

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA
Telephone: (01225) 477000 *main switchboard*
Direct Lines - Tel: 01225 395090 Fax: 01225 394439
Web-site - <http://www.bathnes.gov.uk>

Your ref:

Our ref:

Date: 7 September 2011

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Licensing (Gambling and Licensing) Sub-Committee

Councillors: Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Gambling and Licensing) Sub-Committee: Thursday, 15th September, 2011

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Thursday, 15th September, 2011 at 10.30 am** in the **Aix en Provence Room - Guildhall, Bath.**

A private briefing session for Members will be held in the meeting room at 10.00am.

The agenda is set out overleaf.

Yours sincerely

Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath 01225 395090 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Sean O'Neill as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing (Gambling and Licensing) Sub-Committee - Thursday, 15th September, 2011

at 10.30 am in the Aix en Provence Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

To receive any declarations from Members/Officers of personal/prejudicial interests in respect of matters for consideration at this meeting, together with their statements on the nature of any such interests declared.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. MINUTES 22 JULY 2011 AND 8 AUGUST 2011 (Pages 5 - 18)

7. LICENSING PROCEDURE (Pages 19 - 22)

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

8. APPLICATION FOR A PREMISES LICENCE FOR FUBAR, 2 GROVE STREET, BATHWICK, BATH BA2 6PJ (Pages 23 - 78)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Friday, 22nd July, 2011

Present:- Councillors:- Gerry Curran (Chair), Malcolm Lees and Dine Romero (In place of Douglas Nicol)

Also in attendance: Emma Stoneman (Senior Licensing Officer), Terrill Wolyn (Senior Licensing Officer) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Douglas Nicol, for whom Councillor Dine Romero substituted.

4 DECLARATIONS OF INTEREST

Councillor Curran and Councillor Lees declared that they had been Members of the Development Control Committee which had considered a planning application from Chandag Service Station, though this did not constitute a prejudicial or personal interest.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 LICENSING PROCEDURE

The Chair drew attention to the licensing procedure, copies of which had been made available to those attending the meeting.

7 APPLICATION FOR A PREMISES LICENCE FOR CHANDAG SERVICE STATION, 20 BATH ROAD, KEYNSHAM, BRISTOL BS31 1NN

Applicant:: Roc UK Ltd, represented by Leo Charalambides (Barrister), Brian Kent (Locket and Co. Licensing Consultant), Robert Dampier (Territory Manager, Roc UK Ltd), Robert Mortimer (Site Manager & proposed Designated Premises Supervisor)

Interested Parties; Lionel Cartledge (representing Tina Cartledge), Patrick Harris, Councillor Bryan Organ

The parties confirmed that they had received and understood the licensing procedure.

The Licensing Officer summarised the application. This was an application for a new premises licence authorising the sale of alcohol for 24 hours a day and the provision of late night refreshment between 23.00 and 05.00 every day. Representations had been received from 21 Interested Parties residing within the vicinity of the premises alleging that the application, if granted, would have a detrimental effect on the licensing objectives.

Mr Charalambides stated the case for the applicant. He began by stating that having considered the representations made by the Interested Parties, the applicant wished to amend the application by reducing the hours sought for the sale of alcohol from 24 hours a day to between 06.00 and 00.00 (midnight) daily. He said that late night refreshment would include only hot drinks and food that could be heated in a microwave and that there was no intention that the premises should operate as a takeaway.

He stated that, whilst some of the representations related to planning matters, these concerned amenity, which was different from the licensing objectives as contained in the Licensing Act 2003.

Noting that some of the representations had questioned the need for the premises to sell alcohol or provide late night refreshment, he pointed out that "need" was not relevant to a licensing application and referred to paragraph 13.23 of the Secretary of State's Guidance, which states that, amongst other things, "Need is a matter for planning committees and for the market."

He submitted that the Sub-Committee should consider whether there had been any problems specifically linked to the premises in the past and the manner in which the premises were currently operated. He stated that the premises had recently introduced a "Challenge 25" policy to replace the "Challenge 21" that had previously been followed for the sale of age-restricted products. He confirmed that all staff were given a two-day intensive training course on the sale of age-restricted products as part of their induction. Managers then monitored new staff until they were satisfied that they were implementing the policy correctly. All staff were given quarterly refresher courses. If the application were granted, all eight staff would be given a training course relating to the sale of alcohol. All staff already had experience of serving in convenience stores where alcohol was sold. An external agency would be engaged to conduct test purchases every quarter, and there would be a disciplinary process for staff who failed a test, followed by retraining. The tills issued prompts for staff when age-restricted products were registered and a refusals register was maintained. Management received regular reports on refusals and staff training needs. Litter was cleared from around the premises every morning. When questioned, staff had reported that there was no problem with loitering around the premises. After midnight sales were made through a hatch to reduce operating costs and to provide security for staff. He asked the Sub-Committee to grant the application because of the good record of the premises and the quality of its due diligence processes.

In response to questions from Members Mr Charalambides and Mr Mortimer stated:

- alcoholic drinks would be served through the hatch after midnight
- late-night refreshment would be prepared with the use of a hot drinks machine and a microwave
- a refusals register was currently maintained for age-restricted products, such as tobacco and petrol, and alcohol would be included, if the application were granted; if it appeared that a particular member of staff was being targeted in attempted under-age purchases, this could be identified and addressed
- Most purchases from the convenience store were made by people arriving on foot. There were no plans to build a car park at the premises.
- If problems arose in relation to customers consuming their purchases while parked on the forecourt, they would be dealt with. There was CCTV and a tannoy to broadcast messages to customers on the forecourt.
- Only generally available products would be sold, so it would not be possible to link litter specifically to the premises
- There were six litter bins on the forecourt; the impact of the premises on the vicinity was not such as to justify the imposition of a condition requiring the installation of litter bins at other locations

In reply to questions from Interested Parties, Mr Charalambides stated:

- the time at which service would only be through the hatch would be reviewed
- once the main door of the premises was shut, there would only be one member of staff serving; however, the premises was not in area with a high level of crime and disorder

Councillor Organ stated his case. He said that the premises was generally well run without major problems, He would, however, recommend that the terminal hour for the sale of alcohol should be 23.00 every day, so that people coming out of public houses would not go to the Chandag service station to buy more alcohol. He stated that McColl's and the Co-op closed at 20.00.

Mr Cartledge stated his case. He said that on the whole the service station was well run. He stated that he had experienced a few problems as he lived adjacent to the premises and that he was more aware of them than other residents. He welcomed the fact that the applicant had reduced the hours for the sale of alcohol. He was concerned about litter. He stated that a pathway owned by the electricity company, which ran between the service station and his home, became filled with litter blown there by the wind. There was broken glass in the vicinity of his home and empty cans of beer which had been bought from McColl's. He had suffered nuisance from youths congregating outside his home and sitting on his garden wall. It was common, on summer evenings, for youths carrying cans of drink to cross and re-cross the road on their way to a night out in Bristol. He felt that it would not be helpful for alcohol to be available so close to the bus stop at which youths congregated between 20.00-

21.00. He agreed with Councillor Organ that a terminal hour of 23.00 would prevent people coming out of pubs from buying yet more alcohol, but this would not deal with the availability of alcohol to youths who gathered earlier in the evening.

Mr Harrison stated his case. He urged the Sub-Committee to reduce the hours for the sale of alcohol. He was concerned that the premises would attract many people, because there were no other outlets in Keynsham to buy alcohol in the early hours. There were many school and pre-school children living in, or coming to, the Chandag area and he feared that a long-hours licence would send the wrong message to them.

In reply to a question from the Chair, Councillor Organ said that he did not think that the service station could be blamed for litter in the area.

The Licensing Officer clarified that the terminal hour for the sale of alcohol in McColl's premises licence was 22.00.

Mr Charalambides said that the applicant would be willing to have 23.00 as the terminal hour for the sale of alcohol. The company had a central policy about hours for late night refreshment and he was not able to offer to reduce these.

Following an adjournment, it was **RESOLVED** to grant a premises licence giving authority for the sale of alcohol between 06:00 until 23.00 every day and for the provision of late-night for the hours applied for, subject to the following two additional conditions:

1. Only food capable of being heated in a microwave shall be sold during the hours when late night refreshment is permitted
2. Only hot liquids capable of being dispensed from a purpose built machine or heated in a microwave shall be sold during the hours when late night refreshment is permitted.

Authority was delegated to the Licensing Officer to issue the licence accordingly.

REASONS

Members have determined an application for a new Premises Licence for Chandag Service Station, 20 Bath Road, Keynsham. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act 2003 is to be reluctant to regulate in the absence of evidence and must only do what is necessary and proportionate to promote the licensing objectives based on the evidence before them.

Accordingly, Members listened carefully to the applicant, took account of the representations from the Interested Parties and were careful to balance the competing interests of all the parties.

The Interested Parties had raised issues related to traffic, parking, the need for another premises in the area to sell alcohol and provide late night refreshment and matters pertaining to health and planning. The Members noted that these were not matters that fell to be considered under the Licensing Act 2003 and therefore disregarded them.

However, the Interested Parties did raise issues related to existing crime and disorder and anti social behaviour in the area. These included the deposit of litter, urination in the street and in gardens.

They also considered that the premises would be likely to act as a magnet for patrons who had left other licensed premises once they had closed and would encourage drink driving and underage drinking.

The Members considered that the measures proposed by the applicant at the hearing and in the Operating Schedule would promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The Members considered that the applicant had also addressed the four licensing objectives to the best of its ability by reducing the sale of alcohol to 6.00 am to 11.00 pm every day which would reduce the possibility of late night nuisance. They also considered that the premises appeared to be well managed and have efficient policies and procedures in place in order to manage the sale of alcohol responsibly. The application was also amended in light of the residents concerns for which the applicant is to be commended.

Members therefore granted the licence as amended by the applicant today, together with the mandatory conditions related to the sale of alcohol and age verification policy, together with the conditions consistent with the Operating Schedule and those additional conditions offered by the applicant and those imposed by the Members today.

8 REVIEW PROCEDURE

The Chair drew attention to the review procedure, copies of which had been made available to those attending the meeting.

9 APPLICATION FOR THE REVIEW OF PREMISES LICENCE FOR THE GUSS AND CROOK, SOUTH ROAD, TIMSBURY, BATH BA2 0LD

Applicant for review: Peter Greenlees

Licence Holder: Admiral Taverns, represented by Mark Brown (Head of Licensing), Mike Jones (outgoing Area Manager), Fred Lloyd (incoming Area Manager)

The parties confirmed that they had received and understood the review procedure.

The Licensing Officer distributed copies of the petition in support of the premises referred to in paragraph 4.13 of the report, colour versions of the photographs contained in the agenda and a press notice issued by Admiral Taverns on 21 July 2011 announcing the appointment of new tenants at the premises.

The Licensing Officer summarised the application. She said that it related to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Fourteen representations had been received from local residents in relation to these licensing objectives.

Mr Greenlees stated his case. He said that he had lived in Timsbury for eleven years, during which time there had always been problems associated with the premises, which was essentially a working man's pub. These had had intensified since the Licensing Act 2003 had come into force. There had been anti-social behaviour and damage to property caused by customers of the premises. He said that he knew of no one in Timsbury who wanted the premises to close, but there needed to be a compromise that took into account the interests of residents. Problems were particularly severe on Fridays and Saturdays in the summer. There had been instances of people coming from the premises, getting into their cars and crashing into parked vehicles. There had also been fights and occasional under-age drinking. He had witnessed customers smoking drugs at the door of the premises. The situation had been made worse because there had been a succession of temporary landlords who had not been involved in village life. He requested that the opening hours of the premises should be reduced. He thought that the terminal hour for the sale of alcohol should be 23.00 on Sundays to Thursdays and midnight on Fridays and Saturdays with closing half an hour later. The current late closing on Fridays and Saturdays made the premises a magnet for the wrong kind of people. He also believed that a condition should be imposed prohibiting late new entry to the premises.

In response to a question from a Member, the Licensing Officer reported that the terminal hour for the sale of alcohol of the nearby Seven Stars public house was 00.00 on Mondays to Thursday, 02.00 Saturdays and 23.30 on Sundays, with closing half an hour later in each case.

In reply to questions from Members, Mr Greenlees stated:

- customers came to the premises from all directions late at night
- from his home he could just about hear the noise of customers outside the premises smoking; other residents said that they could smell smoke and hear the extractor fan

Mark Brown, Head of Licensing, stated the case for the applicant. He introduced his colleagues Mr Jones, the outgoing area manager and Mr Lloyd, the new area manager. He said that Admiral Taverns held the freehold and let the premises to tenants. He said that management only became aware of problems when reports of incidents were received. There was nothing on file to indicate that there were significant problems at the Guss and Crook. However, the review application clearly showed that there were. A balance needed to be struck between the interests of the business and those of the residents. He drew attention to the representations in support of the premises. He noted that no one was calling for the premises to be closed. He noted that there had been no representations from the responsible authorities. Mr Brown stated that the Designated Premises Supervisor denied that there was regular drug use or underage drinking at the premises, though it was

possible that both had occurred on occasions. Admiral Taverns had had conversations with Mr Greenlees about the balance to be struck, and was now proposing to reduce the hours of the premises, so that the terminal hour for the sale of alcohol would be 23.30 Sundays to Thursdays and 00.30 on Fridays and Saturdays, with closing half an hour later. They were also proposing that from 22.00 on Sundays to Thursdays and from 23.00 on Fridays and Saturdays the four outside tables should be vacated so that no one with a drink was outside after these times. Finally, they were proposing that there should be no new entry to the premises after 23.30. He submitted that these modifications would reduce the attraction of the premises for late-night drinkers from ten miles around, and turn it into just a local pub. He drew attention to the press notice about the appointment of new tenants, who would settle in the village and be part of village life. The premises would not be let to a management company as had happened previously.

Mr Jones described the process followed for the appointment of the new tenants. Admiral Taverns had chosen a couple who wished to settle in the village and become long-term tenants.

A Member asked about the garden at the rear of the premises. Mr Jones replied that the only access to this at present was through the private quarters, so that it could not be used by customers, though the provision of alternative access might be considered in the future. Admiral Taverns owned an area of garden across the road opposite the premises, but this could not be used because customers would be crossing the road with drinks to reach it.

The Chair asked what the impact on the business would be of requiring the outside tables to be cleared at 22.00 every evening. Mr Brown replied that customers liked to sit outside, especially on a summer evening at the end of the week, and that Admiral did not wish to curtail this facility too severely. It would be for the new tenants to ensure that tenants outside did not cause nuisance. The new tenants wished to make the serving of food an important part of the business, which should assist with creating more of a family pub atmosphere.

Mr Greenlees suggested that the new tenants would face a considerable challenge in trying to change what had always been a working man's pub into a family pub and asked what support Admiral Taverns would give them. Mr Brown replied that the commitment of the new tenants had been demonstrated by their giving up their life in Spain to come to live in the premises. As was normal, they had been given an initial six-month lease and it was very much hoped that this would be followed by a long-term lease. Mr Jones said that there would be ongoing discussions with the tenants during the initial lease.

The parties were invited to sum up.

Mr Greenlees said that he had nothing to add.

Mr Brown submitted that there was now a plan in place for improvements at the premises. He believed that the licence modifications proposed were proportionate and struck the right balance between the business and the residents.

Following an adjournment the Sub-Committee **RESOLVED** to modify the premises licence as follows:

1. Sale of Alcohol

Monday to Thursday – 11.00 am to 11.00 pm

Friday and Saturday – 11.00 am to 12.30 am

Sunday – 12.00 pm to 11.00 pm

2. Regulated Entertainment

Friday and Saturday – as existing

Sunday – 8.00 pm to 11.00 pm

3. Opening

Monday to Thursday – 11.00 am to 11.30 pm

Friday and Saturday – 11.00 am to 1.00 am

Sunday - 12.00 midday to 11.30 pm

4. No consumption of alcohol shall be permitted outside the premises after;

a) Sunday to Thursday 10.00 pm

b) Friday and Saturday 11.00 pm

c) The area for the consumption of alcohol outside the premises shall be clearly marked and maintained

REASONS

Members have determined an application for the review of a Premises Licence for the Guss and Crook Public House, South Road, Timsbury, Bath. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act 2003 is to be reluctant to regulate in the absence of evidence and must only do what is necessary and proportionate to promote the licensing objectives based on the evidence before them.

Accordingly, Members listened carefully to the applicant, took account of the representations from the Licence Holder and Interested Parties and were careful to balance the competing interests of all the parties.

The application for the review was based on allegations of anti social behaviour, malicious/criminal damage, customers driving away from the premises whilst drunk, under age drinking, the dealing and taking of illegal drugs, alcohol being served to drunk persons, noise pollution on a daily basis, urination/vomit in the vicinity of the premises, the premises acting as a magnet for patrons from other premises, once they had closed, and such persons being responsible for crime and disorder and anti social behaviour.

Members noted that a number of anonymous representations had been made by Interested Parties as they feared reprisals if their identity was known. These representations included noise nuisance caused by patrons leaving the premises, anti social behaviour, noise from vehicles leaving, urination by patrons, criminal damage, drink driving and litter.

However, they could not be questioned by either the Members of the Premises Licence Holder as they had not been represented by a party to speak on their behalf. Members therefore considered that they could not attach significant weight to these representations.

Admiral Taverns, who own the premises, refuted the allegations related to drug taking and dealing, drink driving and under age drinking. However, it offered conditions related to a no new entry policy, Challenge 21 policy, that any underage person who attempted to purchase alcohol would be barred indefinitely from the premises, a drugs policy, which the DPS already monitored the premises in this regard, and signage to encourage patrons to leave quietly.

Members noted that no representations had been received from the Police, Trading Standards or the Safeguarding Children Authority.

The application had attracted positive representations based on the premises being a community facility, that it was well run, some persons had been going to the premises for over 50 years, that it was used by mature drinkers, was well regarded and that incidents of crime and disorder and anti social behaviour were either infrequent or non existent.

A petition in support had been submitted by the Premises Licence Holder. Members noted that it had not been submitted in the correct form and therefore did not attach any weight to it.

Members considered that there was evidence of crime and disorder, anti social behaviour and public nuisance caused by the operation of the premises as expressed by the applicant, Interested Parties and acknowledged by Admiral Taverns.

Members considered that the offer by the Premises Licence Holder regarding the reduction in hours for the sale of alcohol, closing and regulated entertainment (by default) would alleviate problems that the Members considered were being experienced by residents related to crime and disorder, anti social behaviour and public nuisance. They were not satisfied that there was evidence to show that the taking of and dealing of illegal drugs, underage sales and drink driving was occurring.

They considered that the conditions, offered by the Premises Licence Holder, regarding a drugs policy, the banning of persons who had attempted to purchase alcohol underage and no new entry to the premises were not necessary or proportionate conditions to impose and recognised that the Challenge 21 policy is already imposed as a mandatory condition.

Members also considered that the offer, made by the Premises Licence Holder to reduce the permission to allow the consumption of alcohol outside the premises would reduce the impact of crime and disorder, anti-social behaviour and public nuisance for residents and therefore imposed the relevant conditions on the Premises Licence.

The meeting ended at 2.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Monday, 8th August, 2011

Present:- Councillors:- Gerry Curran (Chair), Gabriel Batt and Bryan Chalker (In place of Douglas Nicol)

Also in attendance: Terrill Wolyn (Senior Licensing Officer) and Shaine Lewis (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Bryan Chalker substituted for Councillor Douglas Nicol.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 14 JULY 2011

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

7 LICENSING PROCEDURE

The Chair drew attention to the licensing procedure, copies of which had been made available to those attending the meeting.

8 APPLICATION TO VARY A PREMISES LICENCE FOR THE TYNING INN, WALNUT BUILDINGS, RADSTOCK BA3 3JL

Applicant: Admiral Taverns, represented by Martin Pincombe and Kathryn Morris (DPS)

Responsible Authorities: Avon and Somerset Police, represented by Martin Purchase (Police Liquor Licensing Officer) and Environmental Health represented by John Harvey (Environmental Health Officer)

The parties confirmed that they had received and understood the licensing procedure.

The Licensing Officer summarised the application, which sought to vary the existing licence by the extension of the hours for the sale of alcohol, to add the provision of regulated entertainment and the provision of late-night refreshment and to add non-standard timings in respect of licensable activity, as detailed in paragraph 4.3 of the report. Representations had been received from the Police and Environmental Health. The Police had proposed that the following two conditions be attached to the licence:

1. All licensable activity will cease at 11pm from outside areas.
2. There will be no new entry to the premises after 11pm.

Environmental Health had proposed that the following conditions be attached to the licence:

1. No amplified music allowed outdoors.
2. No more than 4 outdoor events in any 12 month period.
3. Regulated entertainment outdoors shall be no more than 4 hours in duration unless agreed in writing with the Licensing Authority.
4. Regulated entertainment outdoors shall terminate no later than 2300.
5. The Applicant to submit a Noise Management Plan to the Licensing Authority. This plan will stipulate the number and type of events (indoor and outdoor) planned to take place. The terminal hour and the controls in place e.g. windows and doors to be kept closed, any improvements to the premises to prevent noise breakout, use of noise limiter.

The applicant had confirmed in writing to the Police and to Environmental Health its willingness to accept these conditions. The Sub-Committee was invited to determine the application.

Mr Pincombe read a prepared statement on behalf of the applicant. This said that the application was intended to give the premises and a good tenant, who had invested her own money in the business, an opportunity to prosper. There was a real possibility that without the variation the business would not be able to survive. The extension of hours would allow existing customers to remain in the premises for a longer time and for the business to increase its revenue. Neighbouring premises had longer hours, and customers went to them after the Tynning Inn had closed. The character of the premises would not change; there was no intention that it should become a nightclub. Conditions had been agreed with Environmental Health to control noise. Notices had been put up advising customers to leave the premises quietly and a condition had been put in the operating schedule requiring doors and windows to be closed when regulated entertainment was taking place. The community would suffer if the premises closed. It would be unfair to predict that there would be an increase in disorder at premises which had no history of disorder. There had been no representation against the longer hours.

Kathryn Morris stated that the premises would only remain open to 01.30 on Fridays or Saturdays about once every three weeks. The longer hours would give flexibility and obviate the necessity of applying for Temporary Event Notices. They would also

allow the premises to serve morning coffee for mothers who had dropped children off at the centre next door. She did not live at the premises and would only want to open them if there was a demand. In response to a question from a Member, she said that a live band would cost £300 for an evening, so one would only be hired every 2-3 weeks; recorded music would be played most of the time. There had been no complaints about noise from the premises. In response to a question from the Chair about the premises becoming a magnet for late-night drinkers, she referred to the condition agreed with the Police that there would be no new entry after 23.00. She did not want drunken people coming to the premises late at night.

Mr Purchase stated that the two conditions suggested by the Police had been accepted by the applicant. The Police felt that they were necessary and proportionate, given that the premises was situated in a mainly residential area.

Mr Harvey said that he believed that the conditions he had proposed were necessary to control noise in a residential area.

Following an adjournment, it was **RESOLVED** to grant the application as applied for, subject to conditions consistent with the operating schedule and to the following conditions proposed by the Police and Environmental Health and accepted by the applicant:

1. All licensable activity will cease at 11pm from outside areas.
2. There will be no new entry to the premises after 11pm.
3. No amplified music allowed outdoors.
4. No more than 4 outdoor events in any 12 month period.
5. Regulated entertainment outdoors shall be no more than 4 hours in duration unless agreed in writing with the Licensing Authority.
6. Regulated entertainment outdoors shall terminate no later than 2300.

Authority was delegated to the licensing officer to issue the licence accordingly.

REASONS

Members have determined an application to vary a Premises Licence at the Tynning Inn Radstock. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act 2003 is to be reluctant to regulate and must only do what is necessary and proportionate to promote the licensing objectives based on the information before them.

Members considered the application and took account of the representations from the Responsible Authorities and noted the application was happy for the suggested conditions to be attached to the licence.

In all the circumstances Members find the premises a well run community pub and grant the application as applied for with conditions consistent with the operating schedule and the attachment of the conditions as agreed between the parties as being necessary and proportionate to promote the licensing objectives. However, the

condition requiring a noise management plan is not to be attached as this is a separate unenforceable document and a matter properly falling to be dealt with by other statutory regimes.

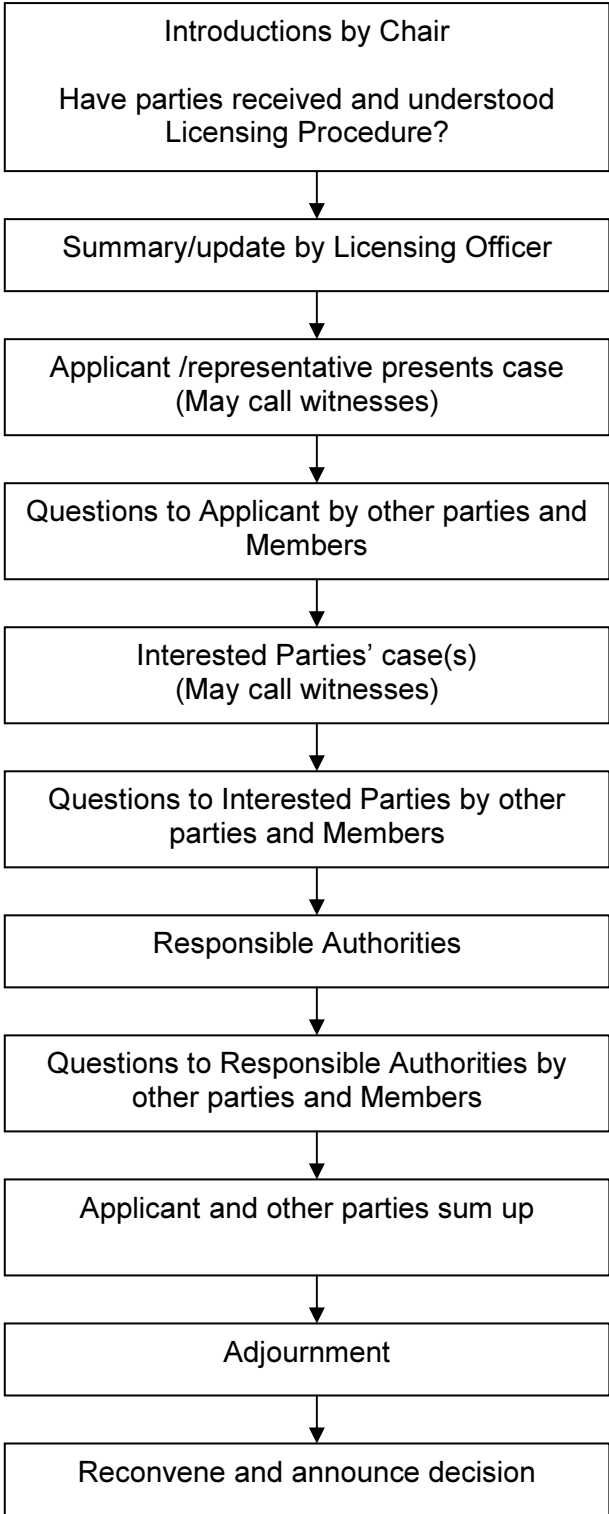
The meeting ended at 11.00 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**



This page is intentionally left blank

LICENSING ACT 2003

LICENSING COMMITTEE HEARING PROCEDURE ALCOHOL, LATE NIGHT REFRESHMENT AND ENTERTAINMENT

1. The Chair will introduce Members of the Sub-Committee and Officers present and explain the procedure to be followed.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.

In the following paragraphs where the term "party" or "parties" is used in addition to other terms this will mean anyone to whom notice of this meeting has been given.

3. (i) The Applicant/Licence Holder ("the Applicant"), or representative, addresses the Sub-Committee. The Applicant may be asked relevant questions about the matters before the Sub-Committee by the other parties and the Members.
(ii) The Applicant, or representative, may call witnesses in support of the application and each witness may be asked relevant questions by the other parties and the Members.
4. (i) Any interested parties [defined in s.69(3)] making relevant representations, or representative, will take it in turn to address the Sub-Committee. You may be asked relevant questions by the other parties, the Applicant and the Members.
(ii) You (or your representative) may call witnesses in support of your representations and each witness may be asked relevant questions by the Applicant, the other parties and the Members.
5. Any Responsible Authority [defined in s.69(4)] making a representation will address the Committee. The Responsible Authorities may be asked relevant questions by the Applicant, other parties and the Members.
6. The Applicant will then be invited to briefly summarise the application.
7. The other parties will then be invited in turn to briefly summarise their points if they wish in the same order as before.
8. The Chair will invite the Sub-Committee to move into private session to enable the Sub-Committee to deliberate in private in accordance with Paragraph 14(2) of the Hearings Regulations 2005. The Sub-Committee will only reconvene to resolve any points of uncertainty on the evidence already given. During their deliberation the Sub-Committee will be accompanied *for advice only* by the Legal Advisor and the Committee Administrator. The Sub-Committee may retire to a private room or alternatively require vacation of the meeting room by all other persons.
9. When the Sub-Committee resumes, the Chair will announce the decision in public; this will include the reasons (or advise that the decision will be released in writing with reasons within the statutory time limit in this instance 5 working days).

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- Decisions will generally be taken regardless of whether the Applicant is present. All notices and representations received from absent parties will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion. However, the Council will allow all parties to ask questions of another party present, as set out above, but formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- The Chair will allow the parties an equal maximum period of time in which to make representations. The amount of time will be at the discretion of the Chair, but in the interests of costs and efficiency will not normally exceed **twenty minutes**. This will include the time taken for the presentation and the summing up, but not the time taken for questions.
 - **N.B. Where there is more than one party making relevant representations the time will be split between those parties.** It is recommended that they arrive early to discuss the application with the other interested parties.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
- Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

Bath & North East Somerset Council		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 15 September 2011	
TITLE:	Application for a Premises Licence for Fubar , 2 Grove Street, Bathwick, Bath BA2 6PJ	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A New Premises Licence Application		
Annex B Site Plan		
Annex C Representations received from Interested Parties		

1 THE ISSUE

1.1 An application has been received for a new Premises Licence under the Licensing Act 2003 in respect of Fubar 2 Grove Street, Bathwick, Bath BA2 6PJ.

2 RECOMMENDATION

2.1 That the sub committee determines this application.

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 a **new** Premises Licence (Annex A).

4.2 The application is for:

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

Sunday to Thursday 08:00 to 00:00 (midnight)

Friday and Saturday 08:00 to 01:00 (following day)

- 2) The provision of Regulated Entertainment by way of **Recorded Music** indoors only between the following hours:

Sunday to Thursday 08.00 to 00.00 (midnight)

Friday and Saturday 08:00 to 01:00 (following day)

3) The provision of Regulated Entertainment by way of **Live Music** and the provision of **Facilities for Making Music** indoor only between the following hours:

Monday to Sunday 08:00 to 00:00 (midnight)

4) The provision of **Late Night Refreshment** indoors only:

Sunday to Thursday 23:00 – 00:00 (midnight)

Friday and Saturday 23:00 – 01:00 (following day)

Non-standard timings for all the above mentioned licensable activities:

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

On Bank Holiday Sundays the terminal hour for the above licensable activities will be extended to 02:00 hours.

5) The requested **Opening Hours** are as follows:

Sunday to Thursday 08:00 to 01.00 (following day)

Friday and Saturday 08:00 to 02:00 (following day)

Non-standard opening times:

From the start of normal opening hours on New Year's Eve to the start of opening hours on New Year's Day.

On Bank Holiday Sundays the closing time shall be 02:00 hours.

On the morning of change to British Summertime, the closing time shall be 02:00 hours.

4.3 A site plan is attached at Annex B.

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

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

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

4.6 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, 24, 28, 33-37, 41 to 44 of the policy.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised on 28 June 2008).
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, 183, and Schedule 2 of the Act.

4.7 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.

4.8 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.

4.9 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 of submitting the application to the licensing authority.

4.10 Representations have been received from **Interested Parties** who express concern that the applicant's proposals risk undermining the following licensing objectives, namely the Prevention of Crime and Disorder; the Prevention of Public Nuisance; and Public Safety (Annex C).

4.11 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Terrill Wolyn, Licensing Officer, 01225 396939
Background papers	Licensing Act 2003, Guidance Notes issued under section 182 of the Licensing Act 2003, Licensing Act 2003 Regulations, B&NES Statement of Licensing Policy.

11/02998

ANNEX A

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.

ENVIRONMENTAL SERVICES

1 5 JUL 2011

Post Log No:

Receipt No: 348271

CH/CA £: 100

I/We JAMES MCALINDEN
(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
 FUBAR, 2 GROVE STREET, BATH BA2 6PJ

Post town	BATH	Post code	BA2 6PJ
-----------	------	-----------	---------

Telephone number at premises (if any)	01225 465400
Non-domestic rateable value of premises	£18250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity 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 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MCALINDEN			First names JAMES		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number		01225 465400			
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)
 SMALL BRASSERIE PREMISES CLOSE TO CITY CENTRE. SET ON THREE FLOORS, KITCHEN AND CURRENTLY LICENSED FOR USE PURELY AS A RESTAURANT (JUSTICES LICENCE TRANSITIONALISED IN 2005) A NEW LICENCE APPLICATION IS NECESSARY TO INCLUDE AN ADDITIONAL DECKED AREA OUTSIDE ACCESSED BY WAY OF THE INTERIOR LOUNGE. THE LICENCE , WHICH DOES CONTAIN SOME INACCURACIES, IS INAPPROPRIATE FOR INTENDED USE. HERE THE DÉCOR AND NEW DECKED AREA ENHANCES BATH'S EUROPEAN CAFÉ CULTURE INCORPORATING TAPPAS, BARSNACKS AND FINE CUISINE.

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 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)

Supply 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					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			<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)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment 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			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	0800	2400	Please give further details here (please read guidance note 3) LOW KEY , COMPLIMENTARY TO DINING EXPERIENCE. SOLO ARTIST OR SMALL GROUP		
Tue	0800	2400			
Wed	0800	2400	State any seasonal variations for the performance of live music (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Thur	0800	2400			
Fri	0800	2400	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	0800	2400			
Sun	0800	2400			

F

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) OCCASIONAL USE AT PARTIES (KARAOKE)		
Mon	0800	2400			
Tue	0800	2400			
Wed	0800	2400	State any seasonal variations for the playing of recorded music (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Thur	0800	2400			
Fri	0800	2400	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 ↺	0800	2400			
	0000	0100			
Sun ↺	0800	2400			
	0000	0100			

Please see the amended sheet

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			
Mon	0800	2400	Please give further details here (please read guidance note 3) OCCASIONAL USE AT PARTIES (KARAOKE)		
Tue	0800	2400			
Wed	0800	2400	State any seasonal variations for the playing of recorded music (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Thur	0800	2400			
Fri	0800	2400	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	0000	0100			
	0800	2400			
Sun	0000	0100			
	0800	2400			

Blank - gfw.

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			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

H

<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> PROVISION OF KARAOKE FACILITY AT PARTIES,	
			<u>Will the facilities for making music be indoors or outdoors or,both – please tick</u> (please read guidance note 2)	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	0800	2400		
Tue	0800	2400		
Wed	0800	2400		
Thur	0800	2400		
Fri	0800	2400		
Sat	0800	2400		
Sun	0800	2400		
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS	
			<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)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (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					
Thur					
			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
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)			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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	2300	2400			
Tue	2300	2400			
Wed	2300	2400	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Thur	2300	2400			
Fri	2300	2400	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0000	0100			
	2300	2400			
Sun	0000	0100			
	2300	2400			

M

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	State any seasonal variations for the supply of alcohol (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Mon	0800	2400			
Tue	0800	2400			
Wed	0800	2400			
Thur	0800	2400			
Fri	0800	2400			
Sat	0000	0100			
	0800	2400			
Sun	0000	0100			
	0800	2400			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		

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

Name JAMES MCALINDEN	
Address WESTBARN, OLDBURY LANE, WICK SOUTH, GLOUS	
Postcode	BS30 5RJ
Personal Licence number (if known) SGC/080174	
Issuing licensing authority (if known) SOUTH GLOUCS DC	

N

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)
 NONE

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) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS
Day	Start	Finish	
Mon	0000	0100	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) ON THE MORNING OF CHANGE TO SUMMERTIME THE CLOSING TIME WILL BE 0200 BST
	0800	2400	
Tue	0000	0100	
	0800	2400	
Wed	0000	0100	
	0800	2400	
Thur	0000	0100	
	0800	2400	
Fri	0000	0100	
	0800	0000	
Sat	0000	0200	
	0800	2400	
Sun	0000	0200	
	0800	2400	

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

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

THESE PREMISES HAVE BEEN CLOSED FOR SOME TIME, BUT HAVE NOW BEEN RESTORED WITH REVAMPED KITCHENS AND A DECKING AREA ERECTED OUTSIDE TO CATER FOR AMONGST GENERAL USE, SMOKING. CCTV, APPROPRIATE NOTICES, CONTROL TO LIMIT NOISE FROM EFFECTS OF LIVE/RECORDED ENTERTAINMENT AND OUTSIDE USE OF DECKED AREA ARE REFERRED TO BELOW. A FOOD MENU WILL BE ENCOURAGED ON THE PREMISES AND BE AVAILABLE TO SELECT FROM UNTIL AN HOUR BEFORE CLOSING. THE PREMISES ARE SITUATED IN THE CUMULATIVE IMPACT AREA AND THE PROPOSED CONDITIONS ARE SUGGESTED TO ADDRESS ANY PROBLEMS WHICH MAY BE OF CONCERN TO NEIGHBOURS OR RESPONSIBLE AUTHORITIES. IN ORDER TO ASSIST IN SELF POLICING MAINTAIN A LOG OF EVENTS, INCIDENTS, INFORMATION FROM RESPONSIBLE AUTHORITIES or STAFF, NEIGHBOURS SHOWING ANY ACTION IF NECESSARY, REQUIRED TO BE TAKEN.

b) The prevention of crime and disorder

CCTV TO BE MAINTAINED, DURING PERIODS WHEN LICENSABLE ACTIVITIES ARE TAKING PLACE, IN AGREEMENT WITH POLICE AND RECORDINGS RETAINED FOR A MINIMUM PERIOD OF 28 DAYS AND MADE AVAILABLE UPON REQUEST OF POLICE.

NOTICE DISPLAYED TO THE EFFECT THAT CCTV IS IN OPERATION

WHERE A RISK ASSESSMENT BY THE DPS AND/OR AT THE WRITTEN REQUEST OF POLICE, SIA DOOR STAFF SHALL

1. SUPERVISE ALL PATRONS QUEUING TO ENTER PREMISES AND WHEN LEAVING TO SEEK TO ENSURE THEY DO SO IN A QUIET AND ORDERLY MANNER AND
2. WEAR YELLOW REFLECTIVE JACKETS AT ALL TIMES WHEN ON DUTY.

TO CONSIDER MEMBERSHIP OF PUBWATCH ORGANISATION OR ANY ORGANISATION WHICH PROMOTES GOOD LICENSING CONTROL LOCALLY OR NATIONALLY.

c) Public safety

A FIRE RISK ASSESSMENT HAS BEEN PREPARED AND WILL BE KEPT ON THE PREMISES FOR INSPECTION.

THE DECKING AREA NOT TO BE USED UNTIL CONSTRUCTION MEETS WITH APPROVAL OF THE PRINCIPAL BUILDING CONTROL SURVEYOR.

d) The prevention of public nuisance

NOTICE DISPLAYED ON PREMISES ADVISING PERSONS TO LEAVE QUIETLY RESPECTING LOCAL RESIDENTS.

WHEN REGULATED ENTERTAINMENT TAKES PLACE NO NOISE TO EMANATE FROM THE PREMISES SO AS TO BE AUDIBLE OR CAUSE NUISANCE AT THE FAÇADE OF THE NEAREST RESIDENTIAL PREMISES

OUTSIDE USE OF DECKED AREA TO CEASE AT 2230

e) The protection of children from harm

POLICY (MANDATORY)

1. All staff will receive training based on a robust training program relating to alcohol sales before being authorised to sell alcohol.
2. A record to be maintained of all persons so trained.
3. All sales which are refused to be recorded together with the reason for refusal.
4. If a person appears to be under the age of 21 years, then proof of identity will be sought.
5. Such proof of age will only be accepted if evidence of identification contains a photograph, date of birth, a holographic mark. Examples of acceptable ID are photocard driving licences, passports or proof of age cards bearing the PASS hologram and other forms of ID which meet the criteria already described.
6. Refresher Training to be considered at six monthly periods or at any time when an amendment is enacted relating to sales to young people.

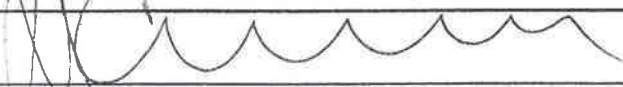
Please tick yes

- 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 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 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 4 – Signatures (please read guidance note 10)

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

Signature	
Date	14 th JULY, 2011

Capacity	DAVID C HOLLEY , LICENSING AGENT
----------	----------------------------------

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





Signature	
Date	
Capacity	

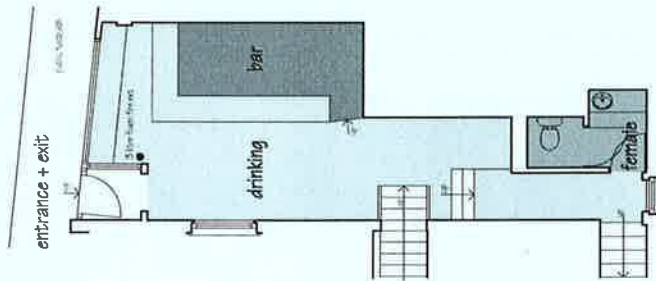
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) 25 BROAD STREET, BATH			
Post town	BATH	Post code	BA1 6LW
Telephone number (if any)	07710 272 384		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) dholley_licensing@btinternet.com			

Notes for Guidance

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

9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

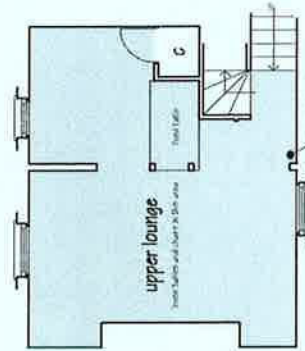
-  toilets
-  kitchen and staff only areas
-  storing alcohol
-  alcohol consumed



GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN



FIRST FLOOR PLAN

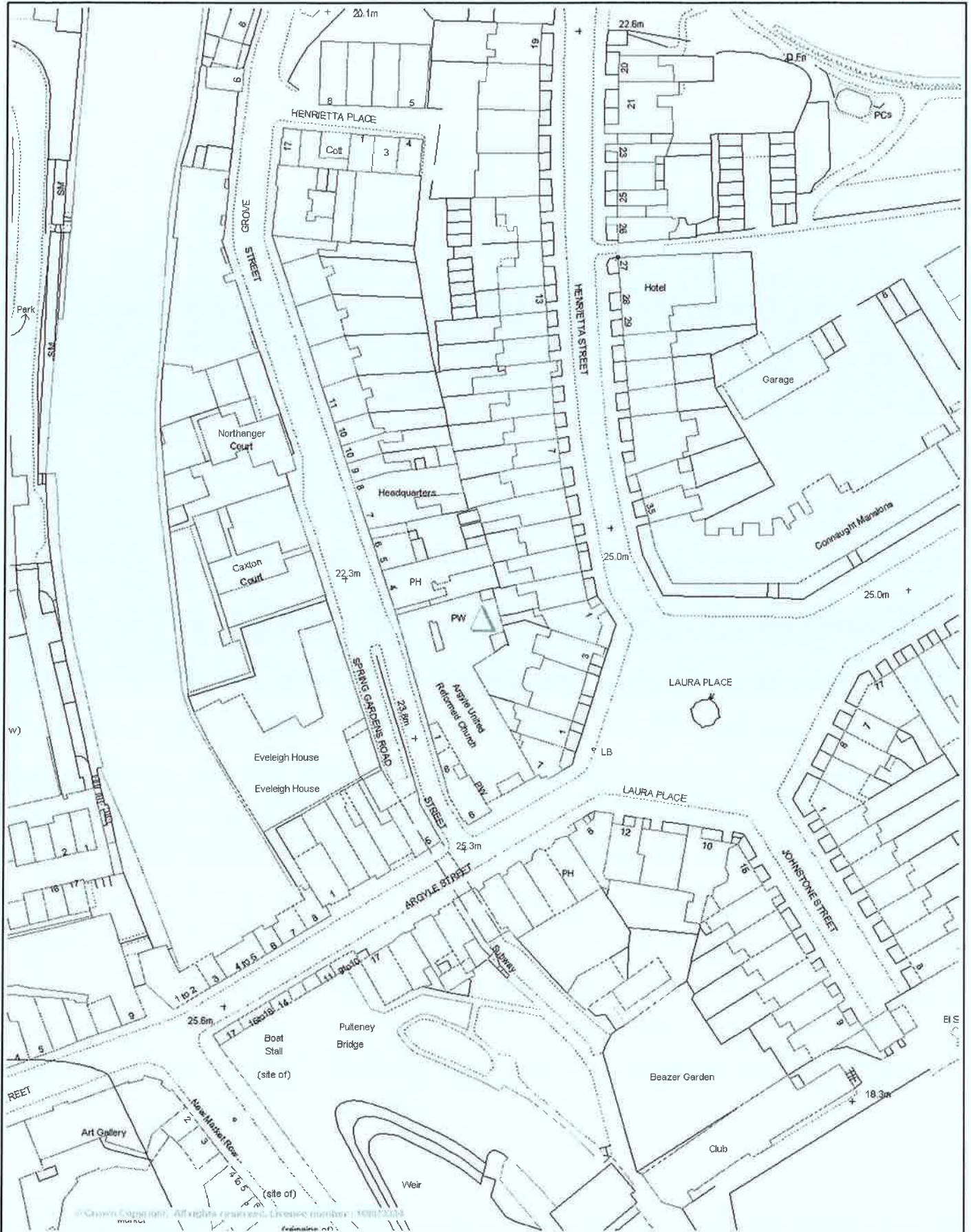


SECOND FLOOR PLAN

K E V I N S M I T H Architectural Services
7 Ludlow Close, Frome, Somerset, BA11 2ES TEL: 07946 676948 WEB: www.kevin-smith.co.uk

Client: Jim McAllinden
Job: 'Fubar', 2 Grove Street, Bath, Somerset.
Title: Survey Details (Floor Plans)

Scales: 1:100 Date: June 2011 Ref No: 1433 / 01



Bath & North East Somerset Council

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

Fubar 2 Grove Street



Scale 1/1250
 Date 26/8/2011
 Centre = 375244 E 165040 N
 Drawn by:
 Terrill Wolyn

ANNEX C
ENVIRONMENTAL SERVICES
3 AUG 2011
Post Log No:
Receipt No:
CH/CA, E:

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:	11/02998/LAPRE
Applicant's name:	Mr. James McAlinden
Premises name and address:	Fubar, 2 Grove Street, Bathwick, bath BA2 6PJ
Application for a:	New Premises Licence

Objector Details:

Objector's Name:	Steve Deeley (Commercial Director, IPL)
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>	Eveleigh House, Grove Street, Bath BA1 5LR
Organisation name if applicable:	IPL Information Processing Limited

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


Please see attached sheets

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



Date

 2nd August 2011

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

01225 475000

Objection to New premises licence 11/02998LAPRE

On Behalf of IPL Information Processing Limited, of Eveleigh House Grove Street Bath BA1 5LR ("IPL"), I wish to make the following objections to this licence application:

1. On the grounds of public safety:

- a. The premises for which the license is sought includes a rooftop terrace. This terrace sits in part above the alleyway running between IPL's premises and those of the "RajPoot" Restaurant. Because entry to Fubar is at ground level in Grove Street, patrons are unlikely to realise that the terrace sits at some height (estimated to be 8-10 feet) above ground level in the alleyway (photos 1a and 1b).
- b. The terrace also sits a matter of some 7 feet or so below the level of IPL's perimeter wall (difficult to show, but see photo2), allowing patrons using the terrace easy access to the top of it. But as can be seen (photo3) the ground level on IPL's side of the wall is considerably lower than that of the terrace. Any Fubar patron could easily climb onto the wall not realizing that there was a much bigger drop the other side. In the event of a fire in Fubar's main building, or drunken behaviour on the terrace, there is a risk that patrons would be tempted to climb either over IPL's perimeter wall, or over the section of fencing that sits above the alleyway. In either case, serious injuries are likely.
- c. The only other alternative escape route from the roof terrace is through a gate onto the sub-basement roof of the Rajpoot. At that point, Fubar patrons would be faced with using a small door to enter the Rajpoot restaurant basement (photo4), or else climbing down the sides of the Rajpoot sub-basement to the alleyway below, which is itself bounded at either end by locked gates. Unless the owners of Rajpoot have consented to leaving the access door to their basement open at all times while Fubar patrons are using the terrace, it is hard to see how they could safely escape a fire propagating from the main Fubar building.
- d. There has already been an incident where one of the patio umbrellas present on Fubar's terrace was caught by wind and thrown over the wall between the properties, landing in IPL's courtyard. This area is used by IPL staff who keep their bicycles there, as well as for access to various plant and equipment rooms. Given the height difference between Fubar's terrace and IPL's courtyard, it is a matter of luck that there were no injuries arising from this incident.

2. On the grounds of public nuisance

- a. Fubar's terrace has been constructed without IPL's knowledge or consent to abut to, and be supported by, IPL's perimeter wall. This places Fubar patrons using the terrace close to IPL's office windows (Photo5). Many of our staff prefer to open their windows for fresh air. It is a stated aim of Fubar's application (part a, page 19) to encourage

patrons who smoke to do so on the terrace, and this smoke is likely to enter IPL's buildings, causing a nuisance and health hazard to IPL's staff.

- b. IPL staff work in offices adjacent to the terrace and also on the other side of the shared party wall between the properties in areas of Fubar's main building. The nature of our work requires high levels of concentration. At part d, page 20 of the licensing application, the applicant gives a commitment to limit noise emanating from Fubar only from the viewpoint of adjacent residential premises, not business ones. We believe that loud music will penetrate our shared wall and make it difficult for our staff to concentrate and work effectively, as well as having a detrimental impact on their health and well-being. A similar argument applies to music played on the terrace which would impact IPL staff in all offices facing the terrace area. We do not wish to *prevent* music being played in Fubar's main building, but we do seek conditions on the licence limiting the volume during working hours.

3. On the grounds of the prevention of crime and disorder

- a. IPL performs work that requires us to hold extremely sensitive and confidential data on site for a range of clients including banks and Government departments. As a result, IPL is required to observe stringent security requirements, including the physical security of our site. As noted, Fubar's roof terrace provides ready access to our property, including roofs, walls and stairwells (Photos 3, 6) which in turn make it easy to access large areas of our property which are not otherwise readily accessible. Any such breach of security would have to be reported to various authorities and could have a significant detrimental effect on IPL's current and future business.
- b. IPL also performs a range of services that include the provision of support to some clients on a 24 hours a day, seven days a week basis. Access to the areas around IPL's inner courtyard could enable an intruder to access equipment on which those services depend, which would also have a significant and material effect on IPL's current and future business.
- c. The terrace also (Photo2) gives ready access onto the roof and interior (via the window) of neighbouring properties not owned by Fubar.

On these grounds, IPL seeks to have this application rejected. We would like to point out to the authority that we have no issue as such with the granting of a modified licence permitting the sale of alcohol without food, as long as use of terrace is not permitted and noise is kept to a reasonable level.

Steve Deeley
Commercial Director, IPL
2nd August 2011



Photo1a: View of terrace from alleyway below showing height of deck above ground. Note also clutter and ladder (which does belong to IPL) offering easy access.

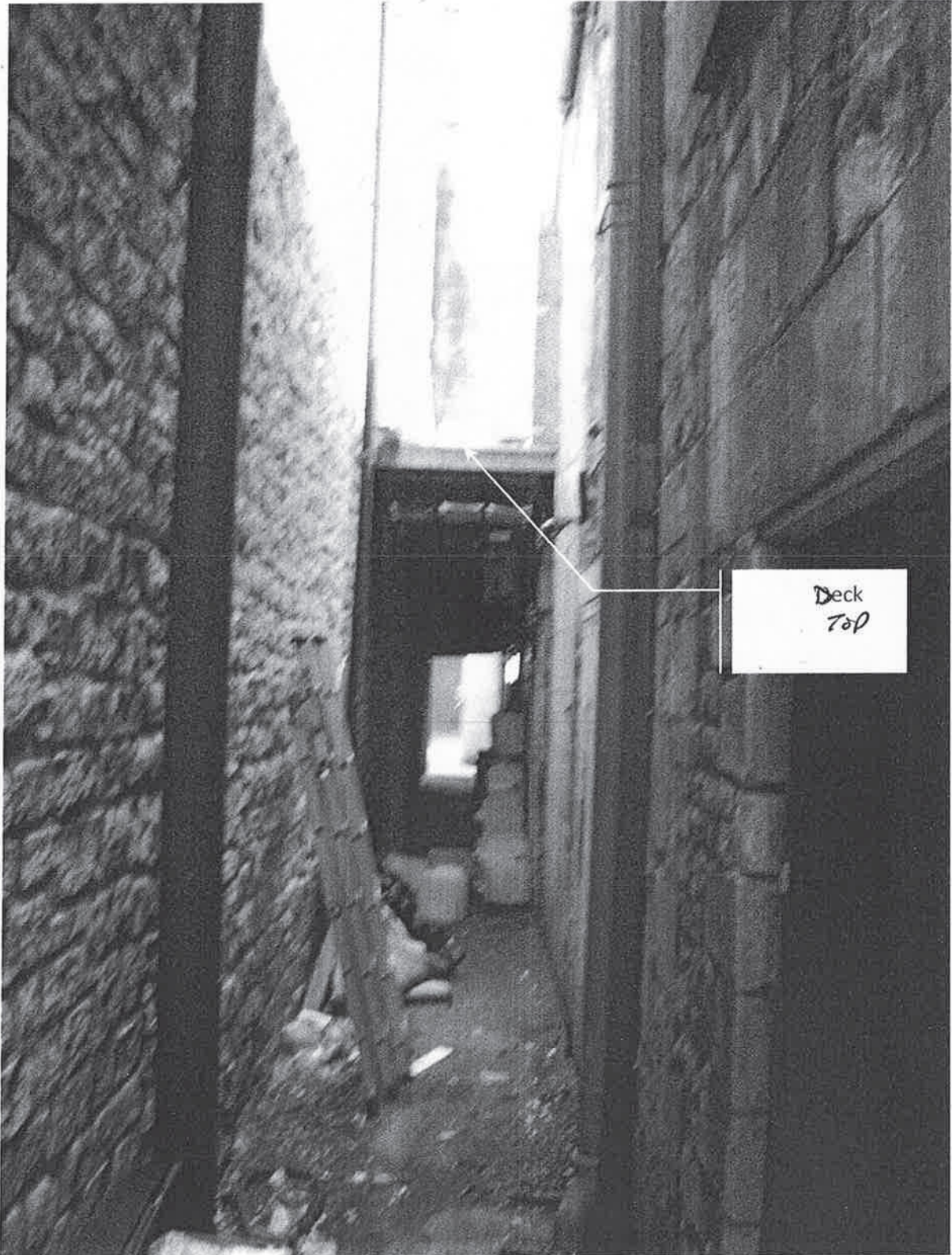


Photo1b: View of deck from alley showing height of IPL perimeter wall above deck

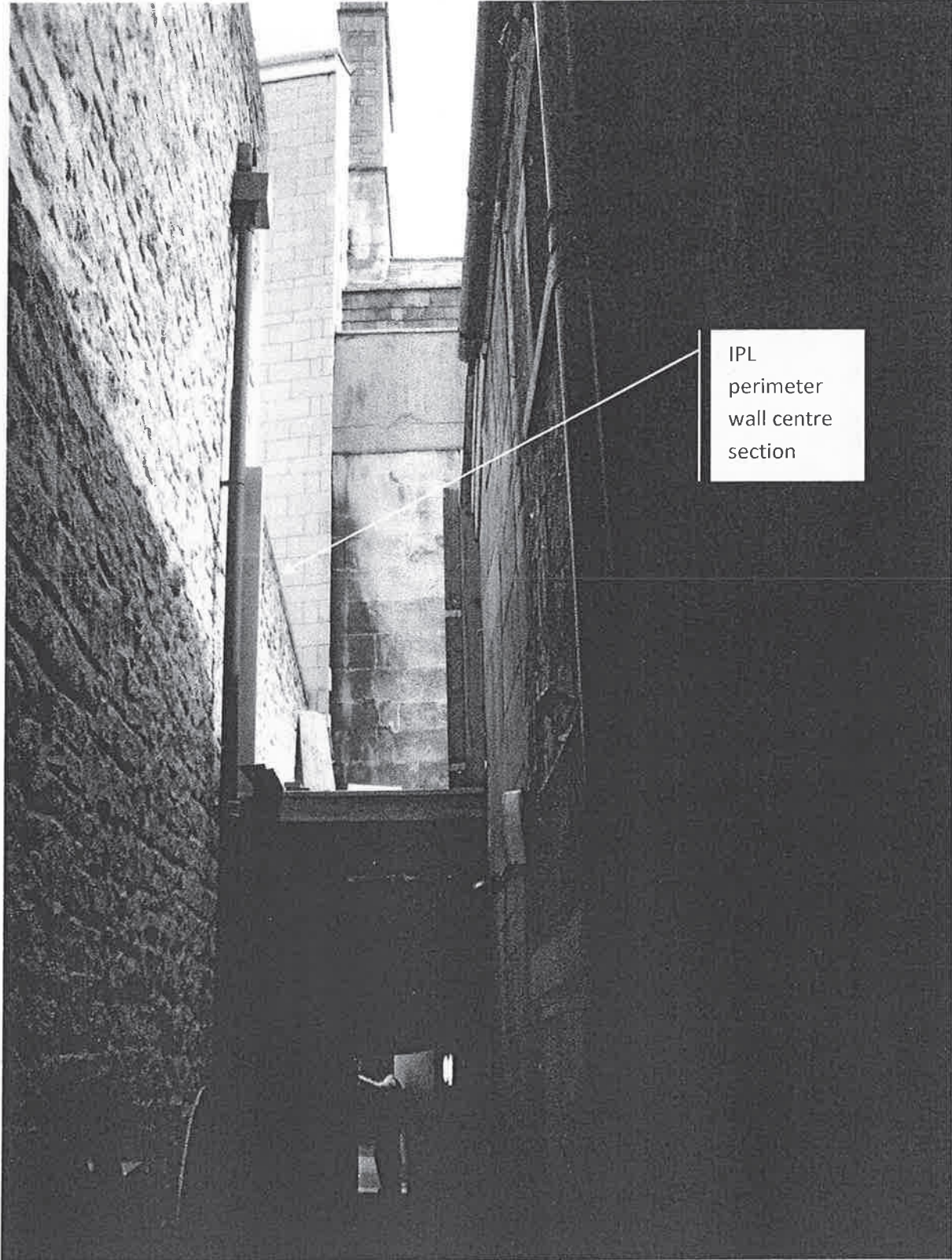


Photo2: Terraced area showing approximate height below IPL Perimeter wall and easy access into and onto neighbouring properties

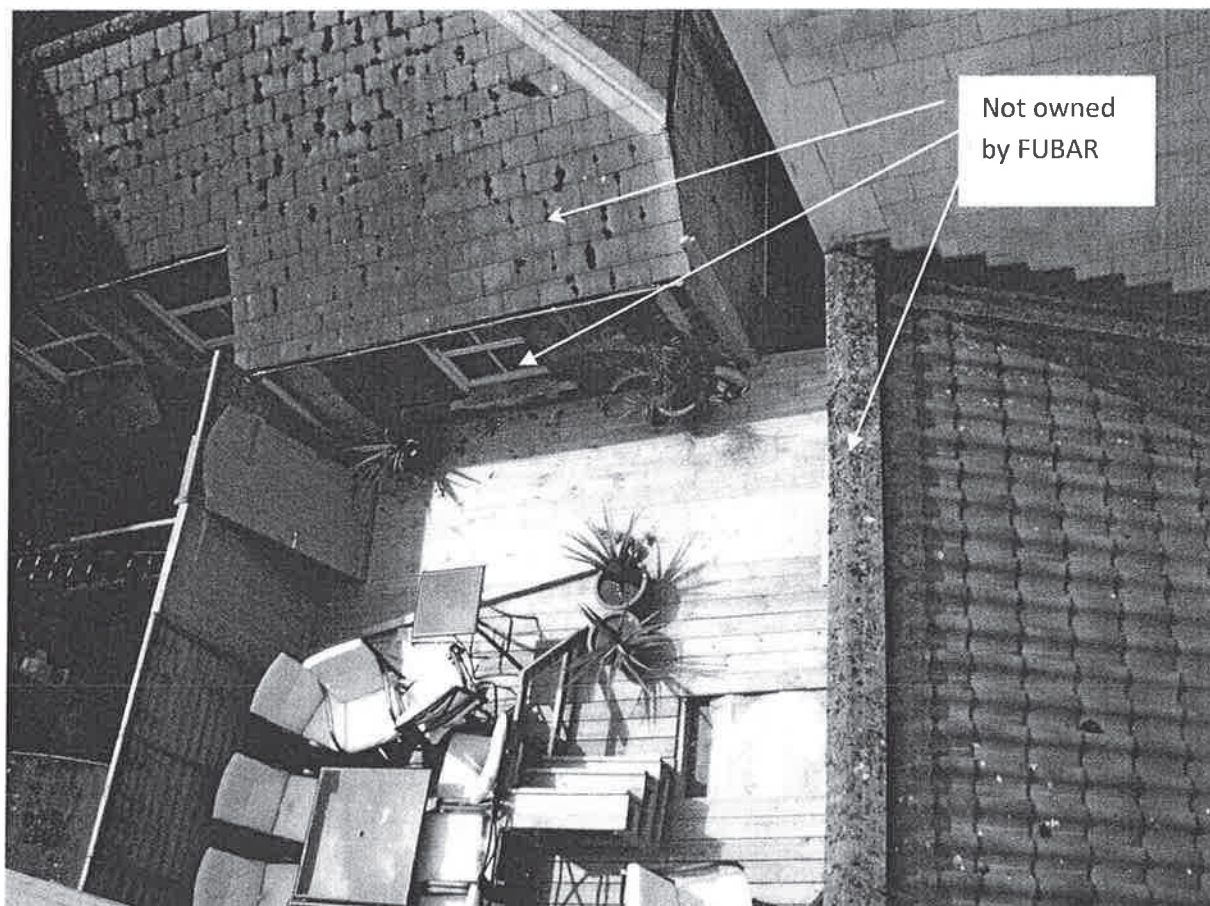


Photo3: showing height of drop from perimeter wall to IPL courtyard and access to internal areas of the premises



Photo4 : Showing only exit route from terrace in event of a fire in Fubar.

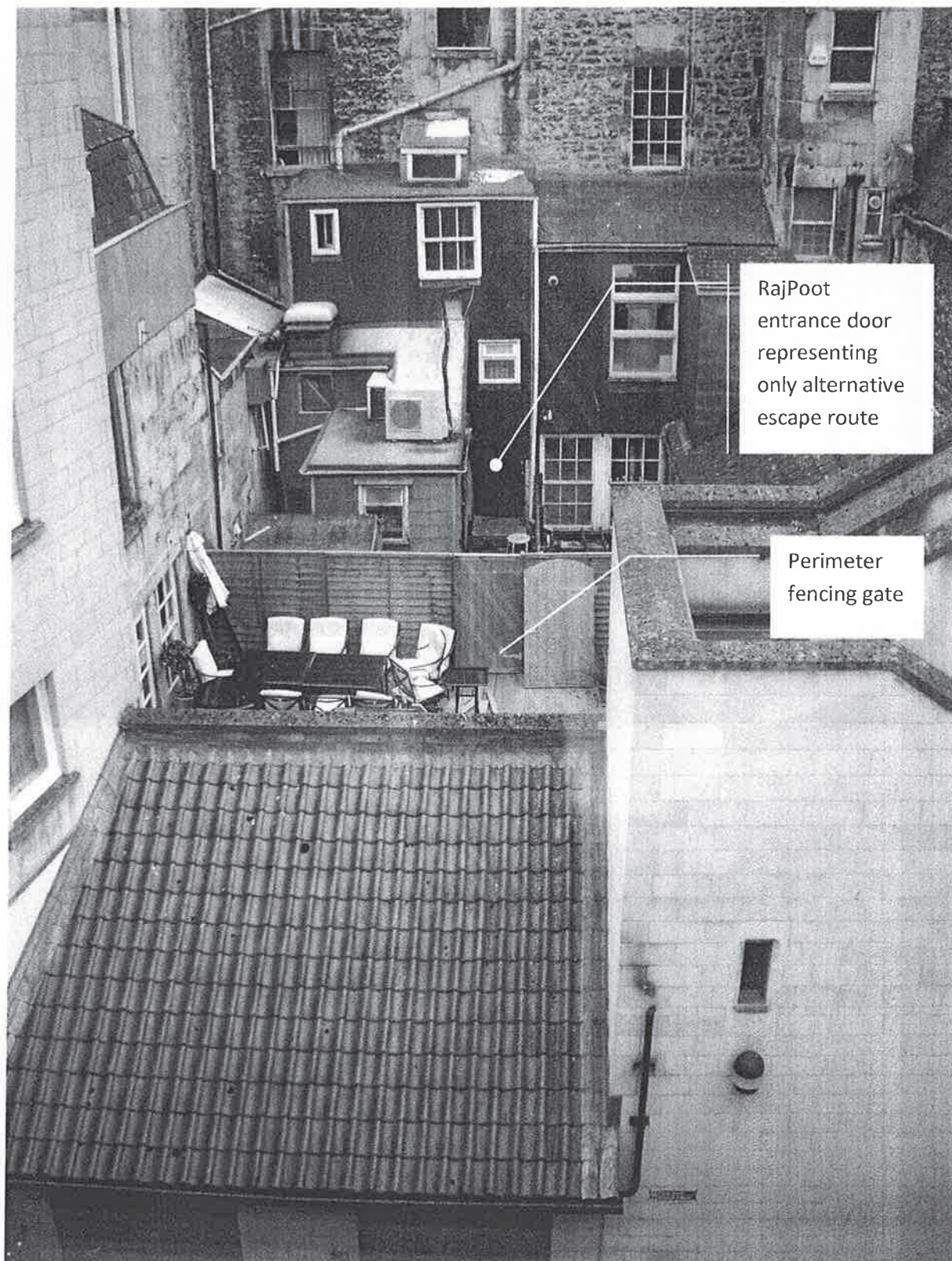


Photo5 : showing proximity of terrace to IPL office windows.

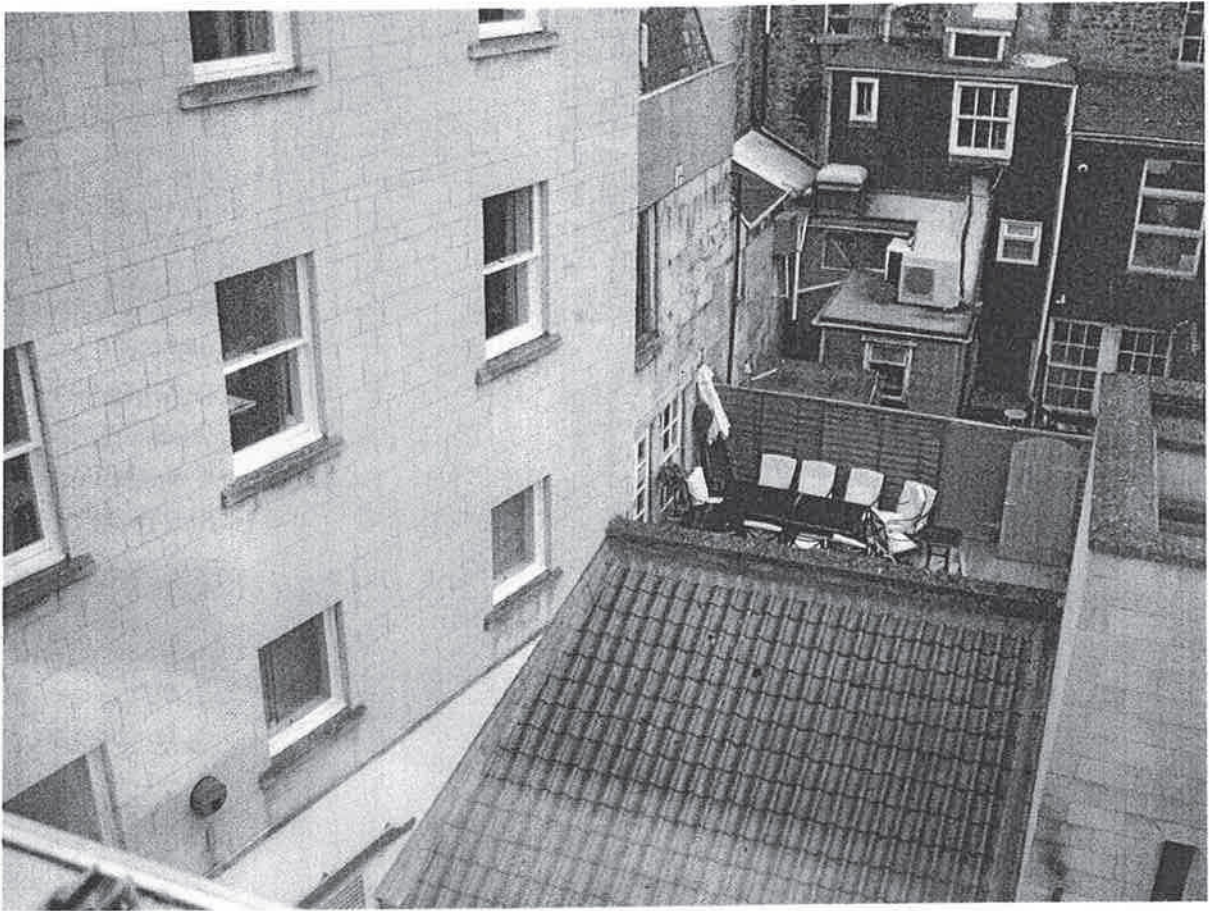
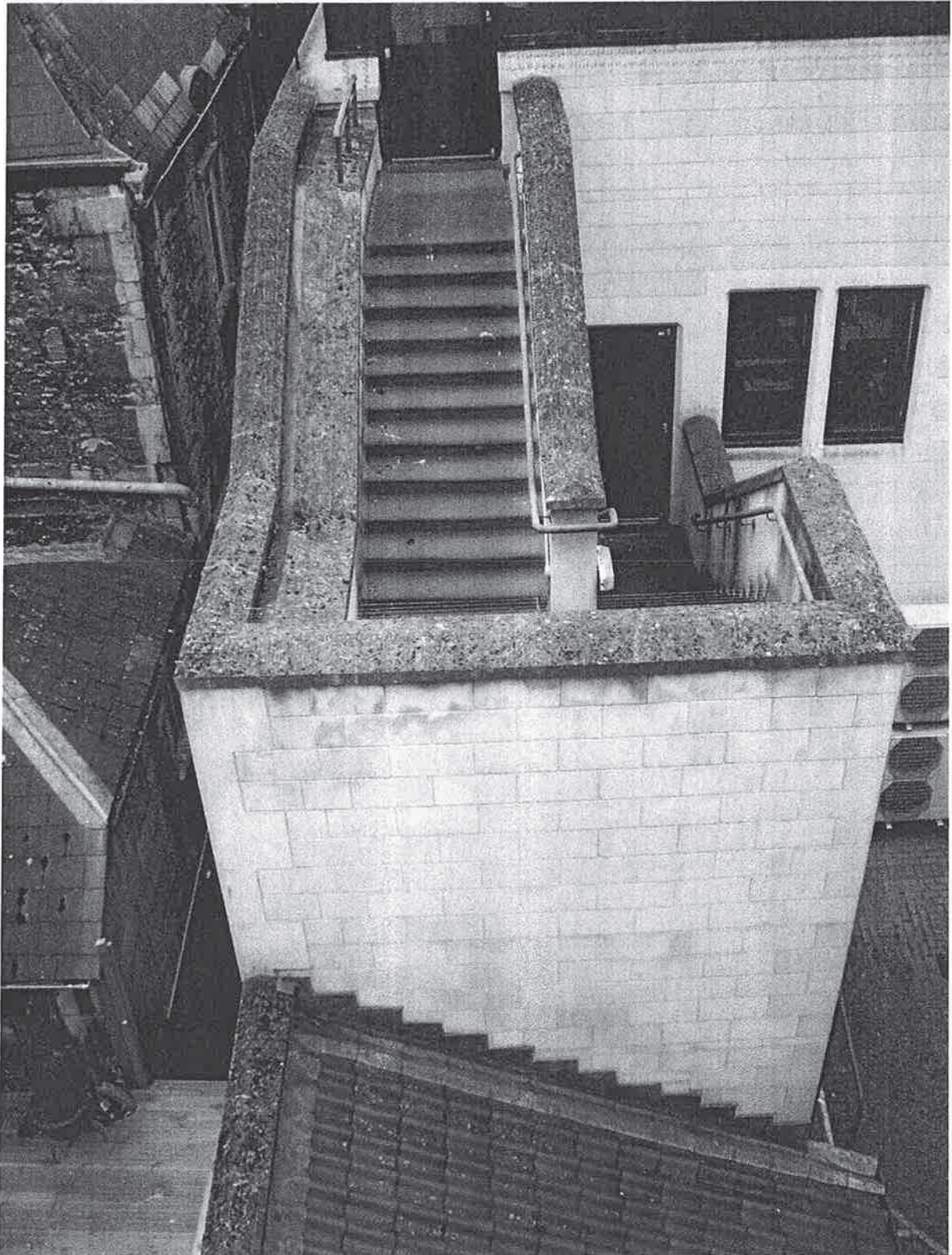


Photo6: showing ease of access from Fubar's terrace to IPL's stairwells



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

ENVIRONMENTAL SERVICES

12 AUG 2011

Receipt No.

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

I/We object to the following application:

Application number:	11-02998-LAPRE
Applicant's name:	James Mcalinden
Premises name and address:	FUBAR 2 Grove Street Bath BA2 6PJ
Application for a:	Premises License (Section 17 Licensing Act)

Objector Details:

Objector's Name:	Kevin Murphy
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	3 Argyle Street Pulteney Bridge Bath BA2 4BA
Organisation name if applicable:	Aaron Evans Architects Ltd

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

I object to the proposed use of the terrace area for the following reasons:

Prevention of Crime and Disorder: The deck will provide enhanced means of access to the rear of our offices making it potentially easier for damage, break-ins and theft.

The deck area is intended as a smoking area, and also currently has a gas bottle and gas barbeque on it. As the timber boarding has been placed onto a felt roof, there is clearly an increased risk of fire to our offices and staff and occupants in the building.

Public Safety: There is no apparent means of escape from the terrace area there is a high risk to Public Safety in case of fire.

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



12 August 211

Date _____

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

01225 466234

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

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

Name _____

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

I will be represented at the hearing by _____

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

INTERESTED PARTY REPRESENTATION

ENVIRONMENTAL SERVICES
ANNEX C
17 AUG 2011
Post Log No:
Receipt No:
GH/GA E:

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

I/We object to the following application:

Application number:	11/02998/LAPRE
Applicant's name:	James McAlinden
Premises name and address:	2 Grove Street Bath BA2 6PJ.
Application for a:	New premises licence

Objector Details:

Objector's Name:	Adrian Phipps
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	3, Argyle Street Bath BA2 4BA
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

As the Landlord of the shop, basement and sub basement of 3 Argyle Street Bath whose rear abutts onto the rear of 2 Grove Street, I object to the granting of a bar and musiic licence to the Fubar on the following grounds

- 1 The likely noise and disturbance that it will cause to my tenants and other residents in what is primarily a shopping and residential area
2. The likelihood of alcohol related anti social behaviour by customers of the Fubar such as urinating and vomitting in shop doorways and passageways, or criminal damage to plate glass windows,
- 3 .Potential fire and increased litter risks from the use of the rear decking area as a smoking area, as well as compromising the security of my tenant`s business

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

Adrian Phipps

Date 15/08/2011

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

07710077458

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

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

Name Adrian Phipps

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

I will be represented at the hearing by David Phipps

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

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

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:	11/02998/LAPRE
Applicant's name:	James Maclinden
Premises name and address:	Fubar 2 Grove Street Bath BA2 6JP
Application for a:	New Premises License

Objector Details:

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

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

The Abbey Residents Association has about three hundred members including a significant number in Grove Street and seeks to improve conditions for those living in the city centre.

Grove Street a substantially residential street and residents often have occasion to complain about noise and nuisance caused by the customers leaving the several drinking establishments and the night club that already operate close to the end of the street.

This application would represent a substantial change in the nature of these premises.

Currently these premises are operated as a restaurant where the emphasis is primarily on the quiet enjoyment of food and where alcohol is only consumed as an accompaniment to the food. This license if granted would potentially create premises where the focus was on drinking and music based entertainment. Karaoke rarely creates a quite atmosphere and we note the applicants even at this stage are anticipating these premises becoming a party venue. All this will be further aggravated by operating longer hours and having people drinking in the open air.

These premises are located in an area which is supposed to be subject to the Cumulative Impact Policy; if this application is granted residents will be moved question what the purpose of this policy is.

Should, despite this, the committee be minded to grant this application we would submit that the conditions proposed by the applicant are inadequate to control the nuisance which experience tells us will result.

We would suggest the committee considers, in addition, the following:

Closing times of two am in this area at any time would be wholly inappropriate

Outside areas and drinking alcohol particularly outside the context of a substantial meal have proven to be an almost inevitable source of nuisance and no premises in the centre of city that we are aware of are allowed to have drinking outside beyond 11pm at the latest.

Noise leakage from doors and windows are a frequent cause of nuisance were premises are playing loud music and most premises are required to keep all doors and windows closed after 11pm.

Any music amplification equipment should be fitted with noise limiters set to a level selected by the licensing authority.

We note the applicants anticipate significant queuing outside these premises. People queuing to go into drinking establishments and congregating outside when they leave are known sources of litter and many premises therefore have conditions set requiring them to regularly clear up litter, vomit etc. from outside their premises.

No one should be allowed come out of the premises onto the street with alcoholic drinks.

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

Signed

Ian Perkins

Date

18.08.11

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

07905 4951617

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

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

Name Ian Perkins

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

I will be represented at the hearing by _____

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

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