

Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 16 th December 2014	
TITLE:	Application to Vary the Premises Licence for The Nest, 7 Bladud Buildings, Bath BA1 5LS	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Site Plan		
Annex D Representation from local resident		

1 THE ISSUE

- 1.1 An application has been received for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of **The Nest, 7 Bladud Buildings, Bath BA1 5LS** (*Annex A*).

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.
- 4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

5.1 An application has been received to vary an existing premises licence (*Annex A*).

5.2 The current premises licence as detailed in *Annex B*, authorises the following:

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

Monday to Saturday: 10:00 – 02:00

Sunday: 12:00 – 22:30

2) **Performance of dance**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

3) **Exhibition of a film**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

4) **Performance of Live Music**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 00:00

5) **Performance of Records Music**, indoor only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

5) **Performance of a Play**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

6) **Other Entertainment within the Act**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

7) **Late Night Refreshment**, indoors only:

Monday to Saturday: 23:00 – 02:00

8) Non-standard timings for all licensable activities:

"From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day"

"From normal opening times on Sunday's proceeding a Bank Holiday Monday until 02:00 hours"

9) Opening hours:

Monday to Saturday: 10:00 – 02:30

Sunday: 12:00 – 22:50

Non-standard timings:

"From normal opening time on New Year's Eve until normal opening time on 1st January"

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

Annex 1 – Mandatory conditions

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

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

where:

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

From 1 October 2014:

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a)

games or other activities which require or encourage, or are designed to require or encourage individuals to i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or, ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

4. The responsible person must ensure that: a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures - i) beer or cider: ½ pint; ii) gin, rum, vodka or whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the Operating Schedule

- No open containers of alcohol shall leave the premises after 22:00 hours.
- An incident book shall be maintained at the premises in which all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily

basis and retained on completion for 12 months and shall be made available to the Police and Licensing Authority.

- A register will be kept on the premises of each door supervisor showing their full name, full SIA badge number & time on and off duty. This register will be retained for 12 months and made immediately available for inspection by the Police and Licensing Authority.
- Staff will be trained regularly in matters concerning illegal drug use and sale of alcohol. Records will be kept of the training and made available to the Police and Licensing Authority on request.
- Challenge 21 policy will be implemented.
- Children will only be allowed on the premises until 18:00 hours.

Annex 3 – Conditions attached after a hearing by the licensing authority

- Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises.
- A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order. The recordings shall be retained for 28 days and made available to the police immediately on request.
- SIA registered door supervisors will be on duty at the premises at the discretion of the DPS or when requested by the police or licensing authority on any such days of the week and between such times as considered necessary in order to promote the licensing objectives. Such measures are to be agreed in writing between the DPS and responsible authority. Door staff will supervise any queuing into the premises and persons leaving. All door staff will wear yellow fluorescent jackets whilst on duty.

5.3 The variation application seeks to:

- **Extend** the opening hours on Fridays and Saturdays by an hour, to show:

Fridays and Saturdays: 10:00 – 03:30

- **Extend** the sale of alcohol timings on Fridays and Saturdays by one hour, to show:

Fridays and Saturdays: 10:00 – 03:00

- **Extend** the provision of recorded music on Fridays and Saturdays by one hour, to show:

Fridays and Saturdays: 10:00 – 03:00

- 5.4 A site plan is attached at *Annex C*.
- 5.5 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:
- a) The Prevention of Crime and Disorder.
 - b) Public Safety.
 - c) The Prevention of Public Nuisance, and
 - d) The Protection of Children from Harm.

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

- 5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.8 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 16, 17, 18, 19, 20, 23, 24, 28, 30, 33, 35, 36, 37, 41 to 44 inclusive of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised October 2014)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 5.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary

for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.

- 5.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.

If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.

On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 5.12 In accordance with the requirements of the Act the applicants served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Health Authority and the Child Protection Agency.

- 5.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.

- 5.14 A representation has been received from a local resident who states that they are already experiencing problems with the premises in the form of public nuisance and granting the application will only exacerbate the problems for longer.

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

- 5.18 This report has not been sent to the Trades Union because they would have no involvement in this application.

6 RATIONALE

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

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

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

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.
Contact person	Kirsty Morgan, Public Protection Officer - 01225 396719

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Maxrod Ltd

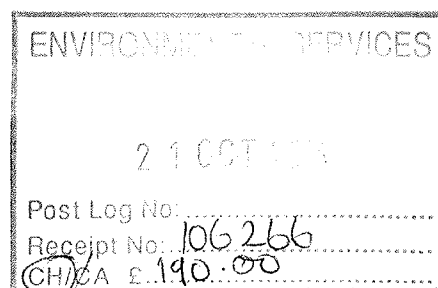
(Insert name(s) of applicant)

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

Premises licence number
14/04076/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE NEST 6/7 BLADUD BUILDINGS			
Post town	BATH	Postcode	BA1 5LS
Telephone number at premises (if any)	0788 4077334		
Non-domestic rateable value of premises	£32,750 (Band B)		



Part 2 – Applicant details

Daytime contact telephone number		0788 4077334	
E-mail address (optional)		rodny6801@gmail.com	
Current postal address if different from premises address		Flat 2, St James House, 9 Lower Borough Walls, Bath 89 Bloomfield Avenue, Bath, BA2 3AE	
Post town	Bath	Postcode	BA1 1QR

Part 3 - Variation

Please tick as appropriate

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

X Yes

☐ No

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

DD MM YYYY

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
 (Please see guidance note 1) ☐ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To extend the opening hours on Fridays and Saturdays to show: 10:00 to 03:30 hours.

To extend the sale of alcohol timings on Fridays and Saturdays to show: 10:00 to 03:00 hours (previously 10:00 to 02:00 hours)

To extend recorded music timings on Fridays and Saturdays to show: 10:00 to 03:00 hours (previously 10:00 to 02:00 hours).

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

☐

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

x

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat			<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 6)		
Sun					

C

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

D

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

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		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 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<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 6)			
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur					
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 6)		
Sun					

I

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

J

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

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Fridays and Saturdays are our two busiest nights of the week, on both nights at 02:00 hours 300 people leave the premises, we are proposing to extend our licensable activity hours to allow the gradual disperse of customers as well as increasing business revenue to compete with our immediate competitors including Mandolins, Zero Zero, Moles Club, Sub 13, Adventure Cafe, Common Room and Central Wine Bar – all of which have 3am or later licenses and all of whom are within Cumulative Impact Zone. We have proposed a number of conditions which we believe will ensure that this application will not add to the cumulative impact.

b) The prevention of crime and disorder

Toilet checks will be carried out every 20 minutes on Fridays and Saturdays after 23:00hrs and every 30 minutes after 23:00hrs from Monday to Thursday. A 'log book' will be kept and made available to police on request.

Signage to be displayed in the front windows asking people to keep noise levels down.

Signage to be displayed in the WC's advising patrons of our 'drug policy'.

Joining 'Pub Watch' (Bath Bid)

A 'dispersal policy' shall be written and implemented on Fridays and Saturdays at a minimum and the policy will be made available to the Police upon request.

A minimum of two door staff to be employed after 23:00 hours (on Fridays and Saturdays) with a minimum of one stationed at the entrance at all times.

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

c) Public safety

A minimum of two door staff to be employed after 23:00hrs on Fridays & Saturdays with a minimum of one at the entrance at all times. A minimum of one door staff at the entrance to the premises from half an hour prior to the commencement of licensable activities. The entrance pavement will be swept at the end of every trading day.

d) The prevention of public nuisance

The smoking area will close at 02:00hrs. There will be a 'No Entry' and 'No Re-Entry' on Fridays & Saturdays after 02:00hrs

Subject to the variation 'sale of alcohol and recorded music' extension being granted we will offer the condition that 'amplified bands' of three or more persons will cease at 23:00 hours every day.

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

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

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

e) The protection of children from harm

The premises already holds a 'Challenge 21' policy and signage will be displayed advising patrons of this.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

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

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

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

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	02:30	
Tue	10:00	02:30	
Wed	10:00	02:30	
Thur	10:00	02:30	
Fri	10:00	03:30	
Sat	10:00	03:30	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 6)
Sun	12:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	Roderick Johnson
Date	08/10/14
Capacity	500

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	Max Johnson
Date	08/10/14
Capacity	500

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

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	14/04076/LAPRE
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Part 1 – Premises Details

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

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

Late Night Refreshment (Indoors only)

Monday to Saturday 23:00 - 02:00

Non-Standard Timings for all licensable activities:

From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day. From normal opening times on Sunday's preceding a Bank Holiday Monday until 02:00 hours.

The opening hours of the premises

Monday to Saturday 10:00 - 02:30

Sunday 12:00 - 22:50

Non-Standard Timings:

From normal opening time on New Year's Eve until normal opening time on 1 January.
From normal opening times on Sundays preceding a Bank Holiday Monday until 02:00 hours.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Maxrod Ltd
18 Church Lane
Kelston
Bath
BA1 9AG
0788 4077334
maxsjohnson@hotmail.com

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 7719509

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Roderick Johnson
18 Church Lane
Kelston
Bath
BA1 9AG

Bath & North East Somerset Council

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

B&NES/11/03394/LAPER

Bath & North East Somerset Council

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of

Bath & North East Somerset Council:

K Morgan

Dated 14 October 2014

Annex 1 – Mandatory conditions

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

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) "permitted price" is the price found by applying the formula:

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

where:

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

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

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

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

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

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

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

From 1 October 2014:

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a) games or other activities which require or encourage, or are designed to require or encourage individuals to i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or, ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.
4. The responsible person must ensure that: a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures - i) beer or cider: ½ pint; ii) gin, rum, vodka or whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

Annex 2 – Conditions consistent with the Operating Schedule

No open containers of alcohol shall leave the premises after 22:00 hours.

An incident book shall be maintained at the premises in which all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily basis and retained on completion for 12 months and shall be made available to the Police and Licensing Authority.

A register will be kept on the premises of each door supervisor showing their full name, full SIA badge number & time on and off duty. This register will be retained for 12 months and made immediately available for inspection by the Police and Licensing Authority.

Staff will be trained regularly in matters concerning illegal drug use and sale of alcohol. Records will be kept of the training and made available to the Police and Licensing Authority on request.

Challenge 21 policy will be implemented.

Children will only be allowed on the premises until 18:00 hours.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises.
 2. A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order. The recordings shall be retained for 28 days and made available to the police immediately on request.
 3. SIA registered door supervisors will be on duty at the premises at the discretion of the DPS or when requested by the police or licensing authority on any such days of the week and between such times as considered necessary in order to promote the licensing objectives. Such measures are to be agreed in writing between the DPS and responsible authority. Door staff will supervise any queuing into the premises and persons leaving. All door staff will wear yellow fluorescent jackets whilst on duty.
-

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.

Bath and North East Somerset: District Online

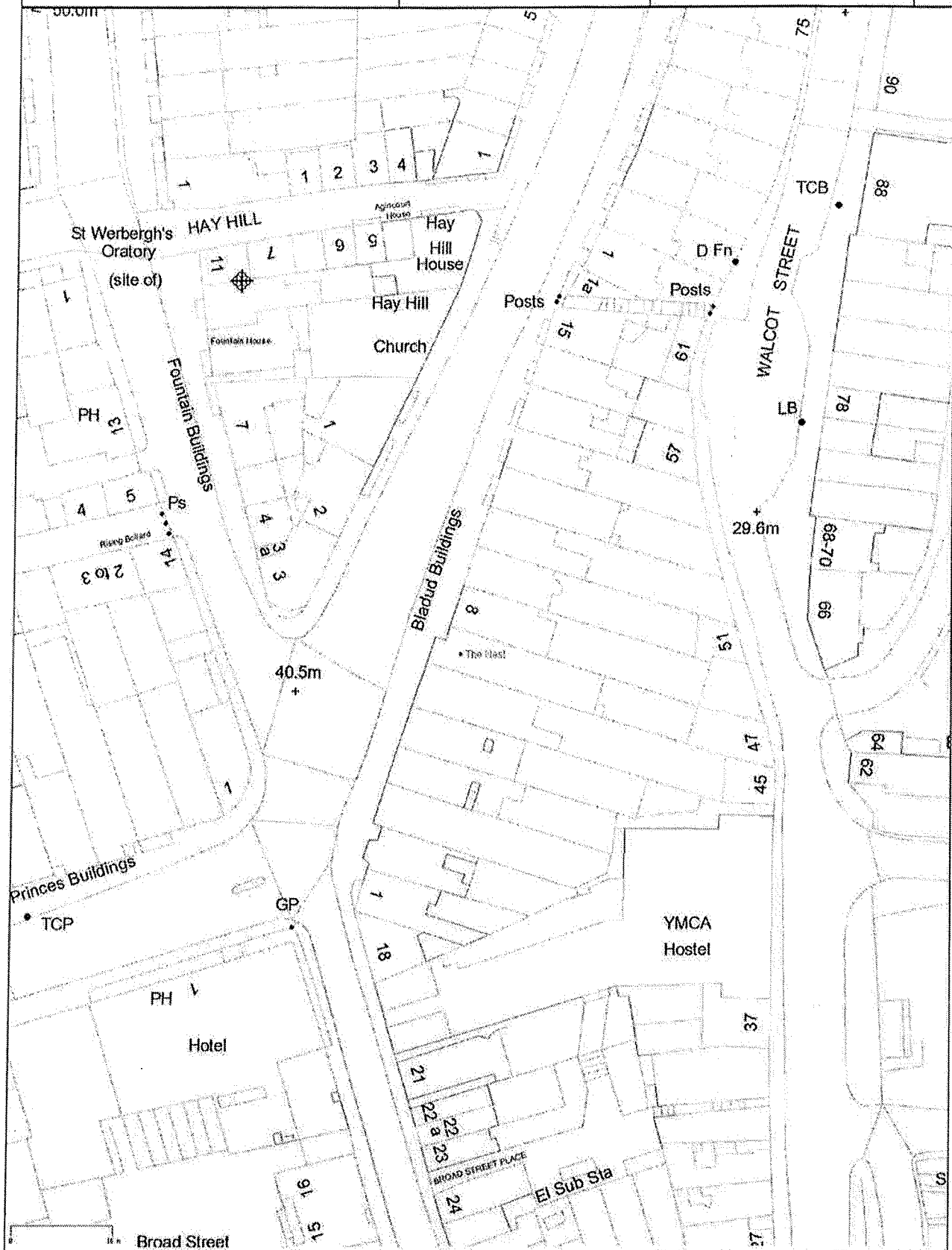
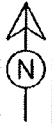
The Nest

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

Map Centre - easting / northing:
375020 / 165234

Bath & North East
Somerset Council

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

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

Kindest regards,

Amanda Habisrittinger

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

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

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

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

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

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

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

