

Bath & North East Somerset Council

MEETING:	Licensing (Gambling & Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 24 June 2010	
TITLE:	Application to Vary a Premises Licence for The Lounge , Ground Floor and Basement, 43 St James's Parade, Bath, BA1 1UQ	
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 the Environmental Protection	
Annex E	Representations from Interested Parties	

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 Lounge, Ground Floor and Basement, 43 St James's Parade, Bath, BA1 1UQ.

2 RECOMMENDATION

2.1 That the sub committee determine the application to vary the licence.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4 THE REPORT

4.1 An application has been received for the **variation** of a premises licence.

4.2 The current premises licence permits the following licensable activities:

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

Monday to Thursday 11:00 to 00:30

Friday and Saturday 11.00 to 01.30

Sunday 11.00 to 22.30

Non standard timings:

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

Bank Holidays including but not limited to Easter, Boxing Day, May Day and Whitsun until 02.00 hours.

- 2) The provision of **Late Night Refreshment** between the following hours:

Monday to Saturday 23:00 to 00:00 (midnight)

Non standard timings:

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

Bank Holidays including but not limited to Easter, Boxing Day, May Day and Whitsun until 02.00 hours.

- 3) The **Opening Hours** for the premises are as follows:

Monday to Thursday 08:00 to 01.00

Friday and Saturday 08.00 to 02.00

Sunday 08.00 to 23.00

Non standard timings:

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

- 6) The licence is subject to the following **conditions**:

- No supply of alcohol may be made under the premises licence:
 - at a time when there is no designated premises supervisor in respect of the premises licence, or
 - 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.
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- CCTV to be maintained at the premises with recordings kept for at least 28 days. Recordings to be made available to the police upon request.
- Notice to be placed in a prominent position indicating the existence of CCTV.
- Conspicuous notice to be placed asking customers to be respectful to residents when leaving the premises.
- Noise from entertainment not to be audible so as to disturb residents.

- Free facilities to be available to summon taxis.
- Exit doors to be kept closed unless in use.
- Persons under 18 only to be admitted if accompanied by an adult. A notice to this effect to be placed at the entrance to the premises.
- All persons attempting to purchase alcohol who appear to be under 21 years of age to provide photographic identification.
- Food to be available up to at least one hour before closing time.
- All drinks taken from the premises to be in sealed containers except when supplied for consumption at tables placed adjacent to premises under lawful authority of a Tables and Chairs Permit.
- All bottled drinks to be decanted into toughened or plastic glasses where alcohol is sold after 2300 hours on any day.
- Where a risk assessment by the DPS and/or at the written request of the police, door staff to:
 1. Supervise all patrons queuing to enter the premises and when leaving to seek to ensure they do so in a quiet and orderly manner.
 2. Wear yellow reflective jackets at all times when on duty.
- There shall be no 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.

4.3 The **variation** seeks to extend the terminal hour for licensable activities as follows:

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

Every Day	11:00 to 01.30
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- 2) The provision of **Late Night Refreshment** between the following hours:

Every Day	23:00 to 01.00
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- 3) The **Opening Hours** for the premises are as follows:

Every Day	08:00 to 02.00
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4.4 A site plan is attached at Annex C.

4.5 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 /notifications the Licensing Authority will have regard to these licensing objectives.

- 4.6 The Licensing Authority may vary and grant the application with or without additional conditions.
- 4.7 The Licensing Authority can refuse the variation or part of the variation as it considers necessary for the promotion of the licensing objectives.
- 4.8 The Licensing Authority may not however do anything to reduce the effect of the rights guaranteed by the existing premises licence.
- 4.9 The Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
 - a) Paragraphs 3, 5, 6, 9, 10, 15 - 20, 23(5), 24, 28, 30, 33, 35 - 37, 41 to 44 of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised on 28 June 2007)..
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 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.

- 4.11 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, and the Child Protection Agency.
- 4.12 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 days for submitting the application to the licensing authority.
- 4.13 A representation has been received from the **Environmental Protection** in respect of the licensing objective of the **Prevention of Public Nuisance** objective (Annex D).
- 4.14 Representations have been received from **Interested Parties** in relation to the licensing objectives of the **Prevention of Public Nuisance** and the **Prevention of Crime and Disorder** (Annex E).
- 4.15 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Emma Stoneman, Licensing Officer, 01225 396719
Background papers	2003 Licensing Act, Guidance Notes, Licensing Act Regulations, BANES Licensing Policy 2008

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 RMH PROPERTY LIMITED

(Insert name(s) of applicant)

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

Premises licence number

09 /03115/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

GROUND FLOOR AND BASEMENT, 43 ST JAMES PARADE, BATH BA1 1UQ

Post town

BATH

Post code

BA1 1UQ

Telephone number at premises (if any)

01225 835 485

Non-domestic rateable value of premises

£18100

Part 2 – Applicant details

Daytime contact telephone number

01225 835 485

E-mail address (optional)

Current postal address if different from premises address

Post Town

Postcode

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day		Month		Year	

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

THE EXISTING TERMINAL HOUR IS FOR SALE OF ALCOHOL ON FRIDAY AND SATURDAYS IS 0130 THE FOLLOWING DAY, CLOSING 30 MINUTES LATER. THIS APPLICATION IS REQUESTING SAME HOURS FOR EACH DAY OF THE WEEK. THE NON STANDARD HOURS FOR BANK HOLIDAYS AND NEW YEAR EVE FREMAIN

LATE NIGHT REFRESHMENT FROM 2300 TO 0100 DAILY.

THESE PREMISES ARE FREQUENTED AMONGST OTHERS BY PERSONS EMPLOYED IN THE LATE NIGHT ECONOMY WITHIN THE CITY CENTRE. THE ADDITIONAL HOUR ALLOWS SUCH PERSONS TO ATTEND FOLLOWING THE END OF THEIR DUTY, TO RELAX AND REFRESH. SUCH HOURS ALREADY EXIST FRIDAY AND SATURDAY NIGHTS.

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 yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

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

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

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

E

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

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

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

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

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

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

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place 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						
Mon	2400	0100	<u>Please give further details here</u> (please read guidance note 3)					
	2300	2400						
Tue	2400	0100						
	2300	2400						
Wed	2400	0100				<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
	2300	2400						
Thur	2400	0100						
	2300	2400						
Fri	2400	0100	<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) AS EXISTING					
	2300	0100						
Sat	2400	0100						
	2300	2400						
Sun	2400	0100						
	2300	2400						

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (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) AS EXISTING					
Mon	0000	0130						
	1100	2400						
Tue	0000	0130						
	1100	2400						
Wed	0000	0130						
	1100	2400						
Thur	0000	0130				<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) AS EXISTING		
	1100	2400						
Fri	0000	0130						
	1100	2400						
Sat	0000	0130						
	1100	2400						
Sun	0000	0130						
	1100	2400						

N

<p>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)</p> <p>NONE</p>
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O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) AS EXISTING
Day	Start	Finish	
Mon	0000	0200	
	0800	2400	
Tue	0000	0200	
	0800	2400	
Wed	2000	0200	
	0800	2400	
Thur	0000	0200	
	0800	2400	
Fri	0000	0200	
	0800	2400	
Sat	0000	0200	
	0800	2400	
Sun	0000	0200	
	0800	2400	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
AS EXISTING

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
NONE

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P 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,e) (please read guidance note 9)

AS EXISTING

b) The prevention of crime and disorder

AS EXISTING

c) Public safety

AS EXISTING

d) The prevention of public nuisance

AS EXISTING

e) The protection of children from harm

AS EXISTING

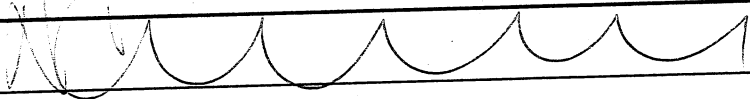
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	27/5/2010
Capacity	DAVID C HOLLEY AUTHORISED AGENT

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

Signature	
Date	
Capacity	

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

DAVID C HOLLEY
25 BROAD STREET
BATH

Post town	BATH	Post code	BA1 5LW
Telephone number (if any)	01225 339004		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
dholley_licensing@btinternet.com			

Schedule 12
Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	09/03115/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

Lounge
Ground Floor And Basement
43 St James's Parade
Bath, BA1 1UQ

Telephone number 01225 835485

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday to Thursday	11:00 - 00:30
Friday and Saturday	11:00 - 01:30
Sunday	11:00 - 22:30

Late Night Refreshment (Indoors only)

Monday to Saturday	23:00 - 00:00
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Non standard timings:

Bank Holidays including but not limited to Easter, Boxing Day, May Day and Whitsun until 02:00 hours.

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

The opening hours of the premises

Monday to Thursday	08:00 - 01:00
Friday and Saturday	08:00 - 02:00
Sunday	08:00 - 23:00

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

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**

RMH Property Limited
 43 Heritage Close
 Peasedown St. John, BA2 8TJ
 01225 424321
 salvo@loungecocktailbar.com

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

Registered Business Number - 04463837

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

Mr Salvatore Ciambrone
 43 Heritage Close
 Peasedown St John, BA2 8TJ
 01225 835485

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/08/03491/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:



Dated 19 October 2009

Annex 1 – Mandatory conditions

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.

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

CCTV to be maintained at the premises with recordings kept for at least 28 days. Recordings to be made available to the police upon request.

Notice to be placed in a prominent position indicating the existence of CCTV.

Conspicuous notice to be placed asking customers to be respectful to residents when leaving the premises.

Noise from entertainment not to be audible so as to disturb residents.

Free facilities to be available to summon taxis.

Exit doors to be kept closed unless in use.

Persons under 18 only to be admitted if accompanied by an adult. A notice to this effect to be placed at the entrance to the premises.

All persons attempting to purchase alcohol who appear to be under 21 years of age to provide photographic identification.

Food to be available up to at least one hour before closing time.

All drinks taken from the premises to be in sealed containers except when supplied for consumption at tables placed adjacent to premises under lawful authority of a Tables and Chairs Permit.

All bottled drinks to be decanted into toughened or plastic glasses where alcohol is sold after 2300 hours on any day.

Where a risk assessment by the DPS and/or at the written request of the police, door staff to:

1. Supervise all patrons queuing to enter the premises and when leaving to seek to ensure they do so in a quiet and orderly manner.
2. Wear yellow reflective jackets at all times when on duty.

There shall be no 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.

**Bath & North East
Somerset Council**

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

Annex 4 – Plans

As submitted with application.



Bath & North East Somerset Council
 Bath & North East Somerset Council,
 Planning Services,
 Trimbridge House,
 Trim Street,
 Bath BA1 2DP

The Lounge, 43 St James's Parade, Bath

Scale 1/1250
 Date 11/6/2010
 Centre = 374962 E 164579 N
 Drawn by:
 Emma Stoneman

Representation Form

Responsible Authority. (Please delete as applicable.)

EP (noise)

Your Name	Diarmid Henry
Job Title	Environmental Health Officer
Postal and email address	9-10 Bath Street BATH BA1 1SN
Contact telephone number	01225 477555

Name of the premises you are making a representation about.	Lounge
Address of the premises you are making a representation about.	43 St James's Parade BATH BA1 1UQ

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	There have been two incidents of complaint concerning loud music coming from 43 St James's Parade since March 2010. The introduction of the smoke-free legislation has brought with it complaints of disturbance from raised voices of patrons of licensed premises congregating on the pavement outside. In addition complaints have arisen from music breaking out from within licensed premises as external doors are opened and closed. Like many other licensed premises in the city centre, there are

	<p>residential properties in close proximity to 43 St James's Parade who will be affected by any increase in activities associated with the premises.</p> <p>This area also falls within the city centre cumulative impact zone, regard should therefore be had to the potential impact of extending opening hours in a wider context rather than just the impact in the immediate vicinity.</p> <p>The applicant seeks to extend opening hours from 2300 on week nights and Sunday's to 0200 daily and the supply of alcohol both on and off the premises from 2300 on week nights and Sunday's to 0130 daily. This will effectively mean that patrons will gather outside the premises to smoke and/or consume alcohol for an extra two and a half/three hours on these nights. The associated noise from patrons leaving the premises will also be delayed from 2300 until 0200 on these days, by which time the occupants of neighbouring residential properties are likely to be asleep. Later into the night the background noise levels drop significantly as the area becomes progressively quieter, this ultimately means that any noise sources which do exist will have a greater impact at later hours than they would earlier in the evening. At this later hour the noise from potentially intoxicated patrons with associated raised voices is likely to result in disturbance to local residents principally from sleep awakening.</p>
	<p>The applicant intends to promote the licensing objective of "<i>prevention of public nuisance</i>" by provision of a notice asking customers to leave quietly and the provision of supervisors to ensure patrons leave the premises quietly. While these measures are welcomed, in my opinion they are insufficient to protect local residents from the potential disturbance from the premises being opened an additional three hours into the evening on week days and Sunday's. The application for an extension of opening hours and the sale/consumption of alcohol will result in an increase in noise levels in the vicinity of 43 St James's Parade, this increase is inevitable as despite attempts from the applicant, patrons cannot be silenced. The residential properties surrounding 43 St James's Parade should not be used as a test bed for noise nuisance. I therefore object to the application to vary the premises licence and ask the hours of opening remain as they are currently.</p>

The prevention of harm to children	No	
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.		

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

Signed:

Date: 18.05.10

Please return this form along with any additional sheets to:

Licensing Team
Public Protection
9-10 Bath Street
Bath
BA1 1SN

E-mail address: licensing@bathnes.gov.uk

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

ENVIRONMENTAL SERVICES
- 2 JUN 2010
Post Log No: 07/AS 21703
Receipt No:
CH/CA: £.....

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:	
Applicant's name:	
Premises name and address:	LOUNGE BAR 41 ST JAMES PARADE BATH BA1 10Q
Application for a:	LICENSE EXTENSION

Objector Details:

Objector's Name:	MARK QUIGLEY
Objector's Address: <small>This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.</small>	FLAT 2 41-43 ST JAMES PARADE BATH BA1 10Q
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
- Public safety

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

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

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

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

RECENT SPECIFIC COMPLAINTS TO THE ENVIRONMENTAL HEALTH OFFICER

8/3 — LIVE MUSIC FROM D.J'S, DRAFFENING BASS THROUGHOUT THE BUILDING CAUSING EVERYTHING TO SHAKE + REVERBERATE, GREAT DEAL OF DISTURBANCE OUTSIDE INCLUDING SHOUTING + SWEARING

11/5 — LOUD LIVE GUITAR MUSIC WITH USE OF MICROPHONES + AMPLIFIERS.

I LIVE DIRECTLY ABOVE THE LOUNGE BAR AND AM THEREFORE MOST AFFECTED BY NOISE AND DISTURBANCE. AT PRESENT THE MAJORITY OF NOISE IS CREATED AT THE WEEKEND WHEN THE BAR IS ALREADY OPEN TILL 2 AM, EXTENDING THEIR LICENSE TO INCLUDE WEEKDAYS IS IN MY OPINION GOING TO MAKE THIS AN EVERYDAY PROBLEM. I HAVE (CONT)

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

MJQ

Date

30/5/2010

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

07977 146558

MADE NUMEROUS COMPLAINTS ABOUT NOISE COMING UP THROUGH MY FLOOR BOTH TO THE ENVIRONMENTAL HEALTH AND TO THE LOUNGE. I CAN ASSURE YOU THAT THE MUSIC BEING PLAYED, PARTICULARLY AT THE WEEKENDS, IS NOT 'BACKGROUND MUSIC'. MOREOVER, THE NOISE LEVELS HAVE INCREASED CONSIDERABLY OVER THE LAST FEW MONTHS.

IN THE PAST I HAVE BEEN WORN DOWN BY THE CONSTANT HASSLE USUALLY JUST GOING TO BED EARLY WITH EAR PLOGS IN, HOWEVER, I DON'T SEE WHY I SHOULD HAVE TO PUT UP WITH THIS IN MY OWN HOME. IF THE WEEKEND LICENSE IS EXTENDED TO COVER THE ENTIRE WEEK ANY PEACE WOULD BE IMPOSSIBLE.

IN ADDITION TO THE NOISE EMANATING FROM INSIDE THE BUILDING THERE IS ALSO A BIG PROBLEM OUTSIDE. PEOPLE ARE FREE TO SHOUT, SCREAM AND SWEAR WITH NO SUPERVISION. FIGHTS ARE ~~NOT~~ ~~NOT~~ NOT UNUSUAL.

TO SUMMARISE, EXTENDING THEIR LICENSE TO 2 AM EVERYDAY WILL INEVITABLY LEAD TO FURTHER NOISE AND DISRUPTION TO RESIDENTS. PLEASE DECLINE THEIR APPLICATION. AND

ADDITIONAL RECENT DATES RELATING
TO DISTURBANCE.

22/5 — LOUD DANCE MUSIC WITH LOTS OF BASS COMING THROUGH FLOOR. STARTED 21.30 FINISHED 02.00 AM

28/5 — 20.15 → 02.00 AM

ANNEX E3

LOUD MUSIC AND BASS, LOTS OF
DISTORTION. PLENTY OF NOISE FROM
OUTSIDE

29/5 — 22.00 → 02.00 AM

INCREDIBLY LOUD MUSIC, ON SATURDAY,
THE PLACE IS BEING RUN LIKE A
NIGHT CLUB. EAR PLOGS ARE ~~WASTE~~
~~TO~~ INSUFFICIENT.

Emma Stoneman

Subject: RE: Extension of "The Lounge" opening hours

From: [REDACTED]
Sent: 30 May 2010 12:39
To: Emma Stoneman
Subject: Extension of "The Lounge" opening hours

[REDACTED]
 Flat [REDACTED]
 41-42 St James's Parade
 Bath
 BANES
 BA1 1UQ
 Tel: [REDACTED]
 Mob: [REDACTED]

RE: The Lounge Bar, 42 St James's Parade, Bath. Application for extended license

Dear Ms Stoneman

I am writing to object to the above premises being considered for an extension on their existing license.

May I first express my utter dismay as a local resident at not being informed of the license application. Had my neighbour not brought it to my attention I would still be completely unaware of the Lounge's application. I am sure many of the other residents of St James's Parade would also have raised objections had they been informed.

My main concerns are as follows:-

1. Outside Noise

a) Many of the Lounge customers congregate outside the premises, directly under my windows, to smoke. This happens continuously throughout the evening with voices increasing in volume, due to alcohol consumption, as the evening goes on. Each time someone leaves or enters the Lounge the music volume increases due to the door continuously opening and closing. Due to the noise I am unable to have my windows open in the evenings.

b) When the Lounge finally closes, often people are still leaving at 2.30am on sat and Sunday morning, these people can then spend up to 45mins in discussion before moving on.

c) The manager is the proud owner of a very powerful motorcycle on which he often arrives and leaves. You may have noticed it...he often has it parked up against the window of the Lounge Bar. The noise of him revving this bike up at 1.30am in the morning can be incredibly disturbing.

d) The manager/owners friends often park their cars up on the pavement, windows open and music blaring.

e) Fights and fracas started in the Lounge have in the past spilled out onto the street. If police records were available I am sure you would find that they have been called to the Lounge on several occasions. I have actually attended magistrates court as a prosecution witness due to violent incident that occurred outside the Lounge. I found the whole court process very stressful and I now tend not to look out my windows if I hear any sign of a fight starting.

2. Noise from within Lounge Bar

There is continuous noise during the evening coming from within the Lounge Bar during the evenings. There does not seem to be any sound proofing and the music, particularly the bass line, seems to travel up through the walls. At the weekends i have taken to wearing ear plugs to bed but on occasions I've had to resort to sleeping in my living room to escape the vibrations. one such evening that topped all the rest, was on an evening in March when a DJ was employed at the Lounge. The whole block was shaking.....in fact the whole street was shaking until after 2am. I had ornaments fall off shelves and I was worried for my wall prints!!! I was dismayed that the owner/manager did nothing to try to reduce the amplification...he must have been aware of the disturbance it was causing. I seem to remember this occurred on a Sunday or Monday evening.

on the 11/05/2010 a amplified guitar was being played and yet again the noise reverberated all through the building and down the street. Does the Lounge have a live music license? I would have objected to that license also!

My final objection is a purely personal one; as a single woman I often feel intimidated when I find smokers from the Lounge sheltering in our doorway when I return home from an evening out. I always ask taxi drivers to wait until I'm safely inside the building before they drive off.

Unfortunately I shall not be attending the hearing but hope my objections will add some weight to the argument against the proposed extension. Please feel free to contact me.

Yours sincerely

