under current legislation this service is unable to take action in regard to noise on the street, unless created by vehicles, machinery or equipment.

The applicant has offered several conditions to address the prevention of public nuisance:

"The smoking area will close at 02.00hrs."

"There will be a no entry and no re-entry on Fridays & Saturdays after 02.00hrs"

"Amplified live music will cease at 23.00 hours every day"

"All recorded music to go through a noise level limiter"

My concerns are that unless the above are incorporated as conditions on the premise license then local residents may be subjected to increased levels of noise from both the premise music levels and

patrons using the exterior area to the front of the premise.

Currently the noise level limiter has been independently set to reduce the impact of excessive music volume on residents, I would therefore propose that the noise level limiter be formally set at an agreed level with officers from the Environmental Protection Service to promote the prevention of public nuisance licensing objective.

The applicant has offered a condition that "signage will be displayed in the front windows of the premise asking people to keep noise levels down"

I would suggest that the doorstaff are required to assist in the controlling of noise on the street from patrons to support the signage and the prevention of public nuisance licensing objective.

Other concerns relate to the dispersal of patrons leaving the premises, the applicant has stated that the extension of the licensing activity hours if granted will allow the gradual dispersal of customers, I fail to see how the premise can guarantee this gradual dispersal. The likelihood is that customers will remain in situ until the proposed end of licensing activities and disperse on masse at 03.00. similar to the existing situation at 02.00.

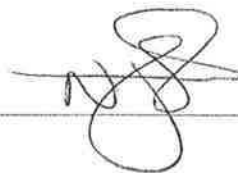
The applicant has offered that a dispersal policy will be written and implemented on Fridays and Saturdays. This policy will need to be robust and detail measures to move customers on, control the volume and prevent any anti-social behaviour (foul language, violence, urinating..etc.). I would suggest that this policy also ensures that adequate doorstaff are on duty for a minimum of one hour after licensable activities cease in the outside area of the premise to promote the prevention of crime and disorder licensing objective.

Therefore I would request that the licensing sub committee consider granting a temporary variation for a period of six months to enable the assessment and effectiveness of any control measures with respect to noise nuisance.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed

Nigel Shire



Date

24.03.2014

Contact telephone number(s)
(This is essential as we may need to contact
you at short notice)

01225 396651

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name Nigel Shire

I will be attending the hearing ☒ I will not be attending the hearing ☐

I will be represented at the hearing by _____

I will be calling the following witness(es):

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	14/01968/LAPRE
Applicant's name:	Maxrod Ltd
Premises name and address:	The Nest 7 Bladud Buildings, Bath, BA1 5LS
Application for a:	Variation of Premises Licence

Objector Details:

Objector's Name:	Ian Perkins and Sally Rothwell
Objector's Address: <small>This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.</small>	11 Pierrepont Street Bath BA1 1LA
Organisation name if applicable:	TARA and CARA

Objection Details:

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

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ENVIRONMENTAL SERVICES
28 MAR 2014
Post Log No:
Receipt No:
CH/CA £.....

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

☐

This representation is on behalf of both the Abbey Residents' Association (TARA) and the Circus Area Residents' Association (CARA) who both have members living near and affected by the trading of these premises

These premises are, as we understand it, subject to the cumulative impact policy.

The premises are very close to a number of noise and nuisance sensitive residential premises and both we, and as we understand it the local authority, have received numerous complaints regarding noise and nuisance associated with these premises and in particular from the noisy crowds who regularly stand outside. Many people in these crowds appear to us to be drunk. On one occasion we observed someone in a group leaving these premises with a pint glass of what appeared to be lager and walk up George Street to join his friend in the crowd outside Moles which led us to further question the management of crowds and drinking at these premises.

The offer at these premises is based on vertical drinking and often highly amplified music, see attached pictures.

These premises sit at the end of the George Street area. This area until recently was regarded as the worst area in Bath for drink fuelled anti-social behavior. Hard work by a number of organisations and agencies and in particular by licencing officers and the licensing committee have started to turn this area around. This improvement has been achieved by encouraging more responsible proprietors and managers, more effective enforcement and much tighter better structured conditions. It would be regrettable if this progress was undermined by allowing a these premises to extend their hours of operations.

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.

Signed

Ian Perkins and Sally Rothwell

Date

27.03.14

Contact telephone number(s)
(This is essential as we may need to contact
you at short notice)

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

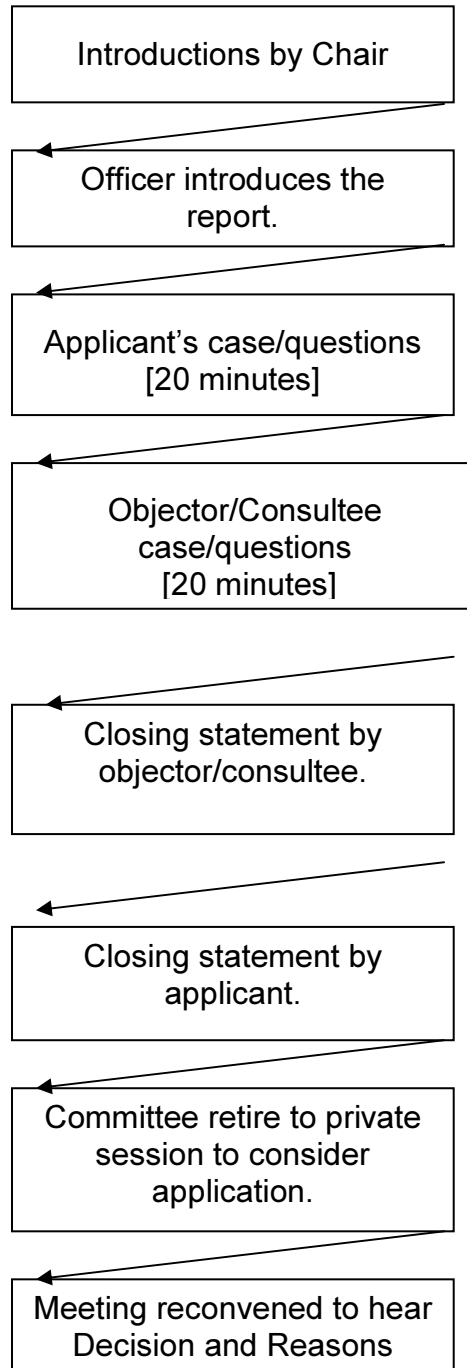
Name Ian Perkins and Sally Rothwell

I will be attending the hearing ☒ I will not be attending the hearing ☐



**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

OVERVIEW



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**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant and or representative present their case and may be questioned by the Committee and other parties.
4. The Applicant may call witnesses in support who may be questioned by the Committee and other parties.
5. The objecting parties address the Committee and can be questioned by the Committee and other parties on matters relevant to the application. Any person presenting evidence for an objecting party may also be questioned by Members and other parties.
6. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be questioned.
7. The parties are invited to make closing statements.
8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
9. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.
10. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Bath & North East Somerset Council		
MEETING: Licensing Sub Committee		
DATE: Tuesday 29 th April 2014		AGENDA ITEM NUMBER
TITLE: Application for permission to provide facilities on the highway for recreation/refreshment at The Porter, 2 Miles's Buildings, Bath BA1 2QS		
WARD: Abbey		
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application		
Annex B Site Plan		
Annex C Council's Standard Conditions		
Annex D Highways Notice		
Annex E Objections		

1 THE ISSUE

- 1.1 An application has been received for permission to provide facilities on the highway in respect of **The Porter**, 2 Mile's Buildings, Bath BA1 2QS.

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £246.

4 STATUTORY CONSIDERATIONS

- 4.1 Sections 115 A-K Highways Act 1980 give the Council discretion to grant permission to provide, maintain and operate facilities for recreation and/or refreshments on the highways subject to any reasonable conditions the Council thinks fit.
- 4.2 When making a decision consideration needs to be given to the Human Rights Act 1998.

- 4.3 An Equalities Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

5 THE REPORT

- 5.1 An application has been received for permission to provide facilities on the highway in respect of **The Porter**, 2 Mile's Buildings, Bath BA1 2QS (*Annex A*).
- 5.2 The application is for permission to place **16 tables** on the highway outside the premises along with appropriate seating, **boundary markers** and **3 planters** at basement level (site plan attached at *Annex B*).
- 5.3 The Council's standard conditions for permission to place tables and chairs on the highway are attached at *Annex C*.
- 5.4 The size of the area applied for is **11.5 m x 0.5 m** to the front of the premises (George Street) and **13.5 m x 2.3 m** to the side of the premises (Miles's Buildings).
- 5.5 The times applied for are:
Every Day from 10:00 to 23:00 hours
- 5.6 The existing permit which expired on 31st March 2014 permitted the following:
16 tables on the highway outside the premises, along with appropriate seating and **boundary markers**.

Size: **11.5 m x 0.5 m** to the front of the premises (George Street) and **13.5 m x 2.3 m** to the side of the premises (Miles's Buildings).

Times: **Every Day from 10:00 to 23:00 hours**
- 5.7 The **changes** from the last permit issued are therefore **3 planters** outside the basement entrance.
- 5.8 A notice was placed on the highway on 19th February 2014 (*Annex D*). The application was also placed on the Council's website.
- 5.9 Objections have been received from local residents, along with a joint objection from The Abbey Resident's Association (*TARA*) and The Circus Resident's Association (*CARA*). The grounds for objection allege obstruction of the highway and public safety issues.

(Copies attached at Annex E).

6 RATIONALE

- 6.1 As objections have been received the Licensing Sub Committee must determine the application in accordance with Part VIIA, Highways Act 1980.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 In accordance with current Bath & North East Somerset Council policy, the Licensing Service consulted with the Police, the Council's Highways Maintenance Services, Property Services and Development Control Services, Ward Councillors and affected frontages. The Highways Agency was also consulted for applications involving trunk roads outside of the city centre.

8.2 This report has not been sent to the Trades Union because they would have no involvement in this application.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken in compliance with the Council's decision making risk management guidance.

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director-Legal & Democratic Services), section 151 Officer (Divisional Director-Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Contact person	Kirsty Morgan, Public Protection Officer Telephone: 01225 396719
Background papers	None
Please contact the report author if you need to access this report in an alternative format.	

APPLICATION

Bath & North East
Somerset Council

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980

PERMISSION TO PLACE AMENITIES ON THE HIGHWAY

PORTER PUBLIC HOUSE 2 MILES'S BUILDINGS BATH BA1 2QS

I/We CHILES THOMAS

hereby give notice that I/we intend to apply for a permit in accordance with the particulars in the attached Schedule.

NEW applicants only to complete the following section

- ☐ I/We enclose an illustration/photo of the type, colour and dimensions of the furniture
- ☐ I/We enclose a site plan indicating the dimensions of the area of highway upon which we wish to place the above furniture (all plans should be drawn to scale)

Applicants REAPPLYING only to complete the following section

(please check the attached application form and amend the details as necessary)

- ☒ I/We certify that there have been no alterations to the size of the area
- ☒ I/We certify that there have been no alterations to the number or style of the furniture
- ☐ I/We enclose the maps/diagrams and/or photographs illustrating change to area/furniture

ALL applicants to complete the following section

To make the payment please call us on and quote reference 14/00473/TABLE (NB there will be an additional charge of 2.5% for credit card payments).

- ☒ I/We are using tables and have paid the fee as follows:

- Application fee of £251
- 16 tables @ £67 each
- £34 if any other items are used

TOTAL FEE £1629

£1357.00

- ☐ I/We are not using tables and have paid the fee as follows:

- Application fee of £251
- 9 other items @ £34 each

TOTAL FEE £1629

(please specify e.g. chairs, parasols etc.)

£1357.00

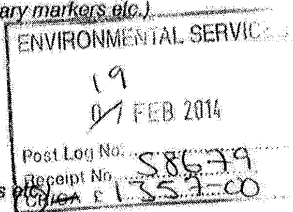
- ☐ I/We declare that the information given in this application is true.

Signed by the applicant(s)

Dated

3 FEB 2014

Please email the completed application to licensing@bathnes.gov.uk



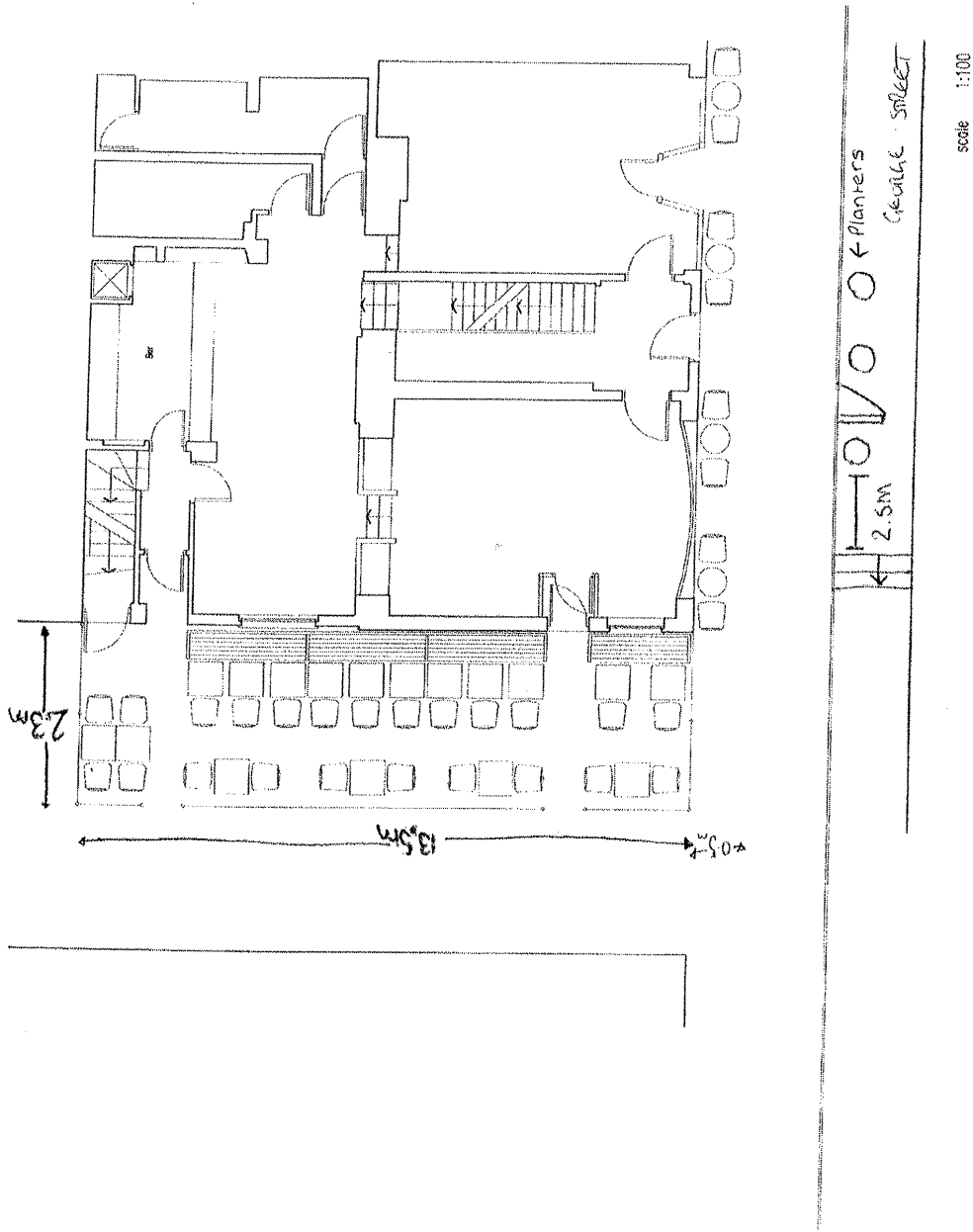
APPLICATION

**Bath & North East
Somerset Council**

Local Government (Miscellaneous Provisions) Act 1982
Part VIIA Highways Act 1980
Permission to Place Amenities on the Highway at Porter Public House
2 Miles's Buildings Bath BA1 2QS

1	Full name and address of each applicant	Mr Giles Thomas Charlcombe Grove Farm Charlcombe Bath BA1 9BQ
2	Contact telephone number	01225 424104
3	Period of time for which the permit is required (maximum one year)	From: 1 April 2014 To:
4	Number of tables	16
5	Number other items (e.g. planters, boundary markers)	9
6	If no tables used, number of chairs, parasols etc.	9
7	Size/Dimensions of area	11.5 m x 0.5 m to the front 13.5 m x 2.3 m to the side
8	The Council must notify any "affected frontagers" of this application. Please provide details of the adjoining premises.	Hole In The Wall 16 George Street Bath BA1 2EN Savilles Estate Agents 17 George Street Bath BA1 2EN Juice Recruitment Ltd 12 Miles's Buildings Bath BA1 2QS Timing Ltd 3 Miles's Buildings Bath BA1 2QS Moles Studios 14 George Street Bath BA1 2EN
9	Days of the week and hours of operation on those days	Every Day 10:00 - 23:00

APPLICATION



APPLICATION

Photographs of planters at basement level



NB. There are only 3 planters being applied for - The planter closest to the camera is not being applied for.

APPLICATION



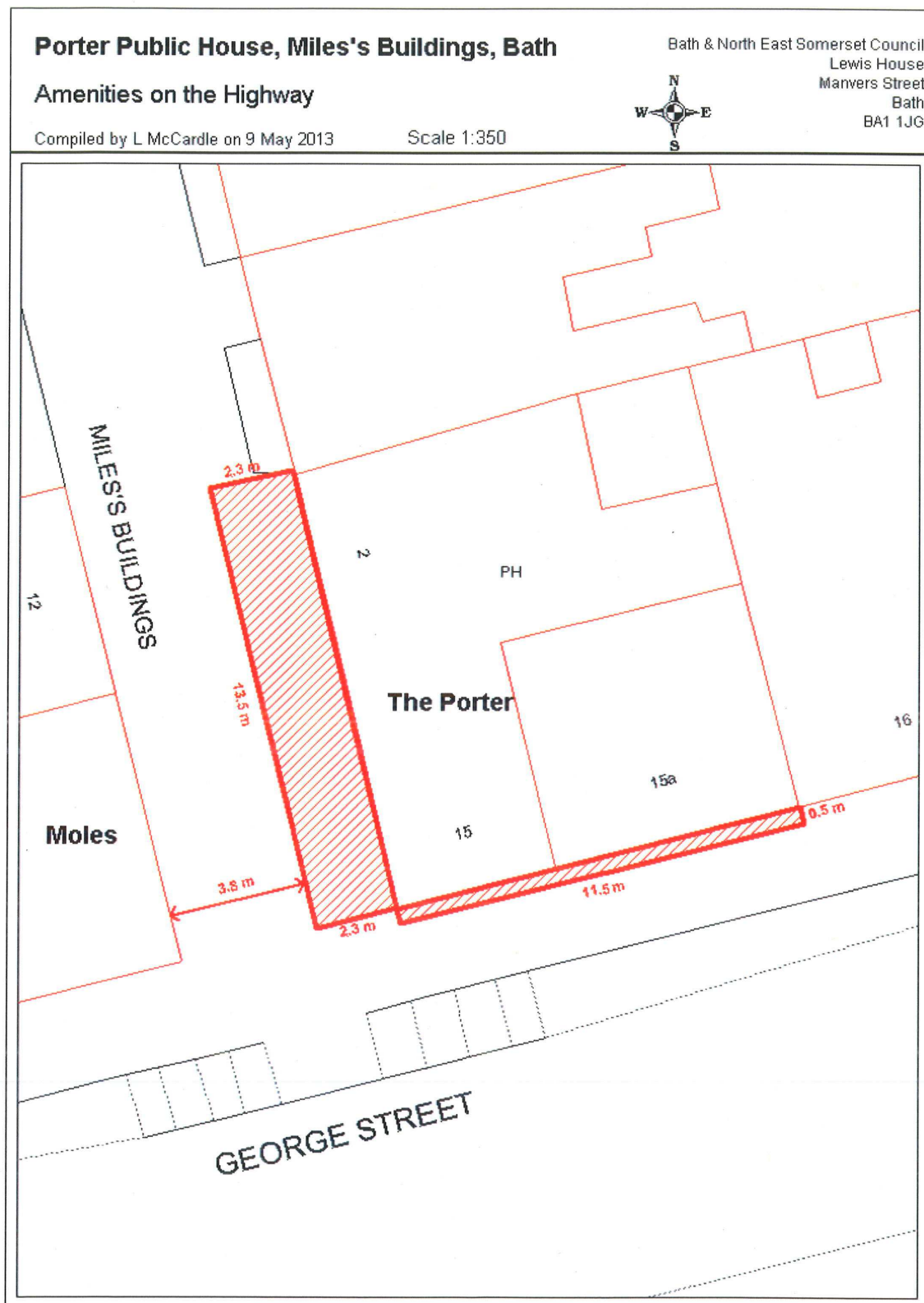
NB. There are only 3 planters being applied for - The planter closest to the camera is not being applied for.

APPLICATION



NB. There are only 3 planters being applied for - The planter closest to the steps is not being applied for.

SITE PLAN



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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980
PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY**

CONDITIONS

- 1 The holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission.
- 2 The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the Bath & North East Somerset Council.
- 3 The holder(s) shall return this Permission to the Service Manager immediately on revocation of this Permission.
- 4 The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
- 5 The holder(s) shall not use or suffer or permit any music playing music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this Permission.
- 6 The holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
- 7 The holder(s) shall not use the highway for any other purpose whatsoever nor at any time other than during the permitted hours, other than lawfully passing or re-passing thereover as (a) member(s) or the public.
- 8 The holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
- 9 Notwithstanding the specific requirement in Condition 5 above the holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of the Bath & North East Somerset Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
- 10 The holder(s) shall not assign, underlet or part with any interest or possession given by this Permission or any part thereof but the holder(s) may surrender it at any time.
- 11 The holder(s) shall observe and comply with any directions in relation to the use of the highway given by the Service Manager, or the Head of Engineering Services for the time being of the Bath & North East Somerset Council. Examples include the temporary removal of amenities during road closures, parades etc.
- 12 The holder(s) shall maintain the area shown on the plan attached to this Permission and edged in red, and the immediately adjacent area, in a clean and tidy condition during the permitted hours and shall leave the same in a clean and tidy condition and unobstructed, which shall include washing down the area, at the end of each daily period of use and on revocation or surrender of this Permission.

- 13 The holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required by the Head of Engineering Services and ensure that the same are emptied daily.
- 14 The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Permission at the expiry, surrender or revocation of the Permission.
- 15 The holder(s) shall indemnify and save harmless the Bath & North East Somerset Council their agents, servants and workmen from and against all proceedings, claims, damages, costs or expenses in respect of any injury (including personal injury) in damage or loss which may be sustained by the Council or any person or persons, body or company whatever arising out of or in any way connected with the provision or use of facilities under this Permission, accept where such injury, damage or loss is attributable to the negligence of the Council.
- 16 This Permission may be revoked by the Bath & North East Somerset Council at any time and the Bath & North East Somerset Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder(s) in respect of such revocation.
- 17 Nothing herein contained shall be construed as the granting or purported granting by the council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1971 or any statutory modification or re-enactment thereof for the time being in force.
- 18 The holder shall, whilst members of the public are using the facilities provided for the consumption of intoxicating liquor, provide and maintain in a prominent position, to the satisfaction of the Service Manager, notices in the form approved by him concerning the provisions of the Byelaw made by the Bath City Council on 30th January 1991 relating to the consumption of intoxicating liquor in public places.

Notes:

- 1 Section 115K of the Highways Act 1980 provides as follows:-
 - (1) If it appears to a council that a person to whom they have granted a permission under section 115E of this Act has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.
 - (2) If a person on whom a notice is served under sub-section (1) of this Act fails to comply with the notice, the council may take the steps themselves.
 - (3) Where a council have incurred expenses in the exercise of the power conferred on them by sub-section (2) of this Act, those expenses, together with interest at such reasonable rate as the council may determine from the date of service of a notice of demand for the expenses, may be recovered by the council from the person on whom the notice under sub-section (1) of this Act was served.
- 2 Failure to comply with any Condition of the Permission will require the Council to consider whether any subsequent Permissions should be granted to the holder(s) of this Permission.

**BATH & NORTH EAST SOMERSET COUNCIL
ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES (BATH) ORDER 2004**

This Order is made under the Criminal Justice and Police Act 2001 and relates to the consumption of alcohol in a Public Place. For the purposes of the Order, your premises and the area covered by your permit are not a Public Place.

Where a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place. The constable may require the person concerned either not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol; or to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol. A constable may dispose of anything surrendered to him in such manner as he considers appropriate.

A person who fails without reasonable excuse to comply with a requirement imposed on him under in such circumstances commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500).

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART VIIA HIGHWAYS ACT 1980

PORTER PUBLIC HOUSE 2 MILES'S BUILDINGS BATH BA1 2QS

NOTICE IS HEREBY GIVEN that an application has been made to Bath & North East Somerset Council by the proprietor of the abovementioned premises for permission to provide facilities for recreation or refreshment consisting of a number of tables and chairs in or on that part of the highway specified above until:

31 March 2015

and at the following times:

Every Day 10:00 - 23:00 hours

Further information about the above application, including the area of footpath or footway, may be obtained by calling at the address below.

If you wish to make any representations to the Council regarding the above application you should do so in writing to the undersigned within 28 days from the date of this notice.

Under the provisions of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, such representations will normally be made available for public inspection.

Dated 19 February 2014



Cathryn Humphries
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Email: licensing@bathnes.gov.uk

OBJECTIONS

Sent: 20 February 2014 09:33

To: Licensing

Cc: Sally Rothwell; Lawrence Jones; Ian Perkins Brian Webber (Cllr); manda rigby

Subject: Tables and chairs at the Porter 14/00473/TABLE

I went onto the Council website and there appears to be no simple means to file an objection to this application so I am sending this e-mail instead.

I object to any granting of additional tables and chairs to be placed along George Street directly outside the Porter. The pavement is already narrow in front of The Porter and I note that the applicant, in an effort to squeeze in these chairs, states they will be placed up against the building protruding no more than 50cm. That will be impossible to achieve and realistically will not occur. People will not be prepared to sit with their clothing brushing against the stonework and it is inevitable that customers will move these tables away from the building and indeed place chairs facing the building causing an unnecessary bottleneck. Planning permission was refused in May 2013 for any tables and chairs to be placed along the front of the building 13/00848/FUL. During the planning hearing the applicant stated that these particular tables and chairs were only required for the morning trade but now their application seeks to allow these to be placed outside till 11pm each night. From 10pm onwards large noisy queues often form outside Moles frequently stretching passed these premises and the presence of these tables and chairs will ensure that this pavement will be totally blocked to the residents of Miles Buildings and pedestrians in general who will then have to cross the A4 twice to get to or from Gay Street, The Circus, Royal Crescent and all the residential areas around. As it is I believe the applicant is in contravention of his planning and possibly his license approvals as modern low height doors have now been installed from the lower ground/vault live music bar leading directly out into the busy main A4 traffic along George Street. It is just a matter of time before a drunken customer walks directly into the path of a vehicle. Furthermore this lower section of the pavement is now also totally blocked with planters and waste bins etc, belonging to the applicant ensuring that any customer or pedestrian taking the lower pavement route to avoid the top route passed these premises now has to step out into this busy main road.

This applicant already has a large number of tables and chairs placed on the public realm at virtually no cost but considerable financial gain and should not be granted yet more public space that will cause further congestion and potential safety issues particularly in the late evening.

Please would you acknowledge receipt of this objection. Thank you.

Robin Davies
18 Gay Street
Bath

OBJECTIONS

From: Brian Webber (Cllr)
Sent: 27 February 2014 08:57
To: Licensing
Subject: Porter Public House - 14/00473/TABLE

Licensing

I wish to object to the setting out of tables and chairs on the George Street frontage. This is an important pedestrian route and is narrow at this point, unlike the wide paved area further east towards Edgar and Princes Buildings. Tables and chairs inevitably creep when in use. Pedestrian flows in the city centre are increasing, and it is essential to protect its walkability.

Mr Thomas's establishment is an attractive one, which I enjoy visiting from time to time. I do not think it needs tables and chairs on this frontage to sustain its success.

(Cllr) BRIAN WEBBER
Abbey Ward

27 February 2014

OBJECTIONS

From: Lawrence Jones

Sent: 23 February 2014 19:28

To: Licensing

Subject: Tables and chairs at the Porter 14/00473/TABLE

Dear Sir

May I please endorse all the comments of Robin Davies in his EMail to you of 20 February objecting to this application I need not repeat all he says However I would add the following

It is not unreasonable for the restaurant premises in George St going east from Savills to have outside tables and chairs as the pavement there is considerably wider than that outside the Porter They do not in any way impede the pedestrian flow and in fact add to the attraction of this area

The Porter already have some 10 tables alongside their premises in Miles Buildings where again the pavement is considerable wider than that on George Street These tables never seem to be fully used

The suggestion of further tables in George Street would be a very major obstruction to the pedestrian flow

Robin Davies also refers to the entrance which has been created to the Porter basement 'night club' advertising drinks and music This entrance is immediately on George Street which is a very busy traffic street and is indeed creating a major accident risk as people leave the basement bar or mill around awaiting to enter Frankly I am quite amazed this entrance was ever agreed by the authorities

I fully accept that the new Porter restaurant has created an entirely different clientele to the old Porter public house but it was my understanding that the application to create this restaurant made no reference to a basement night time night club and it was the very core of the application that the NEW Porter would attract a different clientele who would be more suited to the residential area in Miles Buildings and the Circus The new night club is in direct conflict with this rationale and returns to the conflicts which previously existed and continue with the Moles late night disco It is sad the proprietors of the Porter have breached the confidence they claimed to seek from the adjoining residents

I hope that these comments alongside those of |Robin Davies will be fully taken into consideration

Lawrence Jones

20 Gay Street

BATH BA1 2PD

OBJECTIONS

From: gillian ryan
Sent: 10 March 2014 19:35
To: Licensing
Subject: The Porter Public House - 14/00473/Table

Dear Sirs -

Re: The Porter Public House – license 14/00473/Tables

I live at No 7 Miles's Buildings near The Porter and take issue about the licensing for tables outside - currently only in Miles's Buildings and supposedly from 10 to 23 hours, although usually laid out several hours before and after. Their application for more tables around on the George Street side we all oppose for the following reasons:

- * This is a major passage way along George Street and any tables would inhibit those passing by;
- * With the Porter's 'Night Club' below on George Street itself there is frequent disruption, both up and down the stairway, with apparently no control of the those piling in and out, adding to the absurdity of having tables there as well.
- * As my house had a buyer recently, they withdrew their offer (confirmed by Hamptons) because of the noise and confusion erupting from the Porter's 'Night Club' on George Street. The addition of tables would merely aggravate this situation.

All of us in Miles's Buildings sincerely hope that this permission is not granted.

Yours sincerely
Gillian Kersley Ryan

OBJECTIONS

Reference: 14/00473/TABLE

Applicant Name:	Mr Giles Thomas
Type of Application:	Renewal of Tables and Chairs
Trading As:	Porter Public House
Address:	2 Miles's Buildings, Bath, BA1 2QS

We are objecting to the above application on behalf of both the Abbey (TARA) and Circus Area Residents' Associations (CARA).

The basis of our objection is both the risk of public nuisance and the risk to public safety.

Our objections are as follow:

Proposed hours:

The premises are located very close to a number of noise sensitive residential premises and the applicant has a poor track record on clearing tables and chairs away by the time designated in their license. We would therefore suggest an end time of 22:00.

Tables on George Street:

The usable pavement in front of these premises on George Street is extremely narrow and subject to high levels of pedestrian traffic both during the day, at night and into the early hours of the morning. The two large A board which the premises currently put in this area, we believe in breach of the council A-board policy, already cause problems at times of peak use. Tables and chairs would cause considerably more problems particularly for wheel chair and mobility scooter users.

Basement Planters:

It is a matter of considerable concern to us that these premises have decided to use the basement door a principal entry and exit point. We have observed large groups of often inebriated and distracted customers using this entrance and crowding on to the tiny area of pavement between it and the stairs from the upper pavement and the waste bins which the neighbouring premises store on the lower pavement. Crowd jostling and ill considered decisions to cross George Street often causes people to step off this small pavement area and into the road. This road is one of the major routes through Bath and is often used by emergency service vehicles travelling at high speed, traffic is often accelerating away from the blind bend junction with Gay Street and the stairs obstruct their view of people on the small area of pavement. We therefore view the suggestion that this small area should be further reduced by the addition of quite unnecessary planters as a significant issue of public safety.

In addition to the above we are advised by the Highway Authority that the lower pavement is subject section S142 of the Highways Act which makes them the licencing authority for the placing of shrubs and trees.

Ian Perkins Chairman TARA and Sally Rothwell Chairman CARA

Contact details: 11 Pierrepont Street, Bath, BA1 1LA

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Bath & North East Somerset Council		
MEETING: Licensing Sub Committee		
DATE:	Tuesday 29 th April 2014	AGENDA ITEM NUMBER
TITLE:	Application for permission to provide facilities on the highway for recreation/refreshment at Roscoff Deli 18 Northumberland Place Bath BA1 5AR	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application		
Annex B Site Plan		
Annex C Council's Standard Conditions		
Annex D Highways Notice		
Annex E Objection from Bath & North East Somerset Council, Highways Department		

1 THE ISSUE

- 1.1 An application has been received for permission to provide facilities on the highway in respect of **Roscoff Deli**, 18 Northumberland Place, Bath BA1 5AR.

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

3 RESOURCE IMPLACATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £241.

4 STATUTORY CONSIDERATIONS

- 4.1 Sections 115 A-K Highways Act 1980 give the Council discretion to grant permission to provide, maintain and operate facilities for recreation and/or refreshments on the highways subject to any reasonable conditions the Council thinks fit.
- 4.2 When making a decision consideration needs to be given to the Human Rights Act 1998.

- 4.3 An Equalities Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

5 THE REPORT

- 5.1 An application has been received for permission to provide facilities on the highway in respect of **Roscoff Deli**, 18 Northumberland Place, Bath BA1 5AR (*Annex A*).
- 5.2 The application is for permission to place **3 tables** on the highway outside the premises, along with appropriate seating (site plan attached at *Annex B*).
- 5.3 The Council's standard conditions for permission to place tables and chairs on the highway are attached at *Annex C*.
- 5.4 The size of the area applied for is **3.3 m x 1.90 m**.
- 5.5 The times applied for are:
Monday to Saturday from 07:00 to 19:00 hours
Sunday from 09:00 to 19:00 hours
- 5.6 The existing permit which expired on 31st March 2014 permitted the following:
3 tables on the highway outside the premises along with appropriate seating
Size of the area: **3.3 m x 1.06 m**
Times: **Monday to Saturday from 07:00 to 19:00 hours**
Sunday from 09:00 to 19:00 hours
- 5.7 The **changes** since the last permit issued are; an **increase in the size of the area** from 3.3 m x 1.06 m to 3.3 m x 1.90 m.
- 5.8 A notice was placed on the highway on 24th February 2014 (*Annex D*). The application was also placed on the Council's website.
- 5.9 An objection has been received from **Bath & North East Somerset Council, Highways Department**. The grounds for objection allege granting the application would lead to obstruction of the highway.

(Copy attached at *Annex E*).

6 RATIONALE

- 6.1 As objections have been received the Licensing Sub Committee must determine the application in accordance with Part VIIA, Highways Act 1980.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

- 8.1 In accordance with current Bath & North East Somerset Council policy, the Licensing Service consulted with the Police, the Council's Highways Maintenance Services, Property Services and Development Control Services, Ward Councillors and affected frontages. The Highways Agency was also consulted for applications involving trunk roads outside of the city centre.
- 8.2 This report has not been sent to the Trades Union because they would have no involvement in this application.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken in compliance with the Council's decision making risk management guidance.

10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Divisional Director-Legal & Democratic Services), section 151 Officer (Divisional Director-Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Contact person	Kirsty Morgan, Public Protection Officer 01225 396719
Background papers	None
Please contact the report author if you need to access this report in an alternative format.	

APPLICATION

**Bath & North East
Somerset Council**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980**

PERMISSION TO PLACE AMENITIES ON THE HIGHWAY

ROSCOFF DELI 18 NORTHUMBERLAND PLACE BATH BA1 5AR

I/We ROSARIO BARETTA SHAW

hereby give notice that I/we intend to apply for a permit in accordance with the particulars in the attached Schedule.

NEW applicants only to complete the following section

- ☐ I/We enclose an illustration/photo of the type, colour and dimensions of the furniture
- ☐ I/We enclose a site plan indicating the dimensions of the area of highway upon which we wish to place the above furniture (all plans should be drawn to scale)

Applicants REAPPLYING only to complete the following section

(please check the attached application form and amend the details as necessary)

- ☐ I/We certify that there have been no alterations to the size of the area
- ☐ I/We certify that there have been no alterations to the number or style of the furniture
- ☐ I/We enclose the maps/diagrams and/or photographs illustrating change to area/furniture

ALL applicants to complete the following section

To make the payment please call us on 01225 477556 and quote reference 14/00493/TABLE (NB there will be an additional charge of 2.5% for credit card payments).

- ☐ I/We are using tables and have paid the fee as follows:
- Application fee of £251
 - 3 tables @ £67 each
 - £34 if any other items are used
- (please specify e.g. planters, boundary markers etc.)*

TOTAL FEE £452

- ☐ I/We are not using tables and have paid the fee as follows:
- Application fee of £251
 - 0 other items @ £34 each
- (please specify e.g. chairs, parasols etc.)*

TOTAL FEE £452

- ☒ I/We declare that the information given in this application is true.

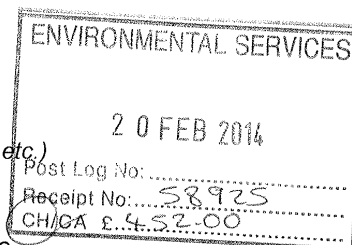
Signed by the applicant(s)

[Signature]

Dated

19/2/14

Please email the completed application to licensing@bathnes.gov.uk

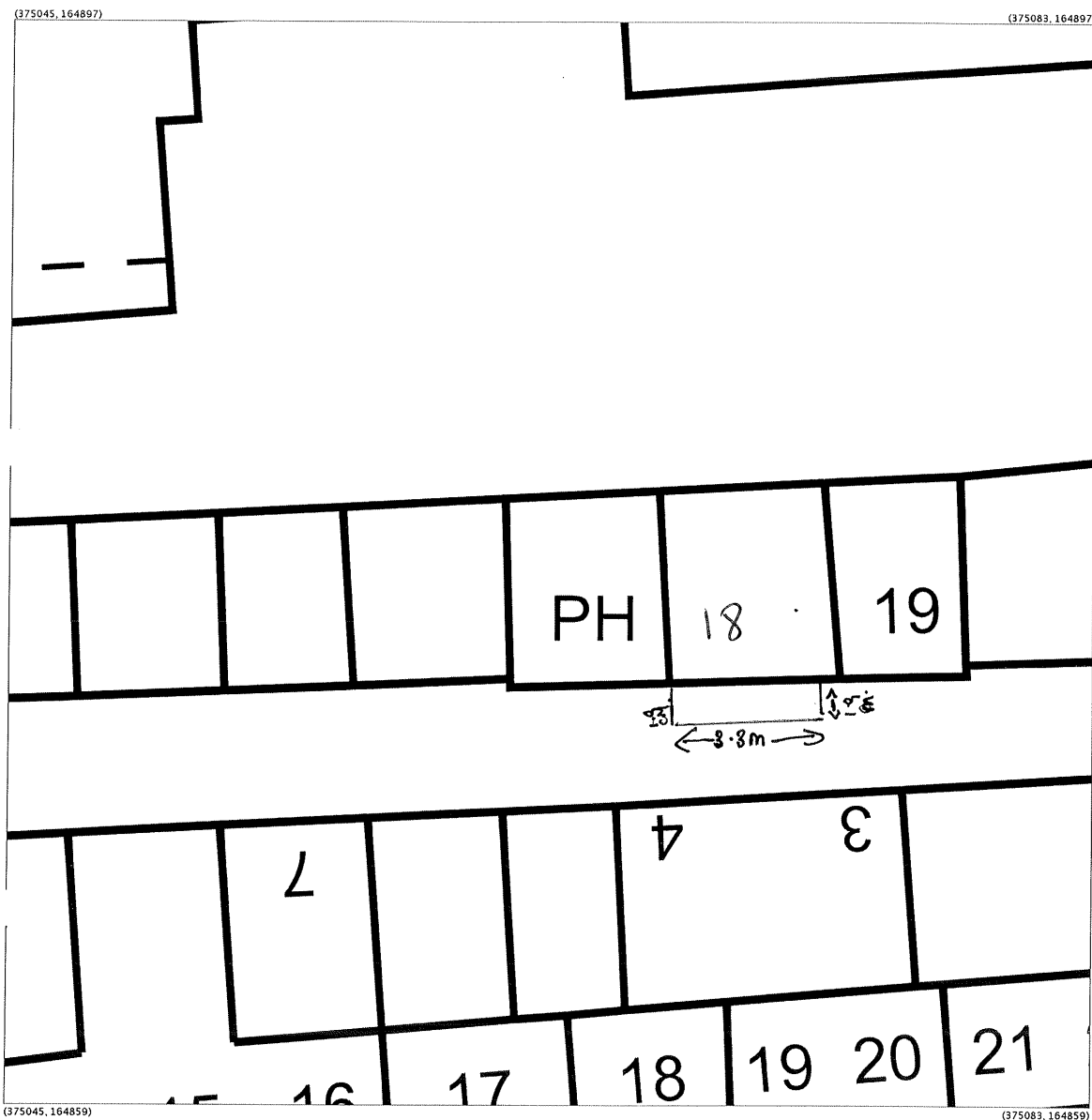


14/00493/TABLE

APPLICATION

12	If yes, please state your premises licence number	11 / 01161 / LAKE
----	---	-------------------

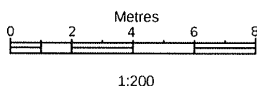
APPLICATION



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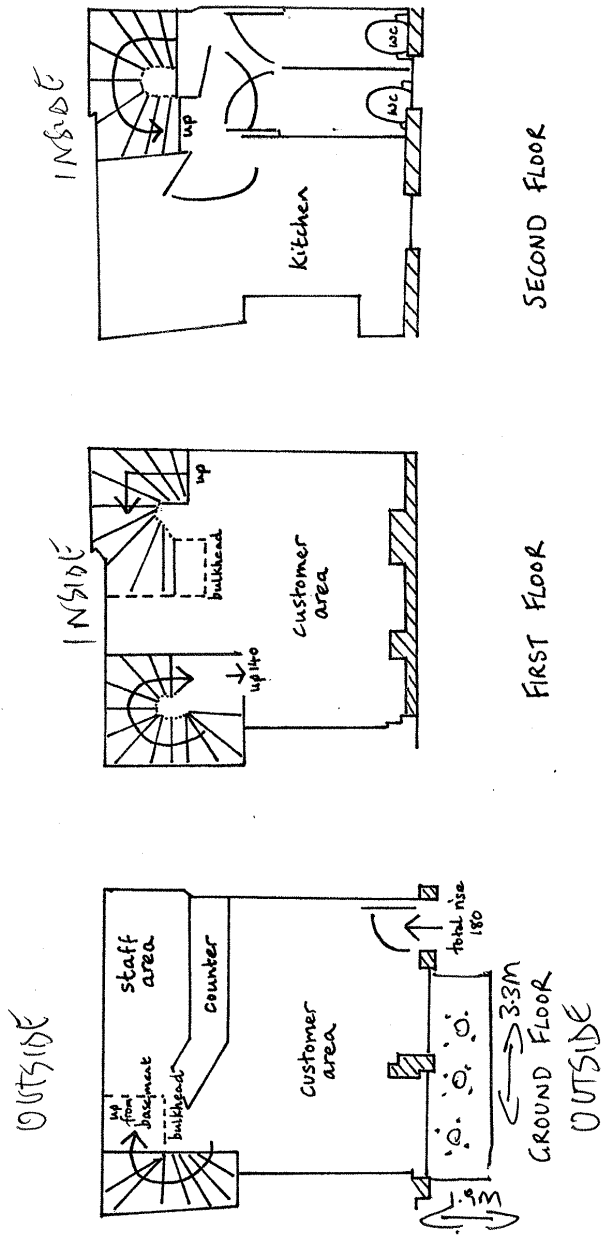


Supplied by: **Stanfords**
Reference: OI499789
Centre coordinates: 375064 164878

18 NORTHUMBERLAND PLACE
BATH
BA1 5AR

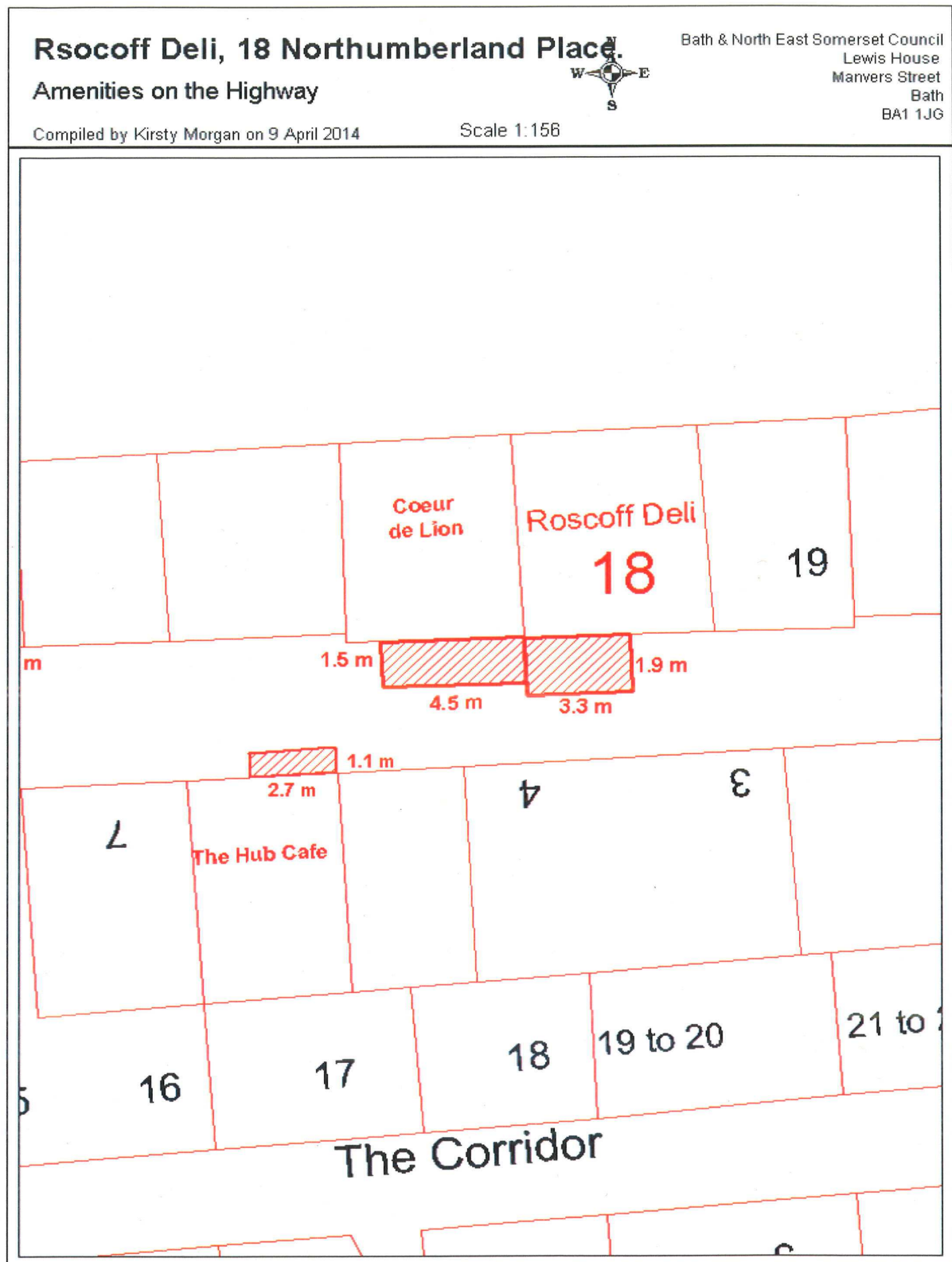
ENVIRONMENTAL SERVICES	
04 MAR 2014	
Post Log No:
Receipt No:
CH/CA £

APPLICATION



SCALE 1cm : 1 metre
18 Northumberland Place, Bath

SITE PLAN



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SITE PLAN



SITE PLAN



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980
PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY**

CONDITIONS

- 1 The holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission.
- 2 The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the Bath & North East Somerset Council.
- 3 The holder(s) shall return this Permission to the Service Manager immediately on revocation of this Permission.
- 4 The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
- 5 The holder(s) shall not use or suffer or permit any music playing music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this Permission.
- 6 The holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
- 7 The holder(s) shall not use the highway for any other purpose whatsoever nor at any time other than during the permitted hours, other than lawfully passing or re-passing thereover as (a) member(s) or the public.
- 8 The holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
- 9 Notwithstanding the specific requirement in Condition 5 above the holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of the Bath & North East Somerset Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
- 10 The holder(s) shall not assign, underlet or part with any interest or possession given by this Permission or any part thereof but the holder(s) may surrender it at any time.
- 11 The holder(s) shall observe and comply with any directions in relation to the use of the highway given by the Service Manager, or the Head of Engineering Services for the time being of the Bath & North East Somerset Council. Examples include the temporary removal of amenities during road closures, parades etc.
- 12 The holder(s) shall maintain the area shown on the plan attached to this Permission and edged in red, and the immediately adjacent area, in a clean and tidy condition during the permitted hours and shall leave the same in a clean and tidy condition and unobstructed, which shall include washing down the area, at the end of each daily period of use and on revocation or surrender of this Permission.

- 13 The holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required by the Head of Engineering Services and ensure that the same are emptied daily.
- 14 The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Permission at the expiry, surrender or revocation of the Permission.
- 15 The holder(s) shall indemnify and save harmless the Bath & North East Somerset Council their agents, servants and workmen from and against all proceedings, claims, damages, costs or expenses in respect of any injury (including personal injury) in damage or loss which may be sustained by the Council or any person or persons, body or company whatever arising out of or in any way connected with the provision or use of facilities under this Permission, accept where such injury, damage or loss is attributable to the negligence of the Council.
- 16 This Permission may be revoked by the Bath & North East Somerset Council at any time and the Bath & North East Somerset Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder(s) in respect of such revocation.
- 17 Nothing herein contained shall be construed as the granting or purported granting by the council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1971 or any statutory modification or re-enactment thereof for the time being in force.
- 18 The holder shall, whilst members of the public are using the facilities provided for the consumption of intoxicating liquor, provide and maintain in a prominent position, to the satisfaction of the Service Manager, notices in the form approved by him concerning the provisions of the Byelaw made by the Bath City Council on 30th January 1991 relating to the consumption of intoxicating liquor in public places.

Notes:

- 1 Section 115K of the Highways Act 1980 provides as follows:-
 - (1) If it appears to a council that a person to whom they have granted a permission under section 115E of this Act has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.
 - (2) If a person on whom a notice is served under sub-section (1) of this Act fails to comply with the notice, the council may take the steps themselves.
 - (3) Where a council have incurred expenses in the exercise of the power conferred on them by sub-section (2) of this Act, those expenses, together with interest at such reasonable rate as the council may determine from the date of service of a notice of demand for the expenses, may be recovered by the council from the person on whom the notice under sub-section (1) of this Act was served.
- 2 Failure to comply with any Condition of the Permission will require the Council to consider whether any subsequent Permissions should be granted to the holder(s) of this Permission.

**BATH & NORTH EAST SOMERSET COUNCIL
ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES (BATH) ORDER 2004**

This Order is made under the Criminal Justice and Police Act 2001 and relates to the consumption of alcohol in a Public Place. For the purposes of the Order, your premises and the area covered by your permit are not a Public Place.

Where a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place. The constable may require the person concerned either not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol; or to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol. A constable may dispose of anything surrendered to him in such manner as he considers appropriate.

A person who fails without reasonable excuse to comply with a requirement imposed on him under in such circumstances commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500).

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART VIIA HIGHWAYS ACT 1980

ROSCOFF DELI 18 NORTHUMBERLAND PLACE BATH BA1 5AR

NOTICE IS HEREBY GIVEN that an application has been made to Bath & North East Somerset Council by the proprietor of the abovementioned premises for permission to provide facilities for recreation or refreshment consisting of a number of tables and chairs in or on that part of the highway specified above until:

31 March 2015

and at the following times:

Monday to Saturday	07:00 - 19:00
Sunday	09:00 - 19:00 hours

Further information about the above application, including the area of footpath or footway, may be obtained by calling at the address below.

If you wish to make any representations to the Council regarding the above application you should do so in writing to the undersigned within 28 days from the date of this notice.

Under the provisions of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, such representations will normally be made available for public inspection.

Dated 21 February 2014



Cathryn Humphries
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Email: licensing@bathnes.gov.uk

OBJECTIONS

Objection from Bath & North East Somerset Council's Highway Department

From: Amanda Hall
Sent: 06 March 2014 09:28
To: Wendy Stokes; Licensing
Subject: RE: Plan - Roscoff Deli

Wendy

Thank you for the plan.

I have taken a look at this on site, and have also received comments from the Highway Inspector.

The increased area proposed for tables and chairs is currently being used on site and extends across the pedestrianized route of Northumberland Place such that there is only a residual 1.4m width which is not considered acceptable for this well used pedestrian route. A minimum of 2m is generally required.

The Highway Inspector has also commented that this area is already too cramped, and therefore we are bound to raise an objection.

Regards

Amanda

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