
Bath & North East Somerset Council

Democratic Services

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Date: 10 August 2015

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Licensing Sub-Committee

Councillors:- Paul Myers, Emma Dixon and Caroline Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 18th August, 2015

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 18th August, 2015 at 10.00 am** in the **Kaposvar Room - Guildhall, Bath.**

Briefing

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

The agenda is set out overleaf.

Yours sincerely

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 Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Guildhall Bath (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

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

3. Recording at Meetings:-

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

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

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

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

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

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

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

Protocol for Decision-making

Guidance for Members when making decisions

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

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

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

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

Licensing Sub-Committee - Tuesday, 18th August, 2015

at 10.00 am in the Kaposvar Room - Guildhall, Bath

AGENDA

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: 4 AUGUST 2015 (Pages 7 - 10)

6. LICENSING PROCEDURE (Pages 11 - 14)

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

7. APPLICATION TO VARY PREMISES LICENCE FOR THE LOCH FYNE RESTAURANT, 24 MILSOM STREET, BATH BA1 1DG (Pages 15 - 44)

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

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 4th August, 2015, 10.00 am

Councillors: Paul Myers (Chair), Mark Shelford and Caroline Roberts

Officers in attendance: John Dowding (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

26 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

28 DECLARATIONS OF INTEREST

There were none.

29 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

30 MINUTES: 7 JULY AND 14 JULY

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

31 TAXI PROCEDURE

The Chair drew attention to the procedure to be followed for agenda items 8 and 9.

32 EXCLUSION OF THE PUBLIC

RESOLVED that, the Sub-Committee having been satisfied that the public interest would be better served by not disclosing relevant information, the public be excluded from the meeting for agenda items 8 and 9 in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, and that the reporting of these items be prevented in accordance with Section 100A(5A) of the Act, 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.

33 CONSIDERATION OF CONVICTION OBTAINED - M K

Mr K confirmed that he had received and understood the procedure to be followed for the hearing.

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

Mr K read out a prepared statement and was questioned by Members.

Mr K was questioned by Members and in answer to a question relating to his conduct as a licenced driver Mr K replied that there had been no issues with his conduct in the 8 years he had been a licensee.

The Senior Public Protection Officer clarified Mr K's reply. He stated that whilst Mr K had not been before a Sub-Committee he had spoken to Mr K and warned about accepting fares that were not pre-booked as a result of complaints received.

Mr K did not wish to make a closing statement but acknowledged he had been spoken to by the Officer but insisted the complaints resulted from confusion surrounding where he parked his vehicle.

Following an adjournment the Sub-Committee **RESOLVED** to suspend Mr K's combined Hackney Carriage/Private Hire Driver's Licence for 28 days.

Reasons

Members have had to determine what action to take against the holder of a combined Hackney Carriage / Private Hire Driver's Licence having obtained convictions during the course of his licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members took account of the applicant's oral representations and were aware that case law stated the economic wellbeing of the applicant was 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, record as a licenced driver and his character.

The applicant read a statement and stated he did not remember the incident and was confused as to the circumstances of the offence. He stated he would normally ask customers to pre-book journeys particularly given the risks of not being insured. On this occasion he felt there was some misunderstanding. With regard to complaints received by the licensing department that he had previously picked up passengers without pre-booking and spoken to by officers he stated that these incidents had not happened but rather arose from a confusion surrounding where he parked his car on George Street which had been resolved.

Members took a dim view of the offence of plying for hire resulting in an offence of driving without insurance. Members noted from his statement that he clearly knew what he was doing was illegal in that a Private Hire Vehicle could not accept a fare that was not pre-booked. Further whilst he stated he had regretted the situation members noted he had not accepted any responsibility for the offence, had not shown any remorse nor had he made any apology. In reaching their decision Members considered it was inappropriate to give him a warning as to his future conduct and that revocation would be disproportionate. Accordingly Members suspended his combined Hackney Carriage/Private Hire Vehicle driving license for 28 days as a necessary and proportionate step offering an opportunity to reflect on

his conduct and understand the serious nature of his obligations and responsibilities as a licensed driver.

34 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - J P

Mr P confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer summarised the report and invited the Sub-Committee to determine the issue. He provided Members with copies of a DBS certificate relating to Mr P and of a statement from him. The Sub-Committee adjourned to allow Members time to study these documents.

After the Sub-Committee had reconvened, Mr P stated his case and was questioned by Members.

Mr P made a closing statement.

Following an adjournment the Sub-Committee **RESOLVED** that Mr P was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members have had to determine an application for a combined Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the applicant's oral representations, his statement, references and balanced these against the information provided by the Disclosure and Barring Service.

The applicant stated the incidents happened in a small block period of his life but he had moved on, had not committed any further offences and no longer let his anger get out of hand.

Members noted that Mr P's offending occurred within a short period of time in 2010 arising out of particular circumstances and that he had completed an anger management course as a result. Members acknowledged he had accepted responsibility and had moved on with his life and accordingly found him a fit and proper person to hold a combined Hackney Carriage/Private Hire drivers licence.

The meeting ended at 12.35 pm

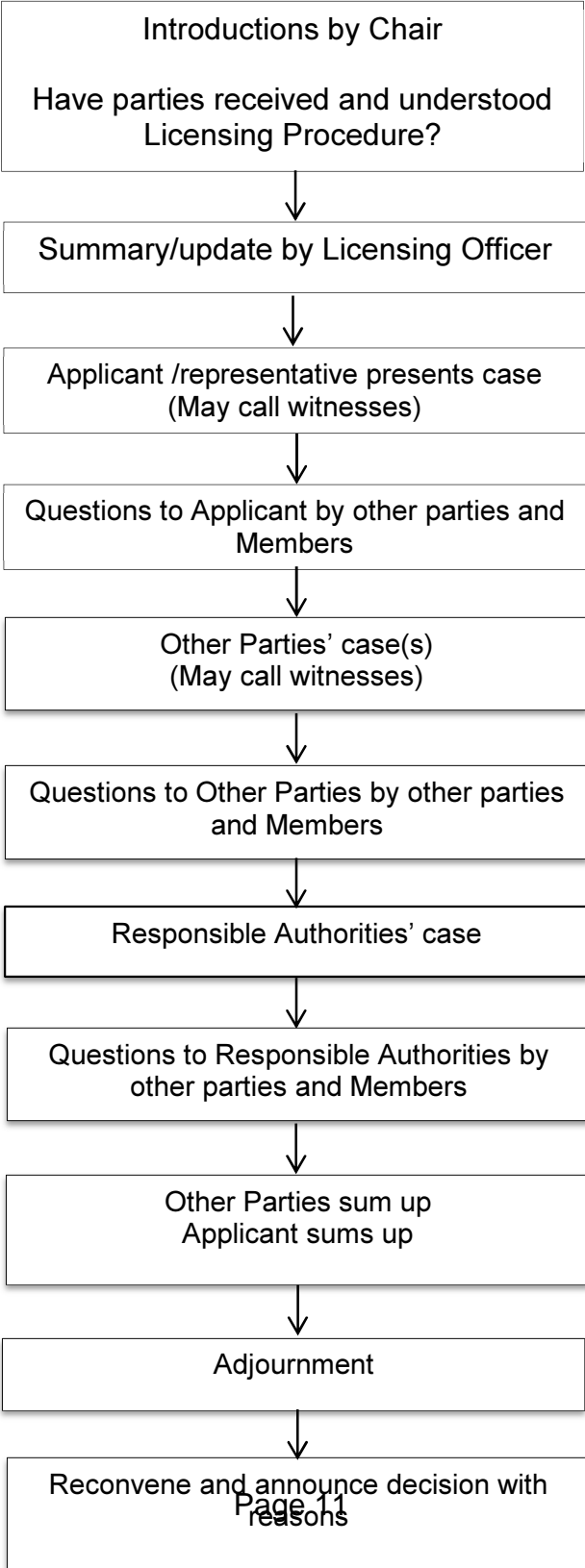
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

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



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

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

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

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

Responsible Authorities will be invited to summarise their representations

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

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

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

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

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

PLEASE NOTE:

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

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

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 18 August 2015	
TITLE:	Application for a Variation to Premises Licence for the Loch Fyne Restaurant, 24 Milsom Street, Bath, BA1 1DG	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new premises licence		
Annex B Representation from Avon & Somerset Constabulary		
Annex C Applicant's agreement to the proposed conditions by Avon & Somerset Constabulary		

1 THE ISSUE

- 1.1 An application has been received for a variation to a Premises Licence under section.17 of the Licensing Act 2003 in respect of the Loch Fyne Restaurant, 24 Milsom Street, Bath, BA1 1DG.

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 £315.00

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 to vary the Premises Licence (*Annex A*).

5.2 The application proposes:

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

Monday to Saturday 08:00 – 00:00

Sunday 08:00 – 23:30

The current hours for the Sale of Alcohol are:

Monday to Saturday 11:00 – 00:00

Sunday 11:00 – 23:30

2) Opening Hours (remain unchanged)

Monday to Saturday 07:30 – 00:30

Sunday 08:00 – 00:00

The current Opening hours are:

Monday to Saturday 07:30 – 00:30

Sunday 08:00 – 00:00

The application also seeks to remove the following condition from the current licence:

'The supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.'

5.3 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.

- 5.4 The Licensing Authority may grant the application with or without additional conditions.
- 5.5 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 16, 17, 18, 20, 23, 24, 33 - 37, 41 to 44 of the 2011 policy.
 - b) Chapters 2, 8, 9 & 10 of the Statutory Guidance revised October 2014
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.6 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.
- 5.7 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.
- 5.8 In accordance with the requirements of the Act the copies of the application were sent to the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.9 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.
- 5.10 A representation has been received from Avon & Somerset Constabulary (*Annex B*) in relation to the applicant's proposals and the police have the view that premises of this size within this already stressed area potentially allows for vertical drinking does nothing to further the licensing objectives in a cumulative impact area. To promote the licensing objectives, the following condition have been proposed by Avon & Somerset Constabulary and agreed in writing by the applicant (*Annex C*): 'Save for the bar area the supply and consumption of alcohol to be by waiter/waitress service to persons seated at the tables'.

There is no representation to the change in hours proposed.

5.11 The application proposes the consumption of alcohol “on premises” and falls within the cumulative impact area. As a representation has been received, there is a rebuttable presumption that the application will be refused unless the applicant has demonstrated that the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact.

5.12 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

6.1 As a representation has been received the Licensing Sub Committee must determine the application in accordance with the Licensing Act 2003.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

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

8.2 Issues relating to Safeguarding have been considered in respect of this application.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and 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 (Head of Legal & Democratic Services and Council Solicitor), 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	Mike Dando, Senior Public Protection Officer – 01225 477946
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



GREENE KING
BURY ST EDMUNDS

24th June 2015

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Bath And North East
Somerset Council

25 JUN 2015

Received

To Whom It May Concern:

Re: Licensing Act 2003

Please find enclosed application under the Licensing Act 2003 for a Variation to the Premises Licence for the Loch Fyne Restaurant, Bath.

I can confirm that copies of this application have been made to relevant authorities as per the guidance.

If you have any issues to discuss regarding this application please do not hesitate to contact me on either of the numbers below.

I look forward to speaking to you in the near future.

Yours faithfully,

HLOYNDS

Hannah Loynds
Licensing Manager
Greene King Destination and Local Pubs
Hannahloynds@greeneking.co.uk
01284 714140
07974 132921

Enclosed

GREENE KING DESTINATION AND LOCAL PUBS

Westgate Brewery / Bury St Edmunds / Suffolk IP33 1QT

T 01284 763222 / F 01284 706502 / greeneking.co.uk

Registered in England and Wales with registered number 3324493.

Registered in the Companies House.

Page 10

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

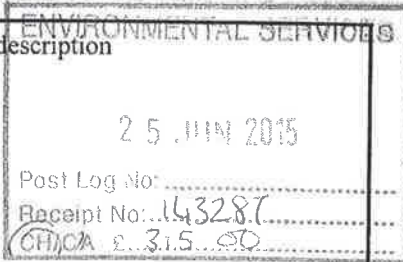
I/We Premium Dining Restaurants & Pubs Limited

(Insert name(s) of applicant)

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

Premises licence number 14/04148/LAPRE
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Loch Fyne Restaurant 24 Milsom Street Bath			
Post town	Bath	Postcode	BA1 1DG

Telephone number at premises (if any)	01225 750120
Non-domestic rateable value of premises	£59,000

Part 2 – Applicant details

Daytime contact telephone number	01284 714140		
E-mail address (optional)	Hannahloynds@greeneking.co.uk		
Current postal address if different from premises address	Premium Dining Restaurants & Pubs Limited Belhaven Brewery Brewery Lane Dunbar East Lothian		
Post town	Dunbar	Postcode	EH42 1PE

[Type text]

6/11/2024

Part 3 - Variation

Please tick as appropriate

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

Yes

No

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

DD		MM		YYYY			
↓	↓	↓	↓	↓	↓	↓	↓

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the following:

Sale by retail of alcohol

Hours open to the public

To remove the following condition:

The supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.

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

[Type text]

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

[Type text]

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play 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 performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

[Type text]

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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 exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

[Type text]

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			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 (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

[Type text]

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment 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"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

[Type text]

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

[Type text]

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music 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	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

[Type text]

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"/>
				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 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					

[Type text]

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					

[Type text]

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 type="checkbox"/>				
Day	Start	Finish	Please give further details here (please read guidance note 3)							
Mon										
Tue										
Wed							State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur										
Fri							Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sat										
Sun										

[Type text]

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) As per premises licence granted		
Mon	08:00	00:00			
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00			
Fri	08:00	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)		
Sat	08:00	00:00			
Sun	08:00	23:30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

[Type text]

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) As per premises licence granted 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)
Day	Start	Finish	
Mon	07:30	00:30	
Tue	07:30	00:30	
Wed	07:30	00:30	
Thur	07:30	00:30	
Fri	07:30	00:30	
Sat	07:30	00:30	
Sun	08:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 To remove the following condition:
 The supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.

[Type text]

Please tick as appropriate

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

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

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

[Type text]

M

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

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

As per premises licence granted with the removal of the following:
The supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.

b) The prevention of crime and disorder

As per premises licence granted with the removal of the following:
The supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.

c) Public safety

As per premises licence granted with the removal of the following:
The supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.

d) The prevention of public nuisance

As per premises licence granted with the removal of the following:
The supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.

e) The protection of children from harm

As per premises licence granted

[Type text]

Checklist:

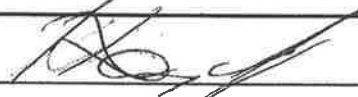
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	24 th June 2015
Capacity	Licensing Manager

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Hannah Loynds
Greene King
Westgate Street

Post town	Bury St Edmunds	Post code	IP33 1QT
Telephone number (if any)	01284 714140		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
Hannahloynds@greeneking.co.uk			

[Type text]

Notes for Guidance

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

1. 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 state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
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 whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Licensing Services, Manvers Street, Bath.

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

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

Your Name	Martin Purchase
Job Title	Liquor Licensing Officer
Postal and email address	Bath Police Station Manvers St. Bath. BA1 4BX
Contact telephone number	01225842475

Name of the premises you are making a representation about.	Loch Fyne
Address of the premises you are making a representation about.	24 Milsom Street Bath BA1 1DG

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	Yes	The premises are situated within the north of the city centre,. This area does experience sporadic crime and disorder and anti social behaviour. The problems are most frequent in the late evenings and into the night they are alcohol related. There are incidents of person's obtaining alcohol and causing anti-social behaviour within the area. The application seeks the removal of a condition requiring that alcohol be served by waiter /waitress service to persons sat at tables, the police have the view that premises of this size within this already stressed area that potentially allows for vertical drinking does nothing to further the licensing objectives in a cumulative impact area. The applicant has agreed to modify this condition so it only relates to the bar area that is clearly defined on the plan.,(see email attached)

Public safety		
To prevent public nuisance	Yes	
The prevention of harm to children		
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	"Save for the bar area the supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables"	

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

Signed:

Date:

Please return this form along with any additional sheets to:

Bath and North East Somerset Council

Licensing Services
Manvers Street
Bath.
E-mail address: licensing@bathnes.gov.uk

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

Michael Dando

From: Martin Purchase <Martin.Purchase@avonandsomerset.police.uk>
Sent: 15 July 2015 08:44
To: Alan Bartlett
Subject: FW: Loch Fyne, Bath

Alan

This is the agreement email from Green King.

Martin P.

From: Hannah Loynds [<mailto:hannahLoynds@greeneking.co.uk>]
Sent: 06 July 2015 13:41
To: Martin Purchase
Subject: FW: Loch Fyne, Bath

Good afternoon Martin

Firstly please accept my apologies for the delay in responding to you however I have now had the opportunity of liaising with my clients with regards to the application.

Following our discussion I propose;

To remove the following condition:

“the supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables”

To be replaced with:

“save for the bar area the supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables”

I would be grateful for your comments & in the meantime if I can be of any further assistance then please do not hesitate to contact me on either of the numbers below.

Kindest regards, Hannah

Hannah Loynds
Licensing Manager

Greene King plc | Abbot House | Westgate Brewery | Bury St Edmunds | Suffolk | IP33 1QT
Desk: 01284 714140 | Mob: 07974 132921

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