

Democratic Services

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Date: 25 September 2013

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To: All Members of the Licensing Sub-Committee

Councillor Manda Rigby
Councillor Patrick Anketell-Jones
Councillor Roger Symonds

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 1st October, 2013

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 1st October, 2013** at **9.30 am** in the **Council Chamber - Guildhall, Bath**.

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.00am.

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.

This Agenda and all accompanying reports are printed on recycled paper

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 democratic_services@bathnes.gov.uk or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **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.

3. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
5. **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 Sub-Committee - Tuesday, 1st October, 2013

at 9.30 am in the Council Chamber - 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. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 29 JULY AND 3 SEPTEMBER 2013 (Pages 5 - 18)

6. LICENSING PROCEDURE (Pages 19 - 22)

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

7. APPLICATION FOR A PREMISES LICENCE FOR THE PORTER, 15 GEORGE STREET, BATH, BA1 2EN (Pages 23 - 86)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on democratic_services@bathnes.gov.uk.

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Monday, 29th July, 2013, 2.00 pm

Councillors: Manda Rigby (Chair), Anthony Clarke (In place of Gabriel Batt) and Andrew Furse (In place of Roger Symonds)

Officers in attendance: Francesca Smith (Senior Legal Adviser), Terrill Wolyn (Senior Licensing Officer) and Kirsty Morgan (Licensing Officer)

9 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Gabriel Batt, for whom Councillor Anthony Clare substituted, and from Councillor Roger Symonds, for whom Councillor Andrew Furse substituted.

11 DECLARATIONS OF INTEREST

There were none.

12 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

13 MINUTES: 4 JUNE 2013

Approval of these Minutes was deferred, because Councillor Rigby had been the only member present at the meeting of June 2013.

14 REVIEW PROCEDURE

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

15 APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR THE GREYHOUND HOTEL, 1 HIGH STREET, MIDSOMER NORTON BA3 2LE

Applicant for Review: Bath and North East Somerset Council, represented by Terrill Wolyn (Senior Licensing Officer)

Responsible Authorities:

Avon and Somerset Police, represented by Martin Purchase (Licensing Officer) and PC Philip Millen

Environmental Protection, represented by Nigel Shire (Environmental Health Officer)

Licence Holder: Punch Taverns plc, represented by Matthew Phipps (TLT Solicitors), Jennifer Trethewey (Designated Premises Supervisor) and Kevin Day-McDonnell (Punch Taverns Partnership Development Manager).

Witness for the Licence Holder: Mr Frank Reynolds

Other Persons:

Sue Dicks (B&NES Community Safety Manager)

Cllr Jane Lewis (Midsomer Norton Town Council)

Cllr Michael Evans (B&NES Council and Midsomer Norton Town Council)

Cllr Linda Dunford (Midsomer Norton Town Council)

Terry Andrews (local resident)

Annette Andrews (local resident)

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

The Licensing Officer summarised the application. She explained that the review had been brought by the Licensing Authority because of persistent breaches of licence conditions, which were undermining the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm, and because of the attitude of the former Designated Premises Supervisor during inspection visits. The application was seeking a reduction in the terminal hour for all licensable activities to 23:30 with the premises closing to the public at midnight. Additional information had been circulated since the publication of the agenda, including proposals from the licence holder to modify the licence as follows:

- a reduction in the terminal hour for licensable activities on Friday and Saturday from 02:00 to 00:30, thus bringing the terminal hour on these days in line with those for Thursday and Sunday
- a closing hour of 01:00 the following morning
- subject to the terminal hour for licensable activities being no later than 00:30, the removal of the last entry/no re-entry condition
- the condition on off-sales to be amended from “no open containers of alcohol to leave the premises” to “all alcohol sold for consumption off the premises shall be in its original, sealed container”

The Senior Licensing Officer stated that case for the applicant for review. She submitted that the facts spoke for themselves. The Licensing Authority prided itself on the relationships it had with communities, responsible authorities and the licensed trade and did not initiate enforcement action lightly. In December 2011, following a variation application, the premises had been granted an additional hour for licensable activities on Fridays and Saturdays. Since then licence conditions had been repeatedly breached. The licence holder had admitted there had been breaches. There had been dialogue over the last 18 months with all 3 Designated Premises Supervisors (DPS), letters and visits to the premises, but nothing had worked to prevent the breaches occurring. Breaches had continued even after multi-agency visits to the premises, whereby the DPS had appeared entirely disinterested in the impact the breaches were having on local residents. The application for the

review had not been made to punish, but to restore the balance between the interests of the Greyhound and those of local residents. It would be good for the community if the Greyhound were a viable and successful business, but not to the detriment of local residents. Since the publication of the agenda, there had been on-going dialogue with the licence holder's legal representative. The licence holder had now offered a reduction in the terminal hour on Fridays and Saturdays from 02:00 to 00:30. They had also proposed that the condition prohibiting new admission or readmission after 00:00 should be removed from the licence. This was because turning people away at 00:00 when the terminal hour was 00:30 might cause more trouble than simply admitting them for half an hour. They had proposed that there should be a condition that off-sales should be sealed and in the original containers. The previous DPS, who had received a Police caution after admitting breaches of the licence, had been replaced by his mother, Mrs Trethewey, and there had been improvements since she had taken over, although the applicant stated that this was to be expected at this stage of the process. Signage had been erected and a barrier had been erected to prevent access and egress through the main courtyard, as licence conditions required. The premises were now fully self-contained and the applicant would like the plan of the premises to be amended to indicate this. She said that the licence holder's proposals appeared reasonable to her, but the other parties might have a different view.

She responded to questions from Members as follows:

- the Police had agreed that the condition banning entry and re-entry after 00:00 could be removed, if the new terminal hour was 00:30; if the Sub-Committee was minded to grant non-standard timings, it might think it reasonable to retain that condition
- the CCTV footage circulated to Members provided evidence that people were admitted to the premises after the terminal hour, The evidence included CCTV footage of people who had been turned away in front of officers on 27 April 2013, after the terminal hour, and who had returned and gained admission later

Martin Purchase stated the case for the Police. He introduced PC Philip Millen. Mr Purchase said that breaches of licence conditions had been investigated by PC Millen, who had interviewed Mr Marcus Trethewey, the previous DPS, and had issued him with a caution. The clientele of the Greyhound was mostly in the age range 18-30. The premises formed part of a "circuit" of drinking establishments. Drinkers started at the top of the town and worked their way down to the Greyhound. The operation of the Greyhound had had adverse impacts on residents. The current DPS was the mother of the previous DPS. He wondered whether her position was sustainable in the long term, as she did not live at the premises and was present there only at weekends. He acknowledged, however, that there had been a marked improvement since she had taken over as DPS. The Police were content with the reduction in hours proposed by the licence holder and would accept the removal of the late entry condition. He had discussed this with the Midsomer Norton sergeant, who was of the view that it was better to get people inside premises, where they could be controlled, rather than have them wandering about the town. PC Millen said that the community needed the Greyhound as a well-run business.

In reply to a question from a Member Mr Purchase stated that there had been an improvement in the operation of the Greyhound since Mrs Trethewey had become DPS on 14th June.

In reply to questions from Members PC Millen stated that there were not enough customers in the town on Fridays and Saturdays to make more than one pub with late hours viable. He referred to the Crossways Public House in Midsomer Norton which he stated was full until midnight, and when it closed, groups of customers would walk 200 metres down the road to the Greyhound. He stated that, on Bank Holiday weekends, the busiest night was Sunday and that, if in future the Greyhound closed at 00:30, the customers who had previously gone there would probably go to a nightclub or go home.

Nigel Shire, Environmental Health Officer, stated his case. He said that complaints about noise had been received from the area. He had participated in the multi-agency visit on Friday 26 April 2013. His concern was the potential for nuisance, if noise at the premises was not properly controlled. He stated that a reduction in the hours for licensable activities and the time that customers would be outside smoking and drinking would reduce the potential for nuisance.

Sue Dicks, Community Safety Manager, stated her case. She referred to the first page of her witness statement, which explained her role and gave a history of action to tackle alcohol-related problems in Midsomer Norton. She stated that there had been Street Marshalls in the town since November 2012, who provide her with weekly reports. She had taken part in a night audit in August 2012 and had witnessed people drinking outside the Greyhound after the terminal hour. She had taken part in a further night audit in May 2013. On this occasion the Avon and Somerset Police and Crime Commissioner had accompanied them. Again people had been seen drinking outside the premises after the terminal hour and loud music had been emanating from the premises. She had seen for herself how nuisance and anti-social behaviour related to the premises had impacted on the local community. She stated that she had seen people under the influence of alcohol helpless in the streets; residents wanted a long-term solution to these problems. She confirmed that the use of the smoking area late at night caused disturbance to residents and that in her view 23:30 would be a reasonable terminal hour for licensable activities at the premises.

Councillor Jane Lewis stated her case. She said that she felt that the balance between the interests of residents and those of the licence holder needed to be restored; residents were not looking for draconian measures against the licence holder. She believed that there was plentiful evidence of a lack of co-operation by the management of the Greyhound and that there had been a great improvement in the town since the establishment of the local alcohol partnership.

Councillor Michael Evans stated his case. He said that he first become involved with issues relating to the Greyhound when the variation application had been made in 2011, because a large number of residents had been extremely concerned by it. He stated that the balance of interests should be considered very carefully, citing that residents needed sleep, and he suggested that a terminal hour of 23:30 with closing at 00:00 would be right. He expressed concern that residents had not been involved in the recent discussions that had taken place between the Licensing Authority, the Police and the licence holder which had resulted in the licence holder's proposals to

modify the licence. He was not happy with the proposed condition on off-sales as sealed containers, such as cans, could be opened very easily. He said that in his view the proposed new conditions would not give residents the reassurance they were seeking. He felt that the review process was rather legalistic and weighted against ordinary residents.

Councillor Linda Dunford stated her case. She said that the Greyhound had not complied with the conditions that had been attached to the licence when the variation was granted eighteen months ago. Residents, many of whom were elderly, or were parents with young children, had suffered a great deal of disturbance. She believed that Punch Taverns had failed residents and had failed to provide adequate support to the DPS. She stated that over the past eighteen months signs and barriers had been put up in the premises to comply with licence conditions, but this had never lasted for long. She urged the Sub-Committee not to remove any conditions from the licence and that the condition on late entry would protect residents, if extended hours were applied for in the future. She urged that the terminal hour should be 23:30 and suggested that recent improvements, under the new DPS, should be compared with the previous long period of non-compliance. She was concerned that day to running of the premises might again end up in the hands of the previous DPS, who was, after all, the son of the new DPS.

Mr Terry Andrews stated his case. He said that he was also speaking on behalf of his wife, Mrs Annette Andrews, who was present, but preferred not to make a statement. He said that he was not seeking to have the premises closed, but just wanted to have a night's sleep. He said that last week he had been awakened at 23:45 by a fight taking place outside the premises and that if there were rules, people should be punished for breaking them. He stated that Crossways was a very successful pub and it closed at 00:00 and he thought the Greyhound should do the same. In reply to a question from a Member, he said that the greatest disturbance occurred on Friday and Saturday nights. He was concerned about nuisance from music and did not think it was acceptable for music to be played at 00:30 in the morning.

Mr Phipps stated the case for the licence holder. He introduced the new DPS, Jennifer Trethewey, and Kevin Day-McDonnell, Partnership Development Manager for Punch Taverns. He said that on receipt of the application for review he had written to the licensing authority requesting a meeting. They had met at the premises and had had a robust discussion and this had been followed by an exchange of correspondence, which had resulted in the proposal for new conditions. He asked Members to note that the Licensing Authority considered that these conditions were satisfactory, though of course it was for them to decide. He confirmed that there was no question of a deal being "cooked up" between the licence holder and the Licensing Authority and that it was perfectly proper for discussions to take place between them, and had there been more time before the hearing, local residents would certainly have been contacted about the proposals. He said that Punch Taverns was sorry and embarrassed to be at today's hearing and that there had been unarguable and repeated breaches of licence conditions at the Greyhound. The previous DPS had accepted a Police caution, which could be considered the equivalent of a criminal conviction. He explained that Punch Taverns owns premises and lets them to tenants or "partners" and supplies them with beer to sell. He said that Punch Taverns had premises in the area of every licensing authority in the

country. He acknowledged that there had been a breakdown in communications with the officers of B&NES. On one occasion, Mr Day-McDonnell had had to return to Ireland following a bereavement, and had missed some correspondence from B&NES and had not replied to it. He said that one obvious step that the Sub-Committee might have taken was the removal of the DPS; this had already been done by Punch Taverns, who had understood that they were in a difficult situation and had taken effective action. He acknowledged that the parties who had spoken had justly pointed out that improvements in the operation of the Greyhound had only been very recent and that the licence holder had proposed changes to the hours on Fridays and Saturdays only; this was not to say that no incidents had happened on any other night, but clearly the review had been called because of issues relating to late opening on Fridays and Saturdays. He said that the licence holder was proposing a terminal hour of 00:30, whereas the residents were asking for 23.30 and that it was for the Sub-Committee to weigh the significance of one hour. He said that everyone recognised that there had been improvements under the new DPS, one of which had been the erecting of barriers to ensure that the premises were self-contained. He suggested that the plan of the premises be amended to reflect this, in view of the lack of confidence in the permanence of this expressed by parties. He submitted that it would be safe to leave the non-standard timings as they were, because the number of late evenings would still be reduced from 100 to only 10 a year. He submitted that the Sub-Committee should not be influenced by the fact that Crossways closed at 00:00 and that Members had heard from the Police about the "circuit" in the town and the fact that there were not enough customers to sustain two late-night pubs. The Greyhound, which was quiet during the early part of the evening, gained trade after the closure of Crossways. He submitted that would better promote the licensing objectives for the two pubs to have different closing times than for them to be discharging customers onto the street at the same time. He referred to the evidence of the EHO, who had said that there was "potential" for noise to become a problem; he had not said that it was a problem now. In conclusion, he said that his case depended on confidence that there was a manager in place who could run the premises in compliance with the licence conditions. He said he would attempt to demonstrate this by evidence from Mr Day-McDonnell and Mrs Trethewey. Mr Day-McDonnell said that Mrs Trethewey would only retain her position as "partner" and DPS if she ran the business in compliance with the licence. Mrs Trethewey said that she was at the premises every weekend, and from the following week would be at the premises more often during the week. She believed that it was possible to operate the premises with a terminal hour of 00:30 on Fridays and Saturdays in a way that was consistent with the licensing objectives.

A Member asked how the Sub-Committee could be confident that the premises would be run properly in future in view of the record of the past eighteen months. Mr Phipps replied that Punch Taverns ran hundreds of premises without problems, though he acknowledged that there had been a failure in respect of the Greyhound. He said that the management of the Greyhound were well aware that they would be in an extremely difficult position if there was a second review of the premises licence, when there might be a real possibility of revocation or suspension of the licence.

In response to questions from Members Mrs Trethewey stated:

- she was concurrently a DPS at other premises, a position she had held for about 5 years

- on Fridays and Saturdays she arrived at the premises between 18:00 and 21:00 and remained until closing
- her son was employed to serve at the bar

Mr Reynolds was invited to give a statement as a witness for the licence holder. He said that he was the chairman of a village hall at which Mrs Trethewey was treasurer and bar manager. He described how she had once dealt effectively with a threatening and abusive person who was attempting to bring his own drink onto the premises. He believed that Mrs Trethewey had a strong regard for the law. She had managed over thirty events at the hall, there had never been any trouble and the events had always finished on time.

The parties were invited to sum up.

Mr Phipps said that the management of the Greyhound realised that they were now in a very precarious position and that they would have a very difficult time if they were summoned to another review. He said that a terminal hour of 00:30 on Fridays and Saturdays would reduce the hours to below what they were before the variation. Members had heard that there was simply not the volume of customers to support more than one pub at a time; the business would not be viable with a terminal hour of 23:30. He submitted that the conditions proposed would promote the licensing objectives, as had been accepted by the Police and the Licensing Authority.

Councillor Michael Evans submitted that the Sub-Committee should not have regard to economic factors. He suggested that if the Greyhound wanted more customers it should improve its offer.

Councillor Dunford submitted that a terminal hour of 23:30 was late enough. She noted that staff who had been at the premises for the past eighteen months would remain in post and that during that time there had been repeated breaches of licence conditions. She urged the Sub-Committee to be mindful of the disturbance that residents had endured.

In response to a question from a Member, the Police representatives confirmed that it was a proportion of customers leaving Crossways who resorted to the Greyhound. It was stated that other patrons went to the Mallard, or went home and that if the Greyhound and Crossways had the same terminal hour, it would not mean huge numbers of customers coming onto the street at the same time.

The Senior Licensing Officer summed up for the Applicant for Review. In relation to Cllr Dunford's earlier submission, she reminded the Sub-Committee that the premises licence conditions only transferred to Temporary Event Notices if the notice was objected to by the Police or Environmental Health, and subsequently imposed following a hearing. She submitted that the evidence did not really support a terminal hour of 23:30, as all the incidents detailed in the submissions related to the operation on a Friday and Saturday and there was no evidence that the premises caused a problem on the days it traded to 00:30.

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

The following provisions have effect for three months only;

1. The terminal hour for the sale and supply of alcohol shall be 00.30 on Fridays and Saturdays.
2. The terminal hour for Regulated Entertainment shall be 00.00 on Fridays and Saturdays.
3. The premises shall close at 01.00 on Fridays and Saturdays.

The following provisions have permanent effect;

4. The condition that “No open containers of alcohol to leave the premises” is deleted and replace by “All alcohol sold for consumption off the premises shall be in its original, sealed container.”
5. The condition related to no entry or re-entry after 00:00 is deleted from the premises licence.

REASONS

Members have today determined an application for the review of a premises licence for The Greyhound Hotel, 1 High Street, Midsomer Norton. In doing so they have reminded themselves of the provisions of the Licensing Act 2003, Human Rights Act 1998, case law, Statutory Guidance and the Council's Statement of Licensing Policy.

Members noted that the proper approach under the Licensing Act is to determine an application on its own merits, and to be reluctant to regulate, unless there is evidence that premises may have a negative impact on the licensing objectives.

The application was made by the Licensing Authority for the Council and related to three of the four licensing objectives, contained in the Act, of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. The grounds of the application were based on the fact that the multiple breaches of the conditions attached to the premises licence had taken place on numerous occasions in the 18 months preceding the application. A number of Multi-Agency visits to the premises had been carried out when these breaches had been witnessed, as well as evidence provided by the other parties to the hearing.

The conditions had not been complied with to the extent that the licensing objectives had been seriously undermined. The problems caused were anti-social behaviour, including noise nuisance caused by patrons which disturbed residents, open containers of alcohol taken away from the premises, the use of the outside area after 11.00 pm, the use of the side door, two incidents of under-age sales of alcohol, that a smoking screen was not used, drunk persons being allowed to enter the premises and failure to comply with the last entry time. The evidence referred to problems on Fridays and Saturdays and predominantly after 01.00 am.

The Licensing Authority and the Police had made a number of efforts to engage with the previous business Partner, DPS, Development Manager for Punch Taverns and risk assessment officer but there had been a blatant disregard for the advice given and no improvement had been made to the operation of the premises.

Members noted the oral and written evidence presented by the applicant and all of those who had made relevant representations which showed a consistent pattern of non-compliance and no positive action on the advice provided. They disregarded those representations which fell outside of the Licensing Act.

The Members attached much weight to the evidence of problems post 01.00 and to the professional opinion of the Police, Environmental Health Officer and the applicant for the review. They attached considerable weight to the residents' concerns and records of submitted by the Police and Street Marshalls.

The solicitor for Punch Taverns had proposed a number of modifications to the Premises Licence, to which the applicant had agreed. Members considered that these measures, further modified, would address the serious concerns that had been raised in the application and supporting evidence and were pleased that the company was willing to admit to the issues that had been raised and to introduce the proposed modifications. However, Members were concerned by the representations made by the residents regarding noise nuisance and decided to amend the proposed modifications further as they acknowledge the residents' distress.

They acknowledged that the Designated Premises Supervisor had now been removed and replaced and that new control measures had been put in place such as clear signage regarding restrictions on the use of the outside area and clear signage advising that patrons were to be quiet on leaving the premises.

Members considered that further action was appropriate in light of all of the evidence put before them and decided that the right measures to take with regard to their duty to promote the licensing objectives was to modify the proposal by Punch Taverns and agreed to by the applicant for a period of three months as they considered that these would address the causes of concern and show a consistent pattern of compliance by the end of that period. They considered that these measures would ensure that the premises would be operated in such a way to reduce considerably the negative impact which led to the application for the review.

Members noted the improvement in the operation of the premises had only started recently and considered that the new Designated Premises Supervisor had gone some way to demonstrate that she could operate the premises in a responsible manner. Members therefore did only what was appropriate and proportionate to promote the licensing objectives in light of the representations made to them today.

The meeting ended at 5.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 3rd September, 2013, 10.00 am

Councillors: Manda Rigby (Chair), Roger Symonds and Anthony Clarke

Officers in attendance: Enfys Hughes, John Dowding (Senior Licensing Officer) and Francesca Smith (Senior Legal Adviser)

27 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

28 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Gabriel Batt sent his apologies, Councillor Anthony Clarke was his substitute.

29 DECLARATIONS OF INTEREST

There were none.

30 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

31 MINUTES: 6 AUGUST 2013

RESOLVED that the minutes of the last meeting on Tuesday 6th August 2013 were approved as a correct record and signed by the Chair.

32 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING

RESOLVED that the procedure for the meeting be noted.

33 EXCLUSION OF THE PUBLIC

RESOLVED "that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined by paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended."

34 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR MAW

The Sub-Committee considered the report which sought determination of an application for the grant of a combined hackney carriage/private hire driver's licence.

The Licensing Officer reported that the applicant was not present, he had turned up but was unwell so had to leave. The witness was present.

Following an adjournment it was

RESOLVED that the application for Mr MAW be deferred until the next available Licensing Sub-Committee and Mr MAW be put on notice that his case might be heard in absence if he did not turn up.

Reasons for decision

The applicant had attended in preparation for the determination of his application but had become ill and had to leave.

The Members wished to question the applicant and in the interests of natural justice would give him a further opportunity to attend. They therefore deferred the determination of the application to the next available Licensing Sub Committee hearing on notice that the matter may proceed in absence on the next occasion.

35 CONSIDERATION OF CAUTION OBTAINED:-:- MR A M

The Sub-Committee considered the report which sought consideration of a caution obtained during the term of Mr AM's licence.

The Licensing Officer reported that Mr AM had not turned up and he had not received any information about him.

Following an adjournment it was

RESOLVED that consideration of Mr AM be deferred until the next available Licensing Sub-Committee.

Reasons for decision

The Licensee had not attended the hearing today and had not given the Council any reasons for this.

However, the Members wished to question the Licensee and in the interests of natural justice they decided to defer the matter to the next available Licensing Sub Committee on notice that the matter may proceed in absence on the next occasion.

36 CONSIDERATION OF CONVICTION OBTAINED:- MR K H

The Sub-Committee considered the report which sought consideration of a conviction obtained by Mr KH during the term of his hackney carriage/private hire driver's licence.

Mr KH was present. He confirmed he had read and understood the procedure.

The Licensing Officer presented the report and stated that as part of the renewal process a Disclosure and Barring Service check was undertaken which revealed a

conviction which had not been disclosed to the Licensing Section at the time or on filling the renewal form. Mr KH had provided a statement. The Licensing Officer circulated the Disclosure and Barring Service check and personal statement in respect of Mr KH. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr KH put his case and was questioned. Mr KH then made a closing statement.

Following an adjournment it was

RESOLVED that four penalty points be imposed on Mr KH's hackney carriage/private hire driver's licence.

Reasons for decision

Members have had to determine whether to take any action against Mr KH as he had obtained a conviction during the period of his combined hackney carriage and private hire drivers licence which he had failed to declare to the Council in accordance with the standard conditions attached to his licence.

In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy. Members had to consider whether Mr KH was a fit and proper person to continue to hold such a licence and therefore asked themselves whether they would allow their son, daughter, spouse, partner of any one they cared about to travel alone in a vehicle driven by the applicant.

To assist them in making a determination Members listened to the applicant's oral representations and took account of a Police statement, which he had provided and his own statement.

The conviction had been obtained when Mr KH was using his licensed vehicle and Members took a dim view of this. However they noted that he had been a licensed driver with the Council since 1996 and no complaints had ever been made against him nor had he obtained any other convictions.

They recognised that he was in the process of seeking help for his problems and that he was attempting to turn his life around. They considered that to suspend or revoke his licence would be disproportionate on this occasion.

They noted that the Council's policy was not of assistance on this occasion but had nevertheless applied the "fit and proper" test.

Members therefore decided that Mr KH was a fit and proper person to continue to hold a private hire and hackney carriage drivers licence.

Accordingly, they decided to impose four penalty points on his licence for not declaring the conviction to the Council in accordance with the standard conditions.

The meeting ended at 11.06 am

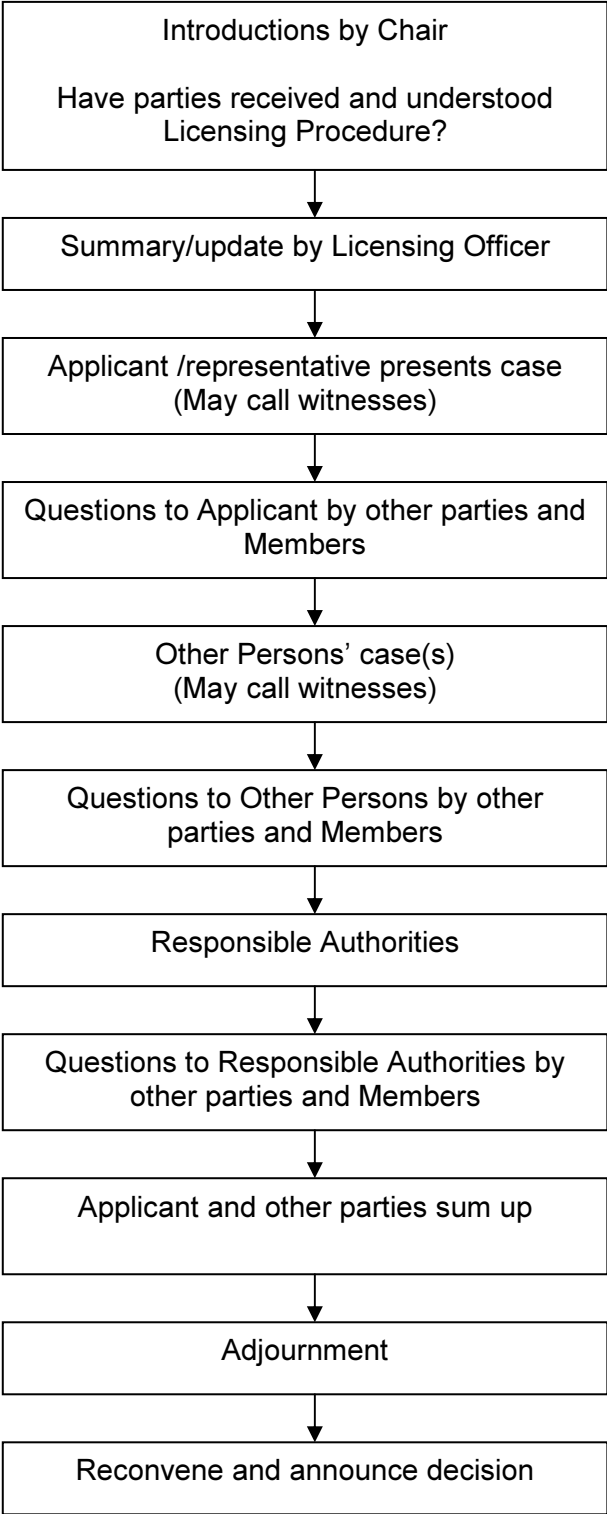
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

LICENSING SUB-COMMITTEE

PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS



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LICENSING ACT 2003

LICENSING SUB-COMMITTEE

PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES LICENCE OR FOR A VARIATION OF A PREMISES LICENCE

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 other persons [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 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 Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 1st October 2013	
TITLE:	Application for a Premises Licence for The Porter ; 15 George Street, Bath BA1 2EN	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new premises licence		
Annex B Site plan		
Annex C 'Other Person' Representations		
Annex D Positive Representation by Applicant		

1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of The Porter, 15 George Street, Bath BA1 2EN.

2 RECOMMENDATION

- 2.1 That the sub committee determines this application.

3 FINANCIAL IMPLICATIONS

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

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:

Monday – Sunday

08:00 to 02:00

Non-standard timings

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

- 2) The provision of **Regulated Entertainment** by way of:

The **Exhibition of Film, Performance of Live Music, Performance of Recorded Music, Performance of Dance** and **Anything of a Similar Description**, indoors only between the following hours:

Monday – Sunday 08:00 to 02:00

Non-standard timings:

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

- 3) The provision of **Late Night Refreshment**, indoors only, between the following hours:

Monday – Sunday 23:00 to 02:00

Non-standard timings:

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

- 4) **Opening hours:**

Monday – Sunday 08:00 to 02:15

Non-standard timings:

From the start of normal opening time on New Year's Eve until the end of closing time on New Year's Day.

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
- d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, these four are of paramount consideration at all times. When considering applications,

representations or notifications, the Licensing Authority will have regard to these licensing objectives.

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

5 RISK ASSESSMENT

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

6. EQUALITIES

- 6.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.

7 CONSULTATION

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

8 ISSUES TO CONSIDER IN REACHING A DECISION

- 8.1 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.
- 8.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

9 ADVICE SOUGHT

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

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

RECEIVED
 Insert name and address of relevant licensing authority and its reference number (optional)
 23 JUL 2013
LEWIS HOUSE

**BATH & NORTH
 EAST SOMERSET
 COUNCIL**
 23 JUL 2013
RECEIVED

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.

*105204 Paid JZ
 £315 Cleave
 4/2 NOBIONES
 Premises licence app
 THE PORTER*

I/we HECTOR MAIN (OF 'THE PORTER')
 (Insert name(s) of applicant)
 apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
THE PORTER 15A GEORGE ST, BATH.
2 Miles Buildings
BATH
BA1 2QS

Post town	<u>BATH</u>	Postcode	<u>BA1 2EN</u>
-----------	-------------	----------	----------------

Telephone number at premises (if any)	<u>01225 585100</u>
Non-domestic rateable value of premises	<u>£ 42,300</u>

RECEIVED
 23 JUL 2013
LEWIS HOUSE

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
 Please tick as appropriate

- 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)

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)

- 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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>MAIN</i>			First names <i>HECTOR</i>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<i>15 A GEORGE St</i>			
Post town	<i>BATH</i>		Postcode	<i>BA1 2EN</i>	
Daytime contact telephone number			<i>01225 585100</i>		
E-mail address (optional)		<i>HECTOR @ TUEPORTER</i>			

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	8	08 2013

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

DD	MM	YYYY

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

THE PORTER WILL BE A FOUR FLOOR MULTIFUNCTIONAL OPERATION WHICH WILL INCORPORATE THREE BARS, A RESTAURANT AND TWO PRIVATE MEETING ROOMS ON THE TOP FLOOR.

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

--

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

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

Provision of regulated entertainment

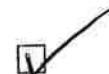
Please tick any that apply

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

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



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



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			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	Please give further details here (please read guidance note 3)		
Mon	10:00-11:00				
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			State any seasonal variations for performing plays (please read guidance note 4)		
			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)		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	08:00	02:00	<u>Please give further details here</u> (please read guidance note 3) TO SHOW PROJECTED FILMS IN THE BASEMENT AND TOP FLOOR AREAS.		
Tue	08:00	02:00			
Wed	08:00	02:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	08:00	02:00			
Fri	08:00	02:00	<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) NEW YEARS EVE FROM THE START OF NORMAL ACTIVITY TIME ON NEW YEARS EVE UNTIL THE END OF ACTIVITY TIME ON NEW YEARS DAY.		
Sat	08:00	02:00			
Sun	08:00	02:00			

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			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	08:00	02:00	<u>Please give further details here</u> (please read guidance note 3) <i>To ALLOW THE PROVISION FOR LIVE MUSIC IN THE BASEMENT AREA OF THE PORTER</i>	Both	<input type="checkbox"/>
Tue	08:00	02:00			
Wed	08:00	02:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	08:00	02:00			
Fri	08:00	02:00	<u>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</u> (please read guidance note 5) <i>NEW YEARS EVE FROM THE START OF NORMAL ACTIVITY TIME ON NEW YEARS EVE UNTIL THE END OF ACTIVITY TIME ON NEW YEARS DAY.</i>		
Sat	08:00	02:00			
Sun	08:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	08:00	02:00	<p>Please give further details here (please read guidance note 3)</p> <p>TO ALLOW THE PROVISION OF DJ'S PLAYING RECORDED MUSIC IN THE BASEMENT AND GROUND/FIRST FLOOR AREAS. ALSO BACKGROUND MUSIC AT OTHER TIMES WHEN DJ'S ARE NOT PRESENT.</p> <p>State any seasonal variations for the playing of recorded music (please read guidance note 4)</p> <p>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)</p> <p>NEW YEARS EVE FROM THE START OF NORMAL ACTIVITY TIME ON NEW YEARS EVE UNTIL THE END OF ACTIVITY TIME ON NEW YEARS DAY.</p>	Both	<input type="checkbox"/>
Tue	08:00	02:00			
Wed	08:00	02:00			
Thur	08:00	02:00			
Fri	08:00	02:00			
Sat	08:00	02:00			
Sun	08:00	02:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
	08:00	02:00			
Tue					
	08:00	02:00			
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
	08:00	02:00			
Thur					
	08:00	02:00			
Fri			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 (please read guidance note 5)		
	08:00	02:00			
Sat			NEW YEARS EVE FROM THE START OF NORMAL ACTIVITY TIME ON NEW YEARS EVE UNTIL THE END OF ACTIVITY TIME ON NEW YEARS DAY.		
	08:00	02:00			
Sun					
	08:00	02:00			

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>Please give a description of the type of entertainment you will be providing <i>COMEDY AND PERFORMANCE EVENINGS.</i></p>	
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors <input checked="" type="checkbox"/>
Mon	08:00	02:00		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	08:00	02:00	<p>Please give further details here (please read guidance note 3) <i>TO ALLOW FOR PERFORMANCES THAT INCORPORATE MUSIC AND/OR DANCE</i></p>	
Wed	08:00	02:00		
Thur	08:00	02:00	<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>	
Fri	08:00	02:00		
Sat	08:00	02:00	<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) <i>NEW YEARS EVE.</i></p>	
Sun	08:00	02:00	<p><i>FROM THE START OF NORMAL ACTIVITY TIME ON NEW YEARS EVE UNTIL THE END OF ACTIVITY TIME ON NEW YEARS DAY.</i></p>	

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	02:00	<p>Please give further details here (please read guidance note 3)</p> <p>TO ALLOW FOR THE PROVISION OF HOT FOOD AND HOT DRINK TO BE SERVED BETWEEN 11:00 pm AND 2:00 am</p> <p>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</p> <p>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)</p> <p>NEW YEARS EVE FROM THE START OF NORMAL ACTIVITY TIME ON NEW YEARS EVE UNTIL THE END OF ACTIVITY TIME ON NEW YEARS DAY.</p>	Both	<input type="checkbox"/>
Tue	23:00	02:00			
Wed	23:00	02:00			
Thur	23:00	02:00			
Fri	23:00	02:00			
Sat	23:00	02:00			
Sun	23:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08:00	02:00			
Tue	08:00	02:00			
Wed	08:00	02:00			
Thur	08:00	02:00			
Fri	08:00	02:00			
Sat	06:00	02:00			
Sun	08:00	02:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
			NEW YEARS EVE FROM THE START OF NORMAL ACTIVITY TIME ON NEW YEARS EVE, UNTIL THE END OF ACTIVITY ON NEW YEARS DAY		

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

Name	MR HECTOR MAIN
Address	15A GEORGE ST, BATH
Postcode	BATH, BA1 2EN
Personal licence number (if known)	6454
Issuing licensing authority (if known)	SOUTHWARK

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	02:15	<p>TO ALLOW 15 MINUTES DRINKING UP TIME TO 02:15 AM</p> <p><u>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</u> (please read guidance note 5)</p> <p>FROM NORMAL OPENING HOURS ON NEW YEARS EVE UNTIL NORMAL CLOSING TIME ON NEW YEARS DAY.</p>
Tue	08:00	02:15	
Wed	08:00	02:15	
Thur	08:00	02:15	
Fri	08:00	02:15	
Sat	08:00	02:15	
Sun	08:00	02:15	

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

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

THE VENUE ('THE PORTER') CURRENTLY HAS A 3AM LICENSE. HOWEVER AFTER CONSULTATION WITH VARIOUS RESIDENTS COMMITTEES WE HAVE DECIDED TO REDUCE OUR APPLICATION TO 2:00 AM, TO PROTECT THE AREA FROM POTENTIAL NOISE AND NUISANCE. WE ENVISAGE AND HOPE TO ATTRACT A VERY DIFFERENT DEMOGRAPHIC TO THAT OF THE OLD VENUE AND AS SUCH REDUCE INCIDENTS AND PROBLEMS TO A MINIMUM.

b) The prevention of crime and disorder

A DIGITAL CCTV SYSTEM WILL BE FITTED AND MAINTAINED AT THE PREMISES IN CONSULTATION WITH THE POLICE. THE RECORDINGS WILL BE OF EVIDENTIAL QUALITY AND KEPT FOR A MINIMUM OF 31 DAYS. THE IMAGES WILL BE TIME AND DATE MARKED AND MADE AVAILABLE TO THE POLICE ON REQUEST. NOTICES TO BE DISPLAYED AT THE ENTRANCE TO THE PREMISES ADVISING THAT CCTV IS IN OPERATION.

c) Public safety

WHERE A RISK ASSESSMENT BY THE DPS AND/OR AT THE WRITTEN REQUEST OF THE POLICE OR LICENSING AUTHORITY, DOOR STAFF WILL BE ON DUTY TO SUPERVISE ALL PATRONS ENTERING AND LEAVING AND TO ENSURE THE GOOD ORDER OF THE PREMISES. ALL STAFF INVOLVED IN THE SALE OR SUPPLY OF ALCOHOL WILL RECEIVE TRAINING AND RECORDS WILL BE KEPT ON THE PREMISES OF THIS TRAINING AND WHO HAS RECEIVED IT.

d) The prevention of public nuisance

SIGNS ARE TO BE DISPLAYED AT EACH EXIT TO ENCOURAGE PATRONS TO LEAVE QUIETLY. A CHALLENGE 21 SCHEME SHALL BE OPERATED AT ALL TIMES WHEN THE PREMISES ARE SELLING ALCOHOL. PROOF OF AGE WILL BE REQUIRED FROM ANY PERSON WHO APPEARS UNDER THE AGE OF 21 YEARS. ALCOHOL WILL ONLY BE CONSUMED IN THE OUTSIDE AREA (COVERED BY THE TABLES + CHAIRS PERMIT) BY PERSONS SAT AT TABLES AND CHAIRS. THE OUTSIDE AREA WILL BE CLEARED OF PERSONS BY 11:00 PM ON EACH EVENING.

e) The protection of children from harm LIVE

THE PERFORMANCE OF MUSIC WILL ONLY TAKE PLACE IN THE BASEMENT AREA. DJ AND BACKGROUND MUSIC WILL ONLY TAKE PLACE ON THE FIRST FLOOR AND BASEMENT AREAS.

(e) THE PROTECTION OF CHILDREN FROM HARM.

THE PREMISES WILL OPERATE A CHALLENGE 21 SCHEME.

Checklist:

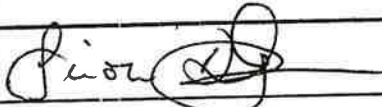
Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	20 th 7 th 2013
Capacity	OPERATIONS MANAGER.

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)

MR SIMON BEHANY
THE PORTER 15A GEORGE ST BATH

Post town	BATH	Postcode	BA1 2EN
Telephone number (if any)	07973 440112		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
SIMON@CIRCOBAR.CO.UK			

Notes for Guidance

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

Kirsty Morgan

From: Simon Dehany <simon@circo.co.uk>
Sent: 30 July 2013 12:06
To: Kirsty Morgan
Subject: RE: Porter - New premises licence application, condition

Hi Kirsty - as per our phone conversation please find the following ammendment -
'To allow the provision of DJ's playing recorded music in the basement and first floor areas. Also background music at other times when DJ's are not present across all floors.'

Is that OK? Cheers Simon

Simon Dehany (General Manager Circo Bar & Lounge)

PART OF THE HALCYON GROUP



2 / 3 South Parade, Bath, BA2 4AA
Tel : (01225) 444100 Email : simon@circo.co.uk

From: Kirsty Morgan [mailto:Kirsty_Morgan@BATHNES.GOV.UK]
Sent: 30 July 2013 11:40
To: Simon Dehany
Subject: Porter - New premises licence application, condition

Dear Simon,

Re: Porter – New premises licence application 13/02321/LAPRE

Further to our telephone conversation I write to inform you that there is contradicting information detailed in the operating schedule of the application.

In Section F in relation to recorded music where the application asks you to give further details it states:

'To allow the provision of DJ's playing recorded music in the basement and ground/first floor areas. Also background music at other times when DJ's are not present.'

In Section M a condition offered states:

'DJ and background music will only take place on the first floor and basement areas.'

Please can you clarify the condition you wish to offer in relation to recorded music?

Kind regards,

Kirsty

Kirsty Morgan

Licensing Officer
Environmental Services
Bath & North East Somerset Council
Tel: 0122539(6719)
Email: kirsty_morgan@bathnes.gov.uk
Licensing@bathnes.gov.uk

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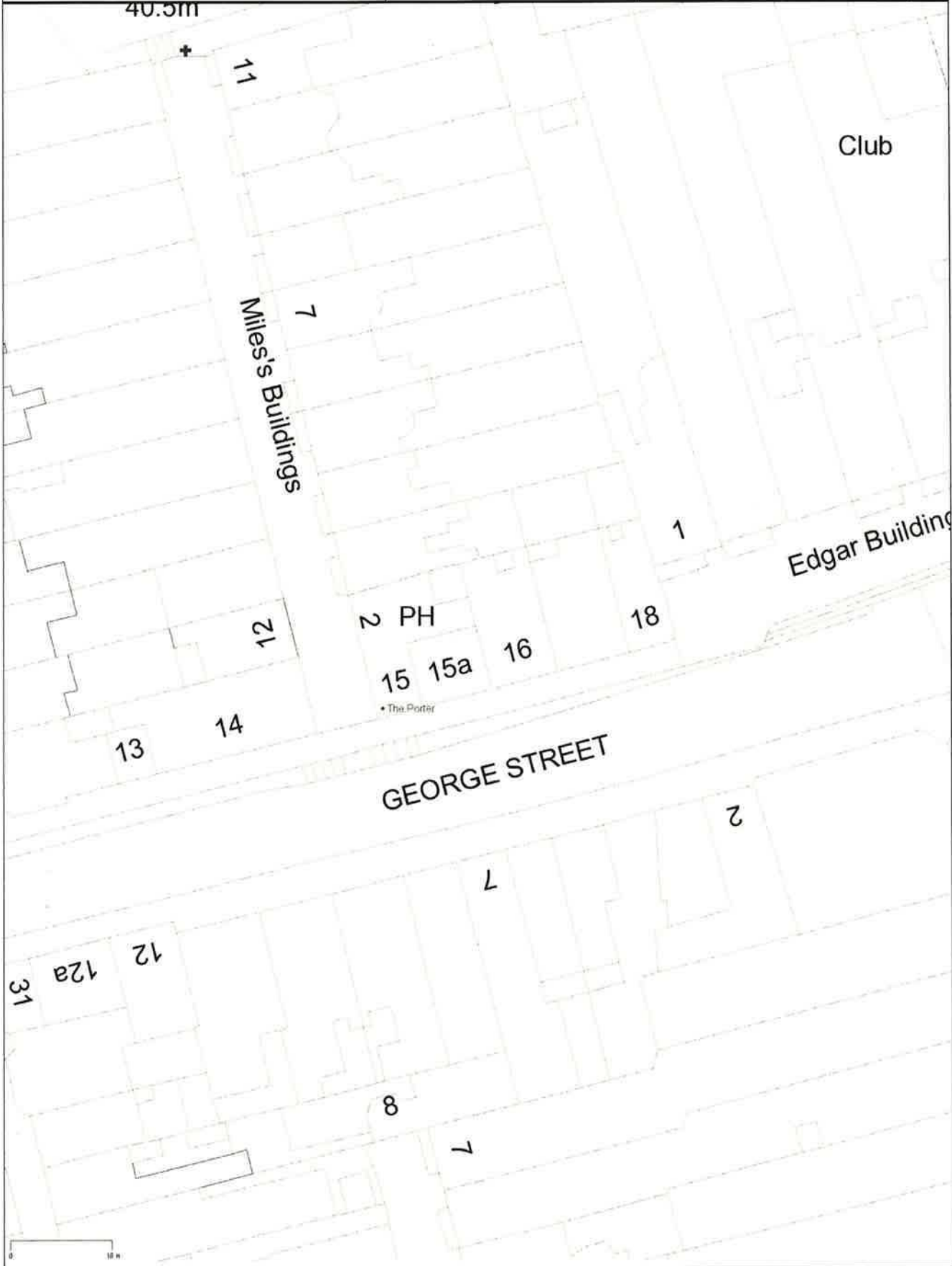
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Making Bath & North East Somerset an even better place to Live, Work and Visit.

Bath and North East Somerset: District Online	Date: 9-9-2013 Scale: 1:500	Bath & North East Somerset Council	
The Porter	Map Centre - easting / northing: 374857 / 165161	© Crown copyright and database right. All rights reserved (100023334) 2013	



**Response of Mr & Mrs R Davies, 18 Gay Street, Bath, BA1 2PD to Licensing Application
No.13/02321/LAPRE**

11th August 2013

The reduction in the level of anti-social behaviour up Miles's Buildings and Gay Street since the closure of the Porter in May has been dramatic. We do generally support the stated aims of the new owner of the Porter when he says he seeks to transform the way this particular licenced establishment operates in the middle of a historical residential area of our city. However we object to a number of the proposed licence conditions as detailed below:-

1. Opening hours.

On numerous occasions the new owner of The Porter has assured residents, whom he has met, that The Porter will be closing by midnight Sunday through Thursday and by 12.30am on Friday and Saturday nights and yet he seeks a new licence to be able to continue to operate till 2.00am every night of the week. The owner has stated to residents that this is to protect the future sale value of the business should it be sold. The function of licencing is surely to ensure that the establishment meets its social responsibility and not to protect the future value of the business.

We therefore request that the new premises licence is granted up to the hours actually required and not to protect the future sale value of the property. In this way Residents can feel confident that they will not in the future be subjected to the nightly screaming and shouting, doorstep urination and vomiting that would probably result from allowing a future owner to operate till 2.00am.

2. Performance of live music.

One of the past problems with this establishment has been the escape of noise generated by live music into the early hours of the morning. Live and loud music should only be allowed in the basement area after 10pm and on all other floors only low level acoustic background music should be permitted up to closing time.

3. Sale of Alcohol.

The new licence application requests that the sale of alcohol be allowed for consumption both on and off the premises. The surrounding streets are frequently littered with drinks bottles and cans discarded by drunken revellers and allowing off licence sales will only exacerbate this constant problem in a heavily residential area.

4. Door Staff.

The current licence states "*A minimum of 2 SIA registered door staff will be on duty at the premises on Friday and Saturday from 21.00hrs until 30 minutes after the end of licensable activities. They will supervise persons entering and leaving the premises, persons using the tables and chairs on the pavement and the good order of the venue. On any other night that the premises trade for the sale of alcohol after 24.00hrs 2 door staff will be on duty from 21.00hrs until close. The door staff will wear yellow reflective jackets whilst on duty*".

This condition should surely be included in any new licence approval unless the new owner agrees that the licence only applies to the stated closing times of Midnight (12.30am Friday

and Saturday) otherwise a repeat of the anti-social behaviour into the early hours of the morning from this premises will undoubtedly occur again in the future. A dispersal policy should be agreed within the licence to ensure patrons leave quietly at closing time.

5. The outside area.

The current licence clearly states "*All sales of alcohol for consumption off the premises in the area contained within the "Tables and Chairs" permit will be to persons sat at tables and chairs and be by way of waiter, waitress or bar staff service. The licensed outside area and pavement frontage of the premises shall be kept clear of patrons litter*". Again we would have thought that these basic requirements should be a vital condition of any new licence granted. Indeed as regards the clean-up provision this should state that the clean-up should be carried out prior to staff leaving the premises each night so that residents and visitors to our city are not confronted with the often disgusting state of the pavements outside similar premises each morning.

In summary.

There should be a sensible balance between the right of well-run licensed establishments to operate in our city together with the need to observe their civic duty by running a non-disruptive and socially responsible business. In the past this city has tended to favour the licence applicants and in the opinion of most residents taken scant interest in the effects licence decisions have had on the social fabric of the city centre. This city still has a vibrant living centre thanks largely to the high level of residents living in it. The licensing department should now be seeking to ensure that they do not drive out the very people who care for and do so much to support this city.

We ask that the Licensing committee take into account these representations and apply these logical set of conditions to this licence which ultimately will hopefully benefit the owner of the "New Porter" and ensure that local residents support his business.

From
Mr & Mrs R Davies
18 Gay Street
Bath
BA1 2PD

01225322944

From: Henry Brown [mailto:henrybrown@uwclub.net]
Sent: 12 August 2013 18:37
To: Licensing
Subject: objection to licence application at the porter, 13/02321/LAPRE

Dear B&NES,

I am writing to object to the licence application for the Porter in Miles's Buildings, Bath, ref 13/02321/LAPRE. Could you please acknowledge receipt and notify me of any public hearing?

I live just around the corner from these premises, and have been disturbed by activities based there for many years. The problems have been caused by:

- a. Loud music played within the premises and outside on the pavement;
- b. Antisocial behaviour by patrons of the Porter congregating outside the premises and blocking the street for passers-by;
- c. Antisocial behaviour by patrons of the Porter shouting, urinating and drug-taking in Miles's Buildings and St Andrews Terrace.

I should like to emphasise that the problems which residents have endured for years have dropped off radically while the Porter has been closed. This shows to our satisfaction that the Porter has been the source of these problems.

The new owner of these premises has suggested elsewhere that everything will be different in future: that the Porter will become an up-market venue with an offering centred on food rather than drink. We residents live in hope, but are not over-optimistic because the previous problems did not go away when the present owner took over: they carried on right to the point when the premises closed for refurbishment.

I believe that this application conflicts with the licensing objectives of preventing crime and disorder, and preventing public nuisance.

If this is to be an up-market venue based on food, I contend that it is inappropriate for activities to be licensed until 2.00 am every day. No serious restaurant in Bath expects diners to come in after 11.00 pm. The only purpose of opening later than that is to sell alcohol to those who have already been drinking elsewhere. This is undesirable for the health of the patrons and for the amenity of nearby residents. It should be no part of the economy of a World Heritage Site based on heritage, health and wellbeing to facilitate more late-night drinking. People who have had too much to drink are likely to commit crime and disorder or be the victims of it.

I do not accept that the "new" clientele will be quieter on the streets than the patrons under the Porter's previous regime. It is an unfortunate fact that all people get noisy when they have had a few drinks. They come out on to the street and forget that this is a residential neighbourhood where people go to bed around 11.00 pm. Loud talking and laughing is just as much a problem as other noisy behaviour. This is public nuisance and it needs to be discouraged.

I therefore request that the permitted hours for any of the licensed activities should not extend later than midnight on Monday to Saturday evenings.

In the George Street area, it is common for licensed premises to close earlier on a Sunday evening. Late night disturbance is even more unacceptable on Sunday than on other nights. I therefore request that the licensed activities should not extend later than 11.00 pm on Sunday.

Henry Brown, 12 August

7 St Andrews Terrace
Bath BA1 2QR

henrybrown@uwclub.net
07990 585493

From: Lawrence Jones [mailto:lawrencedjones@msn.com]
Sent: 13 August 2013 17:50
To: Licensing
Cc: helen jones
Subject: Mr & Mrs Jones Representation

Dear Sir

My wife and I Lawrence and Helen Jones live at 20 Gay Street owning both the house and the basement flat Our property backs onto Miles Buildings and is some 100 yards from the Porter premises We are very much affected by all the noise and outside activities from the Porter as are the adjoining residential properties in Gay Street and the Circus whilst the general residential area is also affected very much by the people visiting and leaving the Porter

We object to the proposed licence application by the owner of the Porter and strongly support the objections of Mr and Mrs Robin Davies of 18 Gay Street

We welcome the proposals of the owner of the Porter to change totally the character of the business from the previous late night drinking pub with its late night noisy clientele who had no regard for the surrounding residential community The new advertising material states "The Porter is different on every level A place where you can eat, drink, work and play, think of us as a home from home...only better" This suggested up market business does not need the licensing hours of the old noisy drinking pub and the damage it caused to the local environment

Opening Hours

We understand the owner has assured local residents whom he has met that the new Porter will be closing by 12.30 am on Friday and Saturday nights and closing at midnight on all other nights This seems entirely appropriate for the new business The current application for the new licence to continue to 2.00 am every night is entirely at odds with this and encourages doubts about the proposed new style of business

We strongly recommend the new premises licence is granted only to meet the new style business as proposed with midnight closure other than Friday and Saturday when it is 12.30 am

This is an excellent opportunity to establish a more up market establishment with appropriate opening hours

Performance of Live Music

Late night noise from customers of the old Porter and music was a major issue and we strongly recommend live and loud music should only be allowed in the basement area after 10 pm On all other floors only low level acoustic background music Music on all floors only to be permitted up to closing time 1200/12.30 am

Sale of Alcohol

We strongly recommend the new licence request for the sale of alcohol for consumption off the premises should be refused This will result in customers drinking in the surrounding

area and recreate the problems of the old Porter including litter and bottles left in George Street and Miles Building area

Door Staff

If there is any question of allowing any extension of opening hours beyond what we propose it would be essential to reconsider the need for Door Staff in accordance with the current licence

The Outside Area

At least two other problems are customers remaining in the George Street Miles Building area after closure and the clean up of the pavement etc by the staff immediately after closure. Many of the advantages over limiting the opening hours will be lost unless customers are required to leave the area quietly on closure

Summary

Clearly Bath needs restaurants and pubs to meet the needs of the public and encourage visitors to come to Bath. All part of the essential economy of Bath. However the Porter is on the edge of Georgian Bath which is a key attraction to visitors from home and overseas. The objectives of the new Porter would provide a very different quality establishment in George Street which should not be lost through late night revelry and the more restrictive opening hours we propose will reinforce this concept. The new Porter needs to live alongside the large residential neighbourhood it shares

We hope the Licensing Committee will consider seriously these representations when making their decision over the licence application

Lawrence and Helen Jones
20 Gay Street
Bath BA1 2PD

20th August 2013

For attention of Council Licensing
dept.

Dear Sir/Madam,

I have just read Mr. Hector Main's A4 notice affixed to a window of the Porter public house, hitherto obscured by scaffolding, net and builders materials at 15A George St, Bath.

I object to a drinks license being issued to this establishment. If their billboard is to be believed their proposal is to have a bar on every floor, 4 floors, two bars, one licensed restaurant and a music basement undoubtedly serving alcohol.

Since public buildings are now no-smoking areas this means countless clients out on the street and pavement with cigarettes and drinks, and urinating in "piss alley" so called by the locals because of the rivers of urine at night.

As you note from my address I am a local resident and rate payer. When I moved here the only blight was Moles club

(2)

Now we are about to have another uncontrollable establishment with no doubt drug dealing + violence ~~at~~ in evenings.

Recently I tried to leave my home one Sunday morning to be turned back by police scenes of crime officers, following a stabbing. The car, legally parked, suffered considerable damage with broken windows + ~~broken~~ bodywork.

Drinkers use our doorsteps to hang about on, argue, scream, smoke fight. It is impossible to get a decent nights sleep.

My friend and cater lives in George St. There are 14 buildings between us 6 of which - maybe more - serving alcohol and that's only on one side of the street. All the banks are now bars.

I and my friend are very apprehensive about walking the street weekend evenings, the pavement being impassable, especially now that Moles block it with some strange plastic barrier - despite having an alternative entrance in piss alley for their customers and smokers.

I repeat I object strongly to a license being issued to the Porter. How many people do they propose

to house.

I thought there was an agreement to keep licensing hours moderate on Sundays.

I notice they have skirted that issue by proposing 8:00 till 2:00 am daily. I say no! no! no!. I hope other people have managed to spot Mr Main's A4 sheet despite building materials obscuring it and have registered their displeasure.

Yours Sincerely

FK Eagle

Frances K. Eagle.

P.S. Please ^{find} enclosed a letter put through my door regarding the noise in the park. Local residents are getting really fed up with lifestyles being destroyed by noise & violence.

I am working towards moving because the area has gone down the pan. How can you expect us to be pleasant to tourists after countless sleepless nights.

Were you disturbed by the noise from the park on Saturday (August 17th)?

What the police said, when contacted about the hugely over-amplified music, was this: **"BANES, who issue the licences for such events, can only do so with the consent of local residents"**. The police suggested that local people write to BANES and point out how much disruption such events cause to our lives. That will make it clear that they do not have our consent.

The police said that the more letters BANES receive the better. They added that also writing to our MP, and to local councillors as well, is very worthwhile. **Please send a letter (preferably), or an e-mail, and make your opinion clear.**

People in the immediate vicinity on Saturday experienced their windows rattling from the force of the vibrations. The music, which continued for 8.5 hours, was clearly audible as far away as Sion Hill. Close to, the sound was literally deafening. At 9pm there were only about 50 people attending the event but many hundreds of local residents were forced to listen whether we liked it or not - and it continued until 10pm.

You may have tried to get the volume turned down... Asking the organisers of the event to turn it down was tried without success. The police had no power to deal with the problem, and Environmental Health were, of course, closed for the weekend. The BANES emergency number yielded someone who could simply log the call, but not do anything. In short, there was nobody available who could take any action.

It is unacceptable that BANES should issue licences for such events and then have no member of staff on hand to deal with the problem if the volume is too loud. We have a right to quietly enjoy the weekend in our homes, and not have loud music forced upon us.

People to contact:

Environmental Protection, BANES, Lewis Ho, Manvers St, Bath BA1 1JG
environmental_protection@bathnes.gov.uk

Don Foster, 31 James St West, Bath BA1 2BT donfoster@parliament.uk

Andrew Furse, *Local Councillor*: 25 Tennyson Rd, Bath BA1 3BG
Tel: 01225 483218

Douglas Nicol, *Local Councillor*: 12 Victoria Gdns, Batheaston, BA1 7RD.

From: cis@bathnes.gov.uk [mailto:cis@bathnes.gov.uk]
Sent: 20 August 2013 14:42
To: Drupal
Subject: Form submission from: Website transition Error

Submitted on Tue, 20/08/2013
Submitted by user:
Submitted values are:

Your Email Address: [REDACTED]

Comments:

i was told today is last chance to lodge objections to the extended hours licence application for The Porter in George street but your website is not functioning properly. Those of us living in and around George St do not deserve to have to put up with yet another late night drinking establishment.

The noise generated from smokers outside will make it impossible to sleep and it will mean more drunk people marauding around the streets disturbing residents even more than they are at present. What also worries me is that the application is for late night licence on Sundays meaning there will never be any respite ever from the noise and bad behaviour that emanates from The Porter and other establishments. Please do not allow this application to be passed as the residents who put up with so much already do not deserve FURTHER DISRUPTION to there lives from places selling alcohol late at night.

P Hoyle. [REDACTED]

referrer: /services/business/licences/alcohol-and-entertainment/applications-received

The user received a 404 error trying to access /services/business/licences/alcohol-and-entertainment/applications-received.

Please check this page and action accordingly.

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:	13/02321/LAPRE
Applicant's name:	Mr Hector Main
Premises name and address:	The Porter 2 Miles's Buildings, Bath, BA1 2QS
Application for a:	New Premises Licence

Objector Details:

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

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

This is a joint representation on behalf of the two major residents' associations in the area affected by these premises. Between us we have more than 400 members including a significant number in the area surrounding these premises, indeed the chairman of TARA lives in George Street very close to the premises concerned.

We broadly welcome the premises being proposed here as a replacement for what was one of the principle sources of noise and drink fuel antisocial behaviour on George Street. In doing so we rely heavily on the promises made by the applicant's company, both in private meetings and in public announcements, that the new premises will be not be a vertical drinking establishment but be much more broadly based with an emphasis on food.

There are however three areas which we would like raise with the committee with a view to altering the proposed conditions.

Firstly if there is going to be amplified music we would like to see a condition requiring the use of noise limiters set at a level agreed by Environmental Protection. These premises are in close proximity to a number of residential premises and noise leakage from amplified music has been a significant problem in the past including during the tenure of the applicant's company. It is perhaps worth pointing out that neighbouring premises have a similar condition.

Similarly most premises in the area have a condition requiring them to clear litter from their immediate vicinity. Smokers outside this type of operation will inevitable create considerable litter nuisance and it seems reasonable that the applicants should clear up any mess caused by their customers.

Finally, we would ask the committee to give careful consideration to the hours of operation. The noise affected area around these premises in Gay Street, George Street, Miles buildings and parts of the Circus are heavily residential. It is not clear to us what the applicant's case is for the extremely late opening hours he is proposing and hope that the committee will undertake appropriate enquiries to ensure that the hours set are both necessary and proportional.

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

Signed

Ian Perkins and Sally Rothwell

Date

21.8.2013

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 and Sally Rothwell

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

From: ian.dougall1@tiscali.co.uk [mailto:ian.dougall1@tiscali.co.uk]
Sent: 26 August 2013 10:59
To: Licensing
Subject: The Porter, Licensing Application Ref.: 13/02321/LAPRE

Dear Sir/Madam,

As residents of Miles's Buildings, we wish to object to the granting of this application.

The conditions listed do not mention the need to control the volume of any music played so as not to cause nuisance to neighbours. In this connection the application includes the playing of DJ music on the ground floor, which we had understood would be a restaurant area.

We consider that the time of closure of 2 am is inappropriate for a residential area. For example since the Porter pub has been closed, the area of Miles's Buildings and St. Andrews Terrace has been relatively clear of vomit, urine etc.

Ian and Anne Dougall (8 Miles's Buildings)

THE PORTER

Licensing Application Ref 13/02473/LAPRE



(Image of Library private dining space that will be included by extension of licensed area)

15 George Street

Bath

BA2 2EN

Licensing Application

Outline of Application

On the site of The Porter there has been a licensed establishment for over 85 years. The Current license at The Porter covers 3 floors (Basement, Ground and 1st Floor) with trading hours of 11-3am.

This application seeks to reduce the opening hours to 2am for but increase the internal area to include the 2nd floor Library and Study area that will be used for private dining and conferencing/corporate meetings. We have reduced the trading hours by 1 hour as a gesture of goodwill to the local residents to give them comfort that we are a responsible operator.

Background

I purchased the Porter building in the early part of 2013 – previously it was a student based pub in a poor state of disrepair on the trading floors and virtually derelict on the upper floors (Please see images attached). I have carried out a programme of investment and refurbishment over the entire five floors internally and externally. Turning what was a grungy pub building in the city centre selling cheap alcohol to a clientele that caused endless problems for the local council, police and local residents into a sophisticated dining led establishment that caters for a wide spectrum of the community offering high end quality food, with a specialist wine and craft beer menu. Please see the improvements that have been made to the building in the images attached.

To local residents The Porter became synonymous with young, out of control, drunken yobs spilling out onto the street late at night causing disruption, noise, vomiting in doorways and urinating in the street. I have genuine empathy with the local residents for the disruption that they had to endure previously. My mother lives on Gay Street so I am fully aware of the problems.

I am the new freeholder of The Porter buildings as well as being the owner of the managing company – The Halcyon (Bath) Ltd. The objections against this application from local residents are based on what The 'old' Porter used to be like and the fear that the premises will be run in the same way as previous tenants rather than the reality of the new ownership/management.

When I purchased the building, I made immediate contact with the Circus Residents Association and Abbey Green Residents association via Sally Rothwell and Ian Perkins. We met a number of times (as I did with many other residents) to allow me to inform the local residents (through them) of my intentions for the refurbishment of the building and allay their fears that the problems that they have had previously would not continue. I gave them plans of the buildings, mood boards to illustrate the style of the refurbishment and explained our business intentions in regard to what we will offer.

I have since met with a number of other residents directly and received many emails/letters from them as to my intentions. I welcome the contact with the local residents that I hope will become patrons of The Porter. I have received some wonderful feedback from residents since opening and they have welcomed the changes.

A number of planned cultural and community events included knitting circle, book club, children's cinema club, fashion high tea and poetry recitals.

I have found however that there have been a small number of residents that do seem to want to oppose my change proposals at every opportunity (be that licensing/planning/décor) and have their say in the way in which I run my business. I am very keen to engage the local community after all they are my intended patrons but it I am not content to have them attempt to unreasonably stifle my business.

The "new" Porter Ethos

The Porter's ethos is to have the feel of a house – for guests to be able to pop in for a coffee in the morning, read the papers in the lounge, casual business meetings during the day on the first floor, a cocktail before dinner and then enjoy food cooked by Rob Clayton our Michelin starred chef. It is a beautifully designed but casual environment where guests can spend as long a time as they want either working or relaxing. From the attached images you can clearly see the change in the décor and therefore shift in direction of the business.

The Application:

The current license allows for 3 bars on 3 floors.

We do not wish to add any more bars purely increase the licensed area to include 2 rooms that will be used for private dining and conferences.

Cumulative Impact of the proposals: The changes that we have carried out have reduced the impact of the licensed premises on local residents from the previous operation.

1. Noise/local disruption – the complete refurbishment of the building has changed the offering to completely different clientele. We do not sell cheap alcohol or offer student based nights. As local residents will testify the disturbances have ceased since the closing of the Old Porter and opening of the present establishment.
2. We are a serious restaurant with a Michelin starred chef with a high end cocktail and specialist craft beer bar – this application is designed purely to include private dining and conferencing to our offering by enlarging the licensed area to rooms on the second floor.
3. Noise – we have installed sound proofing to all floors but in particular from the basement to the ground floor.
4. The ground floor is now a restaurant (Claytons Kitchen) so the ground floor bar is now used purely as a dispense bar rather than a public bar with standing drinkers.
5. We have fitted more seating and tables in the basement with an emphasis on lounging areas rather than dancing/nightclub environment.

The old Porter staff and clientele have now moved to another establishment - The Nest (7 Bladud Buildings). It is noticeable that they are now causing issues for the police, licensing department and local residents in the area. This highlights that the previous issues that were associated with the Porter were due to the previous clientele and staff rather than the building itself and its location.

15/15a George Street – Photos of Condition



General Condition of Stairs



Room S6 – leak damage. Ceiling in danger of collapse



Room S6



General condition of gutters and external area



Room S6 – features removed



General Condition of building



Rm S5 – derelict condition



S1 – 20th Century staircase to be removed.



Banisters and Staircase in need of refurbishment



Plaster work in poor condition through building



Many floor boards missing/removed – many rooms have been replaced with chip board



Typical condition of sash windows

Images of The Porter after refurbishment

The Library (2nd Floor)



The Study (2nd Floor)



The Lounge (1st Floor)



The Snug/Lounge (First Floor)



The Lounge (First Floor)



The Basement (Lower Ground Floor)



The Kitchen (Ground floor)



The Kitchen (Ground Floor)



The Kitchen (Restaurant Ground Floor)



The Kitchen (Ground Floor)



The Kitchen (Ground floor)



Side Exterior

