
Bath & North East Somerset Council

Democratic Services

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Date: 20 April 2015

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To: All Members of the Licensing Sub-Committee

Councillors:- Manda Rigby, Roger Symonds and Anthony Clarke

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 28th April, 2015

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 28th April, 2015 at 10.00 am** in the **Council Chamber - Guildhall, Bath.**

Briefing

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

The agenda is set out overleaf.

Yours sincerely

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.

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- 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, 28th April, 2015

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 27 MARCH 2015 AND 7 APRIL 2015 (Pages 7 - 24)

6. LICENSING PROCEDURE (Pages 25 - 28)

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

7. APPLICATION FOR A PREMISES LICENCE FOR BURGER & LOBSTER, 25 (THE OCTAGON) 7 28 MILSOM PLACE, MILSOM STREET & BROAD STREET, BATH BA1 1BZ (Pages 29 - 64)

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

Friday, 27th March, 2015, 1.00 pm

Councillors: Manda Rigby (Chair), Roger Symonds and Chris Watt

Officers in attendance: Emma Bagley (Policy Development & Scrutiny Project Officer), Alan Bartlett (Public Protection Team Leader), Terrill Wolyn (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

147 EMERGENCY EVACUATION PROCEDURE

The Clerk read out the procedure.

148 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr Chris Watt substituted for Cllr Anthony Clarke, who had sent his apologies.

149 DECLARATIONS OF INTEREST

Cllr Chris Watt raised a declaration of interest in relation to Item 10. He was the elected member for Midsomer Norton Redfield. Cllr Watt said there was no prejudicial reason not to participate, and believed he was capable of being objective towards the application.

150 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

151 MINUTES: 3RD MARCH 2015

RESOLVED that the minutes of 3rd March 2015 be approved as a correct record and signed by the Chair (person).

152 MINUTES: 17 MARCH 2015

RESOLVED that the minutes of 17th March 2015 be approved as a correct record and signed by the Chair (person).

153 LICENSING PROCEDURE

The Chair explained the licensing hearing procedure.

154 APPLICATION FOR A PREMISES LICENCE FOR WETHERSPOONS, 110 HIGH STREET, MIDSOMER NORTON, BA3 2DA

The sub-committee considered the report which sought determination of an application for a new Premises Licence under s17 of the Licensing Act 2003 in respect of Wetherspoons, 110 High Street, Midsomer Norton, BA3 2DA

Those present for the applicant:-

Nigel Connor – Solicitor for the applicant
Paul Dixey – J D Wetherspoon

Those from Responsible Authorities:-
Martin Purchase – Police Licensing Officer
Sgt Geoffrey Cannon - Police
Katherine Jones – Environmental Health Officer ('EHO')

The Senior Public Protection Officer presented the report and outlined the application for a new Premises License for the Sale of Alcohol and the provision of Late Night Refreshment at Wetherspoons, Midsomer Norton. Representations had been received from Responsible Authorities; namely Environmental Protection and the Police. The Senior Public Protection Officer said conditions had been agreed between the applicant and the police, with a slight modification around door staff. These conditions had been circulated to all parties yesterday. A Local resident Mr Mark Ashman had submitted a representation and whilst Mr Ashman was unable to attend the Sub-Committee meeting, his objection was noted

Applicant

Nigel Connor put the case on behalf of the applicant. He stated the conditions offered in the schedule were standard to new premises. Mr Connor said the premises, a former Palladium Cinema, had been empty for 20 years. Planning matters were still outstanding because a bat survey was required. This needs to be made at the right time of year. Mr Connor then drew the Sub-Committee's attention to the plans for the premises. He stated the main customer area was situated on the ground floor, with the first floor comprising a smaller customer area, external area and cellar. Full CCTV was planned for all areas, including the front and back of the premises. Mr Connor estimated customer occupancy at 400, based on the fire safety risk assessment. The plan showed indicative positions for the tables and chairs. There was a disabled WC on the ground floor, with a staff changing area externally.

Mr Connor said the premises would have no music, entertainment or karaoke. It would be somewhere to go for a quiet drink or a meal. Mr Connor explained how Wetherspoons had operated since 1979, with 942 premises across UK and Ireland. He said the organisation had given greater access to families, and for food. In doing so, Mr Connor highlighted how Wetherspoons had addressed the smoking issues before the ban. He stated there was something for everyone, and not just young people. The emphasis on food before 11pm was an important feature. Mr Connor said the proportion of alcohol to food was 50:50. As some alcohol would be consumed with food, the premises would be more than a pub. He noted that menus had been submitted to the Sub-Committee. Mr Connor saw the premises as family friendly with children be admitted whilst supervised. He said hot drinks would be popular, with an estimated 2000 teas and coffees per week. Mr Connor explained that as there was already competitive pricing, there was no need for happy hours. He described the premises as a social space, and an asset to the community, wanting to see links with organisations. In small towns there had been a demand for this sort of premises.

Mr Connor addressed the representations to the application. He acknowledged that the Police had concerns. Mr Connor had discussed conditions with Mr Purchase, and had maintained a continued dialogue. Mr Connor felt there was a strong

management team, with 4 or 5 managers per premises (two operating at the weekend). Mr Dixey, the Manager, would liaise with the Regional Manager if needed. Mr Connor said the company took part in schemes such as Challenge 21. He also explained how the Manager could contact the licensing officer every month, participate with local initiatives (such as the Community Alcohol Partnership and Pubwatch), liaise with police and work in partnership with stakeholders. He further stated that he believed Mr Ashman's representations had been addressed through the suggested conditions.

Mr Connor was aware that the size of the garden could have an adverse impact. He wanted to agree an appropriate cut-off time; potentially 23:00hrs, whereas the Environmental Health Officer suggested 21:00hrs. Mr Connor recognised the potential for the use of the external areas to have an adverse effect and suggested there would be a middle ground for the closing hour. He stated there was a need to manage the premises, particularly on Friday and Saturday nights, with staff on the door and CCTV. Staff would monitor the area, with food being brought out and clearing tables. He reassured the Sub-Committee that it would not be a case of 'out of sight – out of mind'. Mr Connor reiterated the point there would be no music, just people in the garden. Mr Connor explained the WHO guideline that night starts at 23:00hrs. He stated that staff would start clearing out the area earlier than this time anyhow. Mr Connor anticipated the area would not be full at 23:00hrs. He was concerned that at 21:00hrs where people would go, as they would not be leaving and clearance of the area would have to start at 20:15-20:30hrs. Mr Connor said there would be operational obstacles to clearing the garden versus the impact on residents. He also raised concern about whether a condition of precluding garden use no later than 21:00hrs would preclude smokers. Mr Connor referred to the floor plan of the premises, explaining that the outside area was on two levels. He thought the Police preferred smokers in a more controlled area, so was willing to limit access to the lower area, and away from residents. Mr Connor reflected on Mr Ashman's comments, stating the premises will not be at capacity at closure. In doing so, he reminded the sub-committee that as there was no music, people who want a more lively atmosphere will drift away at about 22:30hrs, leaving the quiet drinkers. He did not envisage that staff would be throwing people onto the street. Mr Connor understood that a local nightclub offered cheaper entry to those arriving before 23:00hrs. Those who would move on to a club would do so beforehand.

With respect to children, Mr Connor believed the premises would be family friendly. Whilst there was a school opposite, as set out in Mr Ashman's representation, this was set back from the road. He considered it better for children to see alcohol being consumed responsibly at licensed premises with food.

The following information was given in answer to questions:

- A condition for outside use had not yet been agreed
- The applicant envisaged that there were ways of managing customers in the outside area (and smokers) after a given cut-off time. Mr Connor stated that a rope barrier or signage could be used. Mr Dixey said that signage could work, as could strong management and a good number of staff. Customer education was another factor, with more attention being paid at the relevant times. Mr Dixey said with other pubs it had not taken long to train customers. Mr Connor said staff would be briefed, so that they remain compliant.

- With respect to the issue of spiked-drinks, Mr Connor said the premises would be supervised by CCTV.
- Both Mr Connor and Mr Dixey confirmed they had been to the site. Mr Dixey confirmed that to the rear there were fire exits, but these were alarmed. Customers can only get in the premises from the front.
- Mr Connor gave a response to concerns that large numbers of customers would leave the premises late at night onto Midsomer Norton which is not a huge town. He explored how Wetherspoon pubs were located in both cities and towns. He had drinkers with food in mind. He reminisced how food in pubs had previously been pickled eggs and crisps. Mr Connor felt they were better off now, with 50% food expected. This would appeal more probably to a wide range of drinkers, than younger people. Mr Connor said this would not be a drinks led premises disgorging drinkers onto the High Street.
- Mr Connor confirmed that happy hours would not be offered. He felt the drinks promotions were competitive enough around the year, with nothing to induce drinking quickly. He noted how offers such as the 'Curry Club' ran all day, and offered drink in conjunction with food.
- Mr Connor stated that in relation to the proximity to the school, there will be a range of promotional materials at the front, some towards alcohol, although the bulk will be food. He said where alcohol is advertised, there will be no press, mostly word of mouth. Mr Connor stated they did not want to glamorise, just to show a drink with a price and to promote alcohol responsibly. Children could use the premises but only with an adult. Mr Connor wants to uphold the law relating to under 18 year olds. They may see people consuming alcohol, but this will be managed with food. He felt this was quite healthy as alcohol is part of life.
- Upon concern to managing anti-social behaviour, Mr Dixey stated that the majority of customers may visit the premises during the early weeks, and will get used to how the premises is managed. In Wells, a similar scheme was used with no issues. Mr Connor envisaged a regular clientele, who would need to adhere to the rules. He stated customers were more transient in cities, but not here. CCTV and staff monitoring would help. If a customer was having a cigarette, they would not be inclined to stay outside all of the time.

Following discussions between the Sub-Committee, Officers and the Applicant over the status of the front aspect of the premises (showing tables and chairs); the Applicant suggested a recess to allow him to take instructions.

When the Sub-Committee reconvened, the following information was given in answer to further questions to Mr Connor

- The floor plan of the premises indicated tables and chairs to the front . This area falls under Wetherspoon's demise. Whilst the area had formed part of the submitted plan, alcohol would not be sold there, just consumed.

The Licensing officer clarified the position - the area was under the control of the premises licence holder, no tables and chairs permit was necessary as the area was not "Highway", and alcohol could be consumed in this area as off sales were only restricted to being in sealed containers in areas that were not under the control of the premises licence holder. No restriction was currently in place regarding this front outside area.

Representation – Ms Katherine Jones (EHO)

Ms Jones said there was the potential for public nuisance given the external areas, and proximity of the beer garden to residents. To control this, Ms Jones has proposed a condition of ceasing use at 21:00hrs. She felt 12 hours of use wouldn't stop the bar operating, and would balance preventable nuisance versus the licensee's need. Ms Jones stated reduced hours would lead to reduced impact.

The following information was given in answer to questions:

- Ms Jones had judged this application on its merits, rather than factors relating to other premises. She did not have information about restrictions to other licensed premises on Midsomer Norton High Street in any case.
- Further to 'smoke-free' legislation, customers and staff need to have a suitable area to smoke. She said a condition could be considered about a designated area, together with a management plan.

For completeness, the Senior Public Protection Officer gave the Sub-Committee a brief overview of the conditions pertaining to external use of licensed premises in the locality.

Representation – Mr Martin Purchase (Police)

Mr Purchase said he had negotiated with Mr Connor of Wetherspoons; and the resulting conditions were before the Sub-Committee.

The Responsible Authorities did not want to sum up but the Applicant did. Mr Connor said he would limit his comments to disputed areas. He stated there would be measures to control the outside area. Plans had been given to the Sub-Committee. Mr Connor remarked how proposed time restrictions on this premises were much earlier than other licensed premises. He did not know how the premises would actually trade. The outside area will be bounded by a fence. Mr Connor said that this will help with acoustic elements of outside consumption. The licence, he said, was not set in stone. If there were complaints, there were remedies available under legislation. Mr Connor recapped the opportunity to use outer areas after 21:00hrs. Whilst he accepted the front may be treated slightly differently, Mr Connor said the Sub-Committee may want to consider similar conditions at the front and back of the premises.

The Senior Public Protection Officer, Public Protection Team Leader and public withdrew from the meeting for Members to consider the application.

When the Sub-Committee reconvened, it was

RESOLVED that the application for a new Premises Licence at Wetherspoons, 110 High Street, Midsomer Norton, BA3 2DA be granted subject to conditions agreed between the applicant and the Police:

- Customers shall not take open vessels from the premises except for the purposes of consumption in any external area under the control of the premises licence holder
- There shall be no new entry to the premises after 00:30
- The premises licence holder will risk assess the requirements for door supervisors at such times and in such numbers as required by the risk assessment. Any requirements of the Police and the Licensing Authority will be considered in the risk assessment process.

and those set out in the operating schedule. Members added conditions around use of external areas and access (see below).

Reasons

Members have today determined an application for a new premises licence for JD Wetherspoons Midsomer Norton. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters.

On hearing the parties Members granted the application subject to conditions forward by the Police, agreed by the applicant and as set out in the operating schedule.

Whilst noting JD Wetherspoon are considered a responsible alcohol retailer Members took account of the concerns of the interested party, responsible authorities and recognise the hard work of the Community Alcohol Partnership in reducing crime, disorder and antisocial behaviour in the town. Members therefore added the following conditions:

- There shall be no entry to the premises through the rear garden and no exit from the rear garden save in emergency.
- The external areas within the control of the premises shall only be used for the consumption of alcohol between the hours of 09:00 and 22:00 and thereafter for smokers only within the designated smoking area.

These additional conditions are considered appropriate and proportionate to ensure the Community Alcohol Partnership work is not undermined and the licensing objectives are furthered.

Authority is delegated to the Licensing Officer to issue the licence.

155 APPLICATION TO VARY THE PREMISES LICENCE FOR THE WINE BAR, 19 HIGH STREET, KEYNSHAM BS31 1DP

The sub-committee considered the report which sought determination of an application to vary the existing Premises Licence under s34 of the Licensing Act 2003 in respect of The Wine Bar, 19 High Street, Keynsham, BS31 1DP.

Those present for the applicant - Punch Taverns:-

Mike Culley – Regional Business Manager

Paul Brunsten – DPS & Partner

Alison Brunsten – Partner

Those from Responsible Authorities:-

Martin Purchase – Police Licensing Officer

The Senior Public Protection Officer presented the report and outlined the application to vary an existing Premises License at The Wine Bar, Keynsham. A representation had been received from the Police as a Responsible Authority. The Senior Public Protection Officer said conditions had been agreed about signage, CCTV and off-sales. Local residents Mr and Mrs Knight had also submitted a representation about the potential for increased noise to families living locally to the premises. Whilst Mr and Mrs Knight were unable to attend the Sub-Committee meeting, their objections were noted.

Applicant

Mr Mike Culley spoke first for the applicant's case. He described the proposal to extend sale of alcohol and background recorded music. Mr Culley promised the premises would not be attracting new people late at night. The current patrons currently enjoyed the premises as a wine bar. The current licensees had been with The Wine Bar for 6.5 years. Previous to this, they had run wine bars in France for 10 years. Mr Culley emphasised the premises is a wine bar, and not a pub. The operation attracted a more mature age group; where they can enjoy company and music would be in the background. There is a courtyard to the rear of the building. Mr Culley was happy to discuss the issue of timings. He had considered the impact of the premises on the surrounding area. Mr Culley described the surrounding area as including a coach-house, council premises and storage areas. He said the biggest noise was from the bypass. Mr Culley stated he was happy to meet with the EHO. For clarity, he further explained how the listing of performance of dance had been carried over from a previous licence.

Ms Alison Brunsten spoke next for the applicant's case. She was proud of The Wine Bar, and had never received complaints from residents. Ms Brunsten described flats were nearby and above the local HSBC bank, butcher and PC shop. She reflected how there were no complaints following New Year's Eve and weddings. Ms Brunsten said the Police had never warned the premises. She was surprised at the resident's representation against the application. If Ms Brunsten had known, she would have done something before.

Representation – Mr Martin Purchase (Police)

Mr Purchase said conditions had been agreed with the applicant's solicitors. He had nothing further to add to the Sub-Committee.

The representative of the Responsible Authority did not want to sum up but the Applicants did. Mr Culley said the application was not unreasonable. He explained there was no form of noise nuisance. The application was to extend on the nights that patrons wanted to use the premises. Ms Brunsdon commented how lucky she was to have a lovely clientele.

The Senior Public Protection Officer, Public Protection Team Leader and public withdrew from the meeting for Members to consider the application.

When the Sub-Committee reconvened, it was

RESOLVED that the application to vary the Premises Licence at The Wine Bar, 19 High Street, Keynsham, BS31 1DP be granted subject to the conditions agreed by the applicant and police:

- A digital CCTV system will be fitted and maintained at the premises in consultation with the Police. The images will be of evidential quality and will be kept for a minimum of 31 days. The images will be made available to the Police on request;
- Signage requesting patrons to leave quietly will be displayed at all exits from the premises;
- All off sales of alcohol to be sold in sealed containers unless it is to be consumed in an area covered by a Tables and Chairs permit.

and as set out in the operating schedule:

- There will be no entry or re-entry (with the exception of customers partaking in a cigarette) after 23:00 hrs on a Friday or Saturday.

Reasons

Members have today determined an application to vary a premises licence at the Wine Bar Keynsham. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters.

On hearing the parties and taking account of the written representations Members grant the application subject to the conditions agreed by the applicant and police and as set out in the operating schedule.

Authority is delegated to the Licensing Officer to issue the licence.

156 APPLICATION TO VARY THE PREMISES LICENCE FOR MIDSOMER NORTON CRICKET GROUND, WITHIES LANE, MIDSOMER NORTON BA3 2JE

The sub-committee considered the report which sought determination of an application to vary the existing Premises Licence under s34 of the Licensing Act 2003 in respect of Midsomer Norton Cricket Ground, Withies Lane, Midsomer Norton, BA3 2JE.

Those present for the applicant:-

Ken Bowen-Jones – Midsomer Norton Cricket Ground Committee
Tom Webb – Designated Premises Supervisor

Those Other Persons present:-

Cllr Brian Lawrence – Midsomer Norton Town Council
Dr Guy Worsdall
Martyn Russell JP

The Senior Public Protection Officer presented the report and outlined the application to vary an existing Premises License at Midsomer Norton Cricket Club. She said no representations had been received from the Responsible Authorities. Representations had been received from Midsomer Norton Town Council and a number of local residents. The Senior Public Protection Officer stated that representations about revellers from other licenced premises and their waste were not relevant to this application.

Applicant

Mr Tom Webb spoke for the applicant's case. He helped run the cricket club on a voluntary basis. Mr Webb wanted to see the club continue. He said it was financially difficult for sports clubs due to the spiralling costs of coaching, child protection etc. Mr Webb stated the club offered junior cricket opportunities for children between 2-16 years of age. He spoke of how the club visited schools as well. Mr Webb made the Sub-Committee aware that they received no support from the ECB or the Somerset Cricket Board. Whilst money came from fixtures played, the major earnings came from the bar. Mr Webb says there is a danger of the club not remaining solvent. He wanted the club to be able to offer facilities to locals, and especially families. Mr Webb wanted opportunities for future generations. Prior to his current role as bar management he was honorary secretary of the committee for four years. During this time Mr Webb said there had been no noise complaints from residents, B&NES, Avon & Somerset Police or the Town Council.

The following information was given in answer to questions:-

- Mr Webb confirmed that he could not recall a complaint, even during his time as honorary secretary.

- Mr Bowen-Jones explained that the club was not intending to do outside music. They were not in the market for big outside events.
- Mr Bowen-Jones stated that since taking over, the wooden building had been redecorated inside. To prevent disturbance, the music can be turned 180 degrees to face the ground, rather than towards houses (as previous).
- Since last October Mr Bowen-Jones said there had only been 4 events. They are not looking to play music every week.
- Mr Bowen-Jones said the application for starting earlier was with a view to offering children's parties.
- Mr Bowen-Jones explained he just wants to be above-board
- The additional opening would allow the applicants the potential to raise extra funds. Mr Bowen-Jones thought about a third more could be raised from serving teams arriving back to the club.
- Late night refreshments Mr Bowen-Jones confirmed would only be drinks not food.
- Mr Webb suggested they would forgo the additional hour of regulated entertainment on Friday and Saturday in order to mitigate noise issues.

Representation – Cllr Brian Lawrence (Midsomer Norton Town Council)

Cllr Lawrence said Midsomer Norton Town Council opposes the variation to the club's licence. He asked the Sub-Committee to note the unsuitable nature of the building, being constructed from wood. Cllr Lawrence was also concerned about the exposure of children to alcohol in the area. He explained the ground was enclosed on three sides by residences. Complaints about noise had been made to B&NES and Town Councillors. Cllr Lawrence said live music on Friday and Saturday would exacerbate the situation. A pub near the ground had live music, but there were no problems as this building was constructed from brick. There was risk to children under 18 years, in an uncontrolled environment. As functions would not be on the High Street, he queried how events could be controlled. Cllr Lawrence explained there was a DPPO in place. Whilst marshals do at times visit the premises, the location of the club is remote. The grounds he stated are large, unlit and with no CCTV.

The following information was given in answer to questions:-

- Cllr Lawrence stated how sale of alcohol during the day would cause harm, as children are more likely to be there. The ground is a large area, where cricket club people can wonder around widely.
- A lot of work had been done to try and make Midsomer Norton a better night time economy. Whilst street marshals are paid for locally, they won't be able to patrol this area enough.
- Cllr Lawrence had no evidence of complaints in the past.
- With an increase in activities at the ground, Cllr Lawrence thought things could expand, with something happening every-day, and music outside in the ground.

Representation – Dr Guy Worsdall

Dr Worsdall said he had lived near the cricket club for 10-12 years. He was supportive of what the club was doing, but is concerned about the amount of noise

on Friday and Saturday night. Not the noise from members coming back from matches, but from amplified and live music. As the premises are wooden construction, he can hear music above his TV. Dr Worsdall said it would be intolerable to extend the hours of music. There are buildings on two sides of the club. Noise can go into neighbouring residences. He likened the wooden box of the cricket club to a guitar sound box that transmits noise into the air. Dr Worsdall had looked at the cricket club documents, and calculated that there would be approximately 2.2 people per square metre of dance space. He thought that doors and windows wouldn't suddenly be shut, as they are usually left open.

Representation – Mr Martyn Russell

Mr Russell spoke on the issues of both music and alcohol sales. He supports the premises as a cricket club, not a night-club. This would only serve the needs of late night revellers. When the windows are open, residents have to bear the noise of revellers, which reverberates around the valley. Mr Russell said activities flout the current licensing conditions. He believes noise checks have been made. Mr Russell said the area is unsuitable for such functions. Mr Russell says it is unacceptable for parents and local residents, who want a peaceful existence. He noted there had been a large influx of young families with children to Withies Bridge. Their peace would be compromised. Mr Russell said there had been complaints on 12 separate occasions, and the cricket club seemed oblivious. He asked for the Sub-Committee to not grant the application.

The following information was given in answer to questions:-

- Mr Russell had reported problems to a good friend who is a member of the club.
- Mr Russell thought the problems were causing extreme distress, particularly to elderly residents in Steam Mills.
- He thought this application would exacerbate issues.
- Mr Russell said the club would be inundated with calls if residents were given a phone number to raise concerns. He said people were fed up.
- Mr Russell was unsure why there had not been calls for a licensing review. He had however registered his concerns with Midsomer Norton Town Council. Mr Russell understood there had been noise tests, but nothing had been done.

Cllr Watt asked whether standing orders could be suspended to allow him to ask the applicant a further question at this stage. The advice was that Cllr Watt should raise the issue during the members' closed discussions and if any clarification was required the Committee would reconvene in public session to seek clarification from the parties..

Whilst neither Cllr Lawrence nor Mr Russell sought to sum up, Dr Worsdall wanted to add that he was delighted to hear that the cricket club are mitigating nuisance.

In summing up for the applicant, Mr Webb said they are a cricket club, and not there for profit. The club had provided cricket for the last 130 years. They have allowed events since October; three discos and one fireworks event. If the Sub-Committee extended alcohol on Friday and Saturday night, the club would not get revellers

coming up from Midsomer Norton. Mr Webb said the cricket club is for members and families, in controlled circumstances.

The Senior Public Protection Officer, Public Protection Team Leader and public withdrew from the meeting for Members to consider the application.

When the Sub-Committee reconvened, it was

RESOLVED that the application to vary the Premises Licence at Midsomer Norton Cricket Ground, Withies Lane, Midsomer Norton, BA3 2JE was determined as follows:

- Regulated entertainment was granted from commencement save for the additional late night hours on Friday and Saturday. Members refused the late night extension
- The addition of the exhibition of film was granted.
- The application for late night refreshments was granted.
- The additional hours for sale of alcohol and extended opening hours were granted.
- With regard to the removal of the four Annex 2 conditions, this was granted subject to the imposition of mandatory conditions and those consistent with the operating schedule, proposed following consultation with the Police.

The licence will be issued with an additional condition:

- No re-admittance or new admittance after 23:59 save for smokers in a designated smoking area.

The Chair said to the applicant it was clear people feel there was an issue. She strongly advised them to meet with B&NES Council, residents etc. The Chair also encouraged the club to give out a number for their DPS. To the other representatives, the Chair explained that if the licence was not successful, to raise issues with the licensing department. She did not want this licence to come to review unless it had to.

Reasons

Members have today determined an application to vary a premises licence at the Midsomer Norton Cricket Club. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters for example road safety, need and issues arising from other licensed premises.

On hearing the parties Members noted the root cause of the objections was the fabric of the building and the additional hours in the evening on Friday and Saturday.

Members therefore determine the matter as follows. With regard to regulated entertainment this was granted from commencement save for the additional late night hours on Friday and Saturday. Members refuse the late night extension as they were not satisfied that the wooden construction and lack of sound proofing was capable of furthering the licensing objectives.

The addition of the exhibition of film would be granted as no objection had been received.

The application for late night refreshments would be granted as there had been no objection.

There was no evidence suggesting the premises were undermining the licensing objectives with regard to the sale of alcohol or that any crime, disorder or antisocial behaviour was directly attributable the licensable activities on the premises. Therefore, the additional hours for sale of alcohol and extended opening hours are granted.

With regard to the removal of the Annex 2 conditions as applied for no objection was raised and therefore subject to the imposition of mandatory conditions, those constant with the operating schedule and proposed as a result of Police consultation this is granted.

The licence will be issued with the additional condition:

- No re-admittance or new admittance after 23:59 save for smokers in a designated smoking area.

This additional condition is considered appropriate and proportionate to ensure the licensing objectives are not undermined.

Authority is delegated to the Licensing Officer to issue the licence.

The meeting ended at 5.05 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, 7th April, 2015, 10.00 am

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

Officers in attendance: Alan Bartlett (Public Protection Team Leader), Kirsty Morgan (Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

157 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

158 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

159 DECLARATIONS OF INTEREST

There were none.

160 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

161 MINUTES: 17 MARCH 2014

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

162 LICENSING PROCEDURE: MISCELLANEOUS

The Chair drew attention to the procedure to be followed for the next item of business.

163 APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT SEAFOODS FISH BAR, 38 KINGSMEAD STREET, BATH. BA1 2AA.

Applicant: Ian Menzies

Objector: Mr Michael Walsh, represented by Mrs Walsh

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

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

The Applicant stated his case. He said that he had had tables and chairs outside the premises for 10 years and had had no complaints from anyone apart from Mr and

Mrs Walsh. He said that in response to their complaints he had removed a chair from each table, at a cost to his business. The tables were monitored by CCTV and were not visible on CCTV if they were outside the designated area. He said that staff were trained to ask customers who had moved a table outside the designated area to move it back again. He himself had only had to do this 4 times in the last 10 years and his staff had told him that it happened very rarely.

Referring to Mr Walsh's letter, he had never seen bikes, bags or buggies outside the front door to Mr and Mrs Walsh's flat. The only thing he had seen block their front door was rubbish bags from the flats upstairs. There had never been any complaints from a wheelchair user or someone with a pushchair about being obstructed. The road outside the premises was marked with double yellow lines, so no one should be parking there, and it was a no-through road. Staff were trained to remove boxes or other rubbish left on tables immediately. Litter outside the premises was actually bad for business.

He referred to the photos submitted by Mr Walsh. He thought that the boxes visible on tables were there because it had not possible for staff to clear them away during a busy period. He suggested that the exact nature of the food litter in one of the photos was not clear, and might have come from anywhere. One photo seemed to show leaves, a lollipop and a bag, none of which emanated from his business. Other photos seemed to show a toilet roll, the remnants of a kebab, including lettuce and chilli peppers, and a can of strong cider, none of which could have come from his premises. He thought most of the rubbish seen around the premises came from the rubbish bags left outside on collection days by the tenants of the flats, which were often pecked at by seagulls. The tenants from the flats did not clean this litter up, but his staff did.

He gave information about the history of the disputes between himself and Mr and Mrs Walsh. On advice from the Principal Solicitor, the Chair ruled that this information was irrelevant and that he should focus solely on relevant matters, such as whether the tables and chairs constituted an obstruction on the highway.

Mr Menzies reiterated that there had never been any complaints about obstruction from members of the public.

In response to questions from Members the Applicant stated:

- there would usually be 3-4 staff on duty and rubbish left on the tables would be cleared up within a matter of minutes, though it would take slightly longer at busy periods
- customers with takeaway boxes were able to sit and eat at the tables, and, depending on the season and weather, there was service at the tables
- litter was generally present only early in the morning and was cleared up by staff regardless of its origin
- the hours sought for the tables and chairs permit were to allow the tables and chairs to be set up before the shop opened

- when there were 4 chairs at each table there had only very occasionally been problems with pedestrian access; since the number of chairs had been reduced there had been only one occasion on which someone had a problem getting past with a pushchair

Mrs Walsh stated her case. She said that Mr Menzies was not always present at the premises so would not be aware of the all the problems. For example, he was not present when the photographs were taken. Mr Menzies had claimed that the litter came from the tenants' rubbish bags. One tenant left a rubbish bag outside. Mr Walsh took all his household rubbish directly to the tip every fortnight. She and her husband wanted a peaceable solution to the issues they had with Mr Menzies, but had never found him approachable. There were frequent changes of staff and any improvements in litter control only lasted a short time. The tables were constantly messy. In reply to questions she said

- the pavement was very narrow and 3 tables with 2 chairs or 2 tables with 3 chairs would cause less obstruction than the arrangement proposed by the applicant;
- she did not want mess on her doorstep and junk left on the tables; perhaps the premises could have a bin in which customers could deposit rubbish

The parties were invited to sum up.

Mrs Walsh said that she had nothing to add to her submission.

Mr Menzies said that contrary to Mrs Walsh's assertion that there was constant turnover of staff at the premises, his manager and supervisor had both been at the premises for 10 years. The Council had originally approved 4 chairs at each table, but he had reduced this to 3 in an attempt to appease Mr and Mrs Walsh. There had been no complaints from any one else.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application, subject to the standard conditions and an additional condition about the removal of rubbish.

Decision and reasons

Members have had to determine an application to place 3 tables with appropriate seating on the highway at the front of premises at 38 Kingsmead Square. In doing so Members had regard to the Highways Act 1980 and the Human Rights Act 1998. Members balanced the representations from the objector against the applicant and took into account all relevant matters whilst disregarding the irrelevant.

The applicant stated tables and chairs have been outside the premises for 10 years. These are covered by CCTV and his staff clean this area regularly as it would not be good for business not to do so.

The objector stated there are ongoing issues with litter and it was felt was not cleared up adequately.

In reaching the decision Members noted the issue between the parties is litter. The application was granted with the attachment of the standard conditions and an additional condition as reasonable and proportionate in the circumstances.

- The pavement frontage of the premises shall be kept clear of litter and cleaned at the end of each trading day.

Authority was delegated to the Public Protection Officer to issue the licence.

164 LICENSING PROCEDURE: LICENSING ACT 2003

The Chair drew attention to the procedure applicable to the next item of business.

165 APPLICATION FOR A PREMISES LICENCE FOR MCCOLLS, 103 HIGH STREET, MIDSOMER NORTON, BA3 2DA

Applicant: Martin McColl Ltd

Other Person: Andrew Green

Neither the Applicant nor the Other Person was present or represented.

Members had been notified before the meeting that the Other Person had withdrawn their representation.

RESOLVED to grant the application.

Decision and reasons

Members determined an application for a new premises licence at McColls High Street Midsomer Norton. In doing so they had regard to the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members noted the objection had been withdrawn and therefore granted the application with conditions consistent with the operating schedule.

Authority was delegated to the Public Protection Officer to issue the licence.

The meeting ended at 11.15 am

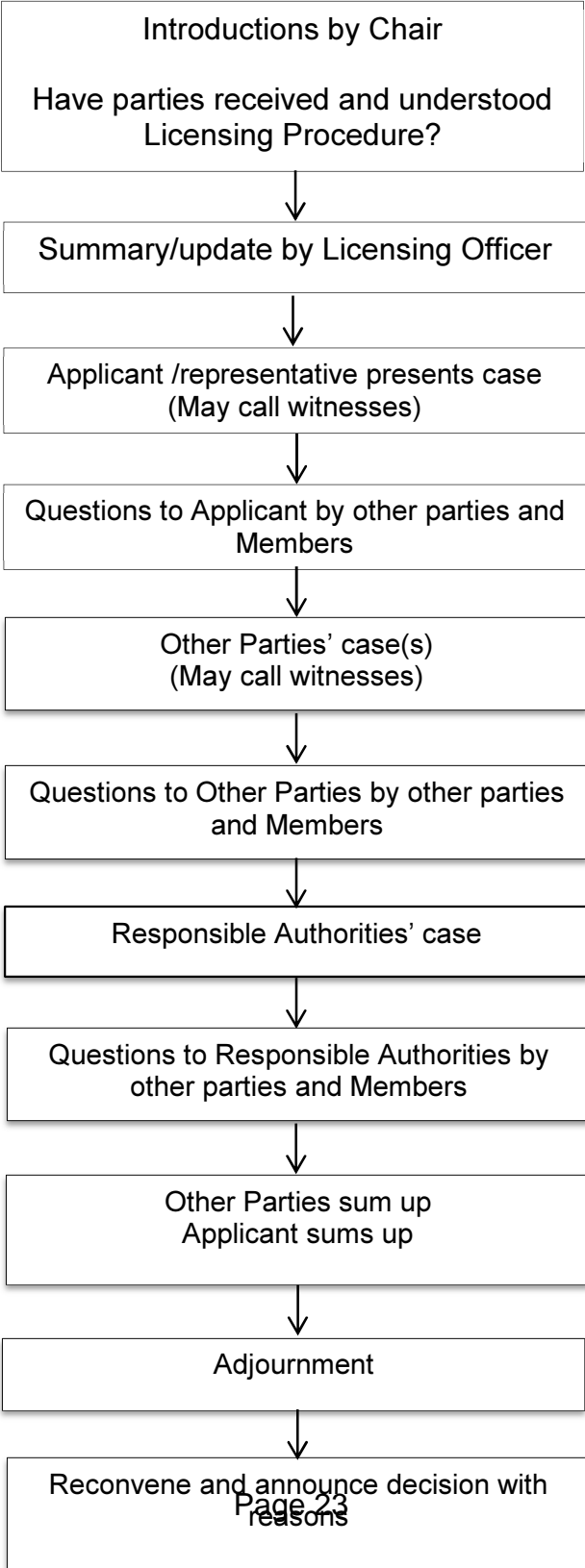
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

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



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

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

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

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

Responsible Authorities will be invited to summarise their representations

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

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

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

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

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

PLEASE NOTE:

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

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

| Bath & North East Somerset Council | | |
|---|---|--------------------------|
| MEETING: | Licensing Sub Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | Tuesday 28 April 2015 | |
| TITLE: | Application for a Premises Licence for Burger & Lobster , 25 (The Octagon) & 28 Milsom Place, Milsom Street & Broad Street, Bath BA1 1BZ | |
| 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 Plan of Premises</p> <p>Annex C Site plan</p> <p>Annex D Representations received from local residents</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 **Burger & Lobster**, 25 (The Octagon) & 28 Milsom Place, Milsom Street & Broad Street, Bath BA1 1BZ.

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.

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".

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

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- 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.

5.6 The Licensing Authority may grant the application with or without additional conditions.

5.7 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 3-6, 8-10, 13-14, 16-24, 29, 33-36, 38-41 of the 2015 policy.
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised March 2015.
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.

5.8 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.

5.9 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.

- 5.10 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.
- 5.11 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.
- 5.12 Representations have been received from two local residents who allege that the applicant's proposal undermines the protection of children from harm, prevention of public nuisance, public safety and crime and disorder licensing objectives (*Annex D*).
- 5.13 The application proposes the consumption of alcohol 'on the premises' and falls within the cumulative impact area. As a representation has been received, there is a rebuttable presumption that the application will be refused unless the applicant has demonstrated that the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact.
- 5.14 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 | Kirsty Morgan, Public Protection Officer (Licensing) 01225 396719 |
| 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 |

09 MAR 2015

Post Log No:
 Receipt No: 123201
 CH/OA £315.00

**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 Burger & Lobster Bath Ltd

(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 Burger & Lobster 25 (The Octagon) & 28 Milsom Place Milsom Street & Broad Street | | | |
| Post town | Bath | Postcode | BA1 1BZ |

| | |
|---|---------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £Band C |

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 * | <input checked="" type="checkbox"/> please complete section (B) |
| 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 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 please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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 Burger & Lobster Bath Ltd |
| Address 37-41 BEDFORD ROW LONDON ENGLAND WC1R 4JH |
| Registered number (where applicable) 09267800 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) limited company |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

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

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

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

Restaurant and bar.

The applicant is part of the Goodman Restaurant and Burger & Lobster Restaurant Groups, which are experienced operators of a number of successful city centre restaurants, including Burger & Lobster restaurants, and Goodmans steak houses.

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

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) | | | 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"/> |
| 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 | | | | | |

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 | | | |
| | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | 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) |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

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"/> |
| | | | | Both | <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 | | | | | |

E

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

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"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | 08:00 | 00:30 | | | |
| Tue | 08:00 | 00:30 | | | |
| Wed | 08:00 | 00:30 | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) | | |
| Thur | 08:00 | 00:30 | | | |
| Fri | 08:00 | 00:30 | <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) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | |
| Sat | 08:00 | 00:30 | | | |
| Sun | 08:00 | 00:30 | | | |

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"/> |
|---|-------|--------|---|----------|--------------------------|
| | | | | 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 | | | <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

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| 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 | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | Please give further details here (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | 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 (please read guidance note 5) | | |
| 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 checked="" type="checkbox"/> |
|--|-------|--------|---|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 23:00 | 01:00 | <u>Please give further details here</u> (please read guidance note 3) | Both | <input type="checkbox"/> |
| Tue | 23:00 | 01:00 | | | |
| Wed | 23:00 | 01:00 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) | | |
| Thur | 23:00 | 01:00 | | | |
| Fri | 23:00 | 01:00 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | |
| Sat | 23:00 | 01:00 | | | |
| Sun | 23:00 | 01:00 | | | |

J

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – <u>please tick</u> (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 | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) | | |
| Mon | 08:00 | 00:30 | | | |
| Tue | 08:00 | 00:30 | | | |
| Wed | 08:00 | 00:30 | | | |
| Thur | 08:00 | 00:30 | | | |
| Fri | 08:00 | 00:30 | | | |
| Sat | 08:00 | 00:30 | | | |
| Sun | 08:00 | 00:30 | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | |

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

| | |
|---|---------|
| Name Alex Neil | |
| Address 35 Henley Avenue, North Cheam, Sutton, Surrey | |
| Postcode | SM3 9SE |
| Personal licence number (if known) RBBC/06/01202/LAPer | |
| Issuing licensing authority (if known) Reigate and Banstead BC | |

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).

n/a

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 | 08:00 | 01:00 | <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)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> |
| Tue | 08:00 | 01:00 | |
| Wed | 08:00 | 01:00 | |
| Thur | 08:00 | 01:00 | |
| Fri | 08:00 | 01:00 | |
| Sat | 08:00 | 01:00 | |
| Sun | 08:00 | 01:00 | |

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 applicant is a professional and responsible operator. The applicant successfully operates several existing Burger & Lobster restaurants across the country with excellent working relationships with the responsible authorities. Comprehensive management policies and procedures will be implemented to ensure the promotion of all four licensing objectives. All staff will undertake a thorough training programme which includes responsibilities under the Licensing Act 2003.

The specific type and location of the premises will enable the applicant to ensure the promotion of all four licensing objectives with no adverse impact whatsoever in the Council's Cumulative Impact Policy Area.

The following conditions are proposed:

Substantial food and suitable beverages other than alcohol (including drinking water) shall be available at all times when alcohol is supplied at the premises.

Between the hours of 0900 and 1000 the sale of alcohol shall be ancillary to substantial refreshment.

Except in the bar area hatched green on the plan alcohol shall be by waiter/waitress service only.

b) The prevention of crime and disorder

CCTV to be installed at the premises in accordance with the reasonable requirements of the police Crime Prevention Officer

The applicant will join the appropriate local Pubwatch/Nightwatchscheme.

Off-sales of alcohol to be in sealed containers only,

The need for door security shall be assessed by the licence holder or designated premises supervisor on a regular basis and door staff shall be employed when and where the risk assessment deems this appropriate. The number of Door Supervisors employed at the premises when licensable activities are taking place, their location within the premises and the times they will be employed will be decided in consultation with the police

c) Public safety

All relevant fire and health and safety regulations will be adhered to and staff trained accordingly; no additional measures under the licence are required.

d) The prevention of public nuisance

Prominent notices shall be displayed at all exits requesting patrons to respect local residents and to leave the premises and area quietly.

A telephone number for free calls to local taxi firms to be available for departing customers at the end of the night.

e) The protection of children from harm

A Challenge 21 policy shall be implemented and full and appropriate identification shall be sought from any person who appears under the age of 25. The only acceptable forms of identification shall be passport, photo driving licence and those carrying the PASS logo. Notices shall be displayed indicating that the Challenge 21 policy is in force.

A sales refusal book shall be kept at the premises and this shall be checked each week by either the premises licence holder or the designated premises supervisor to ensure that staff are accurately recording refusals. The refusal book shall be open to inspection by appropriate officers of responsible authorities.

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 | <i>Thomas & Thomas</i> |
| Date | 6 th March 2015 |
| Capacity | Thomas & Thomas Partners LLP, Solicitors on behalf of 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) TOM/TB/GOO.1.15 Thomas & Thomas Partners LLP 38a Monmouth Street | | | |
| Post town | London | Postcode | WC2H 9EP |
| Telephone number (if any) | 020 7042 0415 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) tburton@tandtp.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 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 applicant or their respective agent must sign the application form.

Consent of individual to being specified as premises supervisor

Alex Neill

I
[full name of prospective premises supervisor]

of

35 Henley Avenue, North Cheam, Sutton, Surrey SM3 9SE

.....
[home address of prospective premises supervisor]

.....
Date of birth: 30/05/1983

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

new premises licence

.....
[type of application]

by

Burger & Lobster Bath Ltd

.....
[name of applicant]

relating to a premises licence

.....
[number of existing licence, if any]

for

Burger & Lobster
25 (The Octagon) & 28 Milsom Place
Milsom Street & Broad Street
Bath BA1 1BZ

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by
Burger & Lobster Bath Ltd

[name of applicant]

concerning the supply of alcohol at

Burger & Lobster
25 (The Octagon) & 28 Milsom Place
Milsom Street & Broad Street
Bath BA1 1BZ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence,
details of which I set out below.

Personal licence number

RBBC/06/01202/LAPer

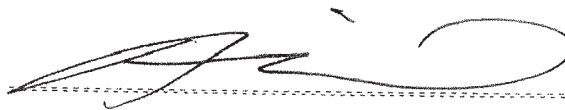
[insert personal licence number, if any]

Personal licence issuing authority

Reigate and Banstead BC

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Alex Neil

Date

06/02/15

- Fire Protection**
1. Minimum of two automatic fire alarm systems in each building.
 2. Fire alarm control panels shall be in accordance with BS5824 Part 1:2002.
 3. Fire alarm systems shall be in accordance with BS5824 Part 1:2002.
 4. Fire alarm systems shall be in accordance with BS5824 Part 1:2002.
 5. Fire alarm systems shall be in accordance with BS5824 Part 1:2002.
 6. Fire alarm systems shall be in accordance with BS5824 Part 1:2002.
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 23. Fire alarm systems shall be in accordance with BS5824 Part 1:2002.
 24. Fire alarm systems shall be in accordance with BS5824 Part 1:2002.
 25. Fire alarm systems shall be in accordance with BS5824 Part 1:2002.

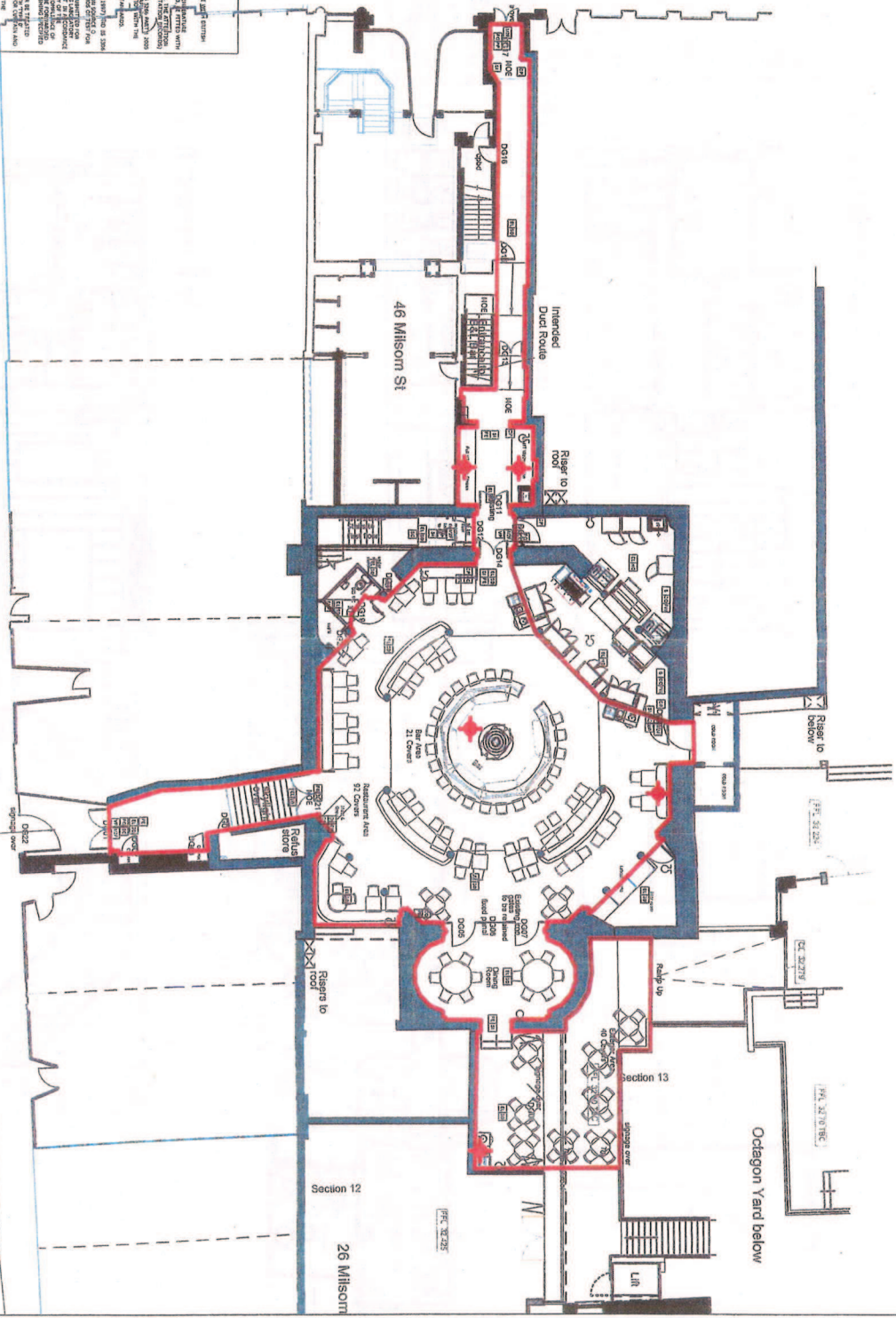
NOTE: ALL TYPES OF HOUSES (DOMESTIC) ARE TO BE DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF BS5824 PART 1:2002

1. The fire alarm system shall be in accordance with BS5824 Part 1:2002.
2. The fire alarm system shall be in accordance with BS5824 Part 1:2002.
3. The fire alarm system shall be in accordance with BS5824 Part 1:2002.
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TABLE 1: LIST OF STORES

| Store No. | Store Name | Store Type | Store Area |
|-----------|------------|------------|------------|
| 1 | Store 1 | General | 200 sqm |
| 2 | Store 2 | General | 150 sqm |
| 3 | Store 3 | General | 100 sqm |
| 4 | Store 4 | General | 80 sqm |
| 5 | Store 5 | General | 60 sqm |
| 6 | Store 6 | General | 40 sqm |
| 7 | Store 7 | General | 30 sqm |
| 8 | Store 8 | General | 20 sqm |
| 9 | Store 9 | General | 15 sqm |
| 10 | Store 10 | General | 10 sqm |

Ground Floor Plan



GREEN STREET

Octagon Yard below

designLSM
 designLSM Group B
 Architectural Consultants
 The Barn House
 359 Langstone Road
 Birt, Selsey
 DN3 3WJ
 E: +44 (0) 1273 820013
 F: +44 (0) 1273 820059
 M: +44 (0) 1273 820058
 email@designlsm.com
 www.designlsm.com

| PROJECT | DATE | SCALE | CREATED |
|---------|--------|-------|---------|
| ... | DEC 14 | 1:100 | ... |
| PROJECT | DATE | SCALE | CREATED |
| LY43132 | 07-01 | F | ... |

PROJEC: BIRGER AND LOBSTER - BATH

TITLE: Ground Floor Planning plan

BRUNNATION ONLY

APPLICATION FOR LOCAL AUTHORITY

TENDER

CONSTRUCTION

GENERAL NOTES:

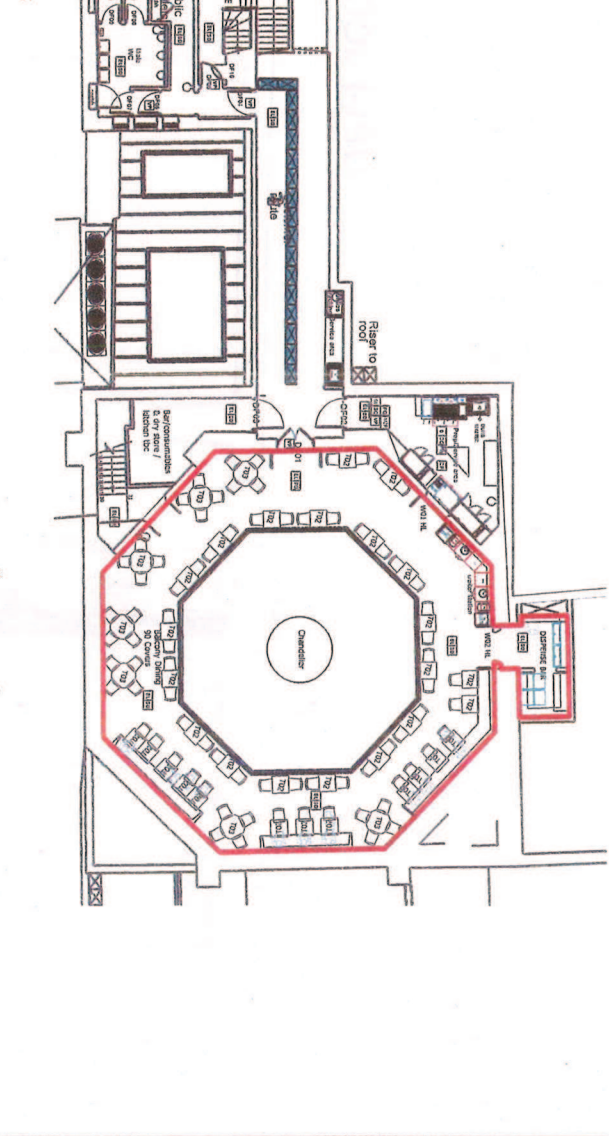
1. CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING AND THE MATERIALS USED.
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20. CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING AND THE MATERIALS USED.

- Fire Protection**
- 1. Installation of automatic fire detection system in accordance with Section 910.01 of the Fire Code.
 - 2. Fire alarm system in accordance with Section 910.02 of the Fire Code.
 - 3. Fire alarm system in accordance with Section 910.03 of the Fire Code.
 - 4. Fire alarm system in accordance with Section 910.04 of the Fire Code.
 - 5. Fire alarm system in accordance with Section 910.05 of the Fire Code.
 - 6. Fire alarm system in accordance with Section 910.06 of the Fire Code.
 - 7. Fire alarm system in accordance with Section 910.07 of the Fire Code.
 - 8. Fire alarm system in accordance with Section 910.08 of the Fire Code.
 - 9. Fire alarm system in accordance with Section 910.09 of the Fire Code.
 - 10. Fire alarm system in accordance with Section 910.10 of the Fire Code.
 - 11. Fire alarm system in accordance with Section 910.11 of the Fire Code.
 - 12. Fire alarm system in accordance with Section 910.12 of the Fire Code.
 - 13. Fire alarm system in accordance with Section 910.13 of the Fire Code.
 - 14. Fire alarm system in accordance with Section 910.14 of the Fire Code.
 - 15. Fire alarm system in accordance with Section 910.15 of the Fire Code.
 - 16. Fire alarm system in accordance with Section 910.16 of the Fire Code.
 - 17. Fire alarm system in accordance with Section 910.17 of the Fire Code.
 - 18. Fire alarm system in accordance with Section 910.18 of the Fire Code.
 - 19. Fire alarm system in accordance with Section 910.19 of the Fire Code.
 - 20. Fire alarm system in accordance with Section 910.20 of the Fire Code.

NOTES

1. This plan is prepared in accordance with the Fire Code, Section 910.01 to 910.20.
2. The fire alarm system is designed to comply with the Fire Code, Section 910.01 to 910.20.
3. The fire alarm system is designed to comply with the Fire Code, Section 910.01 to 910.20.
4. The fire alarm system is designed to comply with the Fire Code, Section 910.01 to 910.20.
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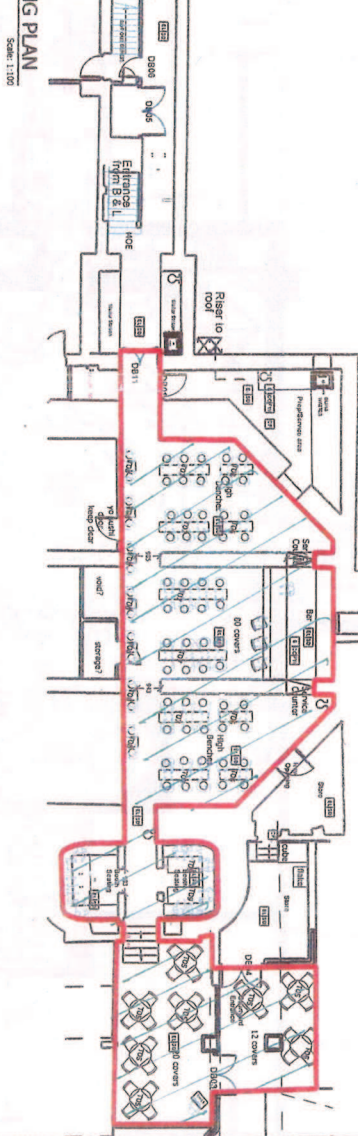
1 1F LICENSING PLAN
Scale: 1/100



GENERAL NOTES

1. ALL WORK IS TO BE DONE TO THE REQUIREMENTS OF THE BUILDING CODE AND ALL OTHER APPLICABLE CODES.
2. CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS, SURVEYING, ELEVATIONS, AND UTILITIES PRIOR TO COMMENCEMENT OF WORK.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BUILDING CODE AND ALL OTHER APPLICABLE CODES.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BUILDING CODE AND ALL OTHER APPLICABLE CODES.
5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BUILDING CODE AND ALL OTHER APPLICABLE CODES.
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2 BASEMENT LICENSING PLAN
Scale: 1/100



PROJECT
BURGER AND LOBSTER - BATH

TITLE
Basement & 1F, 2F, 3F LICENSING PLAN

DATE
DEC 14 1:100

SCALE
1:100

PROJECT NUMBER
L14-3132

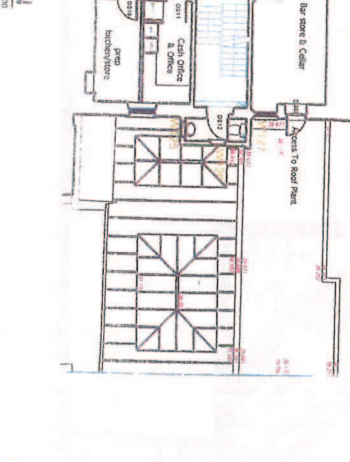
REVISION

| NO. | DATE | BY | DESCRIPTION |
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| 1 | 12/14/15 | KLAM | REVISED |
| 2 | 12/14/15 | KLAM | REVISED |

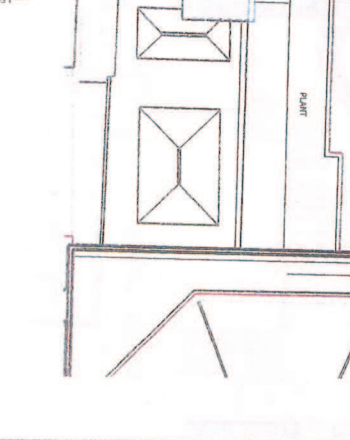
APPLICATOR FOR LOCAL AUTHORITY
THORNTON

CONTRACTOR

3 2F LICENSING PLAN
Scale: 1/100



4 3F LICENSING PLAN
Scale: 1/100



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Burger and Lobster



From: Simon Potter <spotters@me.com>
Subject: Re: Burger & Lobster, 25 (The Octagon) & 28 Milsom Place, Milsom Street & Broad Street, Bath BA1 1BZ – New Premises Licence Application; 15/01255/LAPRE
Date: 6 April 2015 19:26:11 BST
To: kirsty_morgan@bathnes.gov.uk

Dear Kirsty,

Re: Burger & Lobster, 25 (The Octagon) & 28 Milsom Place, Milsom Street & Broad Street, Bath BA1 1BZ – New Premises Licence Application; 15/01255/LAPRE

Thank you for your correspondence in respect of the above application. Following on from my initial letter I confirm that I have grave concerns about the issuing of an alcohol Licence in this location. Please find attached a representation form with address details on.

I believe that this would be detrimental on the following grounds.

1. Prevention of Crime and Disorder
2. Prevention of Public Nuisance
3. Public Safety
4. Protection of Children from Harm:

By granting a licence - particularly between the hours of 11.00 - 1.00 am We are condoning the availability of late night drinking venues where little or no responsibility is taken for the behaviour of clients once they leave the venue. This can only add to the strongly held belief that bath is the "go to venue for night time drinking" amongst the young and middle aged alike. Within Milsom Place - The plate glass windows directly outside our property have been smashed in the past - with no response from Police despite calling in the incident as it was happening. The shop front window on Broad Street was smashed by a drunkard - who was apprehended I believe. Milsom Place is a maze of corridors on different levels that could cause management issues.

I have a 6 year old daughter living very close to this venue and who will be disturbed and distressed by the noise of late night 'revellers' passing directly below her window or congregating to smoke in the passage way. We also find ourselves having to explain away bodily fluids found on broad street and within the entrance to Milsom Place next to our property.

The area within Milsom Place acts as an amplifier and we have already had to address issues with noise from extraction systems (Cote, Carluccio's and Jamie's) and recorded music (and live) from a venue (Colonna & Hunter) within the Milsom Place. During the evening and late evening (11pm - 1.30 am). As residents we have a responsibility to be considerate of our neighbours particularly between the hours of

11:00 pm - 08:00 am. If this licence is granted what are their responsibilities towards their neighbours?

Below are extracts that suggest that the NTE issues (That cover all 4 P's above) are linked to the consumption of alcohol.

Source: <http://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics>

"The night time economy (NTE) is a significant generator of crime. Over half of all serious violent crimes relate to the NT. Like other cities, Bath city centre is a hotspot for NTE-related crime and anti-social behaviour...

...The tourism industry also contributes considerably to NTE violent crime in these areas.

...Anti-social Behaviour (ASB) - consistently highlighted as the main neighbourhood priority, this can incorporate a diverse range of issues from criminal behaviour through to low level nuisance or rowdy behaviour....

...The night time economy in Bath city centre poses a threat to the district, specifically through ASB, violence, hate crime, criminal damage and theft committed by night time revellers under the influence of alcohol."

As a city centre resident who regularly walks his dog in the evening and late at night 11pm - 1.00am I have personally witnessed many of the above issues. The economic benefits of the NTE in Bath, it could be argued, is offset by the costs to the taxpayer.

Source: <http://www.somersetguardian.co.uk/Cut-booze-improve-health/story-25821880-detail/story.html>

..."The hospital admission for alcohol-related conditions has increased by 25 per cent between 2009/10 and 2013/14. During this period there has been a 23 per cent increase in the rate of these admissions for men and a 30 per cent increase for women....

...Estimated annual financial costs of alcohol to society in Bath and north east Somerset is about £45 million, which includes the cost of healthcare, treatment, crime and disorder and lost economic output for businesses."

In addition to the issues highlighted our concerns are:

- Will this venue and late night application add to an already recognised problem.
- Will this application set a precedent for other venues to follow suit in the area of Milsom Place.

- Will the access arrangements involve the use of Milsom Place particularly late night access and exit?
- What is the rationale for an operation from 11.00 - 1.00 am? Will this lead to a basement club culture?

Based on the present lack of information our family and I would object to the current licensing proposals. In assessing this application, please consider the above. I would also be grateful of the opportunity to discuss this further with the relevant people and have no objection to you passing on contact details a relevant person at B&L.

This objection is also supported by our neighbour owner-occupier Mr Julian Parry at 1 Milsom Place, BA1 1AW.

Kind regards

Simon Potter
07905 810224

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: | 15/01255/LAPRE |
| Applicant's name: | Burger & Lobster |
| Premises name and address: | 25 (The Octagon) & 28 Milsom Place, Milsom Street & Broad Street, Bath BA1 1BZ |
| Application for a: | New Premises Licence Application |

Objector Details:

| | |
|----------------------------------|---|
| Objector's Name: | Mr J Parry |
| Objector's Address: | 1 Milsom Apartments Milsom Place Bath BA1 1AW |
| Organisation name if applicable: | |

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

| |
|-------------------------------|
| ENVIRONMENTAL SERVICES |
| 06 APR 2015 |
| Post Log No: |
| Receipt No: |
| CH/CA £..... |

This licence should not be granted as I believe that this would be detrimental on the following grounds.

1. Prevention of Crime and Disorder
2. Prevention of Public Nuisance
3. Public Safety
4. Protection of Children from Harm

Extended licenses are as item 2, Public Nuisance in Bath and this will only condone the issue.

Restricting these Licences to within sociable hours does to some degree cover item 1, Prevent Crime and Disorder, and therefore item 3, Public safety, is restored.

Item 4, The protection of Children from Harm, is with regards to young families in my neighbourhood.

J Parry

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

J Parry

Date

6 April 2015