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# Bath & North East Somerset Council

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## Democratic Services

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Date: 8 December 2014

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**To: All Members of the Licensing Sub-Committee**

**Councillors:-** Manda Rigby, Roger Symonds and Anthony Clarke

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Licensing Sub-Committee: Tuesday, 16th December, 2014**

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 16th December, 2014 at 10.00 am** in the **Kaposvar Room - 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 Guildhall Bath (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** - Reception: Civic Centre - 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. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **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.

## **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.

**Licensing Sub-Committee - Tuesday, 16th December, 2014**

**at 10.00 am in the Kaposvar Room - 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: 18 NOVEMBER 2014 (Pages 7 - 14)**

**6. TAXI DRIVER'S LICENCE PROCEDURE (Pages 15 - 18)**

**7. EXCLUSION OF THE PUBLIC**

The Committee is asked to consider passing the following resolution:

“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 following item(s) of business and the reporting of the meeting be prevented under



Section 100A(5A) 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.

8. CONSIDERATION OF MEDICAL CONDITION - MR MM (Pages 19 - 26)
9. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR G J L (Pages 27 - 40)
10. RETURN TO OPEN SESSION
11. LICENSING ACT 2003 PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES LICENCE OR FOR A VARIATION OF A PREMISES LICENCE (Pages 41 - 44)  
  
The Chair will, if required, explain the licensing procedure.
12. APPLICATION TO VARY A PREMISES LICENCE FOR THE NEST, 7 BLADUD BUILDINGS, BATH BA1 5LS (Pages 45 - 92)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on  
[democratic\\_services@bathnes.gov.uk](mailto:democratic_services@bathnes.gov.uk).

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Tuesday, 18th November, 2014, 10.00 am

**Councillors:** Manda Rigby (Chair), Roger Symonds and Tim Warren

**Officers in attendance:** Enfys Hughes, Kirsty Morgan (Public Protection Officer), Terrill Wolyn (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

**91 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

**92 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Anthony Clarke, Councillor Tim Warren was his substitute.

**93 DECLARATIONS OF INTEREST**

Councillor Manda Rigby declared an interest in the Spiegeltent, in that she had facilitated a meeting on the issue, but stated that this had not prejudiced her view and remained in the meeting.

**94 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

**95 MINUTES: 4TH NOVEMBER 2014**

**RESOLVED** that the minutes of the meeting on 4<sup>th</sup> November 2014 be approved as a correct record and signed by the Chair.

**96 REVIEW PROCEDURE**

The Chair explained the procedure to be followed in respect of the following item on the agenda.

**97 APPLICATION: FOR A REVIEW OF A PREMISES LICENCE FOR BATH FRINGE SPIEGELTENT, RECREATION GROUND, PULTENEY MEWS, BATHWICK BA2 4DS**

The Sub-Committee considered the report which sought determination of an application from Mr David Greenwood for the review of a premises licence under section 51 of the Licensing Act 2003, in respect of the Bath Fringe Spiegeltent, Recreation Ground, Pulteney Mews, Bathwick, Bath.

The following people were present for the review:-

Alan Willey (representing the review applicant), Mr White, Mrs Brown and Lizzie Milne.

The following people were present in respect of the premises:-

Steve Henwood and Wendy Matthews (Bath Fringe Ltd), Annie Beardsley, Mr Oates and Mr David Stephenson.

The Senior Public Protection Officer presented the report and explained the current terms of the licence. She stated that the application for review was on the grounds of the prevention of public nuisance and representations had been received that this operation caused a detrimental effect to nearby residents.

Mr Alan Willey representing the applicant for review made his case:-

- The operation generally adhered to the conditions;
- A few breaches had occurred and some events had overrun;
- The tent had no sound insulation and noise was reflected towards Great Pulteney Street, specifically amplified in the corner area on the upper floors;
- As the buildings were Grade 1 listed double glazing was not a solution;
- It affected residents watching TV, listening to music and trying to sleep;
- It continued for 10 consecutive days where as the rugby only lasted 1-2 days;
- If the hours were reduced to 22:30 it would make it easier for residents;
- He referred to the noise limits set which conflicted with a survey done and the ambient noise levels;
- To have an upper limit was impractical as it was frequently exceeded with peaks of 102 decibels and measurements should be taken over a 15 minute period.

In answer to questions he responded as follows:-

- There was a mobile phone number to ring if there were complaints which had been used successfully but was not always answered;
- Events had only overrun a few times;
- Limits should be set by Environmental Health and then measured and enforced;
- The ambient noise level did vary;
- Some issues would be discussed under the Land Hire Agreement;
- Some of the complaints made were when there no events in the tent.

Mr White put his case for the review:-

- Environmental health had installed monitoring equipment in his house which has not worked;
- In the Code of Practice paragraph 4.2, reference was made to 'noise being inaudible after 23:00 hrs;'
- You could only enforce conditions on the licence;
- For several years the Spiegeltent had operated with no nuisance but now the event was larger, the music was amplified and the sale of alcohol had increased.

In answer to questions he responded as follows:-

- It was believed that the noise had got worse due to the change in position of the tent;
- The tent had moved due to higher fees being charged on the rugby pitch;
- The Senior Public Protection Officer confirmed that the Bath Fringe had continued to pay the higher fee for the position on the rugby pitch for a few years even though the tent had moved – a refund had however been made in full.

Steve Henwood put the case for the premises and made the following points:-

- They always tried to work within the conditions and spoke to environmental health, licensing and local residents;
- The reason the tent had moved was that Bath rugby has asked them to move off the pitch;
- The position of the tent could be looked at again;
- It was distressing for them as an operation to hear they were causing grief to residents and it was not their intention;
- There were rumours the Bath Fringe wanted an extension to the hours which were not true;
- The responsible authorities had been invited to contribute but had chosen not to, which indicated to the Bath Fringe that there were no major problems;
- They operated for 10 days only with a variety of acts including cabaret, choirs, live bands and comedy;
- They do operate to a limit but sometime there were sound peaks;
- Noise measurements were taken by them and environmental health.

In response to questions the following points were made:-

- The issue was over 10 days there were successive disturbances resulting in a cumulative impact;
- He agreed a condition could be put on the licence involving a noise control agreement or plan that could be drafted beforehand between the parties and monitored;
- A variety of acts were used over the 10 days to appeal to a variety of audiences;
- They applied general good practice in respect of a noise policy to the entertainment acts;
- The tent was bigger than the original;
- The position of the tent was discussed with the Council and Bath rugby;
- Steven Henwood was the designated premises supervisor and one of the Directors of the Bath Fringe, there was also a venue manager and one or more of them were always present;
- A noise abatement notice had never been served;
- The mobile phone number was circulated to residents by letter.

Annie Beardsley put her case for the premises:-

- She was a regular audience member at the Fringe;

- During performances they were regularly reminded by an army of volunteers to respect the neighbours and leave quietly;
- She felt the event was very well run.

She confirmed that she did not live in the vicinity so the event did not affect her home life.

Mr Oates put his case for the premises:-

- He was a local resident in Great Pulteney Street towards Henrietta Park;
- If he had to write a list of public nuisances, the Fringe would not register, the main problems were on a Friday and Saturday nights in the city centre when there were social disturbances which were alcohol related;
- The Bath Fringe contributed richly to the city, he did not attend frequently but was aware it attracted a great variety of people;
- Part of being a good neighbour was showing tolerance and appreciating that people like different things;
- He suggested people affected could use ear defenders.

In response to a question the following point was made:-

- The Fringe was much less of a disturbance than a Friday or Saturday night in Bath.

All parties summed up their case:-

- The Fringe worked hard to operate within the parameters set;
- The Sub-Committee were not experts and the Code of Practice stated that after 23:00 hours noise should be inaudible, therefore the licence should not be allowed after 23:00 hours;
- There was no argument about the way the Fringe was run, it was a good thing for Bath, but conditions were needed in order that problems were not caused for local residents.

The Sub-Committee adjourned to consider their decision.

**RESOLVED** that the premises licence in respect of the Bath Fringe Spiegeltent be issued with conditions as amended by the Sub-Committee.

#### Reasons for decision

Members have today determined an application for a review of a premises licence for the Bath Fringe Spiegeltent, Recreation Ground, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. In reaching a decision Members were careful to take account of all the relevant oral and written representations.

## THE APPLICANT

The application was made under the licensing objective of prevention of public nuisance. The applicant's representative stated the event was generally good but there have been breaches adversely affecting the area to such an extent that they were unable to enjoy the peace and quiet of their properties. It was stated that whilst residents had tried secondary glazing this had proved impractical. It was further stated that in 2013 there had been issues with noise and again in 2014 but that although Environmental Services had investigated no action was taken. Whilst the applicant was not necessarily seeking revocation it was suggested that the hours could be reduced to 22:30 each night, loud music limited to alternate evenings or the stage located at the far eastern end of the Recreation Ground away from residential property. These issues, together with the imposition of sound limiters and measurements, were also echoed by the interested parties making representations.

## PREMISES LICENCE HOLDER

The representative of the premises licence holder stated it was not his intention to annoy residents and he had worked with residents, Councillors and Officers to improve the event. It appeared that noise events in the vicinity were being bundled together and laid at the door of the Spiegeltent and this was unfair. It was also stated that nothing had been received from Environmental Health, the Police or other departments of the Council and throughout events the noise had been monitored and its Noise Policy and Code of Practice had been followed and if noise levels are exceeded immediate remedial action is taken. Interested parties supporting the licence holder stated the event was sensitive to its environment, was well managed and there were numerous announcements throughout the event that people should respect the residents and leave the venue quietly.

## THE MEMBERS

Members balanced the legitimate competing interests of the entertainment industry and the needs of the residents. Members were also mindful to take into account only relevant matters and disregard the irrelevant. For example issues surrounding covenants relating to the Recreation Ground and restrictions in place at Hyde Park, London.

Members found on balance that whilst the Spiegeltent was generally well run and complied with its licence it was, however, having a detrimental effect on a number of neighbouring properties with regard to the lateness of live and recorded music. Whilst it was acknowledged there was a cultural benefit to Bath it was considered appropriate and proportionate to limit the hours of the licensable activities during the 10 days of the Fringe in order to limit noise disturbance to residents late into the evening.

The licence was amended as follows:

Regulated entertainment by way of live and recorded music shall be

Thursday to Saturday	12:00-23:00
Sunday to Wednesday	12:00 22:30

Delegated authority was given to the Public Protection Officer to issue the licence.

## **98 LICENSING PROCEDURE**

The Chair explained the procedure to be followed in respect of the following items on the agenda.

## **99 APPLICATION FOR A NEW PREMISES LICENCE FOR BYRON, UNIT 3, SAW CLOSE, BATH BA1 1 EY**

The Sub-Committee considered the report which sought determination of an application for a new premises licence in respect of Byron, Bath.

The applicant Marc Balding was present with his representative Graeme Cushion.

The Public Protection Officer presented the report and outlined the application. She stated that a representation had been received from Avon and Somerset Constabulary stating that the application lacked detail and clarity with reference to the licensing objectives. Conditions were proposed by Avon and Somerset Constabulary (see paragraph 5.12 of the report) and agreed by the applicant in writing.

The applicant's representative put the case and stated that the applicant was an experienced operator with 47 premises. No representation had been received except for the police and those conditions had been agreed. They noted the premises were in a cumulative impact area but this premises would not add to these problems as they provided a waitress only service and their drink prices were relatively high. The operator had never had any enforcement issues or a review of a licence.

There were no questions from Councillors or the Police.

Martin Purchase (Avon and Somerset Constabulary) was present having made a representation. He stated he had nothing to add as the proposed conditions had been agreed. There were no questions.

All parties had nothing further to add in summing up.

The Sub-Committee adjourned to consider their decision.

**RESOLVED** that a new premises licence be granted in respect of Byron, Unit 3 Saw Close, Bath BA1 1EY, subject to the standard terms and conditions and extra conditions as amended by Avon and Somerset Constabulary.

### Reasons for decision

Members have today determined an application for a new premises licence for Byron Hamburgers Ltd Unit 3 Saw Close, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.



Members noted the premises are in the Cumulative Impact Area and the Police had made representation and suggested conditions which the applicant had agreed to being placed on the licence. Members considered that with the nature of the premises and imposition of these conditions the premises were unlikely to add significantly to the cumulative impact being experienced.

Authority is delegated to the Public Protection Officer to issue the licence with the agreed conditions.

**100 APPLICATION FOR A PREMISES LICENCE FOR ZIZZI, UNIT 2, SAW CLOSE, BATH BA1 1EY**

The Sub-Committee considered the report which sought determination of an application for a new premises licence in respect of Zizzi, Bath.

The applicant Marc Ward was present with his representative Graeme Cushion.

The Public Protection Officer presented the report and outlined the application. She stated that a representation had been received from Avon and Somerset Constabulary stating that the application lacked detail and clarity with reference to the licensing objectives. Conditions were proposed by Avon and Somerset Constabulary (see paragraph 5.12 of the report) and agreed by the applicant in writing.

The applicant's representative put the case and stated that the applicant was an experienced operator with 125 premises. No representation had been received except for the police and those conditions had been agreed. They noted the premises were in a cumulative impact area but this premises would not add to these problems as they provided high quality Italian food and a waitress only service. The operator had never had any enforcement issues or a review of a licence.

There were no questions from Councillors or the Police.

Martin Purchase (Avon and Somerset Constabulary) was present having made a representation. He stated he had nothing to add as the proposed conditions had been agreed. There were no questions.

All parties had nothing further to add in summing up.

The Sub-Committee adjourned to consider their decision.

**RESOLVED** that a new premises licence be granted in respect of Zizzi, Unit 2 Saw Close, Bath BA1 1EY, subject to the standard terms and conditions and extra conditions as amended by Avon and Somerset Constabulary.

Reasons for decision

Members have today determined an application for a new premises licence for Gondola Restaurants Ltd Unit 2 Saw Close, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members noted the premises are in the Cumulative Impact Area and the Police had made representation and suggested conditions which the applicant had agreed to being placed on the licence. Members considered that with the nature of the premises and imposition of these conditions the premises were unlikely to add significantly to the cumulative impact being experienced.

Authority is delegated to the Public Protection Officer to issue the licence with the agreed conditions.

The meeting ended at 12.20 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

### **Licensing Sub Committee Hackney Carriage (taxi) and Private Hire Driver Application Procedure**

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, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. 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.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. 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.

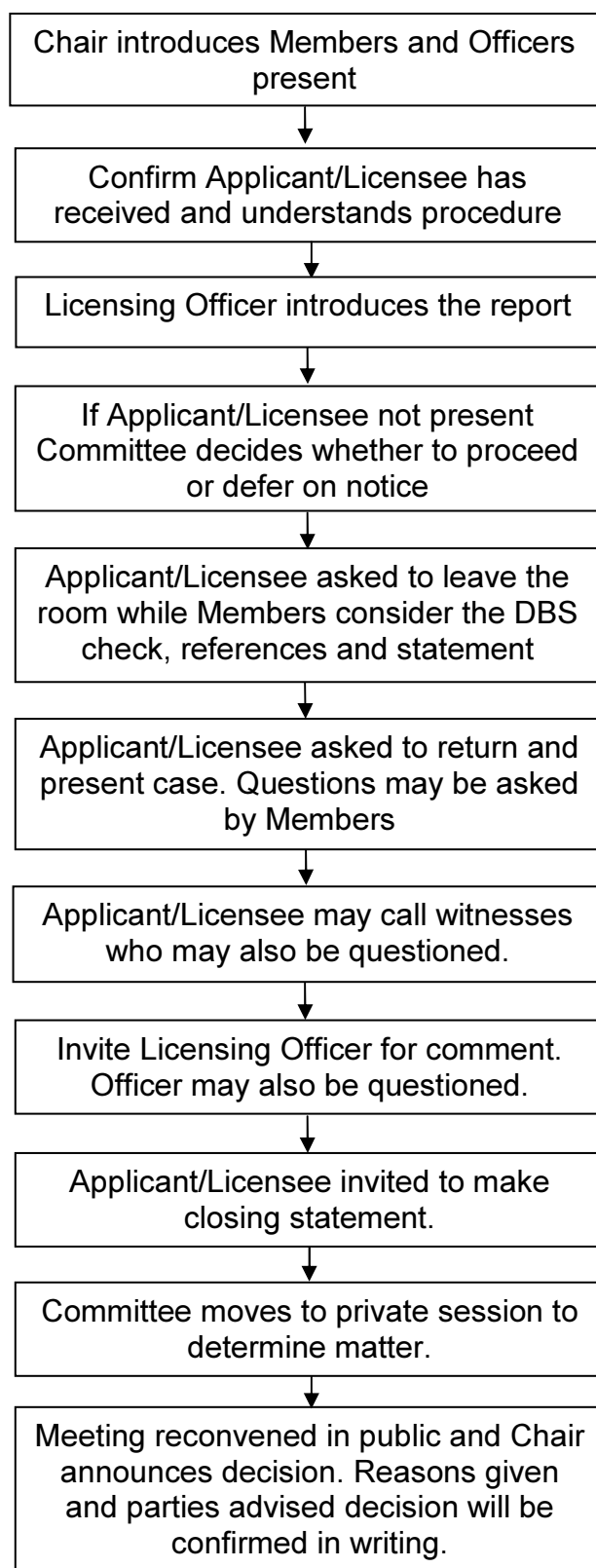
### **PLEASE NOTE:**

- 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.

**LICENSING SUB-COMMITTEE  
HACKNEY CARRIAGE (TAXI) AND  
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA - 2095-14

Meeting / Decision: Licensing Sub-Committee

Date: 16<sup>th</sup> December 2014

Author: John Dowding

Exempt Report Title: Consideration of Medical Condition

Exempt Appendix Title:

**Annex A – Current Combined Hackney Carriage/Private Hire  
Drivers Licence.**

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

**PUBLIC INTEREST TEST**

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any medical information is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the medical condition of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.



By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-2129-14

Meeting / Decision: Licensing Sub-Committee

Date: 16 December 2014

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:

Annex A – Application Form

Annex B – Policy on Convictions, Cautions and Fixed Penalty Notices

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

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3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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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:**

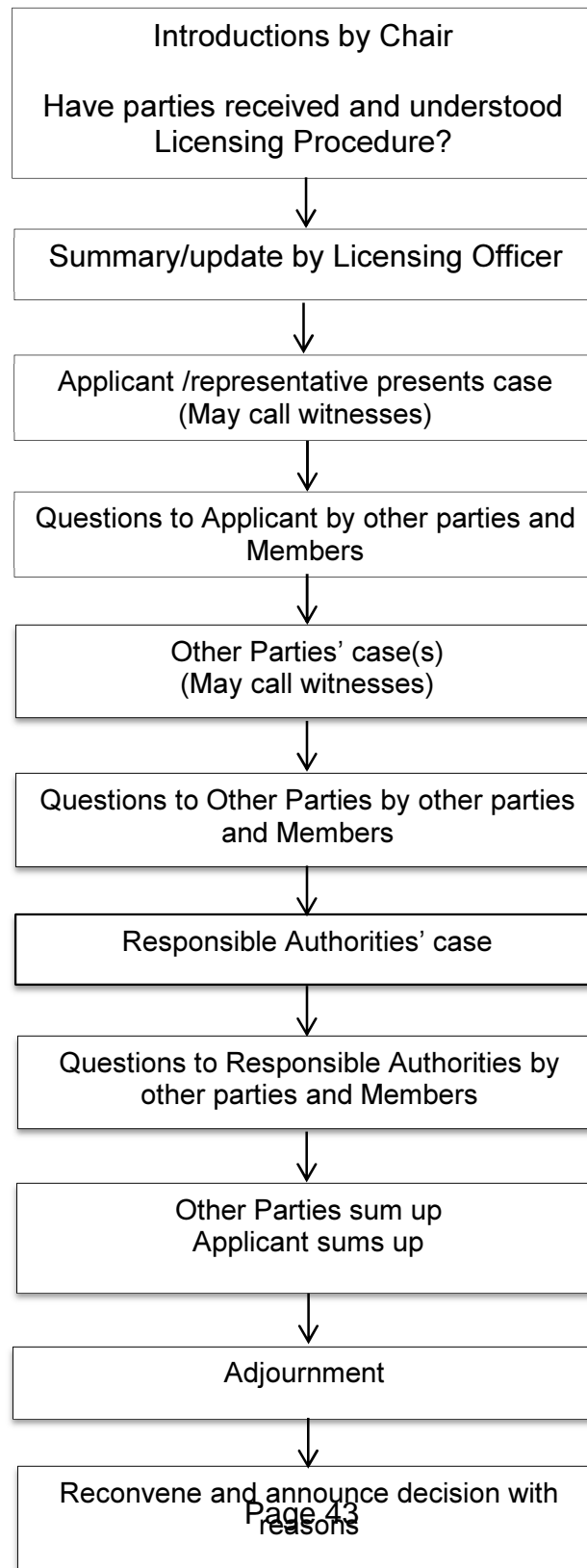
- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence 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.



**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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Agenda Item 12

Bath & North East Somerset Council		
MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 16 <sup>th</sup> December 2014	
TITLE:	Application to Vary the Premises Licence for <b>The Nest, 7 Bladud Buildings, Bath BA1 5LS</b>	
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 local resident	

## 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 Records Music**, indoor only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

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 1<sup>st</sup> January"*

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

**Annex 1 – Mandatory conditions**

Mandatory conditions in respect of premises supplying alcohol for consumption on the premises only, or both on and off the premises:

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.

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From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)\*;

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b)\*.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(a)\* 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991(c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b)\* 1994 c. 23. Section 2 was amended by section 3 of the Finance (No.2) Act 2010 (c.31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No.3) Act 2010 (c.33). There are other amendments which are not relevant to this Order.

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From 1 October 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must 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: (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 in a manner which carries a significant risk of undermining a licensing objective; (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 in a manner which carries a significant risk of undermining a licensing objective; (d) 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; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) 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 under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

4. The responsible person must 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 whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **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 an hour, to show:

Fridays and Saturdays: 10:00 – 03:30

- **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

- 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 October 2014)
  - 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 a local resident who states that they are already experiencing problems with the premises in the form of public nuisance and granting the application will only exacerbate the problems for longer.
- 5.17 The application proposes the consumption of alcohol 'on the premises' and falls within the cumulative impact area. As a representation has been received, there is a rebuttable presumption that the application will be refused unless the applicant has demonstrated that the application promotes the licensing objectives and would be unlikely to ass significantly to the cumulative impact.
- 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.
- 8.2 Issues relating to Safeguarding have been considered in respect of this application.

## **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.

<b>Background papers</b>	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.
<b>Contact person</b>	Kirsty Morgan, Public Protection Officer - 01225 396719

## 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

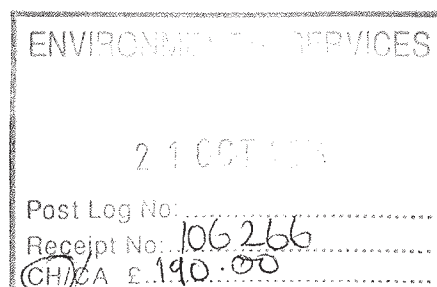
(Insert name(s) of applicant)

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  
14/04076/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)		



## 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	Flat 2, St James House, 9 Lower Borough Walls, Bath 89 Bloomfield Avenue, Bath, BA2 3AE		
Post town	Bath	Postcode	BA1 1QR

## Part 3 - Variation

Please tick as appropriate

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

☒ Yes☐ No

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

DD MM YYYY

--	--	--	--	--	--	--	--

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 03:30 hours.

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

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

## B

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

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			
Wed			
Thur			<b><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></b> (please read guidance note 6)
Fri			
Sat			
Sun			

## D

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

## E

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

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4) The continuation of recorded music from 02:00hrs to 03:00hrs on Fridays and Saturdays only.		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur	10:00	02:00			
Fri	10:00	03:00			
Sat	10:00	03:00	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun	12:00	22:30			

## G

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

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					



## I

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

## J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5) The continuation of the sale of alcohol between 02:00hrs and 03:00hrs on Fridays & Saturdays.		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00			
Thur	10:00	02:00	<b><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></b> (please read guidance note 6)		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	12:00	22:30			

## 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).

## 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 to compete with our immediate competitors including Mandolins, Zero Zero, Moles Club, Sub 13, Adventure Cafe, Common Room and Central Wine Bar – all of which have 3am or later licenses and all of whom are within Cumulative Impact Zone. 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 every 30 minutes after 23:00hrs from Monday to Thursday. 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' (Bath Bid)

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.

An upgraded colour CCTV system installed with 16 cameras, 2 of which are placed outside the front of the premises and all of which can be accessed remotely.

**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. The entrance pavement will be swept at the end of every trading day.

**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 bands' of three or more persons will cease at 23:00 hours every day.

All recorded music to go through a 'noise level limiter' and the license holder or nominated deputy shall effect full control over all sources of amplified music and where necessary arrange for the volume to be reduced if, in the opinion of the Licensing Authority, an unreasonable volume is likely to cause disturbance to residents. Noise limiters shall be fitted to amplification equipment and are to remain set at a level agreed with the Council's Environmental Protection Officers and license holder and controlled with an encrypted password.

**The Premises Licence Holder shall arrange quarterly meetings with representatives of the Circus Area Residents Association and The Abbey Residents Association, or their successor organisations, unless they are not required by the Residents' Associations. Records will be kept of the meetings and made available to the Licensing Authority on request. The records will**

include the date of the meeting and who attended complete with agenda.

**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.**

- 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.

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	02:30	
Tue	10:00	02:30	
Wed	10:00	02:30	
Thur	10:00	02:30	<b>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</b> (please read guidance note 6)
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	12:00	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.

Please tick as appropriate

**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	08/10/14
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	08/10/14
Capacity	500

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)</b> Roderick Johnson Flat 2, St James House, 9 Lower Borough Walls			
<b>Post town</b>	Bath	<b>Post code</b>	BA1 1QR
<b>Telephone number (if any)</b>		07884077334	
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> roddy6801@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.



## Schedule 12 Part A

Regulation 33, 34

### Premises Licence

<b>Premises Licence Number</b>	14/04076/LAPRE
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#### Part 1 – Premises Details

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>	
The Nest 7 Bladud Buildings Bath BA1 5LS	
<b>Telephone number</b>	Not available

<b>Where the licence is time limited the dates</b>	Not applicable
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<b>Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities</b>	
<b>Sale of Alcohol</b>	
Monday to Saturday	10:00 - 02:00
Sunday	12:00 - 22:30
<b>Performance of Dance (Indoors only)</b>	
Monday to Saturday	10:00 - 02:00
Sunday	10:00 - 23:00
<b>Exhibition of a Film (Indoors only)</b>	
Monday to Saturday	10:00 - 02:00
Sunday	10:00 - 23:00
<b>Performance of Live Music (Indoors only)</b>	
Monday to Saturday	10:00 - 02:00
Sunday	10:00 - 00:00
<b>Performance of Recorded Music (Indoors only)</b>	
Monday to Saturday	10:00 - 02:00
Sunday	10:00 - 23:00
<b>Other Entertainment within Act (Indoors only)</b>	
Monday to Saturday	10:00 - 02:00
Sunday	10:00 - 23:00
<b>Performance of a Play (Indoors only)</b>	
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 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 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

**Non-Standard Timings:**

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

**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

## Bath & North East Somerset Council

**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:

*K Morgan*

Dated 14 October 2014





## Annex 1 – Mandatory conditions

Mandatory conditions in respect of premises supplying alcohol for consumption on the premises only, or both on and off the premises:

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.

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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From 1 October 2014:

#### The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must 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: (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 in a manner which carries a significant risk of undermining a licensing objective; (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 in a manner which carries a significant risk of undermining a licensing objective; (d) 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; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) 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 under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.
4. The responsible person must 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 whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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**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.

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**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.





# Bath and North East Somerset: District Online

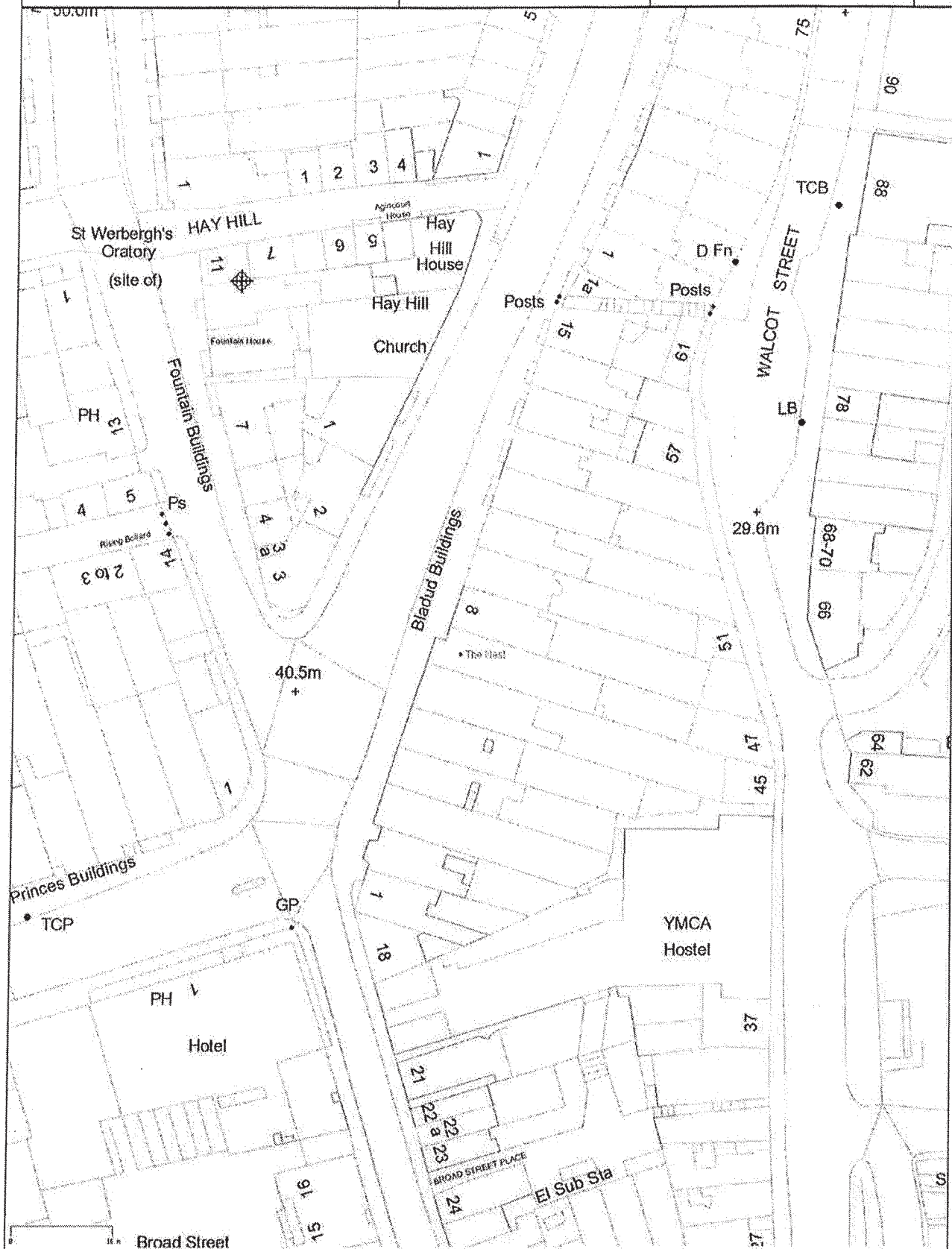
The Nest

Date: 10-3-2014  
Scale: 1:800

Map Centre - easting / northing:  
375020 / 165234

Bath & North East  
Somerset Council

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**From:** Amanda Habisrittinger  
**Sent:** 17 November 2014 19:09  
**To:** Licensing  
**Subject:** Re: The Nest 14/04429/LAPRE

Please find our objection to this application as follows, many thanks!

Kindest regards,

Amanda Habisrittinger

**14/04429/LAPRE – OBJECTION to the extension of opening hours on Friday and Saturday nights at The Nest, 7 Bladud Buildings, Bath**

As the owners of [REDACTED], my husband and I we would kindly ask that the application be **REFUSED**.

We have experienced ongoing problems with the club (in its various guises) for 10 years now and since it's recent incarnation as The Nest there has been an increase in noise and litter from its customers. Only on Sunday morning the pavement was covered in broken glass from pint glasses that had been strewn outside our building and the restaurant next door

(along with drinking straws, cigarette packets and stubs etc.).

I also had the unsavoury task of cleaning up vomit, yet again from my front steps. Not only are we getting people queuing from outside our premises to get into the club but small groups of people are also gathering on the street whilst the club is open for business and after it closes, drinking and smoking and generally causing a nuisance.

I am aware that there have been recent meetings with the owners to implemented improvements however as a neighbour I have not seen any measurable difference. I am greatly concerned that the increase in opening hours will only suffice to make residents life more miserable by exacerbating the problems for longer!

I would therefore be very grateful if you would refuse an extension of the opening hours on this basis, thank you.

