

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

1 THE ISSUE

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

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

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

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

5.1 An application has been received for a new Premises Licence (Annex A).

5.2 The application proposes the following licensable activities:

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

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

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

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

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

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

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

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

5.3 A site plan is attached at Annex B.

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

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

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

- 5.5 The Licensing Authority may grant the application with or without additional conditions.
- 5.6 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 15, 17, 18, 20, 23, 24, 28, 33 - 38, 41 to 44 of the 2011 policy.
 - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance (as revised in June 2013).
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.9 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 A joint representation has been received from the Abbey Residents' Association (TARA) and the Empire Owners' Association expressing concern that the applicant's proposals will undermine the licensing objectives relating to the prevention of crime and disorder, the prevention of public nuisance and public safety (Annex C).
- 5.12 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

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

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

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

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

ENVIRONMENTAL SERVICES

03 JUN 2014

Post Log No:

Receipt No: 78283

CDFA £ 100.00

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Bath & North East Somerset Council

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Colonnades Empire Undercroft (accessed via public stairwell along Grand Parade)			
Post town	Bath	Postcode	BA2 4DF

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	£0

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

ANNEX A

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

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

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

n/a

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
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 indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	00:00	Please give further details here (please read guidance note 3) Unamplified live music performed by no more than 2 performers.	Both	<input type="checkbox"/>
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) Until 02:00h the morning following New Year's Eve.		
Sat	11:00	00:00			
Sun	11:00	00:00			

F

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

H

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

G

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish						
Mon		00:30	Please give further details here (please read guidance note 3) Hot food and refreshment after 11pm.					
		23:00						
Tue		00:30						
		23:00						
Wed		00:30				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
		23:00						
Thur		00:30						
		23:00						
Fri		00:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) Until 02:30h the morning following New Year's Eve.					
		23:00						
Sat		00:30						
		23:00						
Sun		00:30						
		23:00						

J

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

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

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

K

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

L

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

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

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

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

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

Waiter/waitress service will always be available.

The premises shall predominantly be run as a licensed restaurant.

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

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

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

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

b) The prevention of crime and disorder

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

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

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

To be a member of Pubwatch or related scheme.

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

c) Public safety

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

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

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

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

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

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

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

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

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

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

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

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

Checklist:


Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	
Capacity	SOLICITOR TO THE APPLICANT

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

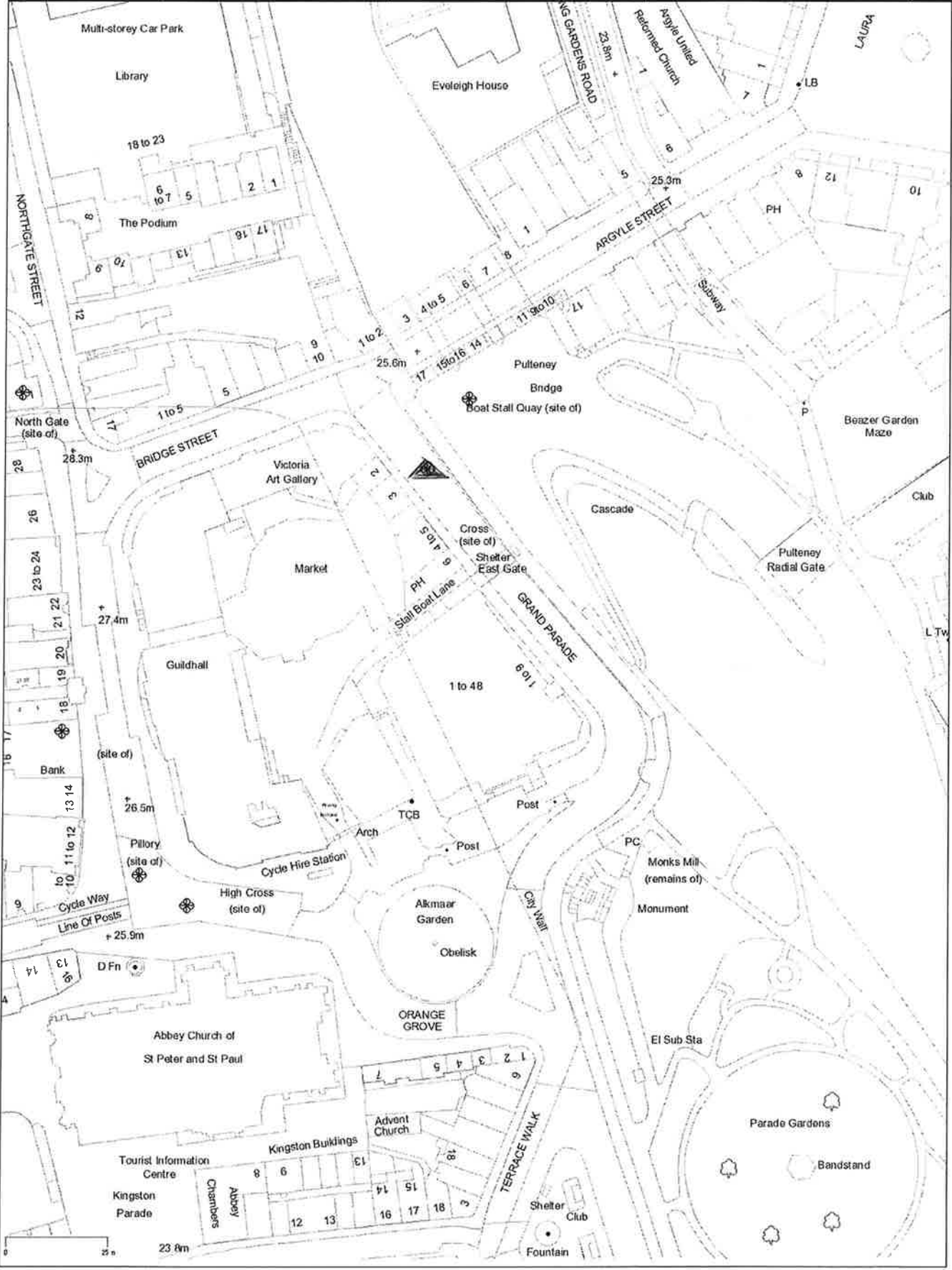
Signature	
Date	
Capacity	

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

Notes for Guidance

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

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



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

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

Objector Details:

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

Objection Details:

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

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

ENVIRONMENTAL SERVICES
27 JUN 2014
Post Log No:
Receipt No:
CH/CA £.....

-
-
-
-

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

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

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

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

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

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

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

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

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

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

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

additions to the proposed conditions:

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

- Outside areas are invariably a source of noise pollution

2. All alcohol sales to cease at 23:30

- To allow for drinking up time

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

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

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

5. No alcohol sales before 11:00

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

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

- there is already too much vertical drinking in this area

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

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

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

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

- no noise being audible in the nearest noise sensitive premises

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

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

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

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

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

[Empty rectangular box for representation content]

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

Signed Ian Perkins and Anne Robins

Date 27.06.14

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

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

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

Name Ian Perkins and Anne Robins

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