
Bath & North East Somerset Council

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: democratic_services@bathnes.gov.uk

Web-site - <http://www.bathnes.gov.uk>

Date: 31 August 2016

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Licensing Sub-Committee

Councillors:- Les Kew, Mark Shelford and Caroline Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Thursday, 8th September, 2016

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Thursday, 8th September, 2016 at 10.00 am** in the **Kaposvar Room - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

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 Guildhall Bath (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 - Reception: Civic Centre - 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. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

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

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

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

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

Licensing Sub-Committee - Thursday, 8th September, 2016

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. 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 or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF THE MEETING OF 25TH AUGUST 2016 (Pages 7 - 10)

6. TAXI PROCEDURE (Pages 11 - 14)

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

7. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“the Committee 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, **RESOLVES** that the

public shall be excluded from the meeting for the following item(s) of business and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR A E (Pages 15 - 34)
9. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR A T (Pages 35 - 48)
10. LICENSING ACT PROCEDURE (Pages 49 - 52)
11. APPLICATION TO VARY THE PREMISES LICENCE FOR THE BELL , 103 WALCOT STREET, BATH BA1 5BW (Pages 53 - 138)

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

Tuesday, 9th August, 2016

Present:- Councillors Les Kew (Chair), Caroline Roberts and Peter Turner (in place of Mark Shelford)

Also in attendance: Carrie-Ann Evans (Senior Legal Adviser) and John Dowding (Senior Public Protection Officer)

20 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Mark Shelford had sent his apologies to the Sub-Committee. Councillor Peter Turner was present for the duration of the meeting as his substitute.

22 DECLARATIONS OF INTEREST

There were none.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

24 MINUTES OF 12TH JULY 2016

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

25 TAXI PROCEDURE

The Chairman drew attention to the procedure to be followed for agenda items 8 and 9.

26 EXCLUSION OF THE PUBLIC

RESOLVED that, the Sub-Committee 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 shall be excluded from the meeting for the following two items of business, and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

27 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR AU

The applicant confirmed that he had received and understood the taxi procedure.

The Senior Public Protection Officer summarised the report and reported that a DBS check on Mr AU had revealed convictions. He circulated the DBS statement and a statement submitted by the applicant. He informed the Sub-Committee that Mr AU had previously held a combined Hackney Carriage/Private Hire licence with the authority between 2005 and 2013 and no complaints were received regarding his conduct during that time. The hearing was adjourned to allow Members time to study the documents.

After the hearing was reconvened, Mr AU explained that he wished to regain his licence to be able to provide for his family. He added that the disclosed convictions all related to food hygiene within a restaurant that he had previously owned.

Councillor Peter Turner asked why he had ceased to have a Hackney Carriage/Private Hire licence in 2013.

Mr AU replied that following the problems at the restaurant he had taken some time off to relax and went to live in Hong Kong for a period of time.

The Chairman asked if he felt stressed currently.

Mr AU replied that he felt good currently and less stressed out as life is much calmer. He added that to regain his licence would be a sign of a new start.

Following a further adjournment the Sub-Committee **RESOLVED** that Mr AU was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members had to determine an application for a Hackney Carriage/Private Hire Driver's 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 decide whether or not the applicant was a fit and proper person to hold a licence taking into account all the circumstances.

Members took account of the applicant's written statement and balanced this against the information disclosed on the DBS certificate.

Members noted that BANES' Policy expects that applicants will not have been convicted of an offence during the previous three years however members took into account the nature, seriousness, frequency of offending and any mitigating circumstances put forward and noted that they could depart from the policy if there are good reasons for doing so.

Taking into account the nature of the offences, the fact that Mr AU went through a difficult period during which he overstretched himself leading to the conviction; the fact that he had learnt his lesson and his historic unblemished taxi record, Members were satisfied that there was good reason to depart from the policy and found that Mr AU is a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Accordingly, Mr AU's application for a combined Hackney Carriage/Private Hire Driver's Licence is granted.

28 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR ALT

The applicant confirmed that he had received and understood the taxi procedure.

The Senior Public Protection Officer summarised the report and reported that a DBS and DVLA check on Mr ALT had revealed convictions. He circulated the DBS and DVLA statement, a statement submitted by the applicant and references given on his behalf. The hearing was adjourned to allow Members time to study these documents.

After the hearing was reconvened, Mr ALT stated that he had really changed his lifestyle in the past eight years. He said that he was reliable and that having a job as a taxi driver would really suit his family life as the flexibility of the work would allow him to see his daughter at weekends and within school holidays.

Councillor Caroline Roberts asked what changes had he made to his lifestyle.

Mr ALT replied that he no longer drank alcohol and that he had grown up a lot. He added that becoming a father had also changed his outlook on life.

The Chairman asked what the main priorities in his life were now.

Mr ALT replied that his family and child were. He said that he has a big family unit locally and that they spend a lot of time together.

Following a further adjournment the Sub-Committee **RESOLVED** that Mr ALT was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members had to determine an application for a Hackney Carriage/Private Hire Driver's 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 decide whether or not the applicant was a fit and proper person to hold a licence taking into account all the circumstances.

Members took account of the applicant's written statement, references and balanced these against the information disclosed on the DBS and DVLA certificates.

Members noted from BANES' Policy that it is expected that applicants will not have been convicted of a serious motoring offence during the previous five years and members view a conviction for no insurance as serious. That said, having taken into account the mitigating circumstances surrounding that offence; the fact that save for the no insurance matter he has been conviction free since 2008; the fact that he seems to have changed his ways, become a family man and given up alcohol, Members have been satisfied by Mr ALT that there is good reason to depart from the policy and that he is now a fit and proper person.

Accordingly Mr ALT's application for a combined Hackney Carriage/Private Hire Driver's Licence is granted. Members note however, that they are likely to take a very dim view of any future complaints against Mr ALT for misconduct.

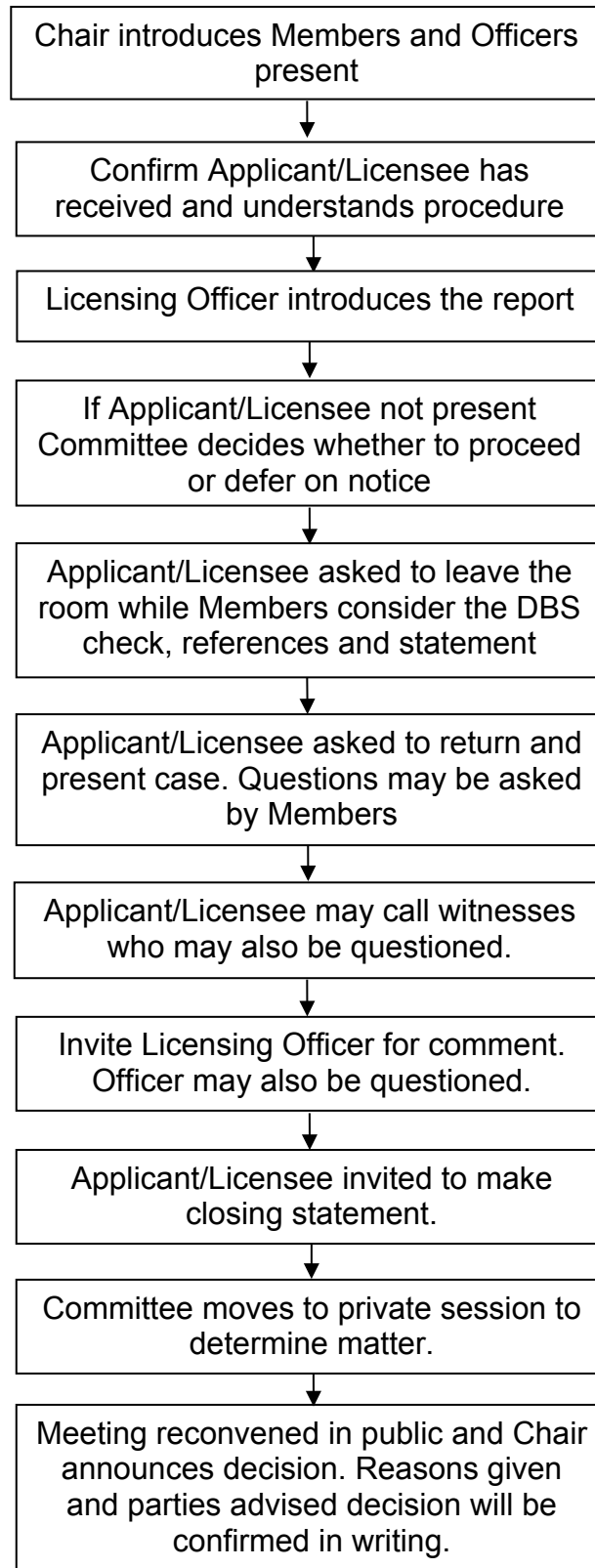
The meeting ended at 11.25 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



This page is intentionally left blank

**Licensing Sub Committee
Hackney Carriage (taxi) and Private Hire
Driver Application Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

Updated November 2013

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1312/16

Meeting / Decision: Licensing Sub-Committee

Date: 08/09/2016

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:
Annex A – Application Form
Annex B – Policy on Previous Convictions, Cautions and Fixed Penalty Notices

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:
 1. Information relating to any individual
 2. Information which is likely to reveal the identity of an individual
 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1375/16

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 8th September 2016

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:
Annex A – Application Form
Annex B – Policy on Previous Convictions, Cautions and Fixed Penalty Notices

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

- Stating the exemption:
1. Information relating to any individual
 2. Information which is likely to reveal the identity of an individual
 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

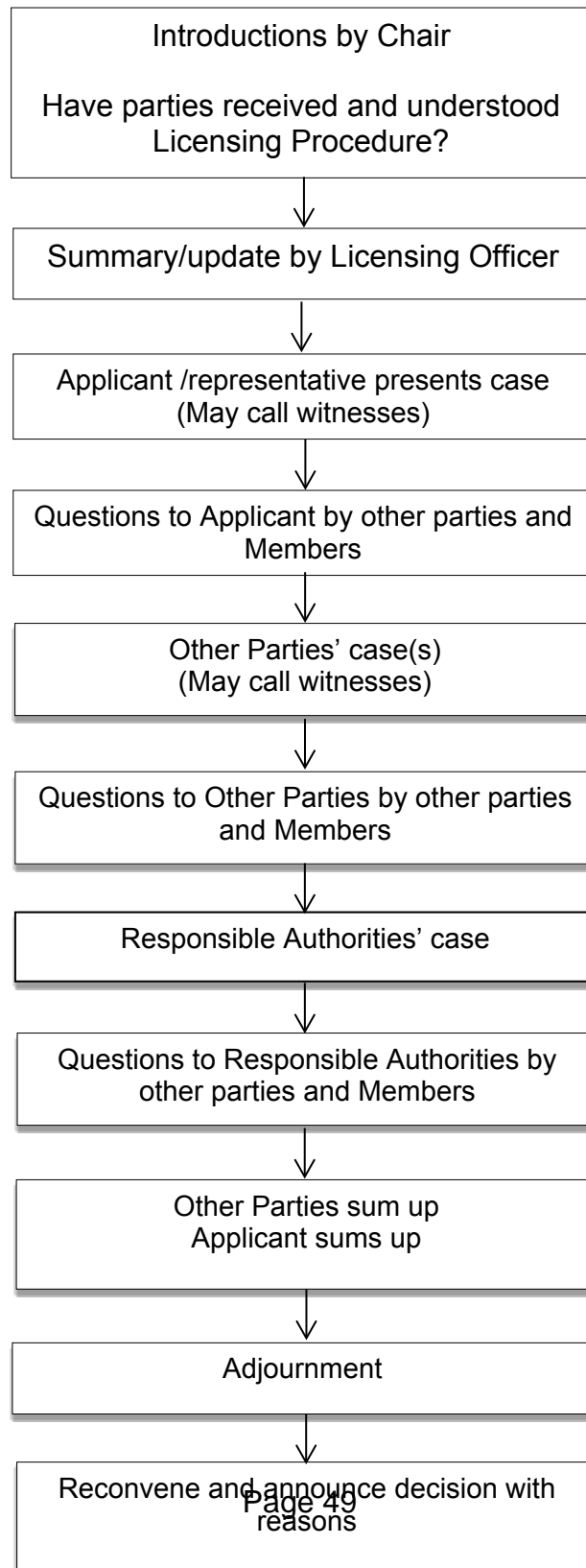
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



This page is intentionally left blank

LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES
LICENCE OR FOR A VARIATION OF A PREMISES LICENCE

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

1. The Chair will introduce Members of the Sub-Committee, the 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.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.*

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits 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.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations 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 and parties will be able to ask questions as set out above. However, 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.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

Bath & North East Somerset Council		
MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 8 September 2016	
TITLE:	Application to Vary the Premises Licence for The Bell , 103 Walcot Street, Bath BA1 5BW.	
WARD:	Abbey.	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Plan of Premises & Site Plan		
Annex D Representations received from other persons		
Annex E Additional Information from Applicant		
Annex F PEL Conditions		

1 THE ISSUE

1.1 An application has been received for the Variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of **The Bell**, 103 Walcot Street, Bath BA1 5BW.

2 RECOMMENDATION

2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £315.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

4.2 Consideration must be given to the Human Rights Act 1998 and the “convention rights”.

4.3 The Licensing Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

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

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

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

Monday and Saturday 10:00 – 23:00

Sunday 12:00 – 22:30

2) **Performance of Dance** (Indoors only)

Monday to Saturday 11:30 – 15:00

Monday to Saturday 20:00 – 23:00

Sunday 12:00 – 15:00

Sunday 20:00 – 22:30

3) **Exhibition of Film** (Indoors only)

Sunday 20:00 - 22:30

4) **Performance of Live Music** (Indoors only)

Monday to Saturday 11:30 – 15:00

Monday to Saturday 20:00 – 23:00

Sunday 12:00 – 15:00

Sunday 20:00 – 22:30

5) **Performance of Recorded Music** (Indoors only)

Monday to Saturday 11:30 – 15:00

Monday to Saturday 20:00 – 23:00

Sunday 12:00 – 15:00

Sunday 20:00 – 22:30

6) **Other Entertainments within the Act** (Indoors only)

Monday to Saturday 11:30 – 15:00

Monday to Saturday 20:00 – 23:00

Sunday 12:00 – 15:00

Sunday 20:00 – 22:30

7) Performance of Plays (Indoors only)

Sunday 20:00 – 22:30

8) Non-standard timings:

Sale of Alcohol:

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

9) Licensable activities for the Function Room:

Sale of Alcohol

Monday to Friday 10:30 – 23:00

Saturday 10:30 – 02:00

Sunday 12:00 – 22:30

Performance of Dance, Live & Recorded Music & Other Entertainment within the Act

Monday to Friday 11:30 – 15:00

Monday to Friday 20:00 – 23:00

Saturday 11:30 – 15:00

Saturday 20:00 – 02:00

Sunday 12:00 – 15:00

Sunday 20:00 – 22:30

10) Opening Hours

Monday to Friday 10:00 – 00:00

Saturday 10:00 – 02:30

Sunday 12:00 – 23:30

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

11) Conditions

The premises licence is subject to the following conditions:

- Mandatory conditions (see Annex 1 of premises licence)
- Conditions consistent with the operating schedule (see Annex 2 of premises licence)

- Conditions attached following hearing before the Licensing Sub-Committee on 30 September 2005 (see Annex 3 of premises licence)
- The standard terms and conditions attached to the public entertainment licence issued prior to the second appointed day as referenced in Annex 1 of the premises licence.

5.3 The variation application proposes:

To extend the terminal hour for the **Sale of Alcohol** for consumption on the premises on Fridays and Saturdays from 23:00 to 00:00 (midnight);

To extend the terminal hour for the playing of **Recorded Music** (Indoors only) on Fridays and Saturdays from 23:00 to 00:15 the following morning;

To extend **Opening Hours** on Friday only, by 45 minutes from 00:00 – 00:45 the following morning;

- To remove the Annex 1 condition relating to the Public Entertainment Licence (PEL); and
- To remove the Annex 2 condition which states:

“The playing of live music in the garden will not be permitted”

as the premises licence only authorises the performance of live music indoors.

~~5.4 The plans attached to the premises licence and a site plan are detailed in Annex C~~

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

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

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

5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.

5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.

5.8 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.

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

- a) Paragraphs 3-6, 8-10, 13-14, 16-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised March 2015)
- c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.

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

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

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

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

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

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

5.14 Five relevant representations have been received from other persons expressing concern that the applicant's proposals are likely to undermine the Prevention of Public Nuisance licensing objective (Annex D).

5.15 The premises licence allows the consumption of alcohol 'on the premises' and falls within Bath's cumulative impact area. As representations have been received, there is a rebuttable presumption that the application will be refused unless the applicant has demonstrated that the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact.

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

6 RATIONALE

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

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

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

Background papers	Licensing Act 2003; Guidance issued under s.182 of the Licensing Act 2003; Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005;
	B&NES Statement of Licensing Policy
Contact person	Terrill Wolyn Senior Public Protection Officer (Licensing) 01225 396939

Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We THE BELL INN (BATH) LTD

(Insert name(s) of applicant)

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

Premises licence number 15/01412//LAPRE
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE BELL, 103 WALCOT STREET			
Post town	BATH	Postcode	BA1 5BW
Telephone number at premises (if any)	01225 460426		
Non-domestic rateable value of premises	£		

Part 2 – Applicant details

Daytime contact telephone number		07970882930	
E-mail address (optional)		a.rron@yahoo.co.uk	
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

Extend the Sale of Alcohol for consumption on the premises, Fridays and Saturdays from 10.00 to 00.00 hours

To extend the playing of recorded music

To extended opening times on Fridays from 10.00 to 00.45

To remove Annex 1 condition relating to the Public Entertainment Licence

To remove the Annex 2 condition relating to the playing of live music in the garden

Please note that this variation purposes no changes to the activities and the times such activities are permitted to take place , in repect of the function room

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

Part 4 Operating Schedule

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

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----			
Thur	-----	-----			
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----			
Thur	-----	-----	State any seasonal variations for the performance of live music (please read guidance note 5)		
Fri	-----	-----			
Sat	-----	-----	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	-----	-----			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11.30	00.15			
Sat	11.30	00.15			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon	-----	-----		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	-----	-----	<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed	-----	-----			
Thur	-----	-----	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri	-----	-----			
Sat	-----	-----	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun	-----	-----			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

ANNEX A

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue					
Wed					
Thur				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 6)	
Fri	10.00	00.00			
Sat	10.00	00.00			
Sun					

K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<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 6)</p>
Tue			
Wed			
Thur			
Fri	10.00	00.45	
Sat			
Sun			

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

Subject to the standard terms and conditions attached to the public entertainment licence issued prior to the second appointed day

The playing of live music in the garden will not be permitted

ANNEX A

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
I do not have an original copy of the premises licence

M

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

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

All persons involved in the sale and supply of alcohol will be trained in such sales and records kept at the premises of the training. Records will be made available to the police and licensing authority on request.

We have posted a letter to all our local residents informing them of this application and listened to their feedback

b) The prevention of crime and disorder

Where a risk assessment by the DPS and/or at the written request of the police or licencing authority, door staff will be on duty to supervise all patrons entering and leaving and to ensure the good order of the premises.

We would seek to have a condition added to our licence that no alcohol can be taken from the venue unless in sealed containers

c) Public safety

A challenge 21 scheme shall be operated at all times when the premises is selling alcohol

Proof of age will be required from any person who appears under the age of 21

d) The prevention of public nuisance

Signs are to be displayed at each exit to encourage patrons to leave quietly

All doors and windows will be kept closed after 23.00 hours to reduce noise outbreak, except for access and egress

The placing of bottles into receptacles outside the premises is only permitted to take place between the hours of 09.00 and 17.00

We would look to employ a garden monitor on Friday and Saturday Nights between 21.30 and 00.45 to help with getting people to leave quietly.

e) The protection of children from harm

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 21.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 11)

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

Signature	Arron Whan
Date	19/10/2015
Capacity	General Manager / DPS

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Arron Whan
The Bell, 103 Walcot street

Post town	Bath	Post code	BA1 5BW
Telephone number (if any)	07970882930		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
a.rron@yahoo.co.uk			

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	15/01412/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Bell
103 Walcot Street
Bath
BA1 5BW

Telephone number 01225 460426

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Saturday 10:00 - 23:00
Sunday 12:00 - 22:30

Performance of Dance (Indoors only)

Monday to Saturday 11:30 - 15:00 and 20:00 - 23:00
Sunday 12:00 - 15:00 and 20:00 - 22:30

Exhibition of a Film (Indoors only)

Sunday 20:00 - 22:30

Performance of Live Music (Indoors only)

Monday to Saturday 11:30 - 15:00 and 20:00 - 23:00
Sunday 12:00 - 15:00 and 20:00 - 22:30

Performance of Recorded Music (Indoors only)

Monday to Saturday 11:30 - 15:00 and 20:00 - 23:00
Sunday 12:00 - 15:00 and 20:00 - 22:30

Other Entertainment within Act (Indoors only)

Monday to Saturday 11:30 - 15:00 and 20:00 - 23:00
Sunday 12:00 - 15:00 and 20:00 - 22:30

Performance of a Play (Indoors only)

Sunday 20:00 - 22:30

Non Standard Timings:**Licensable activities for the Function Room:****Sale of Alcohol:**

Monday to Friday: 10:30 to 23:00 hours

Saturday: 10:30 to 02:00 hours

Sunday: 12:00 to 22:30 hours.

Performance of Dance , Live Music, Recorded Music & Other Entertainment within the Act:

Monday to Friday: 11:30 to 15:00 and 20:00 to 23:00 hours

Saturday: 11:30 to 15:00 and 20:00 to 02:00 hours

Sunday: 12:00 to 15:00 and 20:00 to 22:30 hours.

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

The opening hours of the premises

Monday to Friday 10:00 - 00:00

Saturday 10:00 - 02:30

Sunday 12:00 - 23:30

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

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

Alcohol is supplied for consumption on the premises

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

The Bell Inn (Bath) Limited
103 Walcot Street
Bath
BA1 5BW
07900 956002
a.rron@yahoo.co.uk

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

Not applicable

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

Mr Arron John Whan
103 Walcot Street
Bath
BA1 5BW

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

05/00334
Oxford City Council

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

Signed for and on behalf of
Bath & North East Somerset Council:

Dated 20 April 2015

Annex 1 – Mandatory conditions

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

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

where:

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

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

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

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

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

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

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

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

(a)* 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991 (c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act

1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

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

From 1 October 2014:

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

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

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

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

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

Admission of children is restricted in accordance with the recommendation by the British Board of Film Classification.

If the film has not been classified the restriction of children must be approved by the Licensing Authority.

("Children" means any person under 18 years).

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

Subject to the standard terms and conditions attached to the public entertainment licence issued prior to the second appointed day.

Annex 2 – Conditions consistent with the Operating Schedule

There are to be no irresponsible drinks promotions or happy hours.

The playing of live music in the garden will not be permitted.

A notice will be displayed reminding customers to leave the premises quietly.

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

On 30 September 2005 the Sub-Committee granted the application for a variation of the applied for licence subject to the following conditions, namely:

Subject to the Mandatory Conditions under Sections 19 & 20 of the Licensing Act 2003.

Subject to the additional conditions as specified in the operating schedule.

Subject to the following further conditions as specified by the Sub-Committee;

The function room shall be allowed to operate at the applied for extended hours on Saturdays on no more than 15 occasions per year. All doors and windows shall be closed during the provision of regulated entertainment, save for access and egress.

Subject to the following times for opening, the sale of alcohol and the provision of regulated entertainment, namely:

Opening hours -

Sunday	12:00 - 23:30
Monday - Friday	10:00 - 00:00
Saturday	10:00 - 02:30

Sale of Alcohol (Main Bar) -

Sunday	12:00 - 22:30
Monday - Saturday	10:00 - 23:00

Sale of Alcohol (Function Room) -

Sunday	12:00 - 22:30
Monday - Friday	10:30 - 23:00
Saturday	10:30 - 02:00

Provision of Regulated Entertainment (by way of Live and Recorded Music, Dance, Similar Entertainment and the Provision of Facilities for Making Music, Dancing and Similar Entertainment) -

Main Bar -

Sunday	12:00 - 15:00 and 20:00 - 22:30
Monday - Saturday	11:30 - 15:00 and 20:00 - 23:00

Function Room -

Sunday	12:00 - 15:00 and 20:00 - 22:30
Monday - Friday	11:30 - 15:00 and 20:00 - 23:00
Saturday	11:30 - 15:00 and 20:00 - 02:00

Provision of Regulated Entertainment (by way of Films and Plays) -

Sunday	20:00 - 22:30
--------	---------------

The above times shall be in addition to the seasonal variations as applied for and set out in the Operating Schedule.

Annex 4 – Plans

As submitted with application.

THE BELL

103 Walcot Street, Bath

This plan shows the layout of the ground and first floors, the positions of exits and safety equipment, and the usage of interior and exterior areas.

All walls and partitions are plain Bath Stone (some plastered and/or painted) unless otherwise stated.

All interior ceilings are plaster/plasterboard (papered and/or painted) unless otherwise stated.

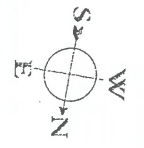
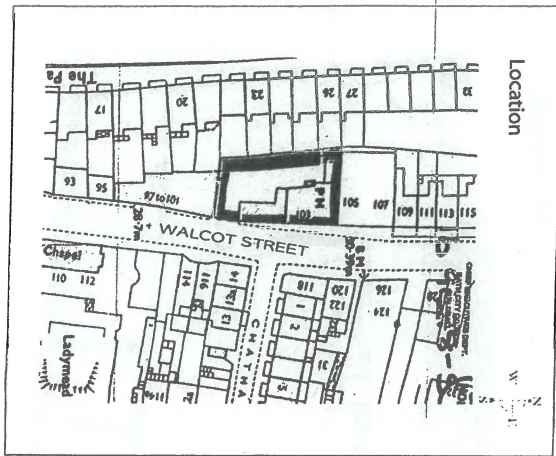
The building extends to a second floor (not shown on this plan) which is used for private accommodation.

This plan was surveyed on the 1st of August, 2005.

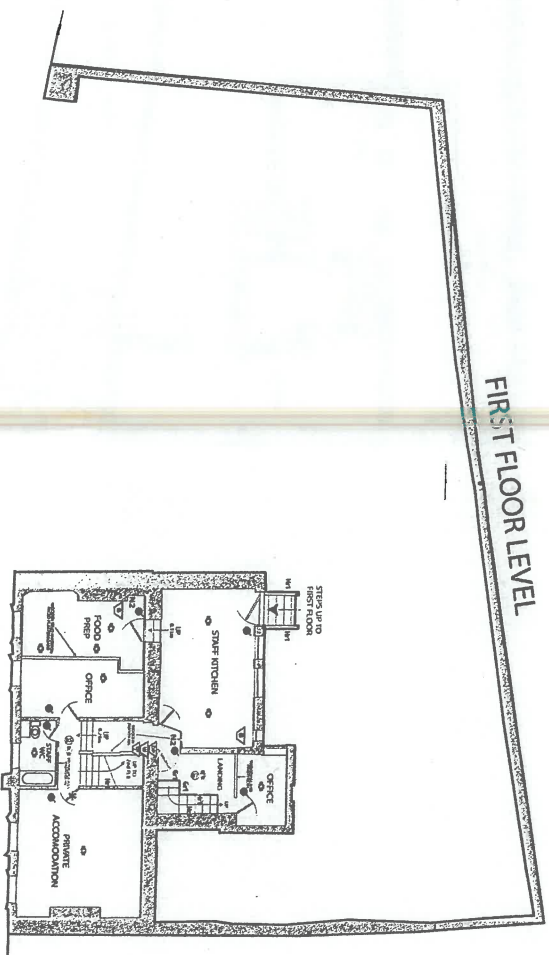
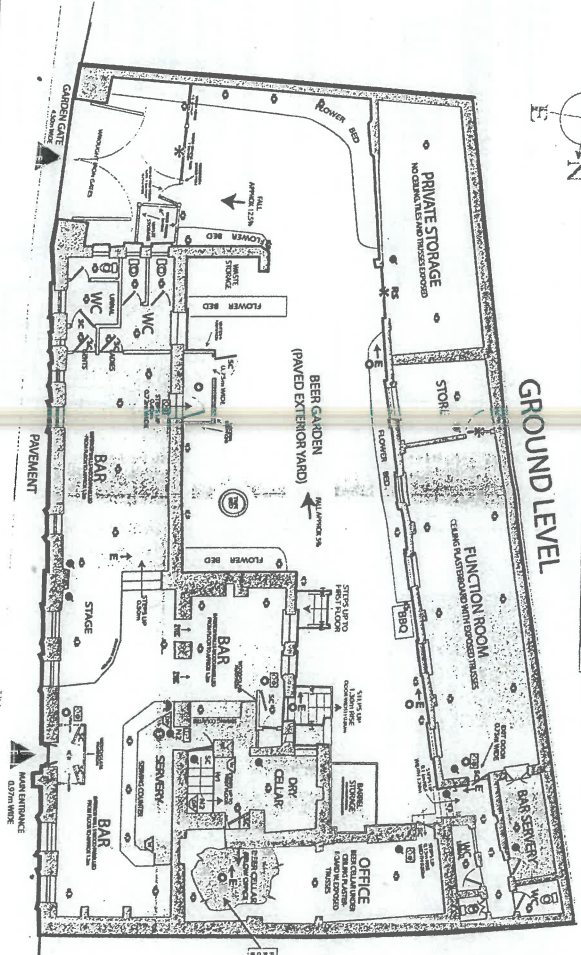
Scale 1:100

840mm x 594mm A1
Drawn by Charles Daney 1st August 2005

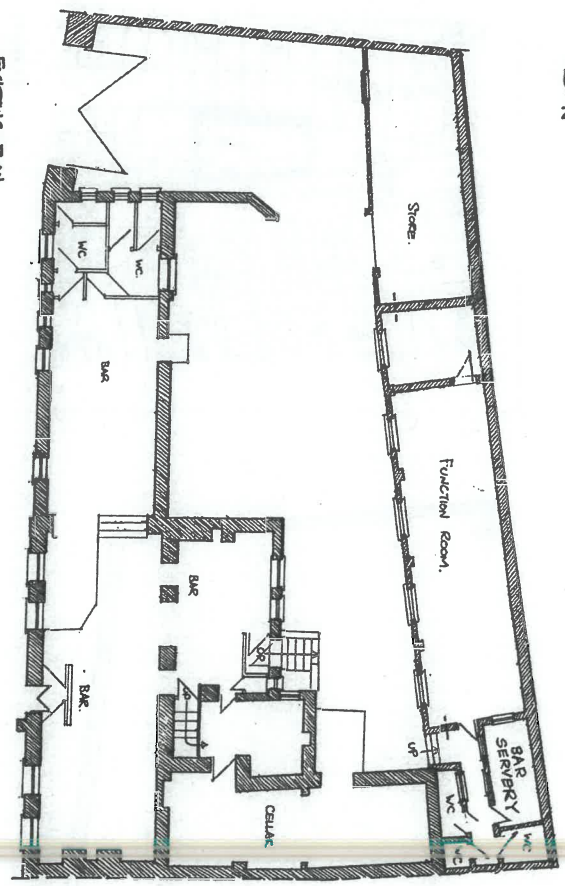
Printed by:
sales@reference-exhibitions.com
01225 331 304



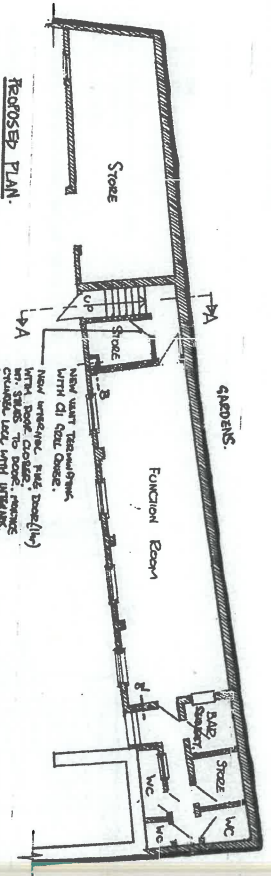
Scale 1:100



Legend	
	Entrances/Exits from premises
	Exterior Walls
	Interior Walls
	WC areas
	INTERIOR Areas for consumption of alcohol
	EXTERIOR Areas for consumption of alcohol
	No public access
	Serveries and alcoholic storage
	Kitchen Areas
	CO2 Fire Extinguisher
	Vermouring Liquid fire Extinguisher
	Multi-Purpose Spray (MPS)
	Fire Bucket
	Fire Blanket
	Sand bucket
	Water fire Extinguisher
	Foam fire Extinguisher
	Dry Powder fire Extinguisher
	Illuminated Exit Sign
	Exit Sign
	General Fire Notice
	N1 Staff Fire Notice
	N2 Staff Fire Notice
	N3 Fire Door Keep Locked Shut
	N4 Fire Door Keep Locked Shut
	N5 Roller-shutter
	VP Vision Panel
	* Door not forming part of escape route
	Fire Alarm / Zone indicator Panel
	Directional Exit Sign
	Fire Alarm Actuating Point
	Fire Alarm Sounder
	Smoke Detector
	Heat Detector
	Emergency Lighting Point
	Normal Lighting Point
	Actuating Switch for normal lighting point
	Smoke Detector with Sounder
	Heat Detector with Sounder
	HM1 Hand Rail
	HM2 Guard Rail



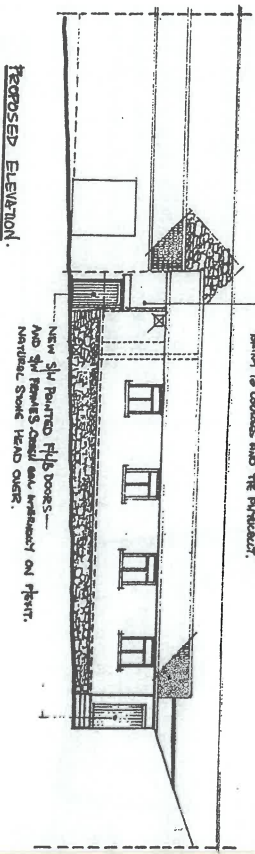
EXISTING PLAN.



PROPOSED PLAN.

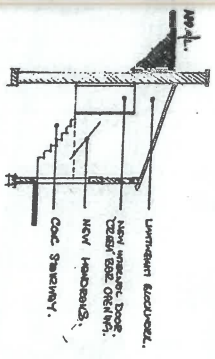
Notes:-
 1. New WC's to be provided in the Function Room.
 2. New WC's to be provided in the Bar.
 3. New WC's to be provided in the Cellar.
 4. New WC's to be provided in the Bar Servery.
 5. New WC's to be provided in the Function Room.
 6. New WC's to be provided in the Bar.
 7. New WC's to be provided in the Cellar.
 8. New WC's to be provided in the Bar Servery.
 9. New WC's to be provided in the Function Room.
 10. New WC's to be provided in the Bar.
 11. New WC's to be provided in the Cellar.
 12. New WC's to be provided in the Bar Servery.
 13. New WC's to be provided in the Function Room.
 14. New WC's to be provided in the Bar.
 15. New WC's to be provided in the Cellar.
 16. New WC's to be provided in the Bar Servery.
 17. New WC's to be provided in the Function Room.
 18. New WC's to be provided in the Bar.
 19. New WC's to be provided in the Cellar.
 20. New WC's to be provided in the Bar Servery.

1. DA-INSURE ASHLAG TO ST-WINDOW GRATING,
 BRUSH TO COORS AND THE PHYSICAL.



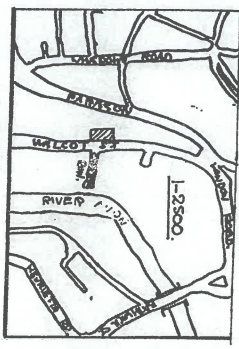
PROPOSED ELEVATION.

New 5/8" Butters Plate Doors--
 And 3/4" Reveal Glass and Hardware on Floor.
 Vertical Stone Hand Over.



SECTION A-A.

UPPERMENT BOUNDARY.
 NEW WOODEN DOOR
 TYPICAL CASE OPENING.
 NEW HANDRAILS.
 COAC STAIRWAY.



LOCATION.

THE BELL, 103 WALCOT STREET, BATH

PROPOSED RE-INSTATEMENT OF BAR SERVERY IN EAST FUNCTION ROOM, REVISION OF FLOOR AND STAIRS.

1:100

August 4 2005



Ian Nash

From: Licensing
Sent: 09 August 2016 21:28
To: Ian Nash
Subject: The Bell - REPRESENTATION - WHITING [REDACTED]

Hi Ian - Please find below amended representation from Lynda and James Whiting.

Terrill Wolyn
Senior Licensing Officer
Environmental Monitoring and Licensing
Bath & North East Somerset Council
Tel: 01225 396939
Fax: 01225 477596
Email: terrill_wolyn@bathnes.gov.uk
www.bathnes.gov.uk

Bath & North East Somerset - *The* place to live, work and visit.

Please tell us what you think of the service you received from us recently by completing our short online survey at [PPHI Customer Satisfaction Survey](#)

 Please consider the environment before printing this email.

From: [REDACTED]
Sent: 08 August 2016 17:29
To: Terrill Wolyn
Subject: Fwd: The Bell Ref 16/02338/LAPE

Lynda Whiting

Begin forwarded message:

From: [REDACTED]
Date: 7 August 2016 at 14:57:26 BST
To: licensing@bathnes.gov.uk
Subject: The Bell Ref 16/02338/LAPE

Dear Laura

OBJECTION REF 16/02338/LAPE

We live within yards of the Bell [REDACTED] the same post code.

We object to Variation Annex 1 playing recorded and live music until 12.15 am and remove Annex 1 condition relating to the public Entertainment licence.

We object to Variation Annex 2 playing live or recorded music in the garden, we live just yards away our bedroom windows to the rear and front as with 5 other houses in the rank 18 bedroom in total + 50 bedrooms from the Paragon above the venue.

The music acoustics acts as a sound tunnel along Walcot St and the rear gardens backing on to the Paragon and next to the Bell gardens.

The noise level is already loud it's as though you have the music playing in your own four

ANNEX D

walls.

Raucous shouting and screaming occurs every weekend from 10.30pm.
I don't know why it's got worst in the last 9 months!

James & Lynda Whiting

[Redacted signature]

[Redacted signature]

[Redacted signature]

Ian Nash

From: Licensing
Sent: 09 August 2016 21:32
To: Ian Nash
Subject: The Bell - REPRESENTATION - HOWARD

Ian – Please find below representation from Eric Howard, head of steering committee for Ladymead House.

Terrill Wolyn
Senior Licensing Officer
Environmental Monitoring and Licensing
Bath & North East Somerset Council
Tel: 01225 396939
Fax: 01225 477596
Email: terrill_wolyn@bathnes.gov.uk
www.bathnes.gov.uk

Bath & North East Somerset - *The* place to live, work and visit.

Please tell us what you think of the service you received from us recently by completing our short online survey at PPHI Customer Satisfaction Survey

 Please consider the environment before printing this email.

From: [REDACTED]
Sent: 08 August 2016 10:26
To: Licensing
Cc: [REDACTED]
Subject: REF 16/02338/LAPE

OBJECTION REF 16/02338/LAPE

Please excuse any dyslexic errors.

Dear Laura

My name is Mr Howard and I am the elected representative of the [REDACTED] (within 100 feet of the Bell Pub).

And I am writing to your office now to inform you that we as a group OBJECT to any further premising being given to the Bell Pub, Walcot Street, as listed below :-

To have any type of music played beyond 11pm at night
 To sell drinks beyond 11pm at night
 Or to be allowed to play or have live music in the garden area at the rear of the Bell at anytime.

We fully respect and enjoy the Bell Pub as being part of our community. However for the avoidance of doubt, we strongly object to the unsociable negative effect to our quality of lives caused by :- The Bell Pub playing nearby loud music in the Garden Area at anytime, or loud music being played beyond 11pm inside

A N N E Y D

together with the effect of people drinking until the early hours of the morning then pouring out onto our Street, which will inevitably lead to even more noise.

Yours sincerely

Mr Howard (head of steering committee)

08/08/16

[Redacted signature]

[Redacted text]

[Redacted text]

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:	16/02338/LAPRE
Applicant's name:	The Bell Inn (Bath) Ltd.
Premises name and address:	The Bell Walcot Street Bath
Application for a:	Extended hours for playing live music

Objector Details:

Objector's Name:	Diane Piper
Objector's Address:	
Organisation name if applicable:	

Objection Details:

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

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

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

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

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

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

I object to the extended hours for playing music at the Bell Pub as this is a largely residential area and the music is already very loud at times.

My concern is that any extension will cause noise pollution until late at night. I have two children of secondary school age and feel it is unfair to them (and myself) to be kept awake at such a late hour.

Since the Bell Pub's last application for extended hours they have shown no concern for residents in terms of modifying the volume of their music and I see no indication that they will do this in the future.

I would feel less anxious about the Friday and Saturday night extension until midnight if I was assured that the management of the Bell were more aware of the community of which they are part and that there would be strict monitoring of volume from the premises and garden.



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

Diane Piper

Date

10/08/16

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

[Redacted]

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 Diane Piper

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 and Health Improvement Service

ANNEX D

Lewis House
Manvers Street
Bath BA1 1JG



Dear Laura

OBJECTION REF 116/02338/LAPE

1 Live within doors of the Bell at 111
Walcot St BA1 5BW.

I object to Variation Annex 1 playing
live and recorded music until 12.15
and to remove Annex 1 condition relating
to the Public Entertainment Licence

I object to Variation Annex 2 playing
live and recorded music in the garden.

I live doors away and already the music
on the evenings they play is disturbing
already and has been for months. I feel
that when I go to bed I shouldn't feel
like I am in the Bell as the music is so
loud. This has been going on for quite a few
months now. Also when people leave they are
quite rowdy with screaming and sometimes fights
occur.

11/08/16.

[REDACTED]

[REDACTED]

ANNEX D
Mr & Mrs P Brown

DEAR LAURA.

OBJECTION REF 16/02338/LAPE

We live within doors of the Bell at
117 WALCOT ST. BAI SBW

We object to Variation Annex 1
Playing live and recorded music until 12.15am.
and to remove Annex 1 condition relating to
the PUBLIC ENTERTAINING LICENCE.

We object to VARIATION ANNEX 2 playing
live and Recorded music in the GARDEN.
We live doors away and already the music
is loud and like it is playing in your own
four walls.

[REDACTED]
[REDACTED] 11/8/16.



Terrill Wolyn

From: Arron Whan <a.rron@yahoo.co.uk>
Sent: 16 August 2016 16:25
To: Terrill Wolyn
Subject: Additional information for the Bell
Attachments: Draft Letter to neighbours about the late license.5.docx

Hi Terrill

could you please add this to our case file and circulate to all parties. This letter was hand delivered to the surrounding properties Of The Bell, including Walcot St, Chatham Row, The Paragon and any other neighbours in the second week of June

Regards

Arron Whan

The Bell Inn,
103 Walcot Street,
Bath BA1 5BW
01225 460426

9th June 2016

To: All Neighbours of The Bell

Dear Neighbour,

We are writing to inform you that we will be applying for a late licence, to open until 12.00 p.m on Friday and Saturday nights only.

The late evening events we have held recently have been very successful and we have received no complaints, only compliments.

Yours faithfully,

Mike Harrison (Chair of The Bell Board) mikeharrison369@btinternet.com

Arron Whan (General Manager) a.rron@yahoo.co.uk

**STANDARD TERMS, CONDITIONS AND RESTRICTIONS FOR
PUBLIC ENTERTAINMENT & THEATRE LICENCES**

CONTENTS

SECTION 1	GENERAL
SECTION 2	CONTROL AND CONDUCT
SECTION 3	FIRE PREVENTION & MEANS OF ESCAPE
SECTION 4	TESTING AND CERTIFICATION
SECTION 5	HOLDERS OF SPECIAL HOURS CERTIFICATES
SECTION 6	HEALTH AND SAFETY
SECTION 7	THEATRE LICENCES
SECTION 8	OPEN AIR CONCERTS AND SIMILAR EVENTS
SECTION 9	SANITARY ARRANGEMENTS IN PLACES OF PUBLIC ENTERTAINMENT
SECTION 10	DEFINITIONS

GENERAL POLICY

POLICY ON PREMISES OPENING AFTER MIDNIGHT

POLICY ON SUNDAY LICENSING HOURS

REVISED JULY 2002

GUIDELINES FOR APPLICANTS IN RELATION TO PUBLIC ENTERTAINMENT LICENCES

1. Applications for the grant renewal or transfer shall be made on a form obtainable from the Environmental and Consumer Services, 9-10, Bath Street, Bath BA1 1SN.
2. The notification which the applicant is required to give to the Chief Officer of Police and Fire Authority by Paragraph 6 of Schedule 1 to the Act shall be in the form of a copy of the application submitted to the Council including any plan or other accompanying documents.
3. Every application for the grant of an Entertainment's Licence (with the exception of an occasional licence) and every application for consent to alterations to the Premises shall be accompanied by a drawing or drawings to a scale of 1:100 showing the area, the subject of the application, coloured red and in the case of an application for consent to alterations showing in such detail as the Council may require the alterations intended to be carried out.
4. The appropriate fee shall accompany each application in accordance with the scale of fees then in force, subject to any statutory exemption and subject also to the power of the Council to remit the whole or any part of the fee in appropriate cases. No application will be considered before the appropriate fee has been paid.
5. The applicant shall place an advertisement in the attached format for all new and occasional applications for a Public Entertainment Licence in a local newspaper. A copy of the newspaper with the advertisement highlighted shall accompany the application.
6. An Entertainment's Licence will normally be granted for a period not exceeding one year and shall expire on the anniversary of the original grant every year but the Council reserves the right to grant a Licence for a shorter period as it deems fit.
7. An Entertainment's Licence will be granted to the person named therein in respect of the Premises named therein. Any changes in those particulars must be notified to the Council immediately. The Council's standard Terms, Conditions and Restrictions are issued with the first grant and renewal of a licence and may also be inspected at the offices of Environmental and Consumer Services, 9-10, Bath Street, Bath BA1 1SN between the hours of 8.30 am and 5.00 p.m. Monday to Thursday and 8.30 am to 4.30 p.m. on Fridays.
8. Applicants for the grant and renewal of licences must obtain from the Council and enclose with their applications an Inspection and Test Certificate for the electrical installation at the Premises completed by a competent person such as the manufacturer's appointed agent, the electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractors' Association, a member of the Electrical Contractors' Association of Scotland, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Application for **THE GRANT OF A PUBLIC ENTERTAINMENTS LICENCE**

In Respect of: -

Take notice that application has been made to Bath & North East Somerset Council for the Grant of a **Public Entertainment's Licence** by...

The application is for entertainment by way of ...at the above premises between the hours of: -

FOR A NUMBER OF PERSONS TO BE DETERMINED BY AVON FIRE BRIGADE

A copy of the application may be inspected at the Council offices below during office hours for the period of 7 days from the date of application of this notification: -

Environmental and Consumer Services,
9-10, Bath Street, Bath BA1 1SN
Hours 8.30 am and 5.00 p.m. Monday to Thursday and 8.30 am to 4.30 p.m. on Fridays.

Any person wishing to make objection/representation about the application should make it in writing to the Council's Licensing Service, 9/10 Bath Street, Bath BA1 1SN.

Under the provisions of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, such representations will normally be made available for public inspection.

Dated

SECTION 1**GENERAL****Notice**

There shall be affixed and kept visible in some conspicuous position on the door or entrance, including the foyer of the premises, an inscription in capital letters not less than 25 mm in height, as follows: "LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENT"

Statutory Restrictions

Nothing in this licence purports to authorise any public dancing or music or any other public entertainment of a like kind which is otherwise prohibited by statute.

Additional Conditions

These terms, conditions and restrictions shall apply insofar as they are not varied by any special terms, conditions and restrictions appearing on the Licence, referred to as additional conditions.

Hours of Use

Subject to Para (ii) below:

- (i) The premises shall not without the written consent of the Council be opened and used for the purposes for which the licence is granted except during the hours shown on the Public Entertainment Licence.
- (ii) This condition will not apply where a Special Order of Exemption has been granted in respect of the premises under Section 74(4) of the Licensing Act 1964 and the premises are open in accordance with that Order.
- (iii) The premises shall not be opened or used for the purposes for which this Licence is granted on Christmas Day.

Admission of Authorised Officers

Any police officer or authorised officer of the Council or Fire Authority shall at all times, whilst in the course of their employment, have free access to the licensed premises. All parts of the licensed premises shall be open to inspection by such persons during the time the premises are being used for the purpose for which the licence is granted, or at any other time upon reasonable notice being given to the licensee.

Change of Use

No change of use of any portion of the premises from that approved by the Council shall be made until the Councils consent has been obtained.

Alterations

- * The licensee shall not allow any alterations to the building, including works on the electrical installation, to be carried out on the licensed premises without the prior consent of the Council.
- * In the event of the premises being closed for alterations, additions, repairs or decorating they shall not be reopened until the consent of the Council has been obtained.
- * Except with the prior consent of the Council no work in connection with any alterations, repairs or decorating in areas occupied by the public or performers should be carried out whilst the public or performers are on the premises. If the Council so require, the premises shall be closed to the public until the work has been completed.

N.B. any consent given by the Council for licensing purposes does not exempt you from the need to obtain Planning Permission or Building Regulations Approval. Nor does consent given by the Council relieve the licensee of the necessity to seek a variation in the terms of the licence e.g. increase in the permitted numbers or variation of hours, and if required by the Council, of advertising that application.

Revocation or Modification of Conditions

The Council reserves the right, at any time, to revoke or modify, any of these conditions and/or to make such additional conditions as may be appropriate, either generally or in respect of any particular licence or occasion.

Revocation of Licence

If the Licensee is convicted of using the licensed premises otherwise than in accordance with these conditions the Council may revoke this licence.

Young Persons

The licensee shall comply with the provisions of Section 12 of the Children and Young Persons Act 1933 in all respects and shall comply with any requirement of the Council or the Police in respect thereof.

SECTION 2

CONTROL AND CONDUCT

Overcrowding

- a) The maximum number of persons present on the premises during the time the premises are being used for the purposes for which the Licence is granted shall not exceed the number specified on the Licence.

Nuisance

- a) Nothing which may be or becomes a nuisance or cause damage or unreasonable inconvenience to the occupiers of neighbouring properties shall be permitted on the licensed premises.
- b) The level of noise emanating from the premises must not be such as to cause a nuisance or annoyance to the occupiers of any other premises and any form of amplification shall be so controlled as to prevent such nuisance or annoyance.

Managers of Events

The licensee shall ensure that at all times when the licence applies there is a nominated person 21 years of age or over, in control of the premises. That person must be competent to assume the responsibilities of the licence holder and, in the absence of the licence holder, be granted the authority to make all necessary decisions concerning the operation of the premises under the terms of the licence. The nomination shall be in writing and signed by the licensee and must be kept on the premises and available for inspection.

Attendants

- a) There shall be sufficient competent adult attendants on the premises when public entertainment is taking place for the purposes of securing the health and safety of all persons occupying the premises.
- b) The Licensee, the person in charge of the premises and all **nominated** members of staff shall be properly instructed in the protection of the premises from fire, the use of the fire appliances provided and the method of summoning the Fire Authority.

Conduct of Premises

- a) The Licensee shall maintain good order and decent behaviour on the premises. Drunkenness or other disorderly conduct shall not be permitted.
- b) The Licensee shall take all reasonable steps to prevent the use of, distribution of, or dealing in controlled drugs taking place on the licensed premises.
- c) No part of the premises shall be used by prostitutes for the purposes of soliciting or of otherwise exercising their calling.
- d) The Licensee shall take all due precautions for the health and safety of the public, the performers and employees and except with the approval of the Council in writing shall retain control over all portions of the premises.
- e) The Licensee shall ensure that no poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied anywhere by or on behalf of an entertainment which may cause offence to the public. If the licensee is notified by the Council of such a poster, advertisement, photograph, sketch, synopsis or programme such items shall not be displayed, sold or supplied.

Performances

- a) No exhibition, recitation, acting, singing or dancing or entertainment of a like kind, which is obscene, offensive to public decency or calculated to incite a breach of peace, shall be allowed on the licensed premises.
- b) No exhibition, demonstration or performance of hypnotism (as defined by Section 6 of the Hypnotism Act, 1952) shall take place at the licensed premises.
- c) Performances involving danger to the public shall not be given.
- d) Except with the permission of the Council in writing and in accordance with any conditions attached to such permission scenery or stage properties shall not be kept or used on any stage or platform or in any other part of the premises.
- e) No cotton wool or other highly inflammable material shall be used for decoration or costume.
- f) No naked flames, lasers, smoke producing effects, foam machines, light shows (strobe lights) or pyrotechnics should be introduced without the written consent of the Council which must be applied for at the time of application for the licence or, in the case of an occasional event, not less than 14 days prior to the date of the event.
- g) Except with the consent of the Council, explosives or highly inflammable substances shall not be brought on to or used in the premises.

ANNEX F

- h) Balloons filled with inflammable gas shall not be used or sold or exhibited on the premises.

Maintenance of Premises

All parts of the premises and fittings therein, including the seating, door fastenings and notices, shall be maintained at all times in good order and condition.

- a) All floors, floor coverings and upholstery in the licensed premises shall be maintained in a clean condition.
- b) Mats, matting and other floor coverings shall be secured and maintained so that they will not ruck or be in any way a source of danger.
- c) The edges of the treads of steps and stairways shall be made conspicuous if so required by the Council. All gangways, exitways and the treads of steps and stairways shall be maintained with a non-slip surface.

Heating and Ventilation

- a) The public parts of the premises shall be kept properly and sufficiently ventilated.
- b) The type, positioning and guarding of all heating appliances shall be to the satisfaction of the Council.
- c) Portable Liquid Petroleum Gas is not a satisfactory form of heating and may only be used as a form of pre-heating before the arrival of the public when it should be removed from the premises.

Sanitary Accommodation

The sanitary installations in the premises shall at all times be kept in good order and repair, and be properly and effectively cleansed, ventilated, disinfected, and supplied with water, and the doors leading thereto shall be suitably marked. Adequate and separate sanitary conveniences shall be provided for persons of each gender and provision shall be made for suitable sanitary accommodation for disabled persons wherever practicable (more detailed requirements for sanitary accommodation are provided in Section 9 of these standard terms, conditions and restrictions).

SECTION 3

FIRE PREVENTION & MEANS OF ESCAPE

Exits

- a) All doors leading from exits into passages or the outside of the premises shall, where required by the Council, be kept open and fastened back by means of a padlock or other device, and be kept clear of obstruction. Temporary barriers shall not be fitted and any permanent barrier in exitways which may be provided with the approval of the Council for checking or controlling admission, shall be so arranged that the portion immediately in the line of exit will open automatically upon pressure being applied in the direction of the exit.
- b) All doors used for the purposes of exit must, if fastened during the time the public are in the building, be secured during such time only by automatic panic bolts and latches complying with British Standard 5725: Part 1. The crossbars shall, where practicable, be placed at the height of 900mm from the bottom of the door. Doors fitted with automatic bolts shall have the words "PUSH BAR TO OPEN" painted on them in block letters at least 50mm high complying with British standard 5499: Part 1. The pattern and position of automatic bolts may be varied with the written consent of the Council.
- c) All gangways, passages, staircases and exitways must be left entirely free from items or any other obstructions, whether permanent or temporary.
- d) The number, size and position of all doors or openings provided for the purpose of the egress of the public from the premises shall be to the satisfaction of the Council and shall comply with the following requirements:
 - i) All such doors or openings approved by the Council shall be clearly indicated by signs complying with the Health and Safety (Safety Signs and Signals) Regulations 1996 or fire safety signs conforming to BS5499 Part 1, 1990, large enough to be clearly seen from the furthest viewing point.
 - ii) Doors and openings, other than exits, which lead to parts of the premises accessible to the public shall have notices placed over them indicating the use of such parts or be marked "PRIVATE";
 - iii) Such notices and signs indicating the way out of the premises shall be provided, as the Council may consider necessary;
 - iv) Notices bearing the words "NO EXIT" shall not be exhibited without the consent of the Council;
 - v) All new EXIT signs shall comply with Health and Safety (Safety Signs and Signals) Regulations 1996 or fire safety signs conforming to BS5499 Part 1, 1990.

ANNEX F

- e) Only such parts of the premises as have been approved by the Council shall be used as retiring rooms, or cloakrooms, and provision for hanging hats or coats shall not be made in corridors, passages gangways or exit ways used by the public.
- f) No fastenings, other than automatic bolts as described above, shall be fitted on exit doors used by the public without the consent of the Council in writing, except that cabin hooks or stops to keep the exit doors in an open position may be fitted. If the Council gives consent to the use of chains, padlocks or other locking devices for securing exit doors when the public are not in the premises, a responsible person shall be required to remove such chains, padlocks or other devices before admission of the public and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the premises.
- g) Where collapsible gates or roll-up shutters are used these must be locked in the open position whilst the public are present. Revolving doors shall not be used as exit doors.
- h) Suitable access and egress shall be provided for disabled persons wherever practicable possible and at the discretion of the Council.

Fire Extinguishers and Access for Emergency Vehicles

The number and accessibility of fire extinguishers on the licensed premises and access for emergency vehicles must be to the satisfaction of the Fire Authority.

Outbreak of Fire

Any outbreak of fire, however slight, shall be reported immediately to the Fire Authority.

Fixtures and Fittings

- a) The hanging curtains over exit doors or across gangways shall be made to part in the centre, to hang so as to be readily drawn aside and not to trail on the floor, and be arranged so as not to conceal notices.
- b) All fixed or permanent decorations shall be of inherently incombustible materials or shall be treated and so maintained so that they will not readily catch fire.
- c) Any seating in the licensed premises shall be so arranged as to allow free access to all exits.
- d) For a closely seated audience chairs shall be either securely fixed to the floor or alternatively shall be battened securely together in units of not less than four seats. Adequate gangways not less than 1.05m wide, unless otherwise approved by the Council, shall be provided. The gangways shall lead directly to each exit door and shall be kept free from obstruction. No seat shall be more than 15m from any exit measured along the line of travel.

Fire Precautions

- a) No rubbish, waste paper or other combustibles shall be stored or allowed to accumulate in any part of the licensed premises, so as to create a hazard.
- b) No acetylene gas installations, liquefied petroleum gas or any flammable liquids or substance for producing light, heat or explosion shall be kept or used in the premises except with the consent of the Council.

Emergency Lighting

- a) All premises regularly open to the public (that is on more than one occasion each year) shall be fitted with emergency lighting of a minimum of one hour duration:-

In the event of failure of the main lighting system the public should be instructed to leave the premises immediately if the emergency lighting is only of one hour duration. If the emergency lighting is available for a longer period then the entertainment may continue until there is one hour remaining of the emergency lighting at which point the entertainment should be stopped and the public should be instructed to leave.

- b) The premises shall be fitted with illuminated exit signs in accordance with British Standards 5266 Part II 1988 should the main lighting be dimmed or extinguished at any time.



SECTION 4

TESTING AND CERTIFICATION

Ceiling Certificates

- a) If required by the Council all ceilings and ornamental plasterwork in those parts of the premises to which the public are admitted shall be inspected at least once in every five years by a suitably qualified or other competent person, with relevant experience and a certificate concerning the condition of such ceiling and plasterwork shall, after each inspection, be forwarded to the Council.
- b) Notwithstanding the provisions of the previous paragraph the Council reserves the right in any instance to require the provision of a certificate as to the condition of the aforesaid ceilings and plasterwork at such lesser interval than five years as the Council shall deem necessary.

Electrical Installation

- a) An electrical inspection and test certificate shall be provided to the Council every year or upon request.
- b) All electric fittings, wiring, and appliances shall be constructed and maintained in a safe and satisfactory condition and to the satisfaction of the Council.
- c) Where the socket outlets from the electrical installation may be used for the connection of lighting, video or sound amplification equipment, display models and other portable equipment, the Council may consider that each socket outlet, particularly in the **stage area** (except for socket outlets which are controlled by a properly installed **stage** lighting installation), should be protected by an integral residual current device (RCD) (earth leakage circuit-breaker) having a rated tripping current not exceeding 30 milliamps. RCD's should comply with the provision of British Standard 4293.

SECTION 5*** HOLDERS OF SPECIAL HOURS CERTIFICATES****Holders of Special Hours Certificates**

- a) Where a Special Hours Certificate under Section 77 of the Licensing Act 1964 has been converted and forms part of the Premises Licence, all sleeve glasses in the premises shall be made of toughened material.
- b) In all premises subject to the Special Certificate granted under Section 77 of the Licensing Act 1964, the following additional Conditions shall apply:
 - i) In all premises where the licence is operated in conjunction with a Section 77 Certificate, granted under the provisions of the Licensing Act 1964, there shall be person(s) on duty to vet customers and maintain public order at any given time. Such person(s) shall be approved by the Security Industry Authority.
 - ii) Every person on duty to vet customers and maintain public order at any given time shall wear an identification badge issued by Security Industry Authority. Badges shall be worn in a conspicuous position on the upper body.
 - iii) A register of the names of persons on duty to vet customers and maintain public order at any given time shall be kept at the premises and made available for inspection upon request by a Police Officer or authorised officer of the Council. Such a register shall be in a format as approved by the Council. Registers shall be retained for at least 12 months.
 - iv) In all premises where the licence is operated in conjunction with a Section 77 Certificate granted under the provisions of the Licensing Act 1964, there shall be installed a Closed Circuit Television system to a standard approved by the Council.
 - v) Tape recordings made at any licensed premises will be retained for a period of 31 days. If required, they will be made available for viewing and copying to the Police and to an authorised officer of the Council. The original tape may be retained by the Police or the Council for evidential purposes.

* These Certificates should not be confused with "Special Orders of Exemption" which are required for birthdays, engagements etc., or "Occasional Liquor Licenses".

These conditions are applicable to all new Premises Licences issued to take effect on 24 November 2005 that have converted their former Public Entertainment Licence conditions.

SECTION 6

HEALTH AND SAFETY

Risk Assessment

The Management of Health and Safety at Work Regulations 1992 require you to make a suitable and sufficient assessment of the health and safety risks, which exist or may arise in your business. You must identify all hazards; assess the risks that they could cause; and put effective measures in place to either remove those risks altogether or if that is not practicable, reduce them to the lowest level practicable. The assessment and any revision of it must be brought to the attention of all staff, subcontractors' etc, who must fully understand its contents.

Again the Regulations require the assessment to be in writing only if you employ five or more people. However, because of the inherent risks in your operation and the large number of people using your premises, the assessment must be in writing, irrespective of the number of employees.

Both the health and safety policy and the risk assessment must be readily available to all staff who should have free and easy access to it, whether or not you are on the premises.

SECTION 7

THEATRE LICENCES

Seating and Gangways

- a) The seating assigned to each person should not be less than:-
 - i) 760mm deep where backs are provided to the seats or 600mm deep where backs are not provided
 - ii) 500mm wide where arms are provided to the seats or 450mm wide where arms are not provided.
- b) In fixed seats there should be a clear seatway or space of at least 305mm measured between the perpendiculars from the back of one seat to the front of the seat immediately behind it.

Stage Area

- a) ~~Smoking and the use of naked lights or flame in the stage area is prohibited except so far as is necessary for the performance.~~
- b) Except with the permission of the Council in writing and in accordance with any conditions of such permission, scenery or stage properties shall not be kept or used on the platform or in any other part of the premises which are not provided with a safety curtain of a type approved by the Council.
- c) The safety curtain to the proscenium opening shall be lowered and raised in the presence of each audience.
- d) The words "SAFETY CURTAIN" shall be painted on the curtain in plain block letters not less than 300mm in height, in a position, which can be seen from all parts of the auditorium.
- e) In premises, which are not provided with a safety curtain, a proscenium will be permitted for occasional use if formed of heavy woollen material or similar substance, or incombustible sheeting on stout framing.
- f) Confetti paper or other inflammable material shall not be thrown about in the auditorium or in any rooms used as dressing rooms, nor shall there be any unnecessary accumulation of inflammable material in any part of the building.
- g) All drapery or scenery used in connection with a performance shall be made of material which is not readily inflammable, or of material which has been rendered flame retardant to standards particulars of which will be supplied, on request, by the Fire Authority or the Council.

ANNEX F

Occasional Theatre Licences

No intoxicating liquor shall be sold on the premises unless a Licence to sell intoxicating liquor has been obtained from the Licensing Justices.

SECTION 8

OPEN AIR CONCERTS AND SIMILAR EVENTS

The policy and regulations below shall apply to entertainment held “*wholly or mainly in the open air*”. They will apply in full or in part dependent upon the particular facts and circumstances, at the discretion of the Council.

General

The application, with all necessary supporting documents, must be submitted within the period set out below, before the date of the event:-

For up to 2,000 people	3 months
For above 2,000 people	6 months

Except as otherwise provided, the applicant, or licensee, shall submit for prior approval scale drawings to the Council showing: -

- a) ~~The position of the site in relation to surrounding roads, residential areas, schools, hospitals or other potentially noise sensitive areas.~~
- b) The layout of the site showing:-
 - i) Car parking areas.
 - ii) Camping areas (if applicable).
 - iii) Access gates, perimeter roads and roads within the site.
 - iv) Stage and auditorium positions.
 - v) Sanitary accommodation, positions and drinking water positions.
 - vi) Maintained clear routes into the site for emergency use.
 - vii) Any other information relevant to the proposals or that may be requested by the Council.

The applicant shall submit, for prior approval of the Council, information in respect of the following items:-

- a) The anticipated audience numbers.
- b) The names of performers and a schedule of events.

ANNEX F

- c) Details of security personnel and other attendants.
- d) Provision of fire fighting equipment.
- e) Means of calling the emergency services.
- f) The name and contact telephone number of the sound engineer.

SAFETY

The licensee shall meet all the fire precaution requirements (relevant to open air, or similar, events) as detailed in Section 3, of these standard terms, conditions and restrictions.

All temporary buildings, tented structures, stages, lighting rigs and any other structures used in connection with the event shall be positioned, constructed and maintained to be:-

- a) Fire resistant to the satisfaction of the Council.
- b) Structurally sound and not liable to collapse in the event of settlement, wind damage, crowd movement or other reasonably foreseeable course.
- c) Electrically safe.
- d) Otherwise safe for its intended use.

The licensee shall provide suitable and sufficient crowd barriers and other physical measures, to the satisfaction of the Council, to minimise dangers arising from audience movement. Similarly the licensee shall provide adequate numbers of attendants and security personnel to maintain good order.

No special effects shall be used as any part of the entertainment without the prior approval of the Council.

WELFARE

The licensee shall provide, in location to the approval of the Council:-

- a) Sanitary accommodation in accordance with the standard laid down in Section 9 of these standard terms, conditions and restrictions. The sanitary accommodation provided shall be maintained in good working order and kept clean at all times.
- b) Supplies of wholesome drinking water.
- c) Disposal facilities for waste water and litter.

NOISE CONTROL

Generally the licensee shall undertake all reasonable measures to control noise from the event. They shall, in particular:-

- a) exercise control, at all time, over the level of amplification.
- b) be able to stop the entertainment in the event of an emergency or if permitted time restrictions are exceeded.

The licensee shall, if required by the Council, appoint acoustic consultants or, experts of similar standing, at the licensee's expense to:-

- a) act on behalf of the licensee to represent their interests in terms of noise control and to liaise with officers of the Council on matters of noise control.
- b) undertake sound level readings prior to the event, during rehearsals or sound checks, and during the event itself.

The Council may impose such conditions as it feels appropriate to control noise. In particular the Council may impose noise conditions to:-

- a) control the permitted times of entertainment.
- b) establish monitoring points to measure sound levels.
- c) set sound level limits in relation to particular monitoring points and during particular times.

DISPOSAL OF WASTE

All waste shall be disposed of in an approved manner. No waste or other materials shall be burnt on site.

The site shall be cleared of litter, or other extraneous matter, within 24 hours of the close of the event.

SECTION 9

SANITARY ARRANGEMENTS IN PLACES OF PUBLIC ENTERTAINMENT

General

Suitable and sufficient sanitary conveniences shall be provided in enclosed and private accommodation for male and female.

Suitable and sufficient hand washing facilities including bowls, hot and cold water, or warm water at a suitably controlled temperature, soap and hand drying facilities shall be provided.

Sanitary conveniences should be readily visible, well lit and should be clearly indicated by notices and signs.

The minimum recommended standard for sanitary accommodation should be based on British Standard BS 6465 (Code of Practice for Scale of Provision, Selection and Installation of Sanitary Appliances).

Table 7 – Buildings used for public entertainment

Appliances	Males	Females
WC	In single-screen cinemas, theatres, concert halls and similar premises without licensed bars: 1 for up to 250 males plus 1 for every additional 500 males or part thereof	For single-screen cinemas, theatres, concert halls and similar premises without licensed bars: 2 for up to 40 females 3 for 41 to 70 females 4 for 71 to 100 females plus 1 for every additional 40 females or part thereof
Urinal	In single-screen cinemas, theatres, concert halls and similar premises without licensed bars: 2 for up to 100 males plus 1 for every additional 80 males or part thereof.	
Wash basins	1 per WC and in addition 1 per 5 urinals or part thereof	1 , plus 1 per 2 WCs or part thereof
Bucket/cleaner's sink	Adequate provision should be made for cleaning facilities including at least one cleaner's sink	

NOTE 1 In the absence of more reliable information it should be assumed that the audiences will be 50% male and 50% female.

NOTE 2 In cinema-multiplexes and similar premises where the use of facilities will be spread through the opening hours the level or provision should normally be based upon 75% of total capacity and the assumption of equal proportions of male and female customers. (For single-screen cinemas 100% occupancy is assumed.)

NOTE 3 Where buildings for public entertainment have licensed bars, facilities should also be provided in accordance with Table 10, based upon the capacity of the bar(s) and assuming equal proportions of male and female customers.

NOTE 4 Attention is drawn to the necessity to provide facilities for the disposal of sanitary dressings.

NOTE 5 Attention is drawn to the Workplace (Health, Safety and Welfare) Regulations 1992. See also Table 4 and Annex A.

NOTE 6 For toilets for disabled people see clause 6.

Sanitary Accommodation at Open Air Concerts and Similar Events

The table below shows a general guideline for sanitary accommodation at a music event, though these figures may be too high for short duration events such as country fairs and garden parties, or too low for events with high levels of fluid consumption.

For Events of <u>More</u> than 6 Hours		For Event of <u>Less</u> than 6 Hours	
Female	Male	Female	Male
1 toilet per 100 females	1 toilet per 500 males, plus 1 urinal per 150 males	1 toilet per 120 females	1 toilet per 600 males, plus 1 urinal per 175 males.

Wash-hand basins should be provided at each unit/block of sanitary accommodation on a scale of one basin per unit/block plus one for every five WCs or one for every five urinals.

ANNEX F

Facilities for People with Special Needs

Sufficient and appropriate sanitary accommodation should be provided for the disabled. The WC and associated fittings including wash-hand basins should be sited close to the area set aside for entertainment, and should be designed to comply with the provisions of British Standard 5810 (Access for the Disabled to Buildings – General Recommendations). The provision of WCs should relate to the expected number of disabled people attending the entertainment.

Drinking Water Supplies

A sufficient number of drinking water outlets shall be distributed throughout the venue at locations approved by the Council.

Disposal of Waste

An adequate number of suitable refuse containers shall be placed in approved locations around the venue and clearly identified for the purposes of litter.

All waste receptacles shall be emptied sufficiently frequently to ensure that the site is maintained in a clean condition. All waste shall be disposed of in a manner approved by the Council. No waste or other materials shall be burnt on site.

SECTION 10

DEFINITIONS

British Standards (BS): includes British Standards Codes of Practice and Specifications issued by The British Standards Institution

The public: people resorting to places of entertainment and recreation, irrespective of payment and includes audiences, performers, contractors and other people who have a legal right to be present on the premises.

Places of public entertainment: means such places to which people resort, including places of recreation, whether as members of the public, members of a club or otherwise.

Public Entertainment: a licence is required under the Local Government (Miscellaneous Provisions) Act 1982, for public dancing or music or any other entertainment of a like kind. A licence is required whether or not the public are entertained by a performer or music or dancing, or where the public themselves take part in the dancing or music.

Private Events: these are events where the public does not have free access, e.g. events that are by invitation only.

Licence: means the document issued by the Council giving permission to the Licensee to hold either a performance of a play or public entertainment. The licence document shall comprise of all the conditions specified and any special conditions.

Prior Approval: means information submitted, in writing, to the Council, at least 28 days before the event, for approval by the Council.

Building: includes a temporary or movable building and also includes a permanent or temporary structure and any vessels remaining moored, or on, dry land.

Council: means Bath and North East Somerset District Council.

Special Hours Certificates (Licensing Act 1964, s.77)

This certificate is available for licensed premises which, are intended to be used for the regular provision of music and dancing and substantial refreshment.

It extends the permitted hours in a licensed premises.

Special Orders of Exemption

This order extends the permitted hours on a single "special occasion". The magistrates will decide whether or not the event is a "special occasion", in which they have wide discretion.

ANNEX F

Occasional Liquor Licences

This licence allows the holder of a justice's "on licence" to sell any intoxicating liquor covered by their licence at a place other than their own licensed premises.

Suitably Qualified/Competent Person: for the purposes of this licence must be: -

1. For the inspecting of Electrical Installations/Equipment

- a) a corporate member of the Institute of Electrical Engineers.
- b) a contractor enrolled with the National Inspection Council for Electrical Installation Contracting.
- c) a suitably qualified representative of the supply authority.
- d) any other person deemed competent, with prior approval of the Council.

2. For the Inspecting of Gas Installations/Equipment

- a) a member of the Confederation for Registration of Gas Installers (CORGI).

3. For the Inspecting of Liquid Petroleum Gas (LPG) Installation Equipment

- a) an engineer from either the installation company or the manufacturers of the equipment.

GENERAL POLICY

1. That Public Entertainment Licence and Theatre Licences are issued annually for 12 months from the date of current renewal or from the new application date or for a shorter period, if required.
2. That the following consultations are carried out on new applications and renewals: -
 - a) Avon and Somerset Constabulary
 - b) County of Avon Fire Brigade
 - c) The Council's Building Control Officer
 - d) The Council's Environmental Health Officer (Noise and Health and Safety)
 - e) The Council's Planning Officer
 - f) Parish Council
 - g) Ward Councillors
3. That the following checks are carried out on applications and renewals for Public Entertainment Licences and Theatre Licences: -
 - a) Receipt of satisfactory application form
 - b) Drawings (if new, or premises have been altered)
 - c) Test certificate for the electrical installation
 - d) Correct fee
4. That a test certificate for the electrical installation is required annually for all premises.
5. That the applicant shall place an advertisement in an approved format for all new and occasional applications for a Public Entertainment Licence in a local newspaper. A copy of the newspaper with the advertisement highlighted shall accompany the application.
6. That any contentious or "objected to" applications be referred to the Licensing Sub-Committee for determination.

**POLICY FOR THE GRANT OF PUBLIC ENTERTAINMENT LICENCES
TO PREMISES WHICH PERMIT OPENING AFTER MIDNIGHT**

- 1 Each application for the grant, or renewal of a public entertainment licence, or a variation in the terms, conditions or restrictions on or subject to which the licence is held shall be considered on its merits.
- 2 In considering such applications, the Council will have due regard to the following:-
 - (i) The hours of operation applied for.
 - (ii) The proximity of residential/hotel/guest house accommodation.
 - (iii) Concerns of any residents, traders or institutions or other interested persons objecting to the application.
 - (iv) The comments of the appropriate Residents and Traders Associations.
 - (v) The observations/objections of consultees.
 - (vi) Evidence of complaints about noise and disturbance from the premises or its patrons, including any history of noise complaints.
 - (vii) The current planning permission.
 - (viii) The observations of the Licensing Officer regarding compliance with the licensing conditions.
 - (ix) The proximity of other late night music and dancing venues.
 - (x) Any other relevant factors.
- 3 (a) As a matter of general policy, places of Public Entertainment will not normally be licensed after 2.00 a.m.
 - (b) An application to permit opening after 2.00 a.m. will be referred to the Licensing Sub-Committee for determination*. The principal concerns of the Licensing Sub-Committee in determining such applications will be the impact the proposals will have on the Environment and the effect of noise and disturbance of residents/traders in the vicinity.
 - (c) Any Public Entertainment Licence granted which permits opening after 2.00 a.m. will normally be subject to the following additional conditions in addition to the Councils standard terms and conditions: -
 - (i) No alcohol to be served after 2.00 a.m.
 - (ii) No admittance after 1.00 a.m.

**Applicants should be aware that where officers have concerns with regard to any application, such an application may be referred to the Licensing Sub-Committee for determination.*

**POLICY FOR UNLIMITED PERMITTED HOURS FOR PUBLIC ENTERTAINMENT
ON FRIDAY NIGHTS AND SATURDAY NIGHTS.**

On the 10 May 2001 the Council's Housing and Public Protection Committee resolved that unlimited permitted hours for public entertainment on Friday nights and Saturday nights be agreed subject to the standard terms, conditions and restrictions applied to public entertainment licences plus those specific additional conditions as follows:-

- a) The licensee will be responsible for the installation and maintenance of a closed circuit television system immediately inside and outside the club entrance, the system to be operated in accordance with the Council's approved code of practice. Tapes must show the time, date, camera location detail, be used a maximum of ten times and retained before reuse for a minimum period of 31 days in a secure place.
- b) The number of duty staff shall be such as to enable active monitoring in the immediate environment (i.e. staff outside the doors to the premises) and to take reasonable and appropriate steps to minimise the negative impact of customers arriving or leaving.
- c) There shall be no new admissions or re-admissions after 2 am.
- d) Freephones or payphones shall be made available to all customers and have displayed contact telephone numbers for a selection of hackney carriages and private hire taxi services.
- e) Advice on personal safety shall be displayed prominently within the premises.
- f) Any proof of age card initiative undertaken by the Council shall be actively promoted.
- g) The licensee will support initiatives by the Community Safety Partnership or other agencies, to address under age drinking and drug misuse.
- h) Reasonable steps shall be taken to bring to the notice of customers a request that they respect the needs of local residents and leave the premises and locality in a quiet and orderly fashion.
- i) The licensee shall notify the Police and the Council's Licensing Service of any variation in the hours specified in the licence.
- j) The licensee shall provide information on request to the group responsible for monitoring and reviewing the trial.

POLICY ON SUNDAY LICENSING HOURS

The Council, on application, will not normally permit an extension of Public Entertainment Licences on a Sunday, beyond 10.30pm