

<b>Bath &amp; North East Somerset Council</b>		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 28 April 2015	
TITLE:	Application for a Premises Licence for <b>Burger &amp; Lobster</b> , 25 (The Octagon) & 28 Milsom Place, Milsom Street & Broad Street, Bath BA1 1BZ	
WARD:	Abbey	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p><b>Annex A</b> Application for a new Premises Licence</p> <p><b>Annex B</b> Plan of Premises</p> <p><b>Annex C</b> Site plan</p> <p><b>Annex D</b> Representations received from local residents</p>		

## **1 THE ISSUE**

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of **Burger & Lobster**, 25 (The Octagon) & 28 Milsom Place, Milsom Street & Broad Street, Bath BA1 1BZ.

## **2 RECOMMENDATION**

- 2.1 That the Sub Committee determines this application.

## **3 RESOURCE IMPLICATIONS**

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £315.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

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 plan identifying the "premises" for the purpose of this application is attached at *Annex B*.

5.3 The application proposes:

1) **Recorded Music**, indoors only between the following hours:

Every day                      08:00 – 00:30 the following morning

2) **Late Night Refreshment**, indoors only between the following hours:

Every day                      23:00 – 01:00 the following morning

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

Every day                      08:00 – 00:30 the following morning

4) The **Opening Hours**:

Every day                      08:00 – 01:00 the following morning

5) **Non-standard timing** for proposed Licensable Activities and Opening Hours:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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
- d) The Protection of Children from Harm.

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

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

5.7 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-

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

5.8 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.

5.9 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the

direction of the court. The court may make such order for costs as it thinks fit.

- 5.10 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.11 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.12 Representations have been received from two local residents who allege that the applicant's proposal undermines the protection of children from harm, prevention of public nuisance, public safety and crime and disorder licensing objectives (*Annex D*).
- 5.13 The application proposes the consumption of alcohol 'on the premises' and falls within the cumulative impact area. As a representation has been received, there is a rebuttable presumption that the application will be refused unless the applicant has demonstrated that the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact.
- 5.14 This report has not been sent to the Trades Union because they would have no involvement.

## **6. RATIONALE**

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

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

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

## 9 RISK MANAGEMENT

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

## 10 ADVICE SOUGHT

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

<b>Contact person</b>	Kirsty Morgan, Public Protection Officer (Licensing) 01225 396719
<b>Background papers</b>	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy



09 MAR 2015

Post Log No: .....  
 Receipt No: 123201 .....  
 CH/CA £ 315.00 .....

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** Burger & Lobster Bath Ltd

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Burger &amp; Lobster</b> <b>25 (The Octagon) &amp; 28 Milsom Place</b> <b>Milsom Street &amp; Broad Street</b>			
<b>Post town</b>	Bath	<b>Postcode</b>	<b>BA1 1BZ</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£Band C</b>

**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 checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> please complete section (B)            |
| d) a charity                                    | <input type="checkbox"/> please complete section (B)            |

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

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

Please tick yes

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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



## SECOND INDIVIDUAL APPLICANT (if applicable)

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

## (B) OTHER APPLICANTS

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

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			

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

DD		MM		YYYY			

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

Restaurant and bar.

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

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

**What licensable activities do you intend to carry on from the premises?***(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)***Provision of regulated entertainment**

Please tick any that apply

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

**Provision of late night refreshment** (if ticking yes, fill in box I) **Supply of alcohol** (if ticking yes, fill in box J) 

In all cases complete boxes K, L and M

A

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

## B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<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			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Fri					
Sat			<b>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</b> (please read guidance note 5)		
Sun					

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	08:00	00:30			
Tue	08:00	00:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	08:00	00:30			
Thur	08:00	00:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08:00	00:30			
Sat	08:00	00:30	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	08:00	00:30			



## G

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

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>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</b> (please read guidance note 5)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)					
Mon	08:00	00:30						
Tue	08:00	00:30						
Wed	08:00	00:30						
Thur	08:00	00:30				<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Fri	08:00	00:30						
Sat	08:00	00:30						
Sun	08:00	00:30						

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

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

K

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

n/a

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	01:00	<p><b>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</b> (please read guidance note 5)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
Tue	08:00	01:00	
Wed	08:00	01:00	
Thur	08:00	01:00	
Fri	08:00	01:00	
Sat	08:00	01:00	
Sun	08:00	01:00	

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

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

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

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

The following conditions are proposed:

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

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

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

**b) The prevention of crime and disorder**

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

The applicant will join the appropriate local Pubwatch/Nightwatchescheme.

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

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

**c) Public safety**

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

**d) The prevention of public nuisance**

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

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

**e) The protection of children from harm**

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

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

**Checklist:**

Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	<i>Thomas &amp; Thomas</i>
Date	6 <sup>th</sup> March 2015
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf of the Applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) TOM/TB/GOO.1.15 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Postcode	WC2H 9EP
Telephone number (if any)	020 7042 0415		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) tburton@tandtp.com			

#### Notes for Guidance

- 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.
- Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 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.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 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.
- 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'.
- Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- Please list here steps you will take to promote all four licensing objectives together.
- The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.



**Consent of individual to being specified as premises supervisor**

Alex Neill

I

-----  
*[full name of prospective premises supervisor]*

of

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

-----  
*[home address of prospective premises supervisor]*

-----  
*Date of birth: 30/05/1983*

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

new premises licence

-----  
*[type of application]*

by

Burger & Lobster Bath Ltd

-----  
*[name of applicant]*

relating to a premises licence

-----  
*[number of existing licence, if any]*

for

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

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

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

-----  
*[name of applicant]*

concerning the supply of alcohol at

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

-----  
*[name and address of premises to which application relates]*

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

Personal licence number

RBBC/06/01202/LAPer

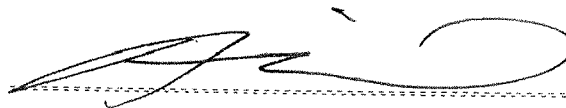
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*[insert personal licence number, if any]*

Personal licence issuing authority

Reigate and Banstead BC

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

Signed



Name (please print)

Alex Neil

Date

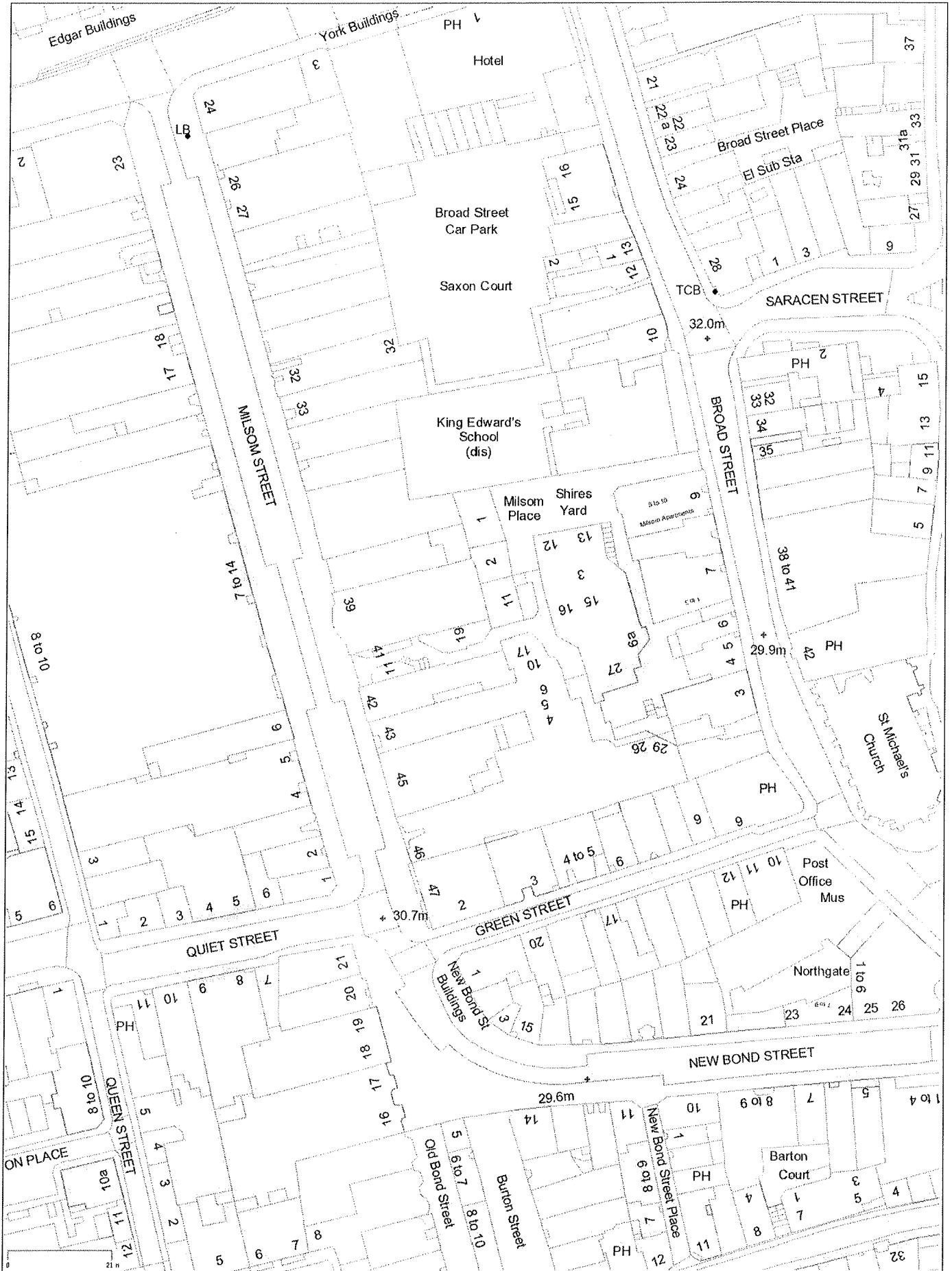
06/02/15







# Burger and Lobster





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

Dear Kirsty,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition to the issues highlighted our concerns are:

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



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

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

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

Kind regards

Simon Potter  
07905 810224



**LICENSING ACT 2003**

**INTERESTED PARTY REPRESENTATION**

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

**I/We object to the following application:**

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

**Objector Details:**

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

**Objection Details:**

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

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

<b>ENVIRONMENTAL SERVICES</b>
06 APR 2015
Post Log No: .....
Receipt No: .....
CH/CA £.....

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

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

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

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

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

J Parry

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

Signed

J Parry

Date

6 April 2015