

Democratic Services

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Date: 22 July 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: Monday, 28th July, 2014

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Monday, 28th July, 2014** at **2.30 pm** in the **Kaposvar Room - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 2.00 pm.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, Sean O'Neill
for Chief Executive

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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

Appendices to reports are available for inspection as follows:-

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

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

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

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

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

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 - Monday, 28th July, 2014
at 2.30 pm 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: 20 MAY, 3 JUNE AND 3 JUNE (Pages 7 - 32)

6. LICENSING PROCEDURE (Pages 33 - 36)

The Chair will, if required, explain the licensing procedure.

7. APPLICATION FOR A PREMISES LICENCE FOR NEW MARKET ROW UNDERCROFT, BATH BA2 4DF (Pages 37 - 64)

8. APPLICATION FOR A PREMISES LICENCE FOR THE COLONNADES, EMPIRE UNDERCROFT, BATH BA2 4DF (Pages 65 - 92)

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

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BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 20th May, 2014, 10.00 am

Councillors: Manda Rigby (Chair), Patrick Anketell-Jones and Gerry Curran

Officers in attendance: Alan Bartlett (Principal Public Protection Officer), Terrill Wolyn (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor)

14 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

16 DECLARATIONS OF INTEREST

There were none.

17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

18 MINUTES: 23 APRIL 2014

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

19 MINUTES: 29 APRIL 2014

The approval of the minutes for the meeting of 29th April at meeting was deferred to the next meeting.

20 REVIEW PROCEDURE

The Chair explained the procedure to be followed for the next two items of business.

21 APPLICATION FOR THE SUMMARY REVIEW OF PREMISES LICENCE FOR STONES CROSS HOTEL, 2 NORTH ROAD, MIDSOMER NORTON, BA3 2QD

Applicant for Review: The Chief Officer of Avon and Somerset Police, represented by Martin Purchase (Police Licensing Officer), Superintendent Richard Cadden, Inspector Shirley Eden, Constable Natalie George

Licence Holder Chings Company Limited, represented by Johnathon Hibbard, also known as Yotjai Potjakapong (the name given on premises licence and by which he appeared at the Interim Steps meeting on 23 April 2014) and Potjakapong Singthony (Director and Designated Premises Supervisor) and Matthew Graham (Partner, Mowbray City Advocates)

The Senior Public Protection Officer summarised the application and invited the Sub-Committee to determine it.

The case for the Applicant for Review was opened by Mr Purchase. He submitted that the report before the Sub-Committee demonstrated a horrifying catalogue of drug dealing and criminality, and that other premises in Midsomer Norton had been contaminated by the illegal activities taking place in the Stones Cross Hotel. The Police had conducted an undercover operation ('Operation Henotic') over a long period based on information provided by the local community. The premises had been well-known among local residents as a centre of drug dealing and use. Inspector Eden said that a particular concern had been the impact on young people, who were in the habit of migrating in the course of an evening from one licensed premises to another in an extended pub crawl, and were drawn to the town from far around by the skate park. The town had a history of alcohol- and drug-related crime and disorder. After the formation of the alcohol partnership October 2012 there had been a decline in violent crime, but there had still been a significant amount of drug-related crime, which had posed a risk for vulnerable members of the community. The information which had led to the police operation had come from members of the community; her team had taken a considerable number of witness statements. It was worth noting that all those who had given statements had wished to remain anonymous. Officers who had attended the premises on 14 November 2013 had been subjected to an unacceptable level of threatening behaviour. During the operation 42 supplies of drugs were witnessed on the premises. It was reasonable to assume that a similar level of supply had been taking place regularly. In response to questions from Members she stated:

- Operation Henotic was the biggest operation of its kind that had ever taken place in the area
- the Stones Cross Hotel was well-known as a centre of drugs supply among local residents, who wondered why nothing was done about it
- the Manager, Mr Ching, had been warned about suspected drug dealing on 11 December 2013

The Chair noted that the Police application was seeking the revocation of the premises licence, and asked Mr Purchase why this would be a proportionate response to the situation. He replied that there was a deep-rooted culture at the premises, which impacted severely on the community. Little had been done by the Designated Premises Supervisor (DPS) to remedy this situation. That is why the licence should be revoked. The general feeling of the public was that this should have happened a long time ago.

Mr Graham asked Mr Purchase whether he accepted that Mr Ching had been running the premises. Mr Purchase replied that he had been running it jointly with Mr Hibbard. The question needed to be asked: what is a DPS? The answer is that the DPS is the person who is in daily control of the premises. Mr Hibbard had in fact done little to exercise control. Mr Hibbard was also the joint licence holder. Mr Graham responded that Mr Hibbard had not been on the premises for a long time, as he was running a restaurant nearby. The Senior Public Protection Officer stated that

she had met Mr Hibbard in his capacity as DPS in April 2013. Mr Purchase added that seven Temporary Event Notice applications had been submitted by Mr Hibbard.

Mr Graham stated the case for the licence holder. He hoped Members had been able to read the paper containing a proposed operating schedule and conditions for the premises, which he had submitted on 16th May. He stated that the Stones Cross Hotel had been disastrously managed by Mr Ching and that Mr Hibbard had no objections to the action taken by the Police. In fact, he was grateful for what they had done. Mr Ching was now, quite rightly, in jail. The time had come to look forward, rather than back. The Sub-Committee had to perform a balancing act. Did Members really believe that nothing could be done except close the premises? Or was it better that it should be properly managed with a new operating schedule and conditions which would make the Stones Cross fundamentally different from what it had been? The exclusion of Mr Ching and of all of those identified in Operation Henotic was essential to achieving that, so a condition barring them from the premises for 10 years had been offered by the licence holder. Mr Graham submitted that this was a powerful step in turning the premises round. He invited Mr Hibbard to address the Sub-Committee.

Mr Hibbard said that as DPS he had excluded many people from the premises. He had had arguments with Mr Ching about the running of the premises. Mr Ching had assured Mr Hibbard that he would remove Mr Hibbard's name from the premises licence, but he had not done so. Now that Mr Ching had gone he could run the premises as he wished to do. He said that he had started tidying up the premises, removing many things that Mr Ching had accumulated.

In conclusion Mr Graham asked the Sub-Committee to consider whether they considered that the proposed new operating schedule and conditions were in any way inadequate, or whether they actually went directly to the issues outlined in the Police case.

A Member asked Mr Hibbard how the Sub-Committee could be assured that things would be different in the future, given that he had been DPS at a time when the premises had failed spectacularly to promote the licensing objectives. Mr Hibbard said that he needed time to prove himself. In response to further questions from Members he stated:

- he had not been Mr Ching's boss
- he had told Mr Ching several times that he did not wish to be DPS, but he had not been able to assert himself because Asian culture emphasises respect for older people
- he acknowledged that he had failed as DPS
- he had not known that he was owner and a director of the premises

In response to a question from the Chair, Mr Graham said it would be entirely possible to exclude Mr Ching from the premises during opening hours even though he retained a share of the ownership. He reiterated that Mr Ching had been running the premises, not Mr Hibbard. Mr Hibbard was a local businessman and resident,

who wanted the premises to be better run in the future. The Senior Public Protection Officer, however, said that when she had met Mr Ching, he had given her the impression that he was running the premises on Mr Hibbard's behalf. She pointed out that Mr Hibbard had been named as DPS on the premises licence since 2005 and that no application to change the DPS had ever been submitted. She suggested to Mr Graham that much of the proposed operating schedule had no relevance to the issues that had triggered the review. Mr Graham responded that an operating schedule had to cover all aspects of the business. Section A of the operating schedule specifically addressed crime and disorder and drugs. Conditions about CCTV and the keeping of a staff register also addressed the review issues. The CCTV conditions had been informed by discussions with the Police.

Mr Graham summed up. He felt that the meeting had provided an opportunity to say what had needed to be said. He reiterated that the Sub-Committee had to perform a balancing act. He asked Members to reflect carefully on what Mr Hibbard had said his role was. A new operating schedule was proposed. It could be enforced, which was a powerful control. He asked Members to accept that licensed premises could change their character.

In opening the summing up for the Police Mr Purchase said that the facts amply justified his opening words about a horrifying catalogue of criminality. He submitted that the deep-rooted culture of criminality at the premises could not be changed simply by the removal of certain individuals and by new conditions. He asked the Sub-Committee to revoke the premises licence. Superintendent Cadden said that this was one of the worst cases he had seen during his 29 years in the Police. The criminal activities at Stones Cross had impacted on confidence in the community, which was now beginning to recover. Mr Hibbard seemed to be ignorant about the responsibilities of his role as DPS. Operation Henotic had led to individuals being charged with over 100 different offences. He submitted that in view of the seriousness of criminal activities there should only be one outcome: the revocation of the premises licence.

Following an adjournment the Sub-Committee **RESOLVED** to revoke the premises licence.

Reasons

Members have determined an application by Avon and Somerset Constabulary for a review of a premises licence at The Stones Cross, 2 North Road, Midsomer Norton. In doing so they took account of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and 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 that they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on information before them.

In reaching a decision Members took account of all relevant oral and written representations and balanced the competing interests of the applicant and premises licence holder.

The police applied for the review on the basis of serious criminal conduct associated with and being carried on at the premises namely dealing Class A, B and C drugs. Members heard that prior to an operation carried out by Police there was only a limited number of crimes reported in relation to these premises. However, as a result of an operation between November 2013 and March 2014 the police uncovered incidents of drug dealing in and around the premises all of which had been arranged from within the premises. For example, on 42 occasions drugs were purchased on the premises and on 11 occasions drugs purchased in its immediate vicinity by covert police officers. As a result 37 individuals had been arrested and a number remanded in custody. Members read in the papers that police officers witnessed the type of bags used to contain cocaine discarded throughout the premises and patrons also often had white powder residue around their nostrils. Police also witnessed cocaine being weighed in vehicles at the premises' car park and cannabis being smoked on the premises in joints and a 'bong.' Members heard that the type of drug predominantly dealt was cocaine a Class A drug, although MDMA, amphetamine, ketamine and cannabis were also being dealt from the premises.

With regard to the premises management the police raised concerns of possible drug dealing and drug use on the premises and also raised an incident where unacceptable levels of aggression was experienced by officers visiting the premises on 14 November 2013. These concerns were raised at meetings with the management on 1 July and 11 December 2013 where the management stated it would take steps to ensure such incidents would not recur. However, the police stated the undercover operation had disclosed an on-going gross failure to promote the licensing objectives and that the management, DPS and premises licence holder had allowed a culture of criminality and lawlessness to develop. It was also noted that the management failed to engage in any of the community initiatives so successful in reducing crime and anti-social behaviour in Midsomer Norton town centre.

On behalf of the premises licence holder and DPS it was said the offenders have been identified and will face lengthy custodial sentences. The essence of the submission was that the premises had been disastrously run by Mr Ching and the intervention by police was welcomed and supported by Mr Hibbard, who had no issue with what the police had done or why. It was said however, that pubs can change and can be operated differently. In this regard Mr Hibbard proposed a fresh start in the form of enforceable conditions contained in the operating schedule that would become part of the licence which, together with the exclusion of Mr Ching, would fundamentally reform the premises.

Members noted Mr Hibbard had been the DPS and Director of the company holding the premises licence since 2005 and Mr Hibbard accepted it was his name on the licence. Members further noted Mr Hibbard had made several applications for TENs over the years, was the applicant for a variation of the licence and was present in 2013 when concerns were raised during a licensing visit. Accordingly Members conclude that, whilst Mr Hibbard claimed to be unaware he was the DPS, he was in fact aware and indeed discharged some of his DPS duties.

Members reminded themselves of the statutory guidance which states a DPS is the person with day-to-day responsibility for premises. Members also reminded themselves of their statement of licensing policy which states the DPS will occupy a pivotal role in terms of management and supervision. It was clear, having listened to

the police and Mr Hibbard's representative that he had not taken his responsibility as DPS or premises licence holder seriously, which had resulted in the premises developing a culture of criminality and lawlessness. Accordingly, given this disastrous history as DPS, Members considered Mr Hibbard could not and does not represent a fresh start and are not convinced he could deliver his promises having failed in the past to heed police advice. Moreover, and as he stated, his time is taken up with his restaurant business, Members were sceptical that he could fulfil his role effectively as both DPS and Managing Director of the premises licence holding company.

Members found there had been extensive drug and criminal activity at the premises whilst Mr Hibbard was DPS. Further, he failed to address this, even though he had been given police advice. Members, therefore, have no confidence that Mr Hibbard can deliver the changes necessary and consider simply removing him as DPS would not address the issues, given he was the premises licence holder. Furthermore, Members do not consider any conditions would address the detrimental impact this premises was having on the licensing objectives. In all the circumstances, and having found a total disregard for the promotion of the licensing objectives, Members find it appropriate and proportionate to revoke the licence. Accordingly the interim steps taken cease to have effect and the licence is revoked.

22 APPLICATION FOR THE SUMMARY REVIEW OF PREMISES LICENCE FOR WUNDER BAR, BASEMENT, 2 HIGH STREET, MIDSOMER NORTON, BA3 2LE

Applicant for Review: the Chief Officer of Avon and Somerset Police, represented by Martin Purchase (Police Licensing Officer), Superintendent Richard Cadden, Inspector Shirley Eden, Constable Natalie George

Licence Holders: James Bull (Designated Premises Supervisor) and Lucy Milner

Other Persons: Sydney Bull and Daniel Flitcroft

The Senior Public Protection Officer summarised the application and invited the Sub-Committee to determine it.

Mr Purchase opened the case for the Police. He said that it was very disappointing that the sale and use of drugs had occurred at the premises. The management and staff had been very lax, and the management appeared on occasion to have turned a blind eye to what was going on. However, they had responded positively since the meeting on 23 April and had faithfully implemented the interim steps imposed. Inspector Eden said that the Police had noted the level of support for the premises in the community, but the considerable support from the community for the actions taken by the Police should also be noted. In response to questions from Members she stated:

- it had not been possible to identify any underage drinkers on the premises during visits following the two reports from Street Marshalls about the premises "overflowing with underage drinkers"
- she was satisfied that a continuance of the interim steps would be sufficient to promote the licensing objectives

- the premises might be “safe” as far as physical violence and other crime was concerned, but on occasion they had not been in relation to the threat of drugs; it might be that the drugs problem had migrated from the Stones Cross, but if so this had occurred because of the naivety of the management of the Wunder Bar
- the Police had been unaware of any problems with drugs at the premises until Operation Henotic
- the Police had not been called to the premises since the interim steps had been imposed

Mr Bull asked why it was necessary for the premises to employ two security staff every night. There were very few patrons on Thursday and Sunday evenings and these were all regulars from the locality. Mr Purchase replied that this was because a single security person would not be able to cope on their own, because of the need to check toilets etc. The condition about security staff was imposed specifically to address the issue of drugs.

Mr Sydney Bull made a statement on behalf of the premises. He said that he was the nephew of the DPS and a regular customer of the Wunder Bar. He said that the premises played a vital role in the cultural life of the community and that it would be tragic if it were closed, particularly at a time when so many other licensed premises were closing.

Mr Daniel Flitcroft made a statement on behalf of the premises. He said that he had first attended the premises 15 years ago. More than 100 musicians who had been clients of his music studio had come to him via the Wunder Bar. The premises are regarded as a centre of culture and creativity and has never been regarded as associated with crime or violence. He suggested that the condition about the employment of 2 door staff was “overkill”, and urged the Sub-Committee to show flexibility in relation to it.

Ms Milner said that the management of Wunder Bar could only deal with problems of which they were aware. The Police had never raised any concerns about Class A drugs at the premises, but only cannabis. Over 100 representations had been made in support of the premises, and she urged the Sub-Committee to have regard to these.

Mr Bull said that 6 CCTV cameras had been purchased, and that it was planned to raise this to 9. Further discussions would take place with the Police about their location, and he would ensure that every area of the premises was covered. Recording would commence one hour before the premises opened and cease one hour after they closed. He was also considering installing microphones to the external cameras. The requirement for 2 security staff every day at a total cost of £571+VAT was, he said, placing an undue financial burden on the business, and he urged the Sub-Committee to reduce this requirement, at least for Thursday and Sunday evenings, when the clientele mostly comprised regulars from the locality. There was no admission charge for any of the events held at the premises, and Ms Milner and he had made no money from the premises for years. In reply to questions from Members Mr Bull and Ms Milner stated:

- he was confident that there would be no problems if the requirement for security staff was reduced; Thursday and Sundays were always quiet, and in future the whole premises would be monitored by CCTV; the premises were small and could be thoroughly inspected in a relatively short time
- security cameras had been installed as the Police and requested and customers would in future be aware that they were being monitored; staff knew that the premises could close if there were any future issues with drugs and would be alert
- a new ethos of zero tolerance to drugs had been introduced at the premises

The parties were invited to sum up. Ms Milner said that she and Mr Bull did not make money out of the premises and the local community respected them for that. She had been amazed by the volume of support for the Wunder Bar. She urged the Sub-Committee not to close it.

Mr Purchase said that the management of Wunder Bar had fully embraced the interim steps that had been imposed. It was possible that the premises had been contaminated by activities which originated in the Stones Cross.

Following an adjournment it was **RESOLVED** to add conditions to the premises licence as detailed below.

Reasons

Members have today determined an application from the Avon and Somerset Constabulary to review a premises licence at Wunder Bar, Midsomer Norton. In doing so they took into account the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and 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 information before them.

In reaching a decision Members took account of all relevant oral and written representations and balanced the competing interests of the applicant and premises licence holder.

The application was made on the basis that serious crime was being carried on at the premises namely the use and dealing of class A, B and C drugs. Members heard that an operation carried out between October 2013 and April 2014 produced evidence of drugs being supplied to covert police officers on 9 occasions within the premises and 13 occasions in the immediate vicinity. The drugs supplied were cocaine, MDMA, MDMC and ketamine. The police had further concerns having witnessed a patron snort white powder in full view of passing staff with nothing more than a comment and another where a drug deal took place in view of door staff.

The police stated the management may have “taken their eye off the ball” Members have today determined an application from the Avon and Somerset Constabulary to review a premises licence at Wunder Bar, Midsomer Norton. In doing so they took into account the Licensing Act 2003, Statutory Guidance, the Council’s Statement of Licensing Policy and Human Rights Act 1998.

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In reaching a decision Members took account of all relevant oral and written representations and balanced the competing interests of the applicant and premises licence holder.

The application was made on the basis that serious crime was being carried on at the premises namely the use and dealing of class A, B and C drugs. Members heard that an operation carried out between October 2013 and April 2014 produced evidence of drugs being supplied to covert police officers on 9 occasions within the premises and 13 occasions in the immediate vicinity. The drugs supplied were cocaine, MDMA, MDMC and ketamine. The police had further concerns having witnessed a patron snort white powder in full view of passing staff with nothing more than a comment and another where a drug deal took place in view of door staff.

The police stated the management may have taken their eye off the ball so as to speak but had since the summary review had been compliant with the conditions and a visit showed that all was in order. The police stated the licensee had engaged with police and joined pub watch. Whilst the police still had concerns they felt that in light of the engagement and improvement at the premises they did not feel the premises needed to close but rather that the interim steps should become permanent.

The premises management stated they always had a no drugs policy and had acted to remove people suspected of taking and dealing drugs. They were also keen to stress they were vigilant so far as underage drinkers were concerned and had joined pub watch and the community partnership. These steps had helped them identify trouble makers and as a result of the summary review they had employed a new firm of door supervisors. The premises have now installed 6 CCTV cameras and are thinking of fitting microphones to these. However, they felt given the number of SIA door staff on Thursday and Sunday was too many given these were traditionally quiet and represented a financial drain on their small business. Nevertheless, they wanted to take steps going forward to ensure this situation did not arise again and felt they had let the licence down.

In reaching their decision Members noted the police were not seeking revocation of the licence but rather suggested conditions would be appropriate. Members also noted the content and number of positive representations. Having listened carefully Members found it appropriate to make the interim steps permanent modifications to the licence. However there will be a reduction in the number of SIA registered door staff each day other than on Friday and Saturday. This was because they were satisfied there were relatively low numbers of customers on these nights and with the

CCTV now covering all of the premises felt this would be sufficient to promote the licensing objectives.

Accordingly the interim steps cease to have effect and delegated authority is granted add the conditions set out in the interim steps to the licence subject to condition 2 being amended as follows:-

There shall be 1 SIA registered door supervisor on duty, from opening time until closing time, when the premises are open to the public, save on Friday and Saturday when there shall be 2 SIA registered door supervisors. Two other members of staff shall also be on duty at all times when the premises are open to the public. During these times one shall be female., so to speak, but had since the summary review had been compliant with the conditions and a visit showed that all was in order. The police stated the licensee had engaged with police and joined pub watch. Whilst the police still had concerns they felt that in light of the engagement and improvement at the premises they did not feel the premises needed to close but rather that the interim steps should become permanent.

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Accordingly the interim steps cease to have effect and delegated authority is granted to add the conditions set out in the interim steps to the licence subject to condition 2 being amended as follows:-

There shall be 1 SIA registered door supervisor on duty, from opening time until closing time, when the premises are open to the public, save on Friday and Saturday when there shall be 2 SIA registered door supervisors. Two other members of staff shall also be on duty at all times when the premises are open to the public. During these times one shall be female.

The meeting ended at 12.56 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 3rd June, 2014, 10.00 am

Councillors: Roger Symonds (Chair), Anthony Clarke and Gerry Curran

Officers in attendance: Kirsty Morgan (Public Protection Officer) and Carrie-Ann Rawlings (Senior Legal Adviser)

23 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Manda Rigby. Councillor Gerry Curran substituted for her.

25 DECLARATIONS OF INTEREST

There were none.

26 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

27 LICENSING PROCEDURE

Members noted the procedure to be followed for the next item of business.

28 APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT; ROSCOFF DELI, 18 NORTHUMBERLAND PLACE, BATH BA1 5AR

Applicant: Rosario Shaw

Objector: Highways Department, Bath and North East Somerset Council, represented by Alan Sperring (Highways Inspector)

The parties confirmed that they understood the procedure that would be followed for the meeting. The Public Protection Officer summarised the report.

The Applicant stated his case. He said that the objection from the Highways Department stated that a minimum clearance of 2 metres was generally required. Mr Shaw said that as he measured it, the distance between the tables and chair and area and the wall of the opposite premises was 2.2 metres. He submitted that obstruction in Northumberland Place came was caused by the trestle tables displaying merchandise for the Bag Shop and not by his tables and chairs. In response to questions from Members he stated:

- he had applied for an increase in the area for tables and chairs in order to provide more comfort and convenience for his customers; he employed 7 staff, had lost trade to restaurants and needed more customers to make the business sustainable
- his tables and chairs and the trestle tables from the bag shop had been in Northumberland Place for 5 years without causing problems; it was not a main thoroughfare

The Highways Inspector stated the case for the objector. He said that crowding occurred in Northumberland Place when people lingered to inspect the goods on the trestle tables outside the Bag Shop. In reply to questions from Members he stated

- he did not know whether the Bag Shop paid a fee for having the trestle tables outside;
- the extension of Roscoff's tables and chairs area had the potential for causing a bottleneck, as the clearance would become narrower
- the figure of 2 metres for generally required clearance had no legal basis, but was local guidance
- there was not a serious congestion problem in Northumberland Place, though sometimes people had to wait before they were able to move on

The Sub-Committee **RESOLVED** to adjourn for a site visit.

Following a further adjournment for deliberation, the Sub-Committee **RESOLVED** to grant the application.

Reasons

Members have had to determine an application to place 3 tables along with appropriate seating on the highway to the front of the premises at 18 Northumberland Place, Bath. In doing so they took account of the Highways Act 1980 and the Human Rights Act 1998 and balanced the representations from the objector against the application and its background.

Members noted that the application is for renewal of the tables and appropriate seating to the front of 18 Northumberland Place, Bath with times permitted remaining the same, i.e. Monday to Saturday from 07:00 to 19.00 hours and Sunday from 09:00 to 19.00 hours. The change since the last permit was issued is an increase in size of the area for placing the tables and seating from 3.3m by 1.06m to 3.3m by 1.90m. In reaching a determination members had to decide whether the application was likely to obstruct the free passage of pedestrians, cause a public nuisance in highway terms or be a hazard in its real sense.

Members had regard to the oral representations of the Applicant Mr Rosario Shaw. Mr Shaw addressed the objection from the Highways Department saying that having conducted his own measurement he believed there was a gap of 2.2m from the location of his proposed tables and chairs to the wall of the opposite premises but in any event his view was that there was sufficient room for people to pass through

Northumberland Place. Mr Shaw explained that the purpose of the increased area was to make it more comfortable and operational for customers and without such a provision his business would struggle to survive.

Members had regard to the written objection from Highways Department and the oral representations of Alan Sperring also from the Highways Department. He described issues if people are browsing the trestle table at the opposite premises and that that could cause a bottleneck. Mr Sperring explained that the 2m gap expected for people to pass is more of a local practice rather than being prescribed in the Highways Act. He also explained that he had been to the site on occasions when you do have to wait to get through due to obstruction.

Members decided to grant the licence as proposed on the basis that they did not find that the application was likely to obstruct the free passage of pedestrians, cause a public nuisance in highways terms or be a hazard in its real sense. They noted that there was a local practice of trying to allow a 2m width for passage of pedestrians but exercised their discretion in this instance.

Authority is delegated to the Public Protection Officer to issue the permit with the attachment of the standard terms and conditions.

The meeting ended at 10.55 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 3rd June, 2014, 10.30 am

Councillors: Manda Rigby (Chair), Roger Symonds and Anthony Clarke

Officers in attendance: John Dowding (Senior Public Protection Officer), Kirsty Morgan (Public Protection Officer), Andrew Tapper (Public Protection Officer) and Carrie-Ann Rawlings (Senior Legal Adviser)

28 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

29 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

30 DECLARATIONS OF INTEREST

Councillor Symonds declared an interest in respect of Agenda Item 9 (Coeur de Lion) because he is acquainted with the applicant.

31 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

32 MINUTES - 29TH APRIL 2014

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

33 MINUTES - 13TH MAY 2014

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

34 LICENSING PROCEDURE - MISCELLANEOUS

Members noted the procedure to be followed for the next three items of business.

35 BATH CHRISTMAS MARKET - AN APPLICATION TO INCREASE THE NUMBER OF UNITS FROM 155 (2013) TO 172 FOR 2014.

Applicant: Bath Tourism Plus, represented by Nick Brooks-Sykes (Chief Executive) and Vicky Bunt (Event Manager).

Objector: Aidan Quinn (Director, Beaux Arts Bath)

The parties confirmed that they understood the procedure to be followed.

Mr Tapper presented the report and invited the Sub-Committee to determine the application.

Mr Brooks-Sykes stated the case for the applicant. He said that the Bath Christmas Market was one of the biggest events in the City, which generated £36m in revenue, the largest slice of which went to businesses in the City and not to the market traders. It is visited by people from all over the country. It generates a surplus for Bath Tourism Plus (a not-for-profit company), which is used to cover losses elsewhere, e.g. on the tourist information centre. He said that the Christmas Market needed to be constantly refreshed to stay ahead of the game in competition with Cribbs Causeway, Cabot Circus and the Salisbury Christmas Market. Last year's market was regarded as a success and the management of coaches, in particular, was generally thought to have been done well. The quality of Bath Christmas Market had been recognised by Visit England. A key aim was to manage the flow of visitors through the Market; he believed that adding units in a few key units would help with that. It would also enable more traders to be accommodated; this year 300 more applications had been received than could be accepted. He said that the Bath Christmas Market is a distinctively British and local market, with mostly locally-produced products, many of them handmade. A key objective is to support local business and to provide stalls for smaller, tabletop businesses. Adding chalets will increase footfall. Bath Tourism Plus is acutely aware of the impact of the Market on local businesses and residents. Consultation about this year's Market began in January. There would be no addition to the overall footprint of the Market as a result of this application and no additional disruption to traffic. The extra units would encourage visitors to circulate more and so improve the flow of people around the area. In reply to a question from the Chair he said that the Guildhall market was not part of the Christmas market, though it is referred to in the publicity for the Christmas Market, as are other attractions in Bath, such as the ice rink.

Mr Quinn put questions to the applicant.

Q: why are units being located in York Street?

A: it is a previously underutilised part of the Christmas Market footprint. There have never been chalets there before. Its use will ease pressure on Kingston Parade. York Street is already closed to traffic during the Market.

Q: Bog Island is used as a coach stop. There would also be vehicles delivering units to be installed and coming to take them away. This could cause access problems for emergency vehicles.

A: Bog Island will not be used as a coach stop during the Market or during the setting up and taking down periods. Avon Street will be used instead.

Mr Quinn stated his case. He said that he did not object to the Christmas Market per se. He was concerned about the impact on his own business of the siting of units in a narrow street and immediately opposite his premises. York Street was increasingly used as a loading bay, and damage resulting from vehicles mounting the pavement was clearly visible. He did not agree that coach access was well-managed. Owners of neighbouring businesses had told him that they also opposed the application, though they had not submitted representations. He noted that four of the letters of support attached to the Applicant's representation had identical wording. He said that during the Christmas Market it took about half an hour to cross from one side of the area to the other. The crowds deterred people from visiting his shop and he thought he might as well close during the Market period. York Street was already crowded during the Market, with people walking three-a-breast and he thought that the presence of units in the street would increase crowding. The Market itself lasted 3

weeks and setting-up and taking-down each took 2 weeks, resulting in the loss of 5 weeks', or about 1/10th of the year's, trading for him. He thought there needed to be a limit on the number of units and on where they were sited. He thought the Market lowered the ambience of the streets and make it hard to justify the claim that Bath was a high-class retail centre. It also made it difficult for deliveries to his shop, which often consisted of heavy, bulky items. Members put questions to Mr Quinn:

Q: your letter refers to objections from other businesses, but in fact yours was the only objection received.

A: the owners of neighbouring businesses have told me they object. Perhaps they feel it is not worth sending in objections because they think it is already a fait accompli.

Q: do you have any financial data to show the impact of the Market on your business?

A: not immediately to hand, but I am absolutely certain it is detrimental.

Q: you are sure that the placing of 6 units in York Street would have an adverse impact on the amenity of businesses and residents?

A: yes. York Street is already very congested during the Market and there would be additional access difficulties for emergency vehicles.

Q: would there be an increased risk to the safety of pedestrians?

A: not really.

The parties were invited to sum up.

Mr Quinn said that the Christmas Market had an adverse impact on his business. He urged the imposition of a limit to the number of units and where they could be located. He thought that the units proposed for York Street were too close to his front door.

Mr Brooks-Sykes said that the chalets in York Street would be sited on the pavement against the railings. He argued that, as there would be no parking in the street, there would be no access problems for emergency vehicles and that the ambience of the street would not be affected. He said that aim was to improve the flow of people and he submitted that the additional units in a previously unused area would have the effect of diluting congestion. There were no plans to increase the footprint of the Market. Bath Tourism Plus was working closely with First Great Western to try to smooth out the peaks and troughs of arrivals to the City. Although a week was allowed for setting-up and taking down, these were usually done in 3-4 days. There would a 24-hour hot line on which businesses and residents could report problems, e.g. with deliveries.

Ms Bunt said that the four identically-worded letters to which Mr Quinn had referred, were written by the same person, who happened to have several separate businesses in the City.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application.

Reasons

Members have had to determine an application for renewal of a Street Trading Consent for Bath Christmas Market ("BCM"). This application involves a proposed increase in the number of pitches from 155 in 2013 to 172 pitches for 2014. In

determining the application members have taken into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

Members heard oral representations from Nick Brooks-Sykes Chief Executive of Bath Tourism Plus who described the BCM as a key event bringing £36 million of income to Bath last year. He described BCM as important at generating trade particularly for hoteliers and B&Bs. He explained that BCM is a not for profit company seeking to minimise the amount that has to be funded by the Council. BCM needs to stay fresh, drive interest and be ahead of competition e.g. Cribbs Causeway, Cabot Circus, Salisbury. They continue to improve the visitor experience and said that it was widely reported that last year's market was regarded as the most successful and coach management is regarded as very successful now. He noted that BCM is the only market in England to have Visit England recognition and worthy of a Quality Mark. BCM has improved visitor flows around the site which is key to this application, e.g. extension to Abbey Gate Street. By adding a small number of units in key strategic areas this will increase the flow around site. There have been over 300 applications for stalls, more than ever. Priority is given to local handmade goods with a scoring system and it is a distinctly British market. It gives more local businesses the opportunity to be in the BCM Key focus of the BCM is to support local businesses so that smaller table top businesses could take up a shorter term on a stall. The aim of the new proposed stalls is to encourage people to discover areas that they had not previously been to e.g. Bath Street and likewise with York Street and to drive business and footfall to those areas which will benefit those businesses. There is no addition to the existing footprint or road closure and no additional disruption. The idea is to show the city in its entirety and encourage people to go all around the city. The application seeks to address compression of traffic on Kingston Parade and dilute it out by having chalets outside of the Friends' Meeting House on York Street and it will direct people there from Kingston Street.

Members heard oral representations from Aidan Quinn of Beaux Arts who made it clear that he is not objecting to the BCM per se and acknowledged that it brings a lot of market to the town. His objection related to the proposed 6 units opposite his shop on York Street. He described that where the proposed stalls will be on York Street will create a distance akin to a narrow road from the shop. Mr Quinn says that the coach access is not being managed well. In terms of flow of people it takes half an hour to get from one side of the market to another. When the BCM is not operational he said there is room for about 3 people abreast to walk through from the Abbey to York Street and does not accept that the proposed stalls on York Street will alleviate the crowding. Mr Quinn contended that there has to be some kind of limit to the number of chalets. He said that the ambience of the street is not enhanced but Mr Quinn says it ruins his business and produces lots of people. Mr Quinn accepted that Bath is composed of people looking for different markets. He also said that it is hard to get deliveries and get them into his shop when the market is operational.

Mr Quinn in summing up conceded that on balance the BCM brings a lot of visitors and he is not against it in principle but he said he may as well close his business over the period and his view is there should be a limit to the number of stalls.

In summing up Mr Brooks-Sykes said that the chalets on York Street would be on the pavement right up against railings and take up less space than the parking which is currently allowed so in fact there would be more space. Access issues and

ambulance issues will not be a problem. They are trying to encourage people to attend the market on weekdays and dilute the concentration of stalls to improve flow. He acknowledged that there is a limit to the number of stalls that Bath can take. He stated that deliveries to businesses will always be accommodated and there is a 24 hour hotline. He accepted that a small number of businesses may be negatively affected by the BCM and Beaux Arts may be one of them.

Members were careful to only take into account matters of relevance and to disregard matters which were irrelevant, with specific regard had to the Council's policy on Street Trading Consents.

In reaching a decision Members took account of all the relevant oral and written representations and balanced the competing interests of the applicant and the interested party. Members saw fit to grant the street trading consent as proposed for the 172 individual units and the 10 catering units. They noted the objections raised by Mr Quinn with regards to the 6 units proposed on York Sheet but took the view that there was no material reason, having regards to paragraph 5.3 of the Street Trading Policy, as to why the consent should not be granted.

Consents subject to the Standard Conditions and with the additional specific conditions, such as are reasonable and necessary.

36 APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT COEUR DE LION, 17 NORTHUMBERLAND PLACE BATH BA1 5AR

Applicant: Alan Morgan, represented by Michelle Spence (manager)

Objector: Highways Department, Bath and North East Somerset Council

Councillor Symonds declared an interest by reason of his acquaintance with Alan Morgan. He said that he did not believe his judgment would be affected by this.

The objector was not represented. Ms Spence confirmed that she understood the procedure to be followed.

The Public Protection Officer summarised the report and invited the Sub-Committee to determine the application.

Ms Spence stated the case for the Applicant. She said that the Applicant wished to expand the tables and chairs area to increase the comfort of customers. She believed the gap between the enlarged tables and chairs area and the premises opposite would be 2.5-3 metres. She was puzzled that a hearing was necessary, given that the guidance was that there should be a minimum gap of 2 metres.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application.

Reasons

Members have had to determine an application to place 3 tables along with appropriate seating on the highway to the front of the premises at 17 Northumberland Place, Bath. In doing so they took account of the Highways Act

1980 and the Human Rights Act 1998 and balanced the representations from the objector against the application and its background.

Members noted that the application is for renewal of the tables and appropriate seating to the front of 17 Northumberland Place, Bath with times permitted remaining the same, i.e. daily from 10:00 to 23:30 hours. The change since the last permit was issued is an increase in size of the area for placing the tables and seating from 1.1m x 4.5m to 1.5m x 4.5m. In reaching a determination members had to decide whether the application was likely to obstruct the free passage of pedestrians, cause a public nuisance in highway terms or be a hazard in its real sense.

Members heard oral representations from Michelle Spence who is the manager of the Coeur De Lion. Ms Spence described that what was proposed was a slight extension to the terms of the previous licence and intended to improve the comfort of customers. Ms Spence said she had measured the distance and she thought there was 2.5m to 3m from the outer edge of the proposed licensed area to the wall of the opposite shop and noted that this was in excess of the guideline of 2m indicated by the Highways Department.

Members had regard to the written objection from the Highways Department but noted that Mr Sperring had left before the application was heard.

Members decided to grant the licence as proposed on the basis that they did not find that the application was likely to obstruct the free passage of pedestrians, cause a public nuisance in highways terms or be a hazard in its real sense.

Authority is delegated to the public protection officer to issue the permit with the attachment of the standard terms and conditions.

37 LICENSING PROCEDURE - DRIVER APPLICATION AND CONVICTION

Members noted the procedure to be followed for agenda items 12 and 13.

38 EXCLUSION OF THE PUBLIC

RESOLVED that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for agenda items 12 and 13 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.

39 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: MR JKH

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

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

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

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

Following an adjournment it was

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

Reasons

Members have had to determine an application for the grant of a combined Hackney Carriage/Private Hire Driver's Licence and in so doing have had regard to the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, the Human Rights Act 1998 and case law. Members had to consider whether the applicant was a fit and proper person and asked themselves whether they would allow their son, daughter, spouse, partner or any one they cared about to travel alone in a vehicle driven by the applicant.

In making a determination Members took account of the applicant's oral representations, written reference and statement and balanced these against the information provided by the Disclosure and Barring Service which showed the applicant had three previous convictions the first of which was from 1980 and the last in 1992. In all the circumstances members found that the applicant was a fit and proper person and granted the application for a combined hackney carriage/private hire driver's licence.

40 CONSIDERATION OF CONVICTION OBTAINED:- MR KH

The Sub-Committee considered the report which sought consideration of a conviction by KH during the term of his Hackney Carriage/Private Hire Driver's Licence.

The Licensee was present and confirmed that he had read and understood the procedure for the meeting.

The Senior Public Protection presented the report and circulated the following documents to the Sub-Committee:

1. A letter to KH from his legal representatives;
2. A letter from KH's legal representatives to Bristol Magistrates Court;
3. Minutes of a previous meeting of the Sub-Committee at which KH had been given 4 penalty points for failing to declare a conviction during the term of his licence.

The Licensee and the Senior Public Protection Officer withdrew from the meeting for Members to have time to consider these.

When the Sub-Committee reconvened, KH made a statement and was questioned by Members. He then made a closing statement.

Following an adjournment, it was **RESOLVED** that KH's licence be suspended for 6 months.

Reasons

Members have had to determine what action, if any, to take against the licensee having obtained a conviction during the duration of his licence.

In determining the matter Members had regard to the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, Human Rights Act 1998 and case law. Members noted that case law stated hearsay evidence is admissible, the merits of a conviction must not be reviewed or re-opened, the economic wellbeing of the applicant is irrelevant and when considering any action the protection of the public is of the utmost importance. Accordingly Members had to decide whether the licensee continued to be a fit and proper person to hold a licence taking into account all the circumstances including his driving history and character.

Members heard oral representations from Mr K H, read letters from his solicitors in relation to the conviction in question and read his statement. Mr K H indicated that he regrets his actions on the day in question and that it has caused him a lot of aggravation. He explained that his ASBO had been extended following that conviction and that he is subject to Supervision as part of his sentence. He told members that he had completed a psychology course in Bath as part of his Supervision which has enabled him to take on board the issues and co-operate with the Probation Service. When asked by members whether or not he was a fit and proper person Mr K H responded by saying that he had made serious attempts to stay away from the area in question and this is borne out by the fact that the one time he went through the excluded area he was caught. He describes the breach as a spur of the moment decision and was not pre-meditated. He informed members that he has made a conscious decision to avoid getting anywhere close to the excluded area and it is in his mind. When asked what he would do if a fare wanted him to go into the excluded area or the most economic route was to go through the excluded area he said he would have to drop them as close as he could and explain why he could not go into the area.

In summing up Mr K H said it is an ongoing problem linked to depression which is why he completed the course and has further courses to do. He said that he does not go to the area at all now and points to the fact that he was picked up so quickly on the occasion in question. Mr K H noted that he thinks the patience of Bristol Magistrates' Court had run out and that so far they had been lenient.

The offence for which the conviction had been obtained was carried out when Mr K H was using his licenced vehicle. Members noted that this was the second occasion during the course of his licence where he had received a conviction and during the course of the last year.

The members noted that the Council's policy was not of assistance on this occasion but had applied the "fit and proper" test.

The members observed that on the last occasion where Mr K H appeared before the committee it would have been disproportionate to suspend or revoke Mr K H's licence. However, on this occasion based upon what members had heard and read members determined to suspend Mr K H's licence for 6 months on the basis that his conduct had not been that of a fit and proper person, but revocation is seen as disproportionate. Members take the view that a period of suspension will deter Mr K H from misconduct in the future and bearing in mind his further period of Probation Supervision, where he told the committee he would be undertaking further courses to assist him to overcome his problems, he should once again be a fit and proper person.

The meeting ended at 2.34 pm

Chair(person)

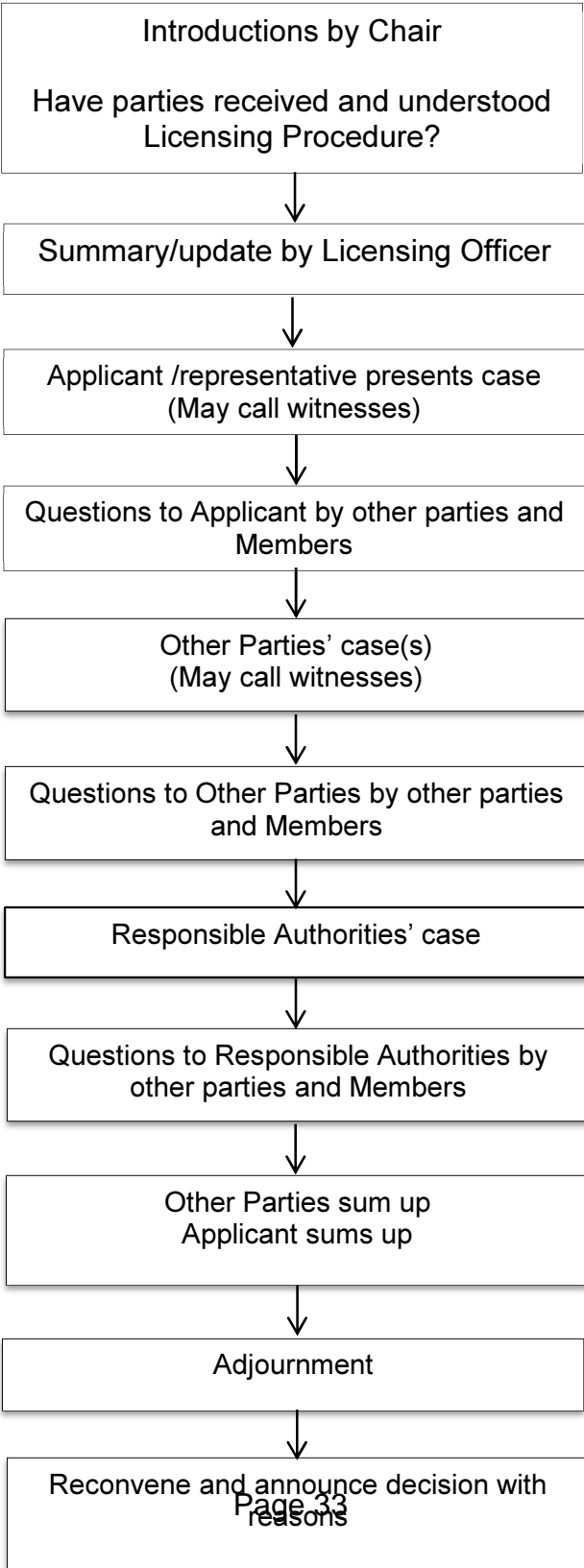
Date Confirmed and Signed

Prepared by Democratic Services

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

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



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

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

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

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

Responsible Authorities will be invited to summarise their representations

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

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

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

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

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

PLEASE NOTE:

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

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

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Monday 28 July 2014	
TITLE:	Application for a Premises Licence for New Market Row Undercroft (colonnade beneath street) Grand Parade, Bath BA2 4AN	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Annex A Application for a new premises licence</p> <p>Annex B Site plan</p> <p>Annex C Representation from TARA and the Empire Owners' Association</p>		

1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of New Market Row Undercroft (colonnade beneath street) Grand Parade, Bath BA2 4AN.

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £100.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) 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 have 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 for a new Premises Licence (Annex A).

5.2 The application proposes the following licensable activities:

- 1) The **Sale of Alcohol** for consumption both on and off the premises between the following hours:

Monday to Sunday 09:00 - 00:00

New Year's Eve 09:00 - 02:00 the following morning

- 2) The provision of **Regulated Entertainment** by way of Live and Recorded Music indoors only:

Monday to Sunday 11:00 - 00:00

New Year's Eve 11:00 - 02:00 the following morning

- 3) The provision of **Late Night Refreshment**:

Monday to Sunday 23:00 - 00:30

New Year's Eve 23:00 - 02:30 the following morning

- 4) The **opening hours** proposed are:

Monday to Sunday 08:00 - 00:30 the following morning

New Year's Eve 08:00 - 02:30 the following morning

5.3 A site plan is attached at Annex B.

5.4 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
- d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, 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.

- 5.5 The Licensing Authority may grant the application with or without additional conditions.
- 5.6 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, 15, 17, 18, 20, 23, 24, 28, 33 - 38, 41 to 44 of the 2011 policy.
 - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance (as revised in June 2013).
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.7 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.
- 5.8 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 in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.9 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, health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 A joint representation has been received from the Abbey Residents' Association (TARA) and the Empire Owners' Association expressing concern that the applicant's proposals will undermine the licensing objectives relating to the prevention of crime and disorder, the prevention of public nuisance and public safety (Annex C).
- 5.12 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

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

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

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

Contact person	Terrill Wolyn, Senior Licensing Officer 01225 396939
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bath & North East Somerset Council

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

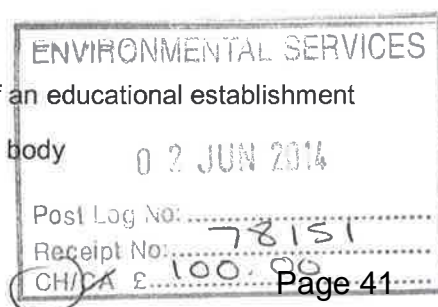
Postal address of premises or, if none, ordnance survey map reference or description New Market Row Undercroft (accessed via public stairwell along Grand Parade)			
Post town	Bath	Postcode	BA2 4DF
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£0	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input checked="" type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |



- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Bath & North East Somerset Council
Address The Guildhall High Street Bath BA1 5AW
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Local Authority
Telephone number (if any) n/a
E-mail address (optional) n/a

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)
 Restaurant, with outside space immediately along the frontage on the River Avon and with entrance via the Colonnade or by lift from a bespoke entrance on Grand Parade.

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

n/a

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Unamplified live music performed by no more than 2 performers.		
Mon	11:00	00:00			
Tue	11:00	00:00			
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	11:00	00:00			
Thur	11:00	00:00			
			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 (please read guidance note 5) Until 02:00h the morning following New Year's Eve.		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:00	00:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11:00	00:00			
Wed	11:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Until 02:00h the morning following New Year's Eve.		
Sat	11:00	00:00			
Sun	11:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<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> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Hot food and refreshment after 11pm.		
Mon		00:30			
	23:00				
Tue		00:30			
	23:00				
Wed		00:30			
	23:00				
Thur		00:30			
	23:00				
Fri		00:30			
	23:00				
Sat		00:30			
	23:00				
Sun		00:30			
	23:00				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol! (please read guidance note 4)		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Until 02:00h the morning following New Year's Eve.		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name DPS TO BE CONFIRMED. EXPRESSLY UNDERSTAND THE PREMISES CANNOT TRADE WITHOUT A DPS.	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon		00:30	<p><u>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</u> (please read guidance note 5) Until 02:30h the morning following New Year's Eve.</p>
	08:00		
Tue		00:30	
	08:00		
Wed		00:30	
	08:00		
Thur		00:30	
	08:00		
Fri		00:30	
	08:00		
Sat		00:30	
	08:00		
Sun		00:30	
	08:00		

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The Premises Licence will have no effect until the premises are constructed/alterd only in accordance with the appropriate provisions of the local licensing authority and this condition has been removed from the premises licence.

The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).

Waiter/waitress service at all times.

The premises will be run as a licensed restaurant.

A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

All staff shall be suitably trained for their job function for the premises the training shall be written into a programme of ongoing review and will be made available to a responsible authority on reasonable request.

b) The prevention of crime and disorder

CCTV camera shall be installed and maintained in consultation with the police crime prevention office. The licensee shall ensure that the CCTV is maintained in working order, that images are kept for 28 days. CCTV shall, as a minimum, cover all entrances and exits to the premises.

Other than in the areas designated for drinking and indicated in this application, no persons shall be permitted by the designated premises supervisor or persons acting under his/hers authorization to remove alcohol from the premises in an open container.

A designated member of staff will monitor the outside area when in use.

To be a member of Pubwatch or related scheme.

Off sales are to be taken off the area marked on the licensed plan in sealed containers only.

c) Public safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.

The licensee shall have a procedure in place to ensure fire exits are checked regularly and clear from obstruction at all times.

Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summonsed, are prominently displayed and protected from damage, vandalism and deterioration.

The premises shall be provided with fire fighting equipment which shall be readily available for use, serviced regularly by appropriately qualified persons and records of such maintenance kept on site for inspection by authorised officers.

Emergency lighting and smoke detectors shall be installed and inspected at appropriate intervals to ensure they are in good working order.

Any outside seating area will be limited to the area marked on the plan attached to the premises licence.

All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

The edges of the treads of steps shall be maintained so as to be conspicuous.

Curtains and hangings shall be arranged so as not to obstruct emergency signs.

The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

All exit doors shall be available at all material times without the use of a key, code, card or similar means.

Appropriate certificates will be provided to the local authority on written request in respect of any emergency lighting, battery or system, the electrical installation and emergency warning system. The premises licence holder shall ensure that a safety check is carried out before the admission of public, and to maintain for a reasonable period of time details of such checks in a logbook. Tables and chairs in any external area will be maintained in the designated area and (if appropriate) by utilising barriers or ropes.

d) The prevention of public nuisance

A refuse store of sufficient size shall be provided
Late night refreshment is restricted to consumption on the premises.
Suitable receptacles will be provided for cigarette litter in the outside area.
When in use, any outside areas are to be monitored and supervised by management and staff during the hours that the premises are open to the public.
No regulated entertainment to take place outside.

e) The protection of children from harm

All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.
All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.
A challenge 21 policy is employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.
The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.
Staff will be trained in this policy and records will be kept.
There shall be no adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	SOLICITOR FOR THE APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

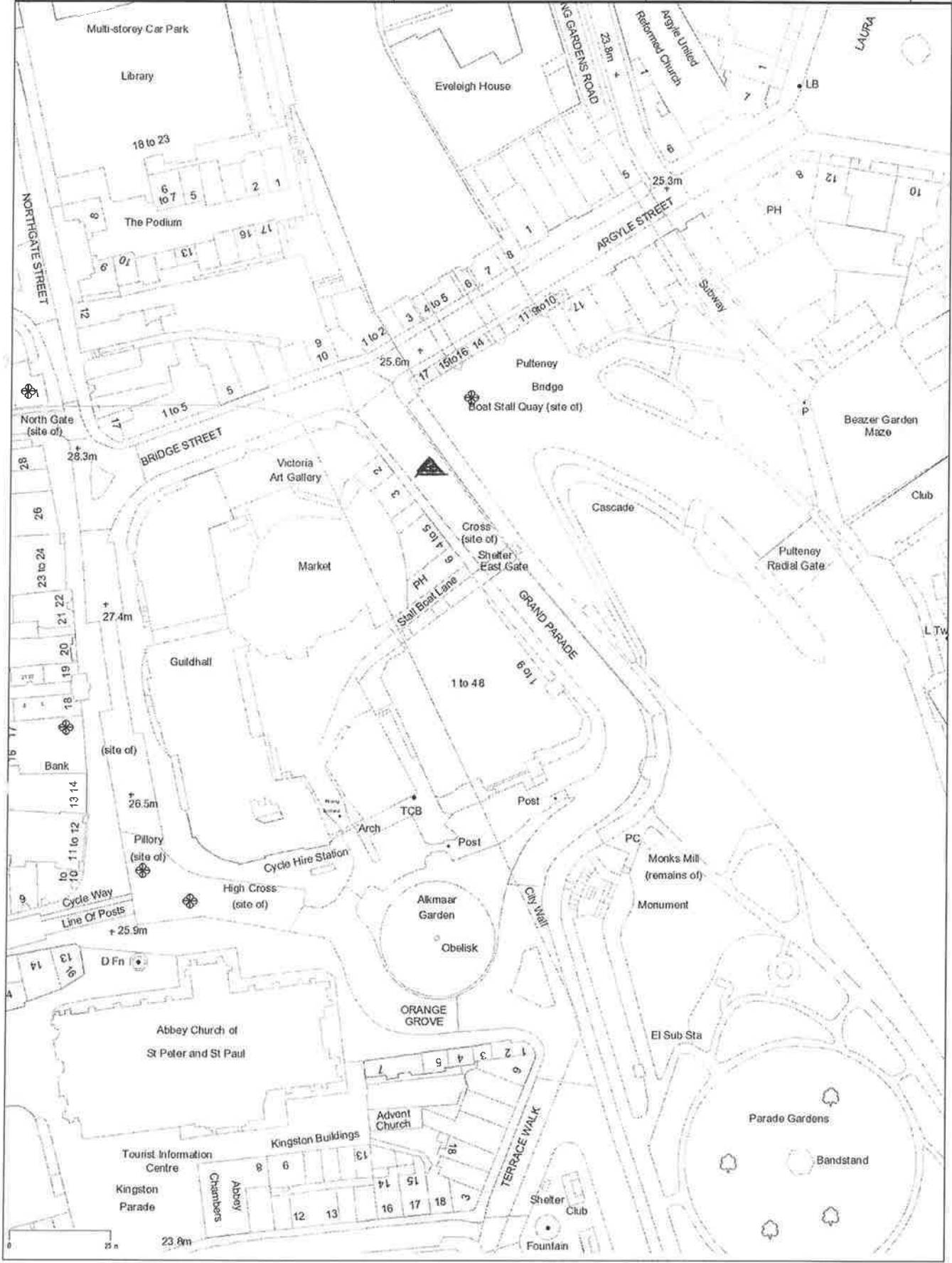
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Piers Warne TLT Solicitors			
Post town	Bristol	Postcode	BS1 6TP
Telephone number (if any)	+44(0)117 917 8815		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) piers.warne@tltsolicitors.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of

<p>Bath and North East Somerset: District Online</p>	<p>Date: 3-7-2014 Scale: 1:1250</p>	<p>Bath & North East Somerset Council</p>	
<p>New Market Row Undercroft</p>	<p>Map Centre - easting / northing: 375194 / 164889</p>	<p>© Crown copyright and database right. All rights reserved (100023334) 2014</p>	



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LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

Application number:	14/03291/LAPRE
Applicant's name:	Bath & North East Somerset Council
Premises name and address:	New Market Row Undercroft Colonnade Beneath Street, Grand Parade, Bath, BA2 4AN
Application for a:	New Premises Licence

Objector Details:

Objector's Name:	Ian Perkins and Anne Robins
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	11 Pierrepoint Street Bath BA1 1LA
Organisation name if applicable:	TARA and the Empire Owners Association

Objection Details:

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

Prevention of crime and disorder



Prevention of public nuisance



Protection of children from harm



Public safety



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

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

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

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

This representation is on behalf of both the Abbey Residents' Association (TARA) and the Empire Owners Association who both have members living near and potentially affected by the trading on these premises.

We should begin by making it clear that both our associations are broadly supportive of bringing the colonnades into use provided this can be done in a way which respects their position at the heart of the World Heritage City.

However, the premises are very close to a number of noise and nuisance sensitive residential premises who are regularly affected by noise and anti-social behaviour from late night revellers in Grand Parade and Orange Grove. Many of the nearest noise sensitive premises are occupied by people in their 80's. People living on levels 1,2 and 3 of the Empire regularly report this kind of disturbance as do visitors sleeping in guest rooms at the (basement) level of the Colonnades.

These premises are at the epicentre of Bath's late night drinking culture with drink based establishments on North Parade, Pierrepont Street, across the other side of the weir and late night refreshment establishments in Grand Parade and Orange Grove. In addition to this Grand Parade and Orange Grove see most of the late night drinking crowd from the rest of Bath as they make their way to the taxi ranks and the station. This means that additional, particularly late night, licences issued in this area are very likely to increase the disorder already experience by residents and enforcement agencies.

Another concern is music and particularly amplified music. Residents are already impacted by noise from musical events beside the river and we are aware from many instances across the city that music created in vaults, particularly if it contains low frequencies, can propagate through building structures for great distances. The guest rooms in the basement the Empire which are at the level of the Colonnades are often occupied by young children and are particularly sensitive to this sort of disturbance.

River safety is a major concern in Bath with a quite unacceptable number of deaths having occurred over recent years many of which have involved victims who have been drinking alcohol. We have witnessed occasions when police resource have be diverted to deal with people who, often under the influence of alcohol, have decided to "take the plunge" in the pool behind the weir. Again this raises concerns about the management of premises serving alcohol at the riverside which we believe the licencing authority needs to address in setting conditions.

In the light of this we would urge the licencing authority to impose the following changes and

additions to the proposed conditions:

1. No alcohol to be consumed in outside areas after 22:30 and the area to be cleared by 23:00.
 - Outside areas are invariably a source of noise pollution
2. All alcohol sales to cease at 23:30
 - To allow for drinking up time
3. Alcohol sales on Sundays to end at 22:30
 - Sunday is currently the only really relatively quiet night and that should be preserved
4. New Year's alcohol sales to end at 1:00
5. No alcohol sales before 11:00
 - as a matter of general principle it is not clear that the authority should provide for the early morning consumption of alcohol. If when the units are let tenants can offer a justification in their particular circumstances they may then apply formally for a variation.
6. On-sales of alcohol to be served by waiters only to customers sitting at tables and consuming food.
 - there is already too much vertical drinking in this area
7. Customers not to leave the premises with glass containers.
8. Ideally we would like to see music restricted to a level appropriate to creating an ambience for eating.
However, if the authority is not minded to do this we would propose:
 - noise limiters on all amplifiers set to levels agreed by the local authority
 - no noise being audible in the nearest noise sensitive premises
 - a requirement to close all windows and doors after 23:00 if music is being performed
9. CCTV coverage of all exits from the premises and on to the parades.
10. A dispersal policy for the management of people leaving after midnight.
11. A requirement to clear litter around the entrance and exits at close of business

These premises are, as we understand it within the area covered by the cumulative impact policy.

[Empty rectangular box for representation]

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

Signed Ian Perkins and Anne Robins

Date 27.06.14

Contact telephone number(s) 07905 4951617
(This is essential as we may need to contact you at short notice)

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

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

Name Ian Perkins and Anne Robins

I will be attending the hearing I will not be attending the hearing

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Monday 28 July 2014	
TITLE:	Application for a Premises Licence for Empire Undercroft (colonnade beneath street) Grand Parade, Bath BA2 4AN	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Annex A Application for a new premises licence</p> <p>Annex B Site plan</p> <p>Annex C Representation from TARA and the Empire Owners' Association</p>		

1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of Empire Undercroft (colonnade beneath street) Grand Parade, Bath BA2 4AN.

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £100.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) 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 have 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 for a new Premises Licence (Annex A).

5.2 The application proposes the following licensable activities:

- 1) The **Sale of Alcohol** for consumption both on and off the premises between the following hours:

Monday to Sunday	09:00 - 00:00
New Year's Eve	09:00 - 02:00 the following morning

- 2) The provision of **Regulated Entertainment** by way of Live and Recorded Music indoors only:

Monday to Sunday	11:00 - 00:00
New Year's Eve	11:00 - 02:00 the following morning

- 3) The provision of **Late Night Refreshment**:

Monday to Sunday	23:00 - 00:30
New Year's Eve	23:00 - 02:30 the following morning

- 4) The **opening hours** proposed are:

Monday to Sunday	08:00 - 00:30 the following morning
New Year's Eve	08:00 - 02:30 the following morning

5.3 A site plan is attached at Annex B.

5.4 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
- d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, 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.

- 5.5 The Licensing Authority may grant the application with or without additional conditions.
- 5.6 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, 15, 17, 18, 20, 23, 24, 28, 33 - 38, 41 to 44 of the 2011 policy.
 - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance (as revised in June 2013).
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.7 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.
- 5.8 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 in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.9 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, health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 A joint representation has been received from the Abbey Residents' Association (TARA) and the Empire Owners' Association expressing concern that the applicant's proposals will undermine the licensing objectives relating to the prevention of crime and disorder, the prevention of public nuisance and public safety (Annex C).
- 5.12 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

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

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

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

Contact person	Terrill Wolyn, Senior Licensing Officer 01225 396939
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy

ENVIRONMENTAL SERVICES

03 JUN 2014

Post Log No:

Receipt No: 78283

CDCA £ 100.00

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bath & North East Somerset Council

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
The Colonnades
Empire Undercroft
(accessed via public stairwell along Grand Parade)

Post town

Bath

Postcode

BA2 4DF

Telephone number at premises (if any)

n/a

Non-domestic rateable value of premises

£0

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input checked="" type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Bath & North East Somerset Council
Address The Guildhall High Street Bath BA1 5AW
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Local Authority
Telephone number (if any) n/a
E-mail address (optional) n/a

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)
 Restaurant, with outside space immediately along the frontage on the River Avon and with entrance via the Colonnade or by lift from a bespoke entrance on Grand Parade.

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

n/a

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment | Please tick any 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| 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)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	00:00	Please give further details here (please read guidance note 3) Unamplified live music performed by no more than 2 performers.	Both	<input type="checkbox"/>
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00	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 (please read guidance note 5) Until 02:00h the morning following New Year's Eve.		
Sat	11:00	00:00			
Sun	11:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	00:00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	11:00	00:00			
Wed	11:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Until 02:00h the morning following New Year's Eve.		
Sat	11:00	00:00			
Sun	11:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Hot food and refreshment after 11pm.		
Mon		00:30			
	23:00				
Tue		00:30			
	23:00				
Wed		00:30			
	23:00				
Thur		00:30			
	23:00				
Fri		00:30			
	23:00				
Sat		00:30			
	23:00				
Sun		00:30			
	23:00				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Until 02:00h the morning following New Year's Eve.		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name DPS TO BE CONFIRMED. EXPRESSLY UNDERSTAND THE PREMISES CANNOT TRADE WITHOUT A DPS.	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon		00:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) Until 02:30h the morning following New Year's Eve.</p>
	08:00		
Tue		00:30	
	08:00		
Wed		00:30	
	08:00		
Thur		00:30	
	08:00		
Fri		00:30	
	08:00		
Sat		00:30	
	08:00		
Sun		00:30	
	08:00		

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The Premises Licence will have no effect until the premises are constructed/alterd only in accordance with the appropriate provisions of the local licensing authority and this condition has been removed from the premises licence.
The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).
Waiter/waitress service will always be available.
The premises shall predominantly be run as a licensed restaurant.
A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.
Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
All staff shall be suitably trained for their job function for the premises the training shall be written into a programme of ongoing review and will be made available to a responsible authority on reasonable request.

b) The prevention of crime and disorder

CCTV camera shall be installed and maintained in consultation with the police crime prevention office. The licensee shall ensure that the CCTV is maintained in working order, that images are kept for 28 days. CCTV shall, as a minimum, cover all entrances and exits to the premises.
Other than in the areas designated for drinking and indicated in this application, no persons shall be permitted by the designated premises supervisor or persons acting under his/hers authorization to remove alcohol from the premises in an open container.
A designated member of staff will monitor the outside area when in use.
To be a member of Pubwatch or related scheme.
Off sales are to be taken off the area marked on the licensed plan in sealed containers only.

c) Public safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.
The licensee shall have a procedure in place to ensure fire exits are checked regularly and clear from obstruction at all times.
Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summonsed, are prominently displayed and protected from damage, vandalism and deterioration.
The premises shall be provided with fire fighting equipment which shall be readily available for use, serviced regularly by appropriately qualified persons and records of such maintenance kept on site for inspection by authorised officers.
Emergency lighting and smoke detectors shall be installed and inspected at appropriate intervals to ensure they are in good working order.
Any outside seating area will be limited to the area marked on the plan attached to the premises licence.
All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
The edges of the treads of steps shall be maintained so as to be conspicuous.
Curtains and hangings shall be arranged so as not to obstruct emergency signs.
The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
All exit doors shall be available at all material times without the use of a key, code, card or similar means.

Appropriate certificates will be provided to the local authority on written request in respect of any emergency lighting, battery or system, the electrical installation and emergency warning system. The premises licence holder shall ensure that a safety check is carried out before the admission of public, and to maintain for a reasonable period of time details of such checks in a logbook. Tables and chairs in any external area will be maintained in the designated area and (if appropriate) by utilising barriers or ropes.

d) The prevention of public nuisance

A refuse store of sufficient size shall be provided
Late night refreshment is restricted to consumption on the premises.
Suitable receptacles will be provided for cigarette litter in the outside area.
When in use, any outside areas are to be monitored and supervised by management and staff during the hours that the premises are open to the public.
No regulated entertainment to take place outside.

e) The protection of children from harm

All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.
All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.
A challenge 21 policy is employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.
The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.
Staff will be trained in this policy and records will be kept.
There shall be no adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	SOLICITOR TO THE APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

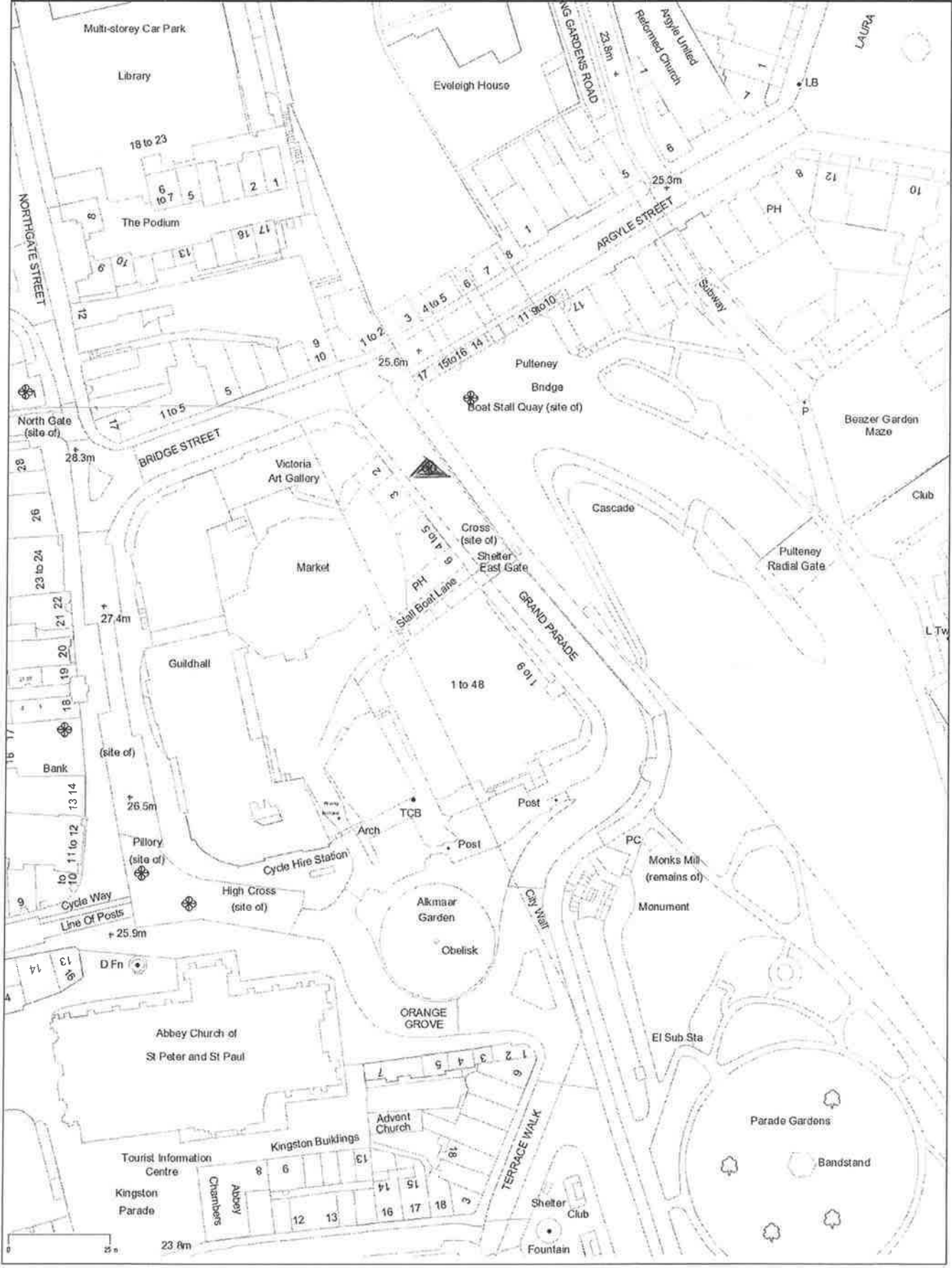
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Piers Warne TLT Solicitors			
Post town	Bristol	Postcode	BS1 6TP
Telephone number (if any)	+44(0)117 917 8815		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) piers.warne@tltsolicitors.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of

<p>Bath and North East Somerset: District Online</p>	<p>Date: 3-7-2014 Scale: 1:1250</p>	<p>Bath & North East Somerset Council</p>	
<p>Empire Undercroft</p>	<p>Map Centre - easting / northing: 375194 / 164889</p>	<p>© Crown copyright and database right. All rights reserved (100023334) 2014</p>	



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

Application number:	14/03297/LAPRE
Applicant's name:	Bath & North East Somerset Council
Premises name and address:	Empire Undercroft Colonnade Beneath Street, Grand Parade, Bath, BA2 4AN
Application for a:	New Premises Licence

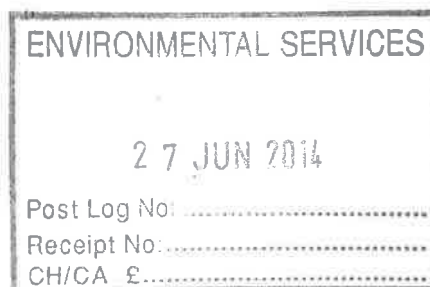
Objector Details:

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

Objection Details:

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

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



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

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

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

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

This representation is on behalf of both the Abbey Residents' Association (TARA) and the Empire Owners Association who both have members living near and potentially affected by the trading on these premises.

We should begin by making it clear that both our associations are broadly supportive of bringing the colonnades into use provided this can be done in a way which respects their position at the heart of the World Heritage City.

However, the premises are very close to a number of noise and nuisance sensitive residential premises who are regularly affected by noise and anti-social behaviour from late night revellers in Grand Parade and Orange Grove. Many of the nearest noise sensitive premises are occupied by people in their 80's. People living on levels 1,2 and 3 of the Empire regularly report this kind of disturbance as do visitors sleeping in guest rooms at the (basement) level of the Colonnades.

These premises are at the epicentre of Bath's late night drinking culture with drink based establishments on North Parade, Pierrepont Street, across the other side of the weir and late night refreshment establishments in Grand Parade and Orange Grove. In addition to this Grand Parade and Orange Grove see most of the late night drinking crowd from the rest of Bath as they make their way to the taxi ranks and the station. This means that additional, particularly late night, licences issued in this area are very likely to increase the disorder already experience by residents and enforcement agencies.

Another concern is music and particularly amplified music. Residents are already impacted by noise from musical events beside the river and we are aware from many instances across the city that music created in vaults, particularly if it contains low frequencies, can propagate through building structures for great distances. The guest rooms in the basement the Empire which are at the level of the Colonnades are often occupied by young children and are particularly sensitive to this sort of disturbance.

River safety is a major concern in Bath with a quite unacceptable number of deaths having occurred over recent years many of which have involved victims who have been drinking alcohol. We have witnessed occasions when police resource have be diverted to deal with people who, often under the influence of alcohol, have decided to "take the plunge" in the pool behind the weir. Again this raises concerns about the management of premises serving alcohol at the riverside which we believe the licencing authority needs to address in setting conditions.

In the light of this we would urge the licencing authority to impose the following changes and

additions to the proposed conditions:

1. No alcohol to be consumed in outside areas after 22:30 and the area to be cleared by 23:00.

- Outside areas are invariably a source of noise pollution

2. All alcohol sales to cease at 23:30

- To allow for drinking up time

3. Alcohol sales on Sundays to end at 22:30

- Sunday is currently the only really relatively quiet night and that should be preserved

4. New Year's alcohol sales to end at 1:00

5. No alcohol sales before 11:00

- as a matter of general principle it is not clear that the authority should provide for the early morning consumption of alcohol. If when the units are let tenants can offer a justification in their particular circumstances they may then apply formally for a variation.

6. On-sales of alcohol to be served by waiters only to customers sitting at tables and consuming food.

- there is already too much vertical drinking in this area

7. Customers not to leave the premises with glass containers.

8. Ideally we would like to see music restricted to a level appropriate to creating an ambience for eating.

However, if the authority is not minded to do this we would propose:

- noise limiters on all amplifiers set to levels agreed by the local authority

- no noise being audible in the nearest noise sensitive premises

- a requirement to close all windows and doors after 23:00 if music is being performed

9. CCTV coverage of all exits from the premises and on to the parades.

10. A dispersal policy for the management of people leaving after midnight.

11. A requirement to clear litter around the entrance and exits at close of business

These premises are, as we understand it within the area covered by the cumulative impact policy.

[Empty rectangular box for representation content]

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

Signed Ian Perkins and Anne Robins

Date 27.06.14

Contact telephone number(s) 07905 4951617
(This is essential as we may need to contact you at short notice)

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

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

Name Ian Perkins and Anne Robins

I will be attending the hearing I will not be attending the hearing