
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: 28 September 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, 6th October, 2016

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Thursday, 6th October, 2016 at 10.00 am** in the **Council Chamber - Guildhall, Bath.**

Briefing

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

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, 6th October, 2016

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer 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 PREVIOUS MEETING (Pages 7 - 12)

6. 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.

7. TAXI PROCEDURE (Pages 13 - 16)

The Chair will draw attention to the procedure to be followed for the next two items of business.

8. CONSIDERATION OF A FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE - MR J M O (Pages 17 - 38)

9. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR R G W (Pages 39 - 52)

10. RETURN TO OPEN SESSION

The Sub-Committee will return to open session.

11. LICENSING PROCEDURE (Pages 53 - 56)

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

12. APPLICATION FOR A PREMISES LICENCE FOR THE EARL, 8-10 MANVERS STREET, BATH BA1 1JQ (Pages 57 - 108)

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

Thursday, 8th September, 2016

Present:- Councillors Les Kew (Chair), Mark Shelford and Caroline Roberts

Also in attendance: John Dowding (Senior Public Protection Officer), Terrill Wolyn (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor)

29 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

30 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

31 DECLARATIONS OF INTEREST

There were none.

32 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

33 MINUTES OF THE MEETING OF 9TH AUGUST 2016

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

34 TAXI PROCEDURE

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

35 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.

**36 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE
- MR A E**

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

The Senior Public Protection Officer summarised the report and stated that an enhanced DBS certificate showed no previous convictions or relevant information disclosed at the Chief Police Officers discretion. A statement submitted by the applicant and references given on his behalf were circulated. The hearing was adjourned to allow Members time to study these documents.

After the hearing was reconvened, Mr AE said that he had nothing further to add to his statement.

Members asked the applicant questions relating to the reported incidents.

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

Reasons

Members have had to determine an application for a combined 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 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 his oral representations and balanced these against the information disclosed in the Report.

Members noted that the applicant was first licensed by the Authority in November 2013 and that during that time no complaints were received regarding his conduct. Members also noted that a Disclosure and Baring Service certificate showed no previous convictions or relevant information disclosed at the Chief Police Officer's discretion.

Members noted that the applicant brought these matters to the authority's attention and the Police took no further action on the matters. As he had not been convicted of any offence and had a good record as a licenced driver Members find he is a fit and proper person to hold a combined hackney carriage and private hire drivers licence.

**37 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE
- MR A T**

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

The Senior Public Protection Officer summarised the report and stated that a DBS and DVLA check on Mr AT had revealed convictions. He circulated the DBS and a

statement submitted by the applicant with references given on his behalf. The hearing was adjourned to allow Members time to study these documents.

After the hearing was reconvened, Mr AT said that he had nothing further to add to his statement except to say that he would take the profession of being a taxi driver very seriously.

The Sub-Committee **RESOLVED** that Mr AT was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members have had to determine an application for a combined 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 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 his oral representations and balanced these against the information disclosed in the Report and DBS certificate.

The applicant stated he is a different person now, takes driving very seriously and the matters were not something that would occur again.

Members found the matters were historic and the applicant had moved on with his life. They therefore find him a fit and proper person and grant the licence.

38 LICENSING ACT PROCEDURE

The Chairman drew attention to the procedure to be followed for agenda item 11.

39 APPLICATION TO VARY THE PREMISES LICENCE FOR THE BELL , 103 WALCOT STREET, BATH BA1 5BW

Applicant: Arron Whan (DPS and Manager), John Revell (Company Secretary)

Other Persons: Eric Howard, Susan Williams

The parties confirmed that they had received and understood the procedure to be followed for the hearing.

The Senior Public Protection officer summarised the application. She explained that the applicant was seeking to vary the current premises licence as set out in paragraph 5.3 of the report. Representations received from the Other Persons related to the licensing objective of the prevention of public nuisance. She invited the Sub-Committee to determine the application.

Mr Whan addressed the Sub-Committee. He said that The Bell was known as a music venue and that it also held fund raising events. He said that there were no drink promotions at the premises, that they take an active role in the Challenge 21 programme and that signs are in place in order to ask customers to leave the premises quietly.

He added that he had received no complaints regarding the conduct of the premises and that the variation would not have a negative effect on the area.

He said he had written to local residents regarding the application and had met with some of them as part of the process.

Mr Revell addressed the Sub-Committee. He stated that The Bell was a professionally managed premises that since 2013 has been owned by a co-operative of 534 members. He added that the nine person Board of Directors meets on a monthly basis and that their contact details were available on their website.

In response to questions from Members Mr Whan stated that:

- Chilled out music would be played by DJ's if the extended time were granted.
- The garden area would be monitored.

Eric Howard addressed the Sub-Committee. He said that the Paragon acted as a natural amplifier to noise within the area and that he could hear music from The Bell inside his home. He stated that he did not believe that the music played by the DJ's would be quiet.

In response to questions from Members Mr Howard stated that:

- He had not made any complaints regarding noise to the Council.
- He had complained to the premises regarding noise on New Year's Eve.
- The Bell was an asset to the area, but there was no need for any later hours.

Susan Williams addressed the Sub-Committee. She said that she had complained to the manager regarding the same New Year's Eve as Mr Howard and the level of noise from the premises.

In response to questions from Members Susan Williams stated that:

- She had phoned Environmental Health on New Year's Eve at 1.30am as she could not sleep. The music stopped at 2.30am.
- Recently she felt that the music had been getting louder.
- In her opinion the manager was not bothered by the complaints of residents.

Following an adjournment the Sub-Committee **RESOLVED** to grant the variation with modifications as detailed below.

Decision and reasons

Members have today determined an application to vary a premises licence at The Bell, Walcot Street, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information before them. Members noted that the application should be considered on its own merits and that the premises are within the Cumulative Impact Area. Accordingly there is a presumption that such applications should be refused unless the applicant demonstrates that they are unlikely to add significantly to the Cumulative Impact already experienced.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests.

The Applicant

The application was for a variation to the premises licence to:

- Extend the sale of alcohol on Friday and Saturday by 1 hour from 23:00hrs to 00:00
- Extend the opening times on Friday from 00:00 to 00:45hrs
- Extend the playing of recorded music on Friday and Saturday from 23:00 to 00:15hrs
- Remove the condition in Annex 1 relating to the Public Entertainment Licence
- Remove the Annex 2 condition relating to the playing of live music in the garden

The applicant stated this was a community pub and they had consulted widely on the application with neighbours and responsible authorities. The pub supports a number of community events and the application would further these. A number of conditions were put forward to address the concerns of the neighbours. It was stated that the pub wishes to be a good neighbour and is owned by a cooperative of 500 members with strong links to the community.

Interested Parties

The interested parties stated noise is a problem as the architecture of the area acts to amplify noise and noise can be heard in side their own homes. The pub is very loud with lots of loud speakers. It was stated that although the premises are well run there is a problem with noise from the garden and music and if the application is granted the problem will get worse.

Members

Members are aware that the premises are located in the Cumulative Impact Area and were mindful that the Licensing Authority may not reduce the rights granted by the existing premises licence.

Whilst Members noted that since 2012 there have been no formal complaints to the licensing authority and no Responsible Authorities had objected to the variation residents were affected by music emanating from the premises.

In reaching their decision Members noted that in relation to paragraph 9.42 of the Statutory Guidance their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Accordingly, Members removed the Annex 1 condition relating to the Public Entertainment Licence as the legislation had been repealed and the condition was no longer relevant. Members also removed the Annex 2 condition as the licence does not permit the playing of Live Music in the garden and therefore this condition was no longer relevant.

Members granted the 45 minutes of additional opening time on Fridays, and the additional 1 hour for the sale of alcohol.

With regards to recorded music members granted an additional 30 minutes on Fridays and Saturdays believing that the conditions offered by the applicant would deal with the issue of public nuisance and 30 minutes is a reasonable period of extension in the circumstances rather than the 75 minutes applied for.

Accordingly, Members considered that this variation would not have a significant detrimental effect on the cumulative impact area and they delegate authority to the licensing officer to issue the licence.

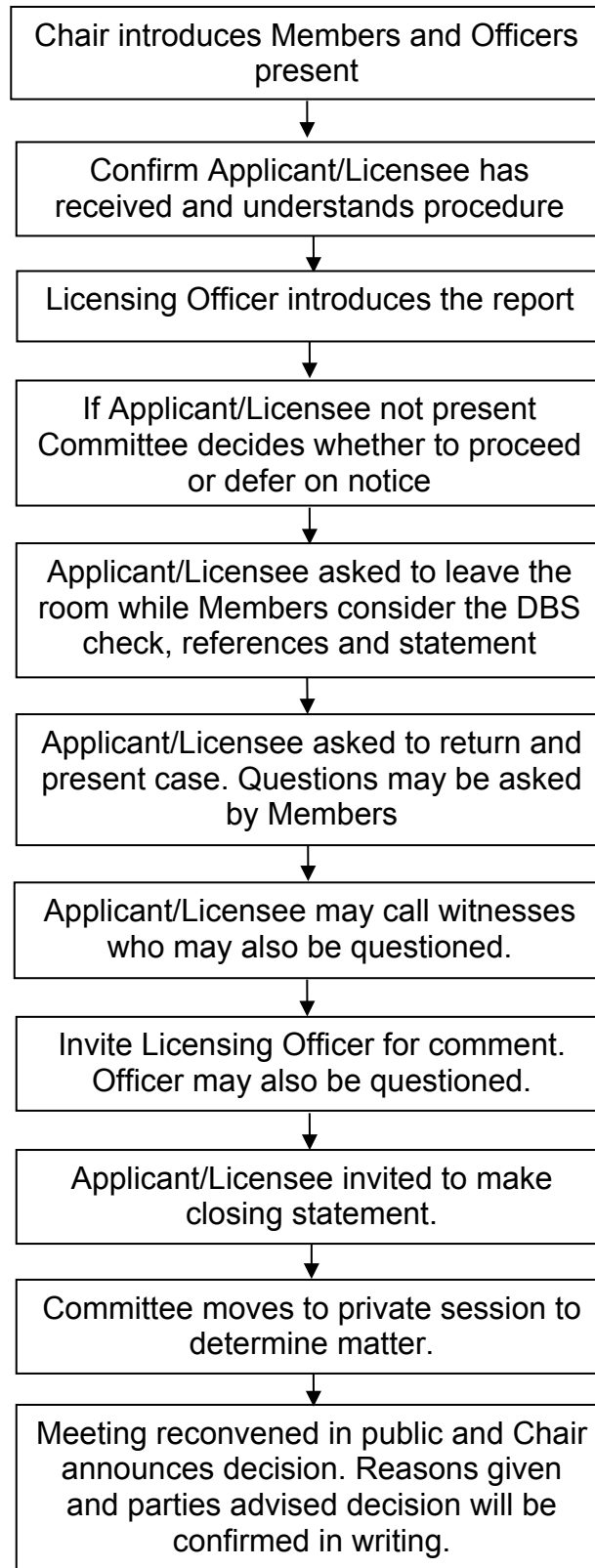
The meeting ended at 12.15 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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



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**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-1374/16

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 6th October 2016

Author: John Dowding

**Exempt Report Title: CONSIDERATION OF FIT AND PROPER PERSON
IN THE ABSENCE OF A VALID DBS CERTIFICATE**

Exempt Appendix Title(s):

**Annex A – Current Combined Hackney Carriage/Private Hire Drivers
Licence**

Annex B – Letter dated 16th June 2016.

Annex C – Letter dated 5th July 2016.

**Annex D – Policy on Hackney Carriage and Private Hire Licensing
Standards – Drivers, Vehicles and Operators**

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.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1583/16

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 6 th October 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.

<p>Stating the exemption:</p> <ol style="list-style-type: none"> 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.

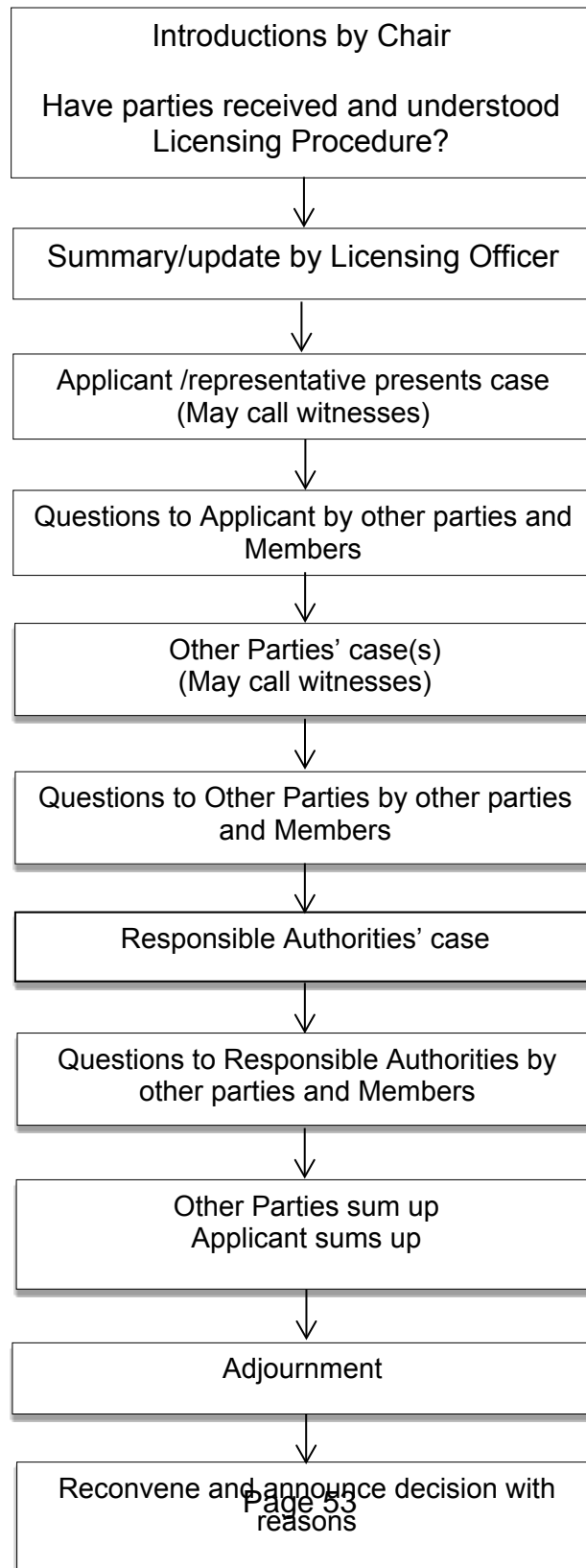
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**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*



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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 6th October 2016	
TITLE:	Application for a Premises Licence for The Earl 8–10 Manvers Street Bath BA1 1JQ	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new premises licence		
Annex B Plan of premises		
Annex C Site plan		
Annex D Representations from 'other persons'		
Annex E Current Premises Licence		

1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of The Earl, 8–10 Manvers Street, Bath BA1 1JQ

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

4.3 The 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 for a new Premises Licence (**Annex A**).

5.2 The Earl currently has a Premises Licence (**Annex E**) which allows the following licensable activities:

1) Sale of alcohol

Mondays to Saturdays 10:00 – 02:00

Sundays 10:00 – 22:30

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

2) Performance of recorded music (indoors only)

Mondays to Saturdays 10:00 – 02:00

Sundays 10:00 – 02:00

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

3) Other Entertainment within the Act (Indoors only)

Mondays to Saturdays 10:00 – 02:00

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

4) Opening Hours

Mondays to Saturdays 10:00 – 02:20

Sundays 10:00 – 22:30

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

The above licensable activities are permitted to take place within the defined area in the plan attached to Annex E (which does not include the patio area at the rear of the premises adjacent to Kingston Road).

5.3 The plan identifying the “premises” for the purpose of this new application is attached at **Annex B**.

5.4 The application proposes:

1) **Recorded Music** (indoors):

Mondays to Fridays 17:00 – 01:30 the following morning

Saturdays 12:00 – 01:30 the following morning

Sundays 12:00 – 22:30

From normal activity start time on New Year’s Eve until normal activity start time on New Year’s Day

It should be noted that following the Deregulation Act no licence permission is required for “any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that audience does not exceed 500”

2) **Supply of Alcohol (on and off premises)**

Mondays to Saturdays 12:00 – 02:00 the following morning

Sundays 12:00 – 22:30

From normal activity start time on New Year’s Eve until normal activity start time on New Year’s Day

3) **Opening Hours**

Mondays - Saturdays 12:00 – 02:00 the following morning

Sundays 12:00 – 22:30

From normal opening time on New Year’s Eve until opening time on

The new premises Licence application is to include the patio area as part of the premise, as indicated on the plan attached to the new premises application (**Annex B**)

Also included in the new Premises Licence application is the proposal to reduce the following licensable activities from the existing premises licence:

- Reduce the times permitted for the **sale of alcohol** by 2 hours at the commencement of the day (from 10:00 to 12:00)
- Reduce the times permitted for the **performance of recorded music (indoors only)** at the commencement of the day by 7 hours on Mondays to Fridays (from 10:00 to 17:00) on Saturdays and Sundays by 2 hours (from 10:00 to 12:00) and to reduce the terminal hour by 30 mins on Mondays to Saturdays and by 3hrs 30mins on a Sunday.

5.5 As part of the new Premises Licence it is proposed to reduce the opening hours by 2 hours at the commencement of each day (from 10:00 to 12:00) and reduce the terminal hour by 20 minutes on Mondays to Saturdays (to 02:00 from 02:20)

5.6 A site plan is attached at **Annex C**.

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

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

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

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

5.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act 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 & 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 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 the applicant served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, Health Authority and the Child Protection Agency.

5.13 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 to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.

5.14 Representations have been received from other persons who express concerns that the applicant's proposals will undermine the **Prevention of Public Nuisance** licensing objective

5.15 The application proposes consumption of alcohol "on premises" and falls within the 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 not add significantly to the cumulative impact.

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

6. RATIONALE

6.1 As representations have been received the 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.

8.2 Issues relating to Safeguarding have been considered in respect of this application.

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

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

Contact Person	Ian Nash, Public Protection Officer 01225 396719
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy

BANES

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We IV League LTD

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Earl 8-10 Manvers Street Bath BA1 1JQ			
Post town	Bath	Postcode	BA1 1JQ

Telephone number at premises (if any)	07817544546
Non-domestic rateable value of premises	£24,500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

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

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name I V League Limited
Address 7 Kingston Road Bath Ba1 1PQ
Registered number (where applicable) 04085875
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01225 464 451
E-mail address (optional) mail@secondbridge.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

As soon as possible.

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

DD	MM	YYYY
┆┆	┆┆	┆┆┆┆

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

Cocktail Bar (which already benefits from a premises licence issued in 2008), with outside terrace area and bar.

Please note that this application does not propose any increase in the hours for the sale of alcohol or recorded music at the premises as already permitted, in fact it proposes to decrease the hours already authorised for these activities. As we wish to include the external area within our "licensed" premises a new application was required. There will be no regulated entertainment in the external area.

Should this licence be granted, the existing premise licence shall be surrendered.

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

N/A

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

ANNEX A

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	17:00				
Tue	17:00	01:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) From normal activity start time on NYE, until normal activity start time NYD.		
Wed	17:00	01:30			
Thur	17:00	01:30			
Fri	17:00	01:30			
Sat	12:00	01:30			
Sun	12:00	01:30			
		22:30			

G

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

H

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

I

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

ANNEX A

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	12:00							
Tue	12:00	02:00						
Wed	12:00	02:00						
Thur	12:00	02:00						
Fri	12:00	02:00						
Sat	12:00	02:00						
Sun	12:00	02:00						
	12:00	22:30						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
						From normal activity start time on NYE, until normal activity start time NYD.		

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

Name Christopher Bromley	
Address 4 Pettigrove Road, Bristol	
Postcode	BS15 9SL
Personal licence number (if known) SGC/105946	
Issuing licensing authority (if known) SGC	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
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 5)</p> <p>From normal opening time on NYE, until normal opening time NYD.</p>
	12:00		
Tue		02:00	
	12:00		
Wed		02:00	
	12:00		
Thur		02:00	
	12:00		
Fri		02:00	
	12:00		
Sat		02:00	
	12:00		
Sun		02:00	
	12:00	22:30	

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

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

No regulated entertainment shall take place in the outside area.

There will be no sale of alcohol from the external bar on Tuesdays, Wednesdays or Sundays.

b) The prevention of crime and disorder

On Club Nights, SIA registered door staff shall be present from 21:00 until closing time. At least one door supervisor shall be on duty for every 100 persons on the premises.

Door staff will wear high visual jackets.

There shall be no new admission to the premises after 01:00 hour (also see C)

c) Public safety

CCTV shall be installed in consultation with the police and shall be maintained in good working order. Recordings shall be of evidential quality and retained for 31 days and made available to the police upon request.

d) The prevention of public nuisance

Signage to be displayed at exit requesting customers to be considerate of neighbours when leaving.

There shall be no regulated entertainment in the outside area.

e) The protection of children from harm

The premise shall operate a “Challenge 21” policy

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. (Please call for card payment)
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. Application sent electronically therefore onus on LA to forward to RAs n/a
- I have enclosed the consent form completed by the individual I wish to be designated premises

supervisor, if applicable.

- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

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

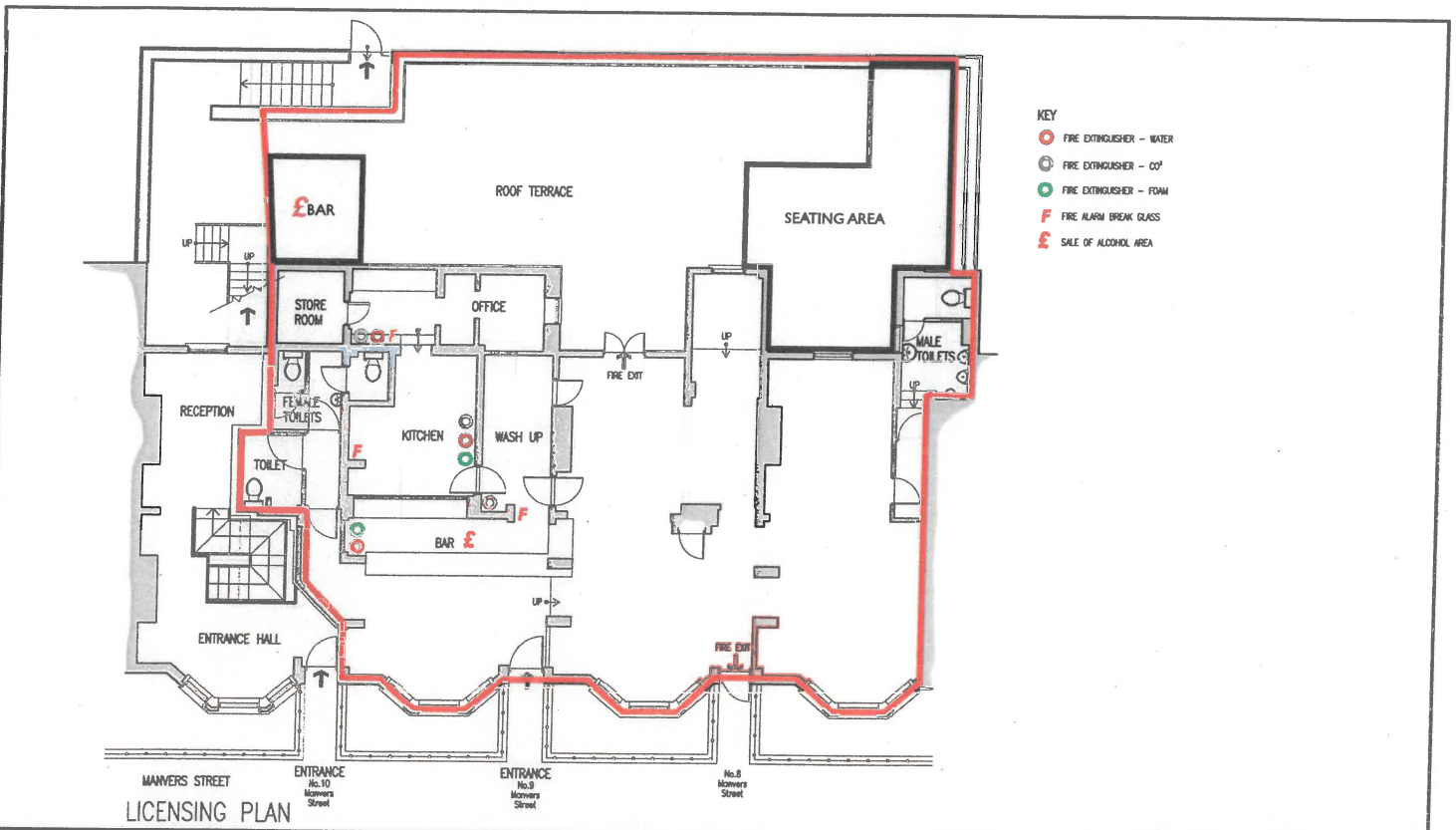
Signature	Jacob Oppon
Date	16/08/16
Capacity	Premises Licence Holder

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

Signature	Simon Marshall
Date	16/08/16
Capacity	Premises Licence Holder

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Chris Bromley 4 Pettigrove Road			
Post town	BRISTOL	Postcode	BS159SL
Telephone number (if any)	07817544546		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) cbromley1975@gmail.com			

ANNEX A



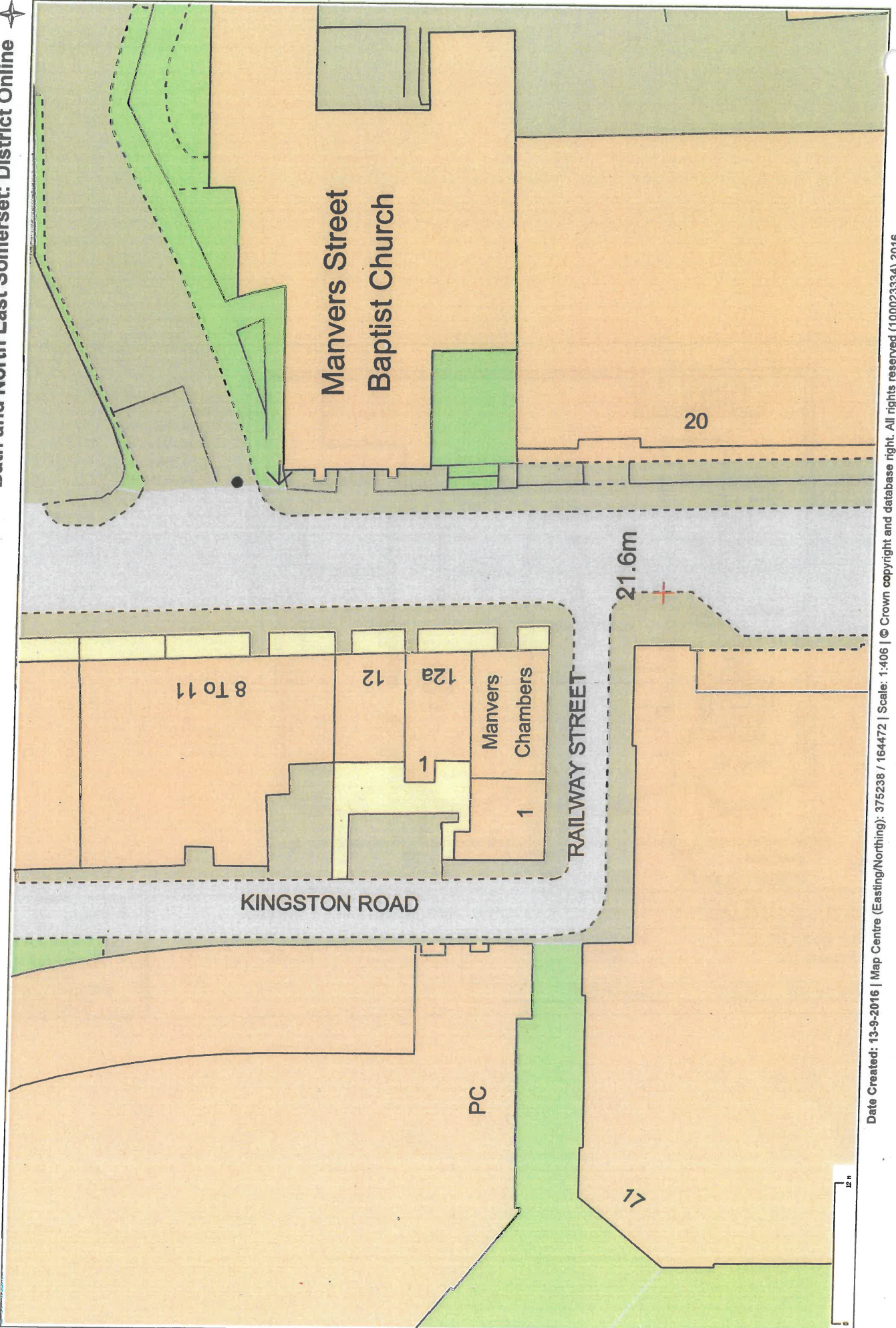
- KEY**
- FIRE EXTINGUISHER - WATER
 - FIRE EXTINGUISHER - CO²
 - FIRE EXTINGUISHER - FOAM
 - FIRE ALARM BREAK GLASS
 - SALE OF ALCOHOL AREA

LICENSING PLAN

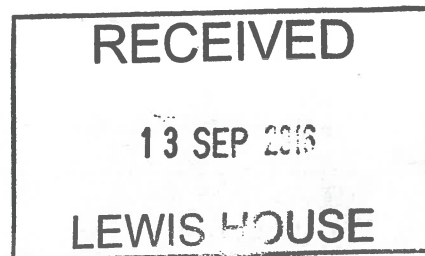
Notes
 1. This drawing is the copyright of D R Mills & Associates and may not be copied or reproduced without permission. Revisions
 2. All dimensions to be verified on site by contractor.

Client	I V League Ltd	Project	8-10 Manvers Street Bath
Description	Licensing Plan		
Date	September 2008	Scale	1:100
		Dwg No	2500-52

D R Mills & Associates
 CHARTERED BUILDING SURVEYORS
 24 James Street West, Bath
 BA1 2BT
 Tel: (01225) 443336 Fax: (01225) 443337
 email: drmills@drmills.co.uk



Bath and North East Somerset Council
 Licensing Services
 Lewis House
 Manvers Street
 Bath
 BA1 1JG



11 September 2016

Dear Sir, Madam

Reference: Licensing Applications. (Reference:16/02575/LAPRE)
Representation re the Earl of Manvers - application for a Premises Licence

I am writing to formally object to the premises licence that has been put forward for approval by the Earl of Manvers in Bath. I am the owner and resident of the premises in Bath.

Since moving in to my home at the end of April 2016, I have made a number of complaints to the Council with regards to noise levels and general public nuisance from patrons of the Earl of Manvers Pub and the co-owned Second Bridge Nightclub. Recordings of the noise at antisocial hours have been made and submitted to BANES and since put forward to the Earl. Nigel Shire has been my main point of contact and very helpful to date. He can update you on action in the last 4 months.

By granting a license to the outside area at the back of the Earl, this would only serve to increase levels of noise, predominantly from unruly and inebriated patrons and further disturb and upset residents nearby. By granting the sale of alcohol until 2am and the use of recorded music until 1:30, this is going to make nearby residents lives unbearable and basically prevent us from getting any sleep. As an HR Director at a global media business in London, I get up at 5:30 to catch the train into London every day and so my sleep is essential; to my being able to do my job. By permitting noise and alcohol sale in the outside area until 2am on week nights and 1:30 on Sundays this is going to have a serious impact on my sleep, wellbeing and ultimately my health – the same goes for all my neighbours.

Can I suggest that we can come to a compromise and allow music and people to be outside until 11pm on week nights and midnight at weekends in order to allow residents in this area their human right to get a good nights' sleep please?

It is important to also raise the cumulative impact that this will have on the area. The Earl and Second Bridge admit patrons from both the front entrance on Manvers Street and the back entrance on Kingston Road. My flat is dual aspect so for me, there is no escape from noise from both the usually drunk patrons admitted to both the Earl and the Second Bridge club. My bedroom faces the back and my sitting room is at the front. By allowing people to be drinking outside for longer, this means greater volume of patrons and more noise. Staff at the Earl and Second Bridge drag barriers on to the pavement along Manvers Street directly outside my flat and also to the back on Kingston Road, in order to manage queuing patrons. At the front, these people are queuing right outside my front door so if residents in my building wish to come and go, they are faced with this queue of

people. To leave the building in this time, it means people have to step into the road. These people are behaving anti-socially, shouting, dropping litter, cigarette butts etc., and are a general public nuisance. Attached are some pictures taken from my sitting room and kitchen windows:

Outside my sitting room window:



Kingston Road:



This volume of people also causes an obstruction to the highway as well and forces people onto the road to pass which is unsafe. As mentioned, people do not enter either of these establishments sober so the increased likelihood of an accident in the road by someone under the influence of alcohol only increases.

Can I suggest that people waiting to enter the pub/club are asked to queue the other way down Manvers Street, towards the council buildings instead please? The pavement is wider here so perhaps a holding area could be created for these people wishing to enter and shepherded into the building in small groups instead?

In light of the work underway to regenerate Manvers Street, it seems the Earl and Second Bridge are the blots on the landscape. Anything that can be done to manage the behaviour of patrons, both waiting to enter and whilst drinking in the outside area at the back, and ensure the management of these venues start to take some responsibility for the behaviour of their patrons, would be greatly appreciated.

Should you require any further information or like to discuss further, please let me know.

Yours sincerely,

Charlotte Gibson

ANNEX D

Bath And North East
Somerset Council

13 SEP 2016

Received

Bath and North East Somerset Council
Licensing Department
Lewis House
Manvers St
Bath BA1 1JG

11 September 2016

Licensing Application 16/02575/LAPRE The Earl, 8-10 Manvers St BA1 1JQ

My husband and I own - - - - - We are writing to express our objection to the premises licence applications for the bar and nightclub operating from the premises at 8 and 10 Manvers St.

The Earl and Second Bridge Nightclub are situated in a mixed area which a significant number of residential properties in close vicinity to the bar/nightclub. Whilst we accept that living in a central location brings with it a degree of evening noise and vitality, to allow the premises to expand from a cocktail bar which usual bar opening hours into a late night nightclub with outdoor terrace until the small hours of the morning 6 days per week, and also until 2230 on a Sunday evening is unacceptable when residents are living so close. Our primary concern is the emanation of noise nuisance from the premises and the worsening of this if use of the outdoor terrace expands and also the operation of a queuing system to get into the Earl/Second Bridge Nightclub which seems to have developed in recent times.

Details of the application on the Council's website:

It is unclear why the applicant is seeking a new premises licence rather than a variation to the terms of their existing licence? Representations are due by 13 September and there appears to be limited information available on the Council's website. The Activities Information listed on your website suggests that this application relates to the period of New Years Eve until New Years Day although we would have expected such an application would be the subject of a TEN rather than a new Premises Licence, so are submitting these representations in case the details uploaded to your website are incorrect in this regard. The Notice displayed near the property makes no reference to the New Years Eve period and instead suggests the application is for:

- Sale of Alcohol Mon to Sat 1200 to 0200 and Sun 1200-2230
- Recorded Music Mon to Fr 1700 to 0130; Saturday 1200-0130 and Sun 1200-2230.

Our representations therefore assume that the application seeks a new licence year round for these hours rather than a temporary approval as suggested on your website.

In summary, we oppose any extension of the hours of sale of alcohol and recorded music on the basis that the present level of operation is already the cause of public nuisance to local residents. If for any reason the Council is minded to grant the application we would strongly urge the Council to impose conditions requiring adoption of a different system for the queuing of patrons to avoid the happening outside residential properties and instead to occur at the rear of the Council's One Stop Shop.

Queuing arrangements for waiting patrons

ANNEX D

Of particular concern is the operator's current arrangement for queuing whilst patrons await entry into the premises. We understand the Earl is a cocktail bar and the premises also contains the Second Bridge Nightclub in the basement.

Below is a photograph showing the operator using metal grates to create a queue outside the premises and down the length of Manvers St, outside residential properties. The volume of people waiting to enter can clearly be seen and obviously this causes significant disruption and intimidation to local residents in terms of entry/exit to both front and rear doors of residential properties along Manvers St (backing onto Kingston Rd), dropping of flitter and rubbish in doorwells and down into basement wells, and the inevitable noise nuisance which results from party-goers awaiting entry to the premises. The photo shows Manvers Street opposite the Baptist church, outside our residential buildings.



Photo 1: Queuing along Manvers St

In addition, at the rear of our building on Kingston Rd we also have noticed additional queuing as shown in the second photo below taken from our building's window which apparently shows some sort of processing arrangement taking place in Kingston rd outside residential buildings.

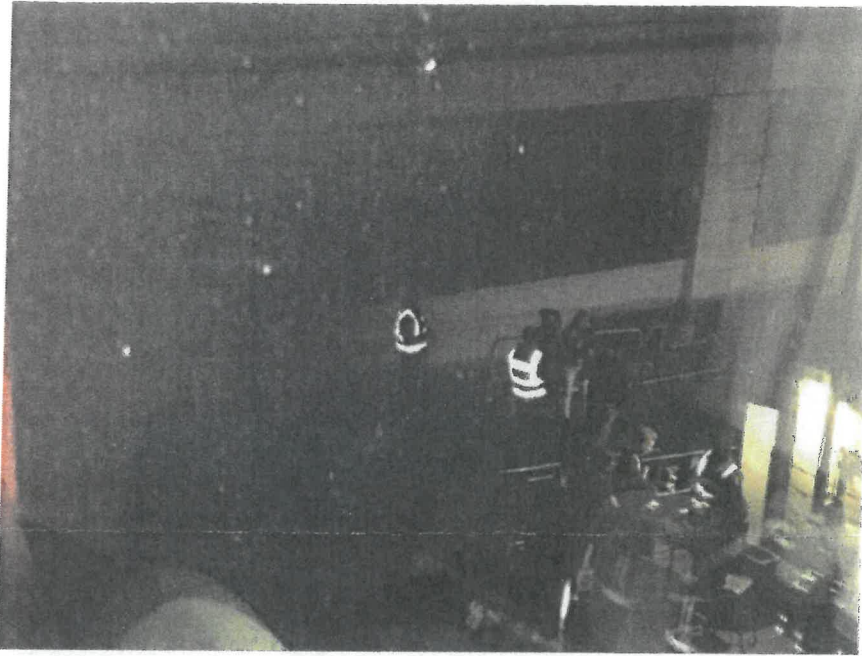


Photo 2: Kingston Road

We consider it entirely unacceptable for a business to cause disruption to this extent on both sides of residential properties (Manvers St and Kingston Road) and any extension of the hours or nature of noise generating activities (for example extended use of the outdoor terrace) is for this reason opposed particularly during the mid week period. To do so would clearly be in contravention of the licensing objectives in terms of prevention of public nuisance.

The operator of the Earl and also the Second Bridge Nightclub in the basement appears to be applying more frequently in recent times for temporary event notices which inevitably results in additional impact to local residents. Reference numbers of recent applications are below. There is clearly a desire by the operator to significantly expand operations at the site for example by submitting numerous TEN applications which is understandable but cannot be expected to continue cumulatively in a residential area such as this. Whilst we support the rights of commercial premises to try to maximise business and generate revenue, there is a limit to the extent of disruption residents should be expected to endure, particularly after midnight on a weeknight. Operation of a cocktail bar, with patrons drinking inside, is something very different to operation of a nightclub with drinking on an outside terrace until 0130 six days a week and until 2230 on a Sunday night. We would urge you to take a look at the operations when the outdoor terrace is in use – even on facebook, there are videos posted to the page for ‘The Shisha Terrace – The Earl, Bath’ at 8-9 Manvers St showing the scale of operations on the outdoor terrace, including bar, music, dancing all occurring outdoors which no noise attenuation whatsoever.

16/02575/LAPRE – Premises Licence, the Earl, 8-10 Manvers St

16/02743/LATEN – Temporary Event Notice, the Earl 8-10 Manvers St

16/02745/LATEN - Temporary Event Notice, the Second Bridge Nightclub, 10 Manvers St Basement

16/0746/LATEN – Temporary Event notice, the Second Bridge

16/0747/LATEN – Temporary Event notice, the Second Bridge

We would expect the operator to set out how they intend to remedy the current levels of public nuisance already being experienced before any application in the terms sought is considered/granted by the licensing committee. The operator should be taking greater responsibility for clearance of rubbish left by patrons and encouraging patrons to leave the area quietly and swiftly upon closure of the premises each evening. Cigarette butts should be cleaned up regularly by the operator. If patrons are to be held in queues awaiting entry into the premises then that queue should be directed north up Manvers Street adjacent to commercial premises (the Council's One Stop Shop) rather than south past the residential buildings.

Yours sincerely

Brigid Taylor

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:	16/02575/LAPRE
Applicant's name:	IV League
Premises name and address:	The Earl 3-10 Manvers Street BA1 1JG
Application for a:	Premises licence

Objector Details:

Objector's Name:	Peter Hoffman
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

A N N E X D

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

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

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

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

The current opening hours of the Earl nightclub already result in high levels of noise and disruption to the residents of manvers street. Whilst I appreciate that Bath is a lively and vibrant town center and noise is perhaps to be expected on a Friday or Saturday night, encouraging that level of disruption on every night of the week is a very different matter.

The suggested increased levels in hours of sale of alcohol and recorded music were successfully reduced for previous incarnations of the nightclub at that address, which suggests that BANES agreed that the noise levels, incidents of broken glass and vomit on the pavement and general inconvenience to the many residential properties on manvers street brought on by such long licensing hours were unacceptable.

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

Peter Hoffman

Date

12 September 2016

Ian Nash

From: Howard Sutton
Sent: 12 September 2016 17:42
To: Licensing
Subject: licencing application - SUTTON

Dear Sir or Madam

Re Licencing Application Ref:16/02575/LAPRE

I am Director of Management Company Ltd, who manage

Whilst I do not live in the premises I have received representations from tenants complaining of the noise emanating from the Earl of Manvers and Second Bridge nightclub. As a result I wish to object to the license application by the owners of the Earl of Manvers Pub and the co-owned Second Bridge nightclub.

The noise made by people queuing for entry and the people from the Earl who are managing them is excessive and could be reduced considerably by simply making them queue from the opposite direction – outside the Council offices.

Also by granting an extension to utilise the back of the premises for alcohol until 2am and music will add considerably to the noise suffered by the residents of all properties in the area and especially those that are the closest. To have a noisy night club in a predominantly residential area is plainly ridiculous in the first place, but to extend the licence would simply make matters worse. If this was an industrial or commercial premises used for any purpose other than a night club the Council would not allow it to operate, especially in unsocial hours.

Yours faithfully

H Sutton
Director

Bath and North East Somerset Council
Licensing Services
Lewis House
Manvers Street
Bath
BA1 1JG

12th September 2016

Dear Sir, Madam

Reference: Licensing Applications. (Reference:16/02575/LAPRE)
Representation re the Earl of Manvers - application for a Premises Licence

I am writing to formally contest the premises licence that has been put forward for approval by the Earl of Manvers in Bath. I am the owner and resident at

Since moving into my home in September 2012, this has been a constant nuisance, and seemed to get worse as time progressed.

I am not in the position to sleep with my window open, nor closed as the disturbance is horrendous, inconsiderate and unruly.

Not only am I constantly disturbed by the music, but also by noisy patrons when on premises on the deck and out back smoking till the early hours of the morning.

Unfortunate for me my bedrooms overlooks all the activity and it most inconsiderate. As a person working in the hospitality industry working early shifts (6am starts) is a nightmare as I do not get enough rest overnight, and am exhausted mid-way through the day, not ideal when you have the responsibility of managing a hotel.

As a result of this I have had to move out and into a house share, and rent out the property, at a reduced rate as no-one would pay due to the disturbance. I hope that this can be resolved so that I am able to move back into "my home", as my tenants have now given me notice as they choose to leave due to the noise. I am not in the financial position to allow this to happen.

Can I suggest that we can come to a compromise and allow music outside until 11pm on week nights and 12 midnight at weekends in order to allow residents in this area their human right to get a good nights' sleep please? Surely there are considerations in place – as the Earl and second Bridge are surrounded by Residential flats and a guest's house offering 24 accommodation...

Also they cause an obstruction to the entrance of the main door on Manvers street, again not ideal when I am working shifts and need to return late to be harassed by drunken yobs. They also insist on littering and throwing up on the main road. Not the most pleasing of sights when this is your main entrance to YOUR HOME

I really appreciate you taking the time to look into this and assisting us resolve this in a timely and efficient manner.

Should you require any further information or like to discuss further, please let me know.

Yours sincerely

Pash Naidoo

Miss P Naidoo

Ian Nash

From: Tony Williams <
Sent: 13 September 2016 18:05
To: Licensing
Cc: Charlotte Gibson
Subject: Fw: licencing application

Dear Sirs,

I completely concur with the content of the e mail as sent by Howard Sutton below
 Also as the owner of [redacted] I rent out I am totally opposed to any extension of the
 licence

My Tenants have complained to me reference the noise and I am extremely fearful that they will leave
 and I wont be able to pay the mortgages or sell the flats

I look forward to hearing from you that you have turned the extension down
 Also please advise what you are going to do about the current level of unacceptable noise?
 Also I dont think it is right that owners of the flats should have to pay council tax bearing in mind the
 noise they have to constantly suffer

Yours faithfully

Anthony F Williams -

From: Howard Sutton <
Sent: 13 September 2016 17:54
To: Tony Williams
Subject: FW: licencing application

Hi Tony
 This is what I sent yesterday. It may be some help.
 Howard

From: Howard Sutton
Sent: 12 September 2016 17:42
To: 'licensing@bathnes.gov.uk'
Subject: licencing application

Dear Sir or Madam
 Re Licencing Application Ref:16/02575/LAPRE
 I am Director of [redacted] Management Company Ltd, who manage [redacted]

Whilst I do not live in the premises I have received representations from tenants complaining of the noise
 emanating from the Earl of Manvers and Second Bridge nightclub. As a result I wish to object to the license
 application by the owners of the Earl of Manvers Pub and the co-owned Second Bridge nightclub.

The noise made by people queuing for entry and the people from the Earl who are managing them is excessive and
 could be reduced considerably by simply making them queue from the opposite direction – outside the Council
 offices.

A N N E X D

Also by granting an extension to utilise the back of the premises for alcohol until 2am and music will add considerably to the noise suffered by the residents of all properties in the area and especially those that are the closest. To have a noisy night club in a predominantly residential area is plainly ridiculous in the first place, but to extend the licence would simply make matters worse. If this was an industrial or commercial premises used for any purpose other than a night club the Council would not allow it to operate, especially in unsocial hours.

Yours faithfully

H Sutton
Director

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	10/01311/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

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

The Earl Of Manvers
8 - 10 Manvers Street
Bath
BA1 1JQ

Telephone number 01225 464451

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 - 02:00
Sunday	10:00 - 22:30

Performance of Recorded Music (Indoors only)

Monday to Saturday	08:00 - 02:00
Sunday	10:00 - 22:30

Other Entertainment within Act (Indoors only)

Monday to Saturday	08:00 - 02:00
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Sale of Alcohol - From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

Performance of Recorded Music - From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

Other Entertainment within Act - 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 Saturday 08:00 - 02:20
Sunday 10:00 - 22:30

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 both on and off the premises

Part 2

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

I V League Ltd
7 Kingston Road
Bath
BA1 1PQ

mail@secondbridge.co.uk

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

Registered Business Number - 04085875

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

Mr Jacob Lauderdale Oppon
7 Kingston Road
Bath
BA1 1PQ

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

07/011467/LIPERS
City Of Westminster 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 17 March 2010

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

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.

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

CCTV system to be installed in consultation with the police which shall be maintained in working order and provided with recording facilities with tapes or recordings being retained for 31 days and available to the police for investigative and evidential purposes.

No happy hour or drinks promotions

The premises licence and conditions shall be displayed on the premises in a conspicuous position.

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.

Annex 2 – Conditions consistent with the Operating Schedule

Food shall be available until 22.00 hours.

Premises shall contribute to the Street Marshal scheme.

SIA doorstaff shall be present from 21.00 hours until closing time, and at least one door supervisor to be on duty for every 100 persons on the premises.

Doorstaff shall wear yellow 'hi-viz' jackets.

There shall be no new admission allowed to the premises after 01.00 hours.

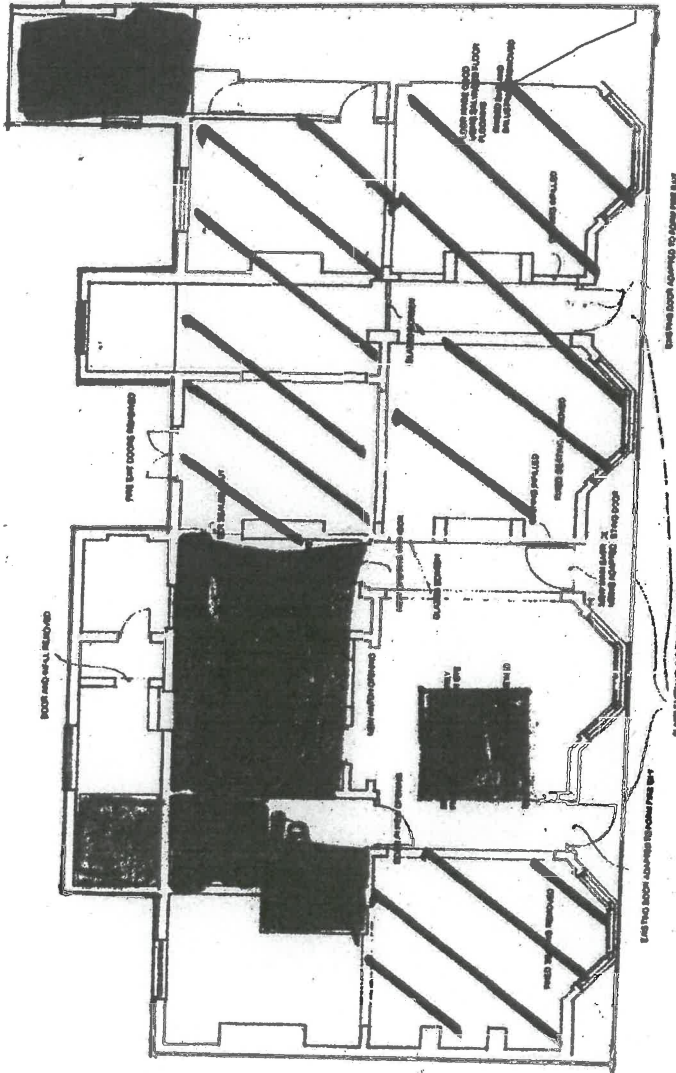
Seating shall be available for at least 80% of guests.

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

Annex 4 – Plans

As submitted with application.

ANNEX E



PROPOSED
NO 8 MANNERS STREET
BATH

1:100.0
2006

Key.

- Total extent of the licensed premises defined by a continuous red line.
- Areas used for the sale of alcohol - coloured pink
- Areas used for the storage of alcohol and bar services - coloured brown.
- Kitchen and staff areas - coloured yellow.
- Toilet accommodation - coloured blue.
- Emergency exit routes not intended to be used for the consumption of alcohol - uncoloured.

Bars- Dining Areas