

Licensing Sub-Committee

Date: Thursday, 17th August, 2017

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Les Kew, Deirdre Horstmann and Caroline Roberts

Chief Executive and other appropriate officers
Press and Public



Sean O'Neill

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

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. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Licensing Sub-Committee - Thursday, 17th August, 2017

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF 6TH JULY 2017 (Pages 7 - 12)

6. TAXI PROCEDURE

The Chair will, if required, explain the procedure.

7. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“the Committee having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions

of Section 100(A)(4) of the Local Government Act 1972, **RESOLVES** that the public shall be excluded from the meeting for the following two 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, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended.

8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR D A H (Pages 13 - 26)
9. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR M A S (Pages 27 - 46)
10. RETURN TO PUBLIC SESSION
11. LICENCE REVIEW PROCEDURE (Pages 47 - 50)
The Chair will, if required, explain the procedure.
12. APPLICATION FOR REVIEW OF A PREMISES LICENSE FOR RISING SUN, CHURCH STREET, PENSFORD, BRISTOL BS39 4AQ (Pages 51 - 148)
13. TABLES AND CHAIRS PROCEDURE (Pages 149 - 152)
The Chair will, if required, explain the procedure.
14. APPLICATION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT CAFFE NERO, 11 OLD BOND STREET, BATH BA1 1BP (Pages 153 - 168)

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

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 6th July, 2017, 11.30 am

Councillors: Les Kew (Chairman), Deirdre Horstmann and Caroline Roberts

Officers in attendance: Carrie-Ann Evans (Legal Adviser), John Dowding (Senior Public Protection Officer) and Andrew Tapper (Public Protection Officer)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

5 MINUTES OF THE MEETING OF 25TH MAY 2017

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

6 EXCLUSION OF THE PUBLIC

RESOLVED that the Committee having been satisfied that the public interest would be better served by not disclosing relevant information the public shall be excluded from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 for agenda item 8 and the reporting of that part of the meeting shall be prevented under section 100A(5A) of the Act, because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended.

7 TAXI PROCEDURE

The Chair drew attention to the procedure to be followed for the next item of business.

**8 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE
- MR WRW**

Mr WRW, who was accompanied by his wife, confirmed that he understood the procedure to be followed for this hearing.

The Senior Public Protection Officer presented the report. He then circulated a DBS statement in respect of the applicant and a statement submitted by him. The Sub-Committee adjourned to allow Members time to study these documents.

When the hearing resumed, Mr WRW stated his case and was questioned by Members. He did not wish to make a closing statement.

Following a further adjournment, the Sub-Committee **RESOLVED** that Mr WRW was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence. Authority was delegated to the Public Protection Officer to grant the licence, subject to satisfactory completion of the required tests.

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 or not the applicant was a fit and proper person to hold a licence considering all relevant circumstances.

Members took account of the applicant's written statement the oral representations made by him and his partner and balanced these against the information disclosed by Disclosure and Barring Service checks.

The applicant indicated that his previous convictions followed the death of his mother during a period when he went off the rails and did not have the support of his father and the most recent offences, albeit over 30 years ago, were a case of being "in the wrong place at the wrong time". He has had a stable home life and been conviction free ever since.

Members noted that Mr W R W's convictions were historic and that he had remained conviction free for the period anticipated in the Council's Policy. Members found Mr W R W is a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

Authority delegated to the Public Protection Officer to grant the licence subject to satisfactory completion of the required tests.

9 RETURN TO OPEN SESSION

The Sub-Committee returned to public session.

10 STREET TRADING PROCEDURE

The Chair drew attention to the procedure to be followed for the next item of business.

11 APPLICATION FOR STREET TRADING - PITCH 6C UNION STREET, BATH

Applicant: Mr Levente Hadnagy and Mr Daniel Balica

Interested Parties: Louise Prynne (Chief Executive, Bath Business Improvement District) (present), Gemma Haines, Yvonne O'Neil, Daniel Carter and Peter Adlington (not present).

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

The Senior Public Protection Officer presented the report. He explained that the application was for a change of use of an existing street pitch from selling non-alcoholic hot drinks to Hot Food (Burgers).

Mr Balica stated the case for the applicant. He explained that the pitch was operated by HAVE!, a small family business. The business wanted to offer burgers at the pitch, using locally-sourced meat, cheese and bread buns. He summarised the letter of support from the applicant (agenda pages 56-60). He drew attention to the great similarity between the five representations. The first two were actually identical. The third contained a verbatim extract from the Council's terms and conditions. He summarised the applicant's response to the objections as set out in the letter of support, and emphasised that the applicant would have to abide by the terms and conditions of the Street Trading Consent.

Mrs Prynne stated the case for the Interested Parties. She said that she had not attended one of these hearings before, but she did not apologise if some of the letters of objection were the same. She and her colleague, John Raby, had consulted a number of businesses, who had all said that they were concerned about this application. One of the reasons for objecting to the application is that there is an ongoing review by B&NES Economic Development Team of market provision in Bath, and it is important that the right strategy should be found. The business rate revaluation poses a significant challenge for local businesses. There are a number of businesses in very close proximity who are facing business rate increases; they are concerned about the potential impact of this application on their trade. There was significant footfall in the area near the pitch; the street could be very congested and it could be difficult to get past. Cooking food in the street would give rise to odours.

A Member commented that five representations were five representations, even if they were identical.

In reply to questions from Members Mrs Prynne said that BBID was currently involved in discussion about how street traders could complement shops. Some shops were paying £2,000 per week in rates compared with the much lower charges paid by street traders. She was not opposed to street trading, but it needed to be managed strategically.

A Member commented on the problem with seagulls in Bath. The Applicant responded that the problems of seagulls and street cleaning remained the same irrespective of whether people bought food from shops or a street stall.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application.

Reasons

Members have had to determine an application for a Street Trading Consent at existing pitch 6C Union Street. This application involves a proposed change of use from selling non-alcoholic hot drinks to selling hot food (burgers). In determining the application members have taken into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

The Applicant

Mr Balica on behalf of his business Have! indicated that the business is a small, independent and enthusiastic family business already trading selling crepes and hot drinks at another pitch in BANES. He acknowledged that their operation of that pitch is relatively new but the company a background of 15 years working in the food and service industry. The burgers that they propose to sell will be made using quality produce from independent local retailers. The applicant cited what they believe to be the burgeoning street food market, alongside the feedback they have received as reasons for applying for the pitch.

The Interested Parties

The Chief Executive of Bath BID Mrs Prynn, expressed concerns that the proposed use would not satisfy BANES' vision for street trading as set out in the Policy and said that the proposal would not be in keeping with the quality of shops; would not promote healthy eating; would cause shops close to the pitch to suffer from the smell coming from the stall and suggested that there are many retailers in Union Street already serving food and beverages. Mrs Prynn expressed concerns relating to the congestion that could be caused by the street trading pitch in that location. Whilst Mrs Prynn was not against street trading in principle, she expressed the view that it should be managed in a strategic manner.

4 retailers made written representations citing smells; waste management issues; the proposed use not being in keeping with the quality of shops in the street and competition with existing food and beverage retailers; as reasons upon which they invited the Committee to refuse the application.

Members

Members were careful to only take into account matters of relevance and to disregard matters which were irrelevant. Members were mindful of the fact that they had to determine the application in accordance with the current legislative and policy framework and noted that the principle of a pitch in this location had already been established.

Members noted that there had been no objection to the application from the Highways Team or Environmental Services.

In reaching a decision Members took account of all the relevant oral and written representations and balanced the competing interests of the applicant and the interested parties.

Whilst they carefully noted the objections raised by the BID and 4 retailers they found, in the exercise of their discretion, that the proposed use of the pitch for the

sale of burgers using quality produce sourced from local, independent retailers would provide vibrancy and interest to the local environment and that they had the scope within the Policy to consider the goods to be sold on a pitch by pitch basis. Members noted that the standard conditions would ensure that a bin or similar was made available for the disposal of waste and the applicant would be obliged to keep the immediate adjacent area clean and tidy during the permitted hours, amongst other conditions. Accordingly, Members saw fit to grant the street trading consent as proposed.

Authority delegated to the Public Protection Officer to grant the consent subject to the Standard Conditions and with the additional specific conditions, such as are reasonable and necessary.

The meeting ended at 12.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1155/17

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 17 th August 2017

Author: John Dowding

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

Exempt Appendix Title:

Annex A – Application Form

Annex B - Renewal Application Form Submitted February 2012.
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Annex C – Policy on Previous Convictions, Cautions and Fixed Penalty Notices.
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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:

- | |
|---|
| <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 Disclosure and Barring Service (DBS) 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 1154/17

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 3rd August 2017

Author: John Dowding

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

Exempt Appendix Title:

Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence.
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Annex B – Letter: Speeding Offence Not Declared.

Annex C- Notification of Speeding Conviction.
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Annex D – Letter: Further Speeding Offence Obtained.

Annex E - Complaint November 2016
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Annex F – Policy on Hackney Carriage and Private Hire Licensing Standards.

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:

- | |
|---|
| <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 relating to speeding offences 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.

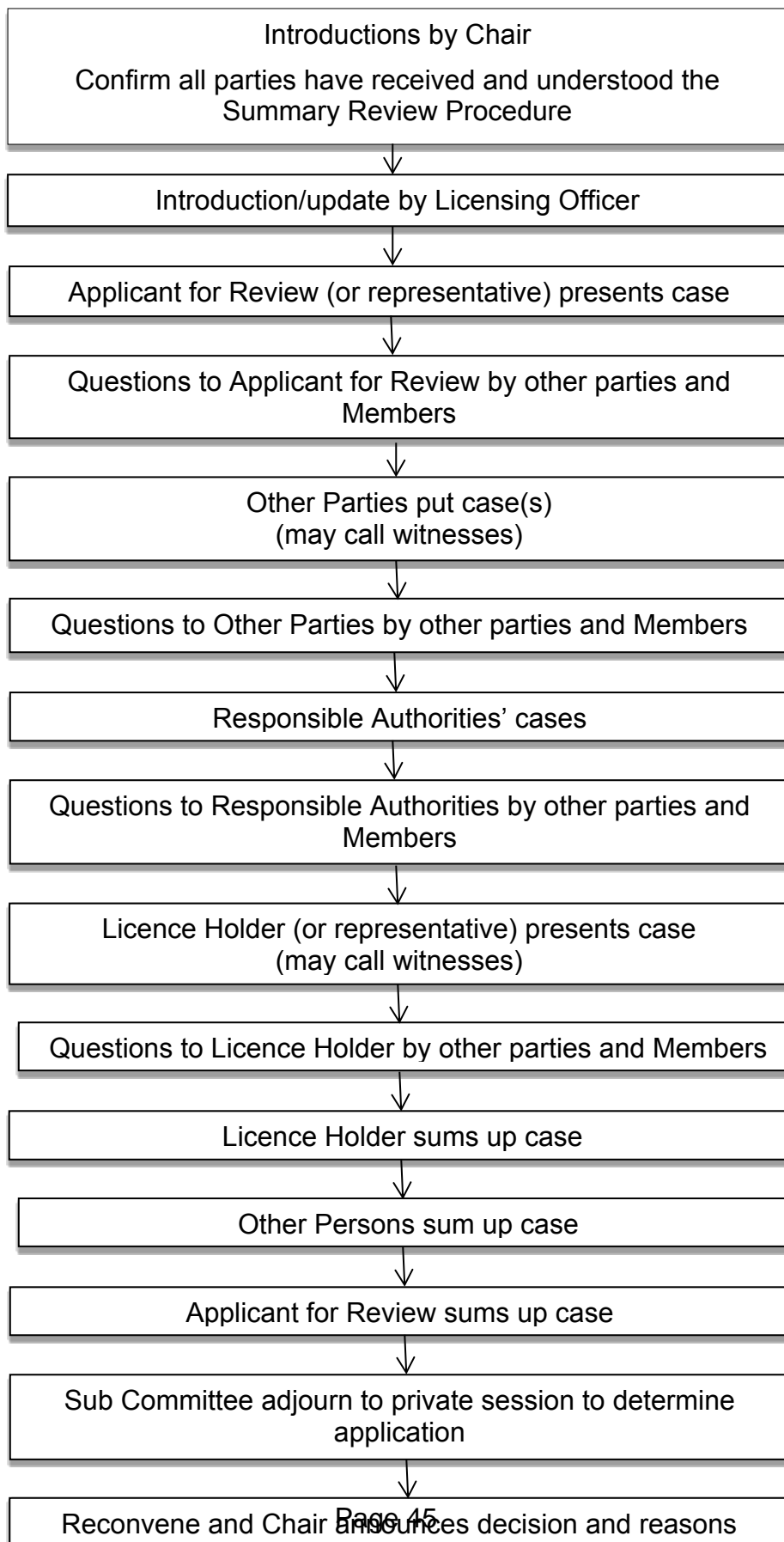
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**LICENSING SUB-COMMITTEE
PROCEDURE FOR SUMMARY REVIEW OF PREMISES LICENCE
(INTERIM STEPS)**

*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 HEARING PROCEDURE SUMMARY REVIEW OF PREMISES LICENCE / CLUB PREMISES CERTIFICATE

*The Chair will allow the parties an equal maximum period of time in which to make representations not normally exceeding **twenty minutes**. Where more than one party makes relevant representations 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, 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, or representative, addresses the Sub Committee who may be asked questions by the Sub Committee, Licence Holder and other parties.
 - (ii) Witnesses may be called in support of the application who may be asked questions by the Sub Committee, Licence Holder and other parties
- 4
 - (i) Any other party making relevant representations, or their representative, will address the Sub Committee who may be asked questions by the Sub Committee, Applicant, Licence Holder and other parties.
 - (ii) Witnesses may be called in support of representations who may be asked questions by the Sub Committee, Applicant, Licence Holder, other parties.
- 5 Responsible Authorities making representation will address the Sub Committee and may be asked questions by the Sub Committee, Applicant, Licence Holder, other parties.
- 6 The Licence Holder (or their representative) will address the Sub Committee and may be asked questions by the Sub Committee, Applicant and other parties.
- 7 The other parties will be invited to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Licence Holder will be invited to summarise their representations

The Applicant will be invited to summarise the application.

- 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.*

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.

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 will be determined in absence.
- 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.
- 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 17th August 2017		
TITLE:	Application for a Review of a Premises Licence for Rising Sun, Church Street, Pensford, Bristol BS39 4AQ	
WARD:	Publow and Whitchurch	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Annex A Application for the Review of a Premises Licence</p> <p>Annex B Copy of Current Premises Licence</p> <p>Annex C Plan of Licenced Premise and Site Plan</p> <p>Annex D Representations in support of Review Applicant</p> <p>Annex E Representations in support of Licensee</p>		

1 THE ISSUE

- 1.1 An application has been received from Mr Kenneth Jones for the Review of a Premises Licence under Section 51 of the Licensing Act 2003, in respect of Rising Sun, Church Street, Pensford, Bristol BS39 4AQ

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application for the review of the premises licence.

3 RESOURCE IMPLICATIONS

- 3.1 The application for the review of the premises licence is free of charge under the Licensing Act 2003. The cost of processing this application is £1,500 and will be managed within the approved Licensing budget which contains an element that covers the cost of non-chargeable licensing reviews.

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 have 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 the Review of the Premises Licence (Annex A).

5.2 The application relates to the following licensing objectives:

- the Prevention of Crime & Disorder; and
- Public Safety.

5.3 The alleged grounds for the Review are:

The licensing objectives relating to Public Safety and the Prevention of Crime and Disorder are being undermined due to customers within the premises swearing, shouting and jeering on a near daily basis. Loud music regularly emanating from the garden and inside the premises, beyond midnight, which can be heard in residential premises with the windows and doors closed.

5.4 The Licensing Authority may, having had regard to the application and any relevant representations, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the Licence;
- b) Exclude a licensable activity from the scope of the Licence;
- c) Remove the Designated Premises Supervisor;
- d) Suspend the Licence for a period not exceeding three months;
- e) Revoke the Licence

Where the Licensing Authority takes a step mentioned in 5.4 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Any determination made by the Licensing Authority does not have effect until the end of the period given for appealing against the decision, or, if the decision is appealed against, until the appeal is disposed of.

5.5 The Licensing Authority will also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act itself, and in particular to:

- a) Sections 4, 9, 10, 13, 51, 52, 53, 182, and 183 of the Act.

b) Chapters 1- 3 and 8 - 12 of the Statutory Guidance (as revised April 2017)

c) Paragraphs 3, 4, 5, 6, 8, 20, and 33 - 43 inclusive, of the Policy.

- 5.6 An appeal may be made to the Magistrates Court within 21 days of the notification of the decision by the Council to the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application.

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

- 5.7 The current Premises Licence (Annex B) permits the following licensable activity:

Sale of Alcohol (for consumption on and off the premises)

Monday to Thursday 11:00 to 00:00

Friday and Saturday 11:00 to 01:00 the following day

Sunday 12:00 to 22:30

Performance of Live Music (indoors and outdoors)

Monday to Thursday 11:00 to 00:00

Friday and Saturday 11:00 to 01:00 the following day

Sunday 12:00 to 22:30

Performance of Recorded Music (indoors and outdoors)

Monday to Thursday 11:00 to 00:00

Friday and Saturday 11:00 to 01:00 the following day

Sunday 12:00 to 22:30

Non-standard timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

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

The opening hours for the premises are:

Monday to Thursday 11:00 to 00:30

Friday and Saturday 11:00 to 01:30

Sunday 12:00 to 23:00

Non-standard opening times:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

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

5.8 The Premises Licence is subject to the following conditions:

- Mandatory conditions (please refer to Annex 1 of the premises licence).
- Conditions consistent with the operating schedule (please refer to Annex 2 of the premises licence).

5.9 A plan of the premises and a site plan are attached at Annex C.

5.10 In accordance with the requirements of the Act copies of the application have been served upon the Licence Holder, Police, Environmental Health, Development Control, Trading Standards, Home Office, the Child Protection Agency and the Public Health Authority. There have been no representations from any of the Responsible Authorities

5.11 Notices were displayed on the council website, at the premises and at the public area of the One Stop Shop, Lewis House, Manvers Street, Bath BA1 1JG, for a period of 28 days, commencing the day after the application was served on the Licensing Authority.

5.12 Representations in support of the review have been received alleging that the manner in which the premises operates undermines the Prevention of Public Nuisance licensing objective (Annex D).

5.13 Written representations of support for the premises have been submitted by 102 other persons professing that the premises is family friendly, professionally run and a community asset (Annex E).

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

6 RATIONALE

- 6.1 As a review application has 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 a copy of the application has been given to the premises licence holder and to all the relevant Responsible Authorities. The application has also been advertised on the council website, at the premises, and in the public area of the Council's One Stop Shop, Lewis House, Manvers Street, Bath.

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 (Chief financial officer) 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 (Licensing) 01225 396719
Background papers	The Licensing Act 2003 Guidance issued under S.182 of the Licensing Act 2003 Licensing Act 2003 (Premises Licence Regulations 2005) BANES Statement of Licensing Policy

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☒Mrs ☐Miss ☐Ms ☐Other title
(for example, Rev)**Surname**

Jones

First names

Kenneth

I am 18 years old or over

Please tick ✓ yes

☐**Current postal
address if
different from
premises
address**

Nelson House Church Street Pensford

Post town

Near Bristol

Post Code

BS39 4AH

Daytime contact telephone number

01761490405

**E-mail address
(optional)**

Jonesk74@sky.com

(B) DETAILS OF OTHER APPLICANT**Name and address**

N/A

Telephone number (if any)**E-mail address (optional)**

ANNEX A

30 JUN 2017

Bath and North East Somerset

Received

**Application for the review of a premises licence or club premises certificate 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 Kenneth Jones

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description **TMC**
Rising Sun Church Street Pensford

Post town Near Bristol**Post code** BS39 4AQ

Name of premises licence holder or club holding club premises certificate (if known)
Joanna Helen Drury

Number of premises licence or club premises certificate (if known)
12/02862/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates (please complete (A) below)



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

ANNEX

Please state the ground(s) for review (please read guidance note 2)

1. Prevention of crime and Disorder.
2. The prevention of Public nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

1. Very loud music being played in gardens and inside premises which we can hear inside our home with our windows and doors closed, this can be played beyond midnight. (this is having a serious effect on my wellbeing)
2. Loud voices shouting jeering and swearing can be heard through the Rising Suns open windows on a near daily occurrence.
3. Delivery vehicles can arrive as early as 0630hrs.
4. Waste collection and recycling vehicles picking up as early as 0530hrs. (glass bottles)
5. Dray deliveries can block the road forcing vehicles to mount the pavement to pass which is causing damage to our property.
6. I have spoken with Joanna Drury and her husband on various occasions about the noise, I have phoned the pub on occasions and have spoken with them both inside the pub on noisy nights asking them to close windows and door but they have taken no action to my requests.
7. We were asked to attend mediation by our local beat officer but due to an incident with the landladies husband on Christmas eve at 0130 hours with him hammering on our front door we asked that the meeting should take place between Christine my wife and the Landlady Joanne Helen Drury, this I have been informed by the beat officer she declined insisting her husband should attend, we believe due to circumstances of 24/12/2016 he should not be invited.
8. I shall write again if this review is accepted suggesting some conditions which could be imposed, which I believe would not have any serious impact on the pubs profitability as we have never wished to harm the business.

ANNEX

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐

If yes please state the date of that application

Day Month Year

•	•	•	•	•	•	•	•
---	---	---	---	---	---	---	---

If you have made representations before relating to the premises please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

..... 

Date 26/06/2017

.....

Capacity Complainant

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

'ANNEX A

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	12/02862/LAPRE
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Part 1 – Premises Details

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

Rising Sun
Church Street
Pensford
BS39 4AQ

Telephone number 01761 490402

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Thursday	11:00 - 00:00
Friday and Saturday	11:00 - 01:00
Sunday	12:00 - 22:30

Performance of Live Music (Indoors and Outdoors)

Monday to Thursday	11:00 - 00:00
Friday and Saturday	11:00 - 01:00
Sunday	12:00 - 22:30

Performance of Recorded Music (Indoors and Outdoors)

Monday to Thursday	11:00 - 00:00
Friday and Saturday	11:00 - 01:00
Sunday	12:00 - 22:30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

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

The opening hours of the premises

Monday to Thursday	11:00 - 00:30
Friday and Saturday	11:00 - 01:30
Sunday	12:00 - 23:00

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A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing Day.

From normal opening activity time on New Year's Eve until normal activity closing 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**

Miss Joanna Helen Drury
Rising Sun
Church Street
Pensford
BS39 4AQ
07980837857
flippindog@live.co.uk

ANNEX B

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

Registered Business Number - Not applicable

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

Miss Joanna Helen Drury
Rising Sun
Church Street
Pensford
BS39 4AQ

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

05/02200/LAPER
Bristol City Council

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

Signed for and on behalf of

Bath & North East Somerset Council: *Terrill Wolyn*.....

Dated 27 July 2012

Annex 1 – Mandatory conditions

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

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

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

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

Annex 2 – Conditions consistent with the Operating Schedule

The exterior area and car park to be illuminated when the premises are open.

CCTV to be installed and maintained covering the first floor area and car park.

No unaccompanied children allowed on the premises.

No striptease, nudity or restricted films allowed on the premises.

ANNEX B

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

Annex 4 – Plans

As submitted with application.

Part B
Premises Licence Summary

Premises Licence Number

12/02862/LAPRE

Premises Details

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

Rising Sun
Church Street
Pensford
BS39 4AQ

Telephone number 01761 490402

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

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Sunday	12:00 - 22:30

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A further additional hour every Christmas Eve and Boxing Day.

From normal opening activity time on New Year's Eve until normal activity closing 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

Name, (registered) address of holder of premises licence

Miss Joanna Helen Drury
 Rising Sun
 Church Street
 Pensford
 BS39 4AQ

ANNEX B

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

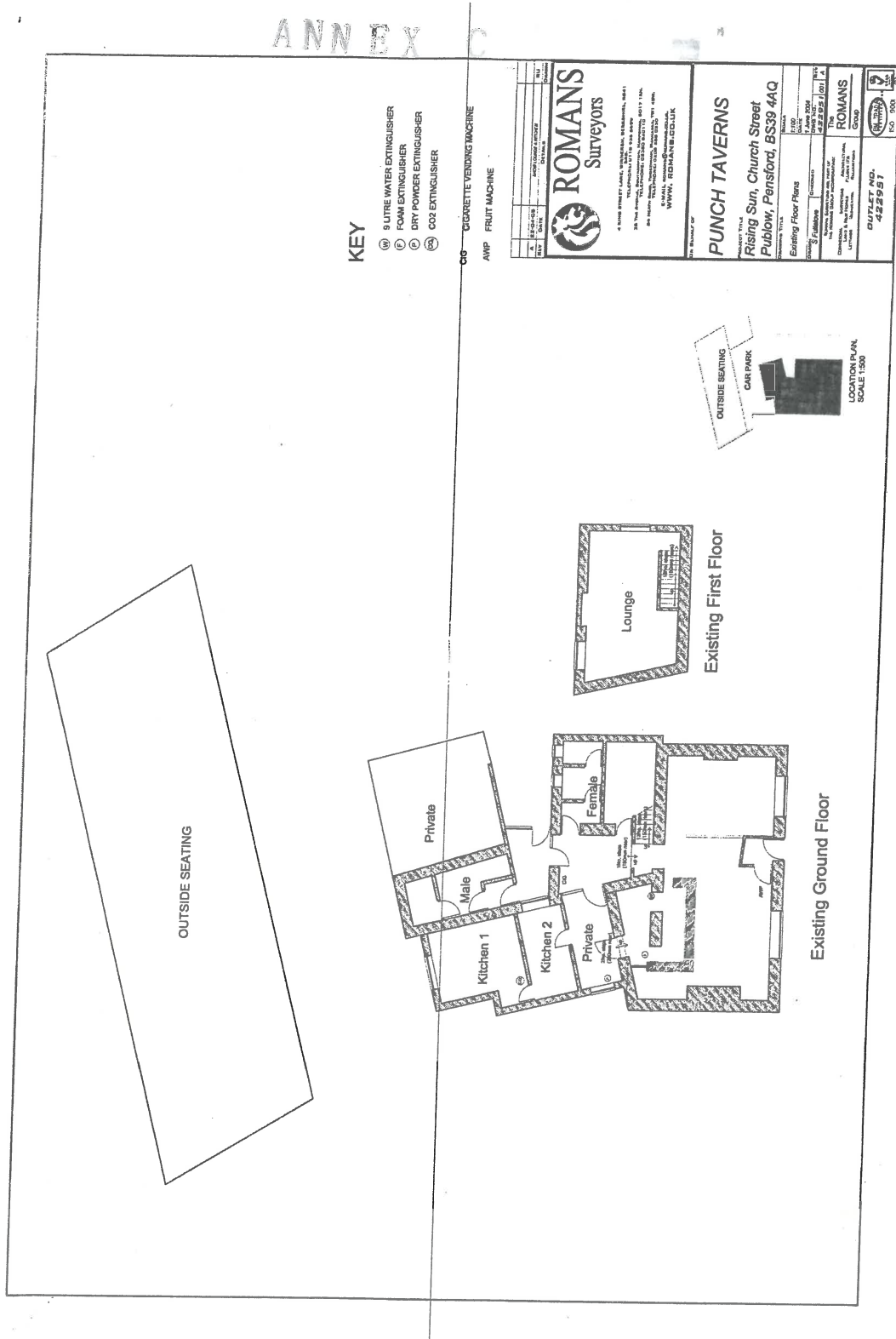
Registered Business Number - Not applicable

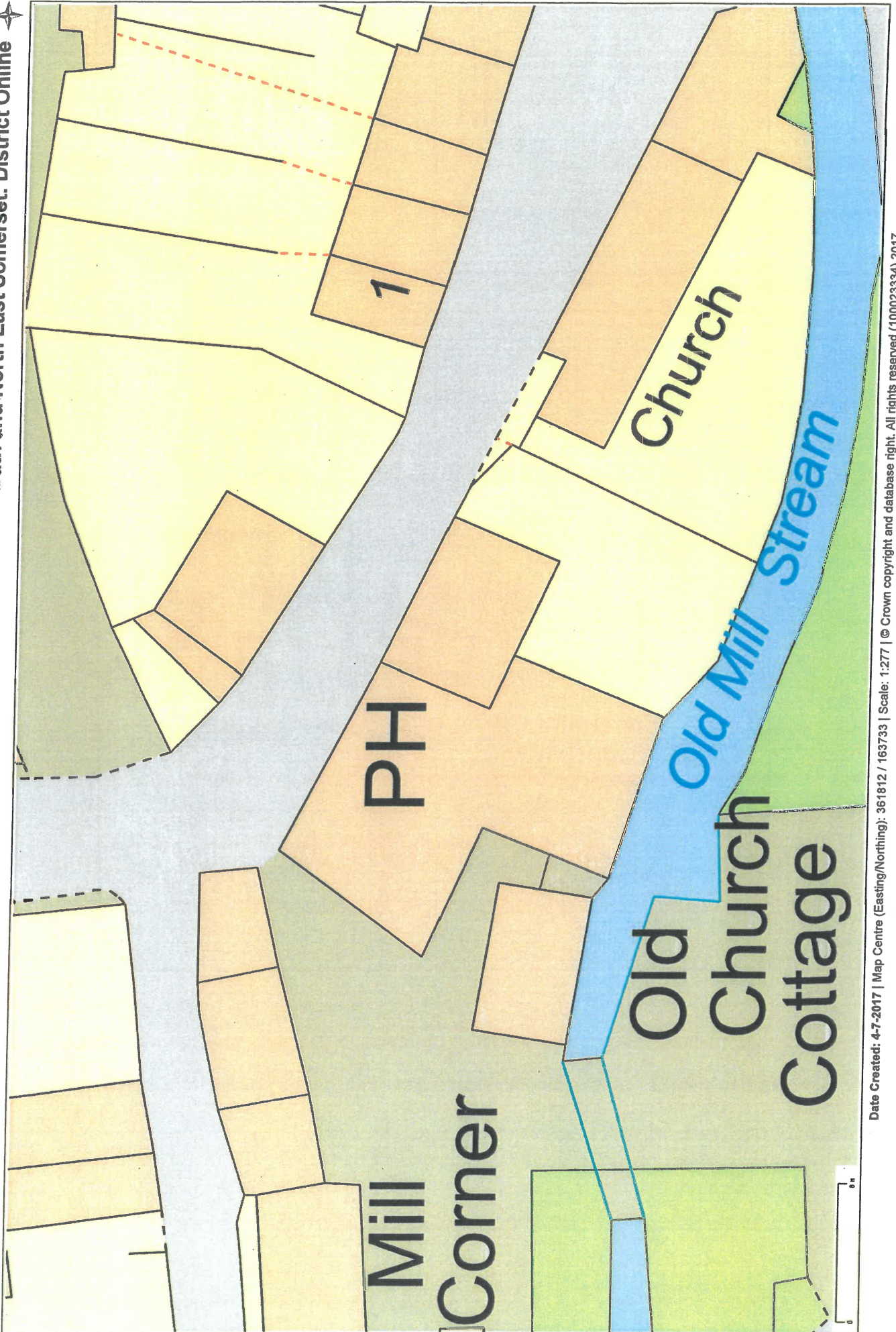
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Miss Joanna Helen Drury

State whether access to the premises by children is restricted or prohibited

As per Operating Schedule at Annex 2.





From: Jim White
Sent: 03 July 2017 13:45
To: Licensing
Subject: Rising Sun Pensford

Dear Sirs,

I'm writing in response to the Rising Sun in Pensford's license review.

I am a member of the community that lives within "earshot" of the Rising Sun.

Since the arrival of the Radfords we have experienced, what can only be described as a total disregard for the feelings of anybody living in their locality.

It's lovely to have a successful pub in the village, I use the pub myself on occasion. But the constant noise is wearing to say the least.

They hold party's during the summer. These are from what I'm told, nice for the "locals". The volume & the hour that the noise continues until are totally unacceptable.

It may not be an issue, should the owners consider the feelings of people living around them. We live with the annoyance of customers cars parked inconsiderately around the village, screeching drunks & livestock obstructing public footpaths on their land. Even though this is not directly associated to the noise problem, the relevance that this has to this situation is to give just some examples of these and many more grievances that have been reported to the owners of the Rising Sun. Unfortunately, due to their arrogance they have never made any effort to address any of these issues.

As you will see by the disgraceful demonising on social media of the poor people that can no longer stand living with the constant noise. There is a sad bullying attitude within the "clique" in this establishment, that also has people such as myself scared to complain in the fear that we will also be glared and slagged off whilst going about our business in our once beautiful village.

From: Ross Williams
Sent: 22 July 2017 10:42
To: Alan Bartlett
Subject: The Rising Sun Pensford

Dear Sir,

I've been compelled to contact you regarding the Rising Sun in Pensford.

I lived in No5 Church St until 18 months ago.

One of my reasons for moving was certainly the constant noise from the pub. I also know that other people that had moved to the street also moved because of this.

They were granted a license for an amount of outdoor events, I think until 1am? Every single time that one of these events were held they carried on playing their music far beyond 1am.

Each summer the windows and doors are always open, meaning that you could hear the customers shouting & cursing deep into the night.

I've passed the pub on a couple of occasions Late in the evening recently. The windows still are open! The noise is exactly the same as always! Even with this issue hanging over their heads! What kind of licensee would continue to do this?

My father who grew up in the Travellers Rest, Pensford & Fatherinlaw (who incidentally lives on Church St) and was a licensee and both agree that they should not be carrying on in this manner.

There have been petitions banded around? How the hell can somebody that is actually involved in the breach of the license protest the innocents of the people that own the premises in which the breach is taking place? The irony is is that the majority of the customers don't even live within walking distance, let alone earshot!

What's worse is, the victimisation of the people opposite. They've suffered terribly at the hands of the bullying pub users & owners, with further people airing their concerns to myself in confidence, in fear of reprisals.

You are more than welcome to quote from this letter, use my name, etc.

I do not bow to bullies!

Kind regards

Ross Williams

From: Ali Clark
Sent: 01 July 2017 01:27
To: Licensing
Subject: The Rising Sun. Pensford

Hello, i wanted to take up a moment of your time to talk about the Rising Sun in Pensford Village and what it means to the community.

I was born in Woollard a small hamlet a few miles from Pensford 36 years ago
Pensford has my closest shop, bus stop and pub. And that is a real life line when you live in the country side.

As i was growing up the bars in pensford along with the memorial hall did a lot to entertain the locals with events and panto, the usual small village activities. As i grew older the locals distanced themselves from the bars, and i myself hadn't visited the rising sun for many years feeling that it had nothing to offer me.

When Mike and Jo took over the pub things in the village really changed. They turned the pub into not only and incredible place to have food and catch up with friends but a real hub of the community. They have a room upstairs they are always allowing people to use to have meetings. They throw fund raising events all the time. Sponsored the local football team. I myself worked there once a week for a few months, meeting new people who i wouldn't have had the chance to meet otherwise.

Jo and Mike have always and will always put the needs of the village first, they go above and beyond what is expected of a local pub. They are the best thing to happen to the village in years. I don't know what some people would do without the Rising Sun, there would be a lot of lonely people who would probably go days without seeing anyone.

The pub is always making a conscious effort to make sure there is little to no noise, on the very odd occasion that there is music it ends very early. They don't play a sound system all day like other bars, and if they do it is so low it is barely audible. They don't empty bins outside at an unreasonable time. They make every effort to accommodate everyone.

I have been in the bar trade myself and understand how hard it is to make a success of a bar especially in the countryside they have done an incredible job and now employ many of the village providing income to locals and pocket money for kids washing dishes and learning the importance of work.

I truly, along with 99% of the village know that without the Rising Sun the village would be a lot worse off. It is the hub of the community bringing people together. I honestly don't know what we would do without it.

Many thanks
Alice Clark

From: Bernard Coombs
Sent: 03 July 2017 12:10
To: Licensing
Cc: 'Beryl Coombs'
Subject: The Rising Sun, Pensford - Support Email - Coombes

We write to strongly support Jo and Mike the licensees of the The Rising Sun, Pensford - we have lived in the area for 37 years and they are the most considerate licensees who have occupied the premises in that time - they serve the whole area with a variety of tastes as a true village pub should - their constant environmental concern for the welfare of the village is evident to all - they are a great asset and very generous and supportive to the village clubs, organisations and school activities.

Bernard G Coombs
Beryl A Coombs

From: Helen Lyon
Sent: 01 July 2017 10:12
To: Licensing
Subject: The Rising Sun, Pensford

Dear Team

I wanted to drop a quick email to express my support for this lovely pub.

I have lived in Pensford all my life, and feel that Jo and Mike have done a wonderful job creating a warm and welcoming pub. They have also restored the historic weir behind the pub so that it can remain open for the public to use and enjoy. In addition, they rear some of their own meat and grow their own veg in a field on the other side of the river, had this not been done that field would have remained as scrub land, again by doing this they have improved the public footpath that runs through it.

It would be a shame and a loss to the community if Jo and Mike were to lose their licence. They only have a few music events in the evening at the pub, which end promptly.

Kind regards

Mrs Helen Lyon

From: Charlotte Davis
Sent: 30 June 2017 22:57
To: Licensing
Subject: In support of The Rising Sun, Pensford

To whom it may concern,

I have just been made aware that a complaint has been made about The Rising Sun pub in Pensford, and that their license is under review.

I am shocked that this has happened, as The Rising Sun is a very popular pub, with the landlords being well-loved and popular amongst everyone I know in Pensford. I live over the road from the pub, and have spent many happy hours in the garden or inside. The owners are community-minded, helping out with the scarecrow hunt often put on in Autumn for the local children, as well as hosting events for all kinds of local residents.

The pub often has music playing inside at a very reasonable volume (quiet enough to have a conversation easily) and sometimes bands in the garden (maybe 3 times a year). In my experience, these outdoor events finish by 10pm at the latest - early enough so as not to disturb residents.

If the pub were to close, it would be a big loss to the community, as it has the best (indeed the only good) outdoor seating in Pensford, next to the historic weir and viaduct.

I hope you will see that the pub is valued and reinstate their proper license.

Yours,
Charlotte Davis

From: ROS GARDNER
Sent: 03 July 2017 13:55
To: Licensing
Subject: Rising Sun Pensford Licensing Review - Support Email - Gardner

From 2001 to 2011 we held the licence on the Rising Sun public house in Pensford. In that time we put on bike shows, music in the garden, weddings, street parties and lots of private parties and never once had a complaint from any neighbours or locals. We didn't have any visits from the police or any other local authorities to complain about any disturbance until the gentleman moved in opposite around 2009. We found him to be difficult and obstructive. Our view is that you don't move into a house 5 metres from the front door of a pub if you want a quiet village life. It has always been a very well supported pub and the hub of the community. This E mail has been sent to you in support of The Rising Sun.

Yours sincerely
John and Ros Gardner

From: KAREN GAZZARD
 Sent: 02 July 2017 19:37
 To: Licensing
 Subject: Rising Sun Pensford , representation received

To whom it may concern (possibly the chair of the licensing committee)

I am very concerned that there is a representation to licensing about the highly valued village pub the Rising Sun , Pensford, claiming excessive noise.

Mike Radford and Jo Drury are good licensees, they live here with their two young children and have made it their home as well as running a very successful business.

We the people of the village have great respect for all the effort they make . Mike and Jo take their role seriously. Jo in particular runs a tight ship I have personally seen her intervene when an episode of lively or rowdy behaviour happens, nipping it in the bud so as not to disrupt valued customers and diners , leave alone people outside of the pub. There have been a few music events enjoyed by so many but I can't think they were past midnight. I would imagine most of the village support one event or other over the year.

I wonder if the neighbour issue is really parking ? Parking is a nightmare in the village and as we know it does lead to high feelings.

I am concerned that this representation is checked to ensure it is not frivolous. I have every faith in our elected members to deal with this fairly.

After all this neighbour made a choice when moving so close to a village pub albeit a well run one! It's a charming cottage but I would of considered the location. It is odd only 1 person has complained.

It is most unfortunate that these community minded and professional people are under scrutiny rather than being congratulated for the service they have provided to the village both in acting as a safe social hub and for enhancing and publicising the beauty of our surroundings.

They have ,I am pleased to say , received great support from all of the people who have had the pleasure of getting to know them and supporting their valiant attempts at turning the 'Sun' into a real community hub

As a mother of two young men who regularly eat and drink in the Rising Sun I can honestly say I know they are not likely to run into any trouble with Mike and Jo to look out for them as they do all the younger clientele. I of course can't say that there isn't the odd flurry of swearing or noise on departing the pub, who could, but I don't believe it's excessive or regular and I am confident whoever it is will receive a sharp rebuke next time they see Mike or Jo if they know about it or are told.

I am however sure that the vast amount of clientele are nice people out for a drink with friends or food in a pub that is growing in it's reputation for its atmosphere and its dining. A quick glance at TripAdvisor will tell you this.

The regulars are not going to put up with nonsense either as they like the pub to be a relaxed place to bring their family, eat supper and enjoy the well organised events.

Please inform me what will happen to this e mail or if you need me to write on a particular form I hope this can be dealt with quickly and justly as there is naturally a lot of upset
 Fred and Karen Gazzard

From: mandy hawker
Sent: 01 July 2017 13:16
To: Licensing
Subject: Rising Sun Pensford

Hello I would like too address a few points in relation to complaints made about The Rising Sun Pensford Bristol.

From a personal perspective I have attended the free music events which are managed in a very professional manner. The events are few and far between i.e. 3/4 a year if that. When an event is held in the garden it is mostly finished at 10pm. The garden is situated at the rear of the pub which is a fair way from the complainant home. After 10pm the dj will move inside to continue and will finish around 12. These events are always family friendly with with ages ranging from young children to OAP and great fun for the community. On a bank holiday fri and sat they have a licence til 2am but restrict it to 12 to be respectful.

I have witnessed people leave the area very respectfully. I have also attended the Sunday Sessions which involve a small band inside the pub. On these occasions I have witnessed the landlords close the windows and doors to respect the neighbours. The Sunday sessions start around 5pm and finish around 7pm it is always the last Sunday of the month. The volume of the music is never too loud that you cannot hold a conversation. So it's completely comfortable. I can confirm that very rarely, there is unsociable behaviour loud shouting and swearing on a near daily basis. In fact the people who live in the village are polite kind respectful people. So that doesn't make sense.

I can confirm that the land lord and lady have always operated within their licence. When neighbours have complained in the past they have changed their working practices i.e. Finishing music outside by 10pm. Music inside finishes at 12 even though their licence is 1 so allows for winding down.

I have also witnessed them picking up litter from outside their premises that clearly wasn't sold by them i.e. Ice cream wrappers to help keep the street tidy. The pub looks beautiful outside and is a pleasure to see.

It saddens me that these hard working people are being put under this unnecessary stress. They are a great asset to our village and I can confirm that since they have arrived the community as thrived.

I am very grateful to have them in our village. They are kind warm friendly and polite and will go out their way to ensure that things are run smoothly. I would not think twice about moving into the street where The Rising Sun is.

Surely if it is as bad as the complainants are stating the pub wouldn't be as popular as it is, and our parish news would be informed.

I hope this can be resolved asap too avoid any more unnecessary stress to the pubs lovely family.

Regards Mrs Amanda Hawker

From: Jennie Jones
Sent: 02 July 2017 13:22
To: Licensing
Subject: Rising Sun, Pensford - Review of Premises Licence

Dear Sir/Madam

I have lived in Pensford for 25 years and all this time I have also worked in the pub industry, I was an Area Manager running 20 pubs for a while and in my job today I visit at least 6 pubs most days, so I'd say I have a pretty informed view on how a pub is being run.

For years we didn't have a decent pub in Pensford, but when Jo and Mike came along and invested a lot of money in the freehold of the Rising Sun and transformed the pub I was delighted. Jo and Mike have gone from strength to strength building a wonderful pub and offering. It is truly the hub of our community and the events which are run on a few occasions are family events, very well controlled and organised. For example we have a Regatta every August where the children take part in duck races and boat making competitions. There are games and food and of course live entertainment. Lots in the village join in and it makes for a PROPER community which is now sadly lacking in most places.

From a professional point of view, I have NEVER come across better operators than Jo and Mike; they are professional, hard working and the pub is now truly amazing and we are very lucky to have this. From a personal point of view, I love having this as my local pub and I am very proud to tell everybody about it. The pub has become so successful that people travel from all over Bristol and much further afield. Dog walkers, cyclists and many more groups love using this pub.

It is a crazy situation that one person wants to change this and ruin it for all of us! I lived opposite the George and Dragon in Pensford for ten years, I accepted it was a pub and there would be noise and music from time to time and that is fine. The complainant would lead you to believe that the Rising Sun is a loud, boisterous out of control pub. This couldn't be further from the truth. Its a family/community pub nowhere is run more professionally by such lovely kind and generous people.

I have raised a petition which includes my name and address so that it is not anonymous and have been amazed that in just 24 hours 185 have signed this, BUT even more amazingly there are over 100 comments, all by people who use the pub regularly and there are very many personal messages of support on there for Jo and Mike

You need to take some time to look through these comments and they will give you the true picture of the Rising Sun and not a false picture painted by one member of the community.

<https://www.ipetitions.com/petition/support-the-rising-sun-our-village-hub>

I really really hope that you see the huge amount of support for the Rising Sun and make sure that NOTHING is changed, because Pensford loves their pub

Jennie Jones

From: Holly Marjoram
Sent: 30 June 2017 22:26
To: Council Connect
Subject: Licensing - Rising Sun, Pensford

To whom it may concern,

My partner and I live at I heard that a neighbour of the Rising Sun pub in our village has complained and requested for their license to be reviewed.

The Rising Sun is an excellent pub and is absolutely integral to the community. Myself, my partner and our friends in the village value the pub with its friendly atmosphere, great standard of food, local ales and ciders, music and community events. It is an asset to the village.

We have friends living within metres of the pub who say they have no noise disturbance or problems at all. We think that the complainers are just troublesome people with nothing better to do and we don't want them to spoil our highly valued pub for everyone else. We would *not* like to see any kind of restrictions placed on them.

Please take this into account when reviewing the licence.

Your Sincerely

Holly Marjoram

From: Heather Roxborough
Sent: 30 June 2017 21:29
To: Licensing
Subject: The rising sun, Pensford

To whom it may concern,

It has come to my attention that the licence for this establishment has come under review due to noise. I have frequented this public house on a number of occasions and would like to pledge my support on side with it.

I have not heard any irritable noise, in fact between the river and the A37 you cannot hear much else!

They also have a number of family friendly and purse friendly events throughout the year which are VERY few and far between.

Please consider this email in support of The Rising Sun, Pensford.

Kind regards
Heather Roxborough

Re: Rising Sun, Pensford

I would like to write a letter of support of the above pub. As a family who lives very central we love trips out to the Rising Sun (in the countryside). The team there are always very welcoming and the food is excellent. We've watched it be developed over the last few years into a fantastic pub, which always seems to have locals in the bar area.

Yours faithfully

E. Newton

From: Jennie Denton
Sent: 03 July 2017 12:48
To: Licensing
Subject: Rising Sun, Pensford - Support Email - Scrivens

Good afternoon

I am writing to show my support for Jo and Mike at the Rising Sun in Pensford.

I cannot believe anyone would have a bad word to say about this pub or the landlord/landlady. My husband and I moved to Pensford in December last year and part of our reason for choosing Pensford was the friendly and welcoming community which we experienced when visiting the Rising Sun.

This pub truly is the heart of the village; a meeting place for young and old, a fantastic place to enjoy amazing food and a hub for community activities. The Rising Sun is not a noisy or troublesome pub and the activities which they arrange have added to our community in a very positive way.

There is absolutely no reason in my opinion that this pub's license should be called into question.

Regards
Jennie Scrivens

From: Kelly
Sent: 01 July 2017 06:19
To: Licensing
Subject: Rising Sun Pensford

Dear Sirs

I write with dismay that the above pub has become subject to a license review. It has served its community for many many years and is an integral part of not just the immediate community but for villages all around. We travel from Farrington Gurney to enjoy the peaceful garden and beautiful views.

From what we have experienced this is a gastro type family oriented pub who positively encourage rural life and country walks. This impression we have got does not seem to fit with a need for a license review and I am somewhat perplexed.

I would urge the council to consider that this may be a case of 'not in my back yard' from local residents, who I have no doubt, have not resided there as long as the pub has stood. I too live near to a pub and appreciated the issues that may pop up from time to time prior to moving in. Common sense must prevail here, public houses struggle to survive in this day and age and once gone every community feels a great loss both socially and economically. Maybe some mediation between parties would be more appropriate.

With best wishes

Kelly Sheppard

From: Michelle Thomas
Sent: 03 July 2017 20:37
To: Licensing
Subject: Pensford Rising Sun

Hi

Just a quick email to support Jo and Mike who own the Rising Sun in Pensford.

I live about 120 metres from the pub and I feel they have done a wonderful job turning the pub around. I feel they have put a heart back into the village.

I really can't express enough what they have done for the whole community.

If the individual who has complained is the man I think he is then I can tell you he is a mean spirited, miserable man who likes to spend his time making trouble for others.

I have seen him on several occasions taking number plates from cars so he can report them for whatever reason.

We all have to live together here and if he doesn't like it he should think about moving (I'm sure someone else would love to live that close to the pub!)

Kind regards
Michelle Thomas

Dear sir/madam,

We are writing regarding the complaint made that has resulted in a review of the license for The Rising Sun in Pensford.

The complaint makes reference to loud music; firstly there are perhaps up to six times a year when the pub has live music and these occasions are very much focused on the community. The music never goes on late, usually finishes by 11 o'clock (except perhaps New Year's Eve). Live music half a dozen times per year is not excessive and if anything we would welcome a few more occasions with music.

The complaint also makes reference to noise from those leaving the pub, including swearing. I imagine this has happened on a rare occasion, however, the pub is very much a family pub and Mike and Jo are very considerate of the local community and those leaving the pub are generally very considerate of the neighbours. The pub doesn't encourage excessive drinking, they don't have offers that some pubs have which encourages irresponsible drinking. It's a traditional local pub that focuses on good quality food and a good pint. Again I fail to understand what the complainant expected when they moved into a property near a pub. Mike and Jo have very young children and their family home is above the pub, they wouldn't tolerate excessive noise as it would impact on their own family.

There is reference to deliveries, funny enough pubs do need deliveries. It is a small street, however, it is possible to pass when there are deliveries. We have a Land Rover Discovery, not a small car and I have been able to pass with ease and without the need to mount the pavement.

We don't live on the street so I cannot comment on the timing of refuse collections, including the bottle recycling. However, if this is a genuine concern I would suggest the time of collection is reviewed and not the pub license.

Since Mike and Jo took over The Rising Sun the only changes have been for the better. It is very much the heart of the community; it is their family home as well as their business and they have significantly improved the pub but have maintained its heritage. It is a traditional local pub and they do a lot to support the community. The pub has been there for hundreds of years, it is quite literally at the heart of the village. If anyone moves into a property near a pub they do so with an expectation, however, they should count themselves very lucky to have moved into a property near a pub like The Rising Sun with such a friendly, family and community focused ethos.

Yours sincerely

Jane and Paul White

From: Zoradi Tucker
Sent: 01 July 2017 15:27
To: Licensing
Subject: The rising sun pub at pensford

I would like to take issue with the complaints raised by new neighbours of the above premises.

Firstly, the clientele of the pub are not a rowdy crowd swearing and so on. Quite the opposite in my view.

Secondly, any music events put on are well advertised and conclude at sensible hours.

Thirdly, the pub itself is part of the community and has been for decades and I question the wisdom of anyone who moves into a property in close proximity of such an establishment

Because if they want total silence then being close to the main road alone won't provide that.

I feel this complaint is exaggerated at best, and not based on fact.

Thank you

Mrs Z Tucker

From: Brett Wiltshire
Sent: 03 July 2017 10:28
To: Licensing
Subject: Licence review

I would like to show my support for my local pub , The Rising Sun in Pensford as I understand they are having their licence reviewed due to complaints from a neighbour living opposite.

I find this absolutely absurd considering what Mike and Jo have done for the community and the extensive renovation works to both the pub and its garden.

I have lived in the village for 9 years and my garden backs on to the field adjacent to the pub garden and have never had any reason to complain about noise considering they have mainly outdoor events.

The Rising Sun is a true community pub and is always trouble free and a great environment for families with children.

I am amazed that anyone would complain as when there is a live band in the pub it is normally on bank holiday weekends and Mike and Jo always keep the sound to a reasonable level as to not disrupt the neighbours and it always ends at the specified time Regards Brett Wiltshire

From: Sarah Wright
Sent: 03 July 2017 14:44
To: Licensing
Subject: The Rising Sun - Pensford - Support Email - Wright

Good afternoon,

I've recently been informed that The Rising Sun in Pensford has been subject to complaint meaning it's licence is now under review.

If we were to lose the Rising Sun it would be a tremendous blow to the Pensford community and the surrounding areas.

I have always found the pub to be family friendly and very wholesome, occasionally there will be events held but with plenty of notice and noise kept at a respectable level.

The managers are a brilliant part of the village community, holding events for all and employing many people from the village itself.

Without the Rising Sun Pensford wouldn't be half as welcoming and gracious as it is. Even people from the other side of the country know it's reputation! For a small local pub that is truly amazing.

I hope to see their licence restored.

Many thanks,

Sarah Wright

From: Andrew Scrivens
Sent: 04 July 2017 12:14
To: Licensing
Subject: Rising sun Pensford

Andrew Scrivens

Dear Sir/Madam

I am writing regarding the licence review of the Rising Sun public house in Pensford. This pub is possibly the best run establishment that I have ever had the pleasure to frequent. It is the hub of the community and in all my time spent there I have never seen any trouble, heard any excessive noise or the like. It is a valuable asset to the village that has been created by Mike and Jo the present landlord and landlady and it would be a terrible loss to the village if their licence were to be taken away.

Best regards

Andy Scrivens

From:

Date: 4 July 2017 at 18:13:23 BST

To: enquiries@bathnes.gov.uk

Subject: licensing - The Rising Sun Pensford

From

Steve Thier

Dear sir/madam

Re: the points raised in the review of the Rising Sun Pensford License.

I am a regular customer of the pub and have been for over 30 years and know the place and current landlord and owners and customers very well.

Since Jo Dury and Mike Radford bought the Rising Sun they've absolutely transformed it into a thriving family friendly establishment that attracts customer from outside of the village into what is now a thriving and very valuable community hub. I am extremely flabbergasted at the points raised in the review as I have certainly never witnessed any of them. In particular

1. Very loud music being played until midnight. On the occasional Sunday I have seen and heard bands playing within the afternoon and these sessions finish early in the evening, certainly well before closing time. The noise of the music is not particularly load. It's quiet enough to hear yourself think inside what is quite a small pub with very thick walls. I understand on occasion there is music in the garden however when I have been here this has typically been on afternoons and evenings on for example bank holiday weekends. These events are well attended by the community and take place at the back of the pub next to the river which in itself is quite noisy. I don't understand how this music would carry around the opposite side of the pub and into the street

2 loud voices shouting and jeering. The pub is actually a fairly quiet and peaceful place. At times it's bustling, for example after work on Friday and Sunday lunchtime. I often take our children to the pub and have never experienced loud/shouty behaviour and my children have never been exposed to any inappropriate behaviour from pub customers. A good example of positive noise outside the pub is the village Christmas Mummers Day festival when a group of Morris Dancers and village folk perform an annual Yuletide ritual outside the pub. This event is brief and finishes early evening with good supporting attendance from the village (this is not organised by the pub)

I cannot make much experience based comment on the final 3 points about delivery as I've not been there when such events have taken place. It is true to say that it's a one way street with little parking on it and with a garage, cafe, barbers and post office and many houses that would all need such delivery services therefore if this is indeed an issue then all residents would be contributing to it.

My final comment is that it should be pointed out that Miss Jury and Mr Radford have invested a significant amount of time effort and money into the business and surrounding area not just for the benefit of themselves But also for the benefit of the local community. The

pub, the garden and the surrounding small holding are testament to this as the access is kept clear for all to enjoy the riverside walk and a great many local people regularly tread this path and picnic with permission on the licensees land .Furthermore they support local business and small holdings in the area For example buying fruit and veg stock from the local post office and buying beer from the local brewery.

Please consider my points in support of the license continuing as is.

Steve

From: John Kelly
Sent: 04 July 2017 15:15
To: Licensing
Subject: 17/01661/LAPRE Att. Ian Nash

Sirs,

I have recently been made aware of an application for the review the licence of the Rising Sun, Church Street, Pensford BS39 4AQ.

I understand this is from one person who lives opposite the pub and has nil or minimal support from his near neighbours so I can only assume is for other reasons other than those listed. A public house has existed on the site for many years. I also find it disturbing that the application for review has been made without any attempt being made to properly discuss the alleged issues.

I am a fairly frequent user of the Rising Sun and am unaware of loud music past midnight. Indeed the licensee is very experienced in the hospitality trade and hands on manages these situations very sensitively.

I have very very occasionally heard abusive language outside the pub but this has been jumped upon by the proprietors who have eliminated this by threatening to ban offenders.

The Rising Sun under its current management is an important community asset and is involved in numerous charitable activities.

I therefore submit that the current premises licence should remain with no changes and this spurious and mischievous application dismissed.

Yours faithfully

John Kelly

Sent: 04 July 2017 13:56
To: Licensing
Subject: Rising Sun Pensford application 17/01661/LAPRE

To Ian Nash,
I am writing to support The Rising Sun in Pensford for the above application.
It is a valued asset to the local community.
Yours faithfully

Andrew Barton

From: Kathleen Burbridge
Sent: 05 July 2017 09:39
To: Licensing
Subject: Rising Sun, Pensford

Dear Sir/Madam,

We understand that a new resident to Pensford has challenged the licence given to the Rising Sun, on the grounds of noise etc.

We have been residents of Pensford for 30 years and have been at the mercy!) of various landlords over that time. Mike and Jo are by far the best we have had. They are part of the community and go out of their way to help local organisations.

They hold a few functions outside at this time of year, but they always stamp on any problems very quickly.

If the resident that complained is a neighbour on Church St or close by, I suggest that they should not have bought a house so close to a pub!!!

We lived at for 2 years, and just up the road from the George, for 10 years. Yes, you do get a bit of noise at closing time etc...but... if you buy a house near a pub, that's what you've got to expect.

Please leave the licence as it is. They are GREAT landlords!!!

Yours faithfully.

Alan and Kathleen Burbridge

Sent: 04 July 2017 13:00

To: Licensing

Subject: The Rising Sun Public House - Pensford.

To Whom this May Concern,

I am wring this email in support of our local village pub. They currently have their licence under review due to complaints made by one resident in the village. The Rising Sun is a wonderful village pub and an asset to our community. Personally I use the pub a few times a month. I am part of a group of mothers from the village who meet there once a month. My family sometimes eats there at the weekends, particularly when we have guests and often on a summers evening you will find us along with many other families from the village, enjoying a drink in the lovely garden. The children love playing in the river and visiting the animals that Jo and Mike keep on the land behind the pub, as they now produce their own produce for the pub menu.

I also attend the 4 or 5 events that Jo and Mike put on throughout the year which is always very well attended by local people. This has included a fireworks display that they stepped in and put on for the village, after the normal village display had to be cancelled. As well as their regular regatta they put on every year, which includes music and charity boat and duck races in the river for the local school and tennis club. I think we would all like them to put on more such events, but as I understand it they don't in an effort to appease the one neighbour responsible for the complaints. We are also all usually in the pub on Christmas morning, which is lovely.

The Rising Sun is a family run pub which is used by families and local people as well as walkers and people looking for a meal in a country pub. I have never seen or heard of any trouble in the pub and can not imagine that there ever will be. There will always be the sounds of people meeting up and enjoying themselves, because it is a nice place to do so.

I have seen the reasons for the complaints which have lead to the licencing review. They include complaints about the noise of the recycling collection and the dray delivery and the sounds of voices coming from the pub. In other word the noises made by any pub. What exactly did the complainants expect when they bought their house opposite the pub? The pub has been in the village for over 500 years. I think in is unreasonable of them to buy a house and then try and close the village pub ending another person's livelihood, because they are unhappy that they live opposite a pub. I am sure the price of their house reflected the fact in was opposite the pub in the first place.

If Jo and Mike are forced to leave The Rising Sun I am sure the complainants will continue to complain about every landlord that follows. The loss of the pub and Jo and Mike would be a great loss to the village and the community and also a grave injustice. Jo and Mike are decent hard working people who have put a lot of energy into turning what was a smelly old cider hole into a thriving village pub and a lovely place to be for all the community.

I know I am one of many members of the village who feels strongly about this and I hope that our opinions are considered and valued. I would be happy to speak to anyone who has any further questions on the matter.

Regards,

Sharon Breton

Dear Sir,

We recently visited the Rising Sun pub in Pensford and thought it was a great place to visit. The position on the river, the lovely beer garden and scenic view were wonderful. The food was excellent and the service very friendly.

We definitely want to visit again as Pensford is such an attractive place and so I want to add my support to the renewal of their licence.

Yours faithfully,

J. Pioli

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

1st July 2017

Ref: Rising Sun, Penford

Bath and North East Somerset Council
5 JUL 2017
Received

Dear Sirs

I was appalled today to read on social media that some individual has seen fit to buy a house opposite a well run, vibrant traditional country public house only then to complain to the authorities that they don't like the noises emanating from the establishment. There are precious few enough decent community centred pubs left in England as a whole and this area in particular, and those of us who live in Pensford, value the efforts put in by the current couple running this fine establishment. I have lived in the area all my life and in Pensford for twenty years.

The fact that this fabulous public house is so popular, demonstrates how much this village values it's community pub, which is very much the social hub of the village. The owners have a young family themselves and behave in a responsible manner at all times. A number of times a year they organise big community parties and events that are hugely inclusive, bring together people from all walks of life, breaking down social barriers and creating harmony.

Do these people complain about the Royal Mail who have a sorting office a stone's throw from their front door and presumably start work early. Do they resent builders starting early? Do they complain about the car repair garage using the same entrance as the pub, with the coming and goings of motor vehicles and the use of air tools? Why would someone buy a house opposite a pub if they are over-sensitive about noise? If you don't like the sound of bells; don't buy a house next to a church!

I am shocked that the licensing authority are taking this unreasonable complaint seriously. If there is any danger to this valuable community asset I shall personally take the matter up with our local MP. I have little or no doubt that my letter of support will not be a lone scribbling and that the population of this village will not be giving up our social meeting centre easily.

Your faithfully

R. Ferrand

03/07/2017

received

Dear Sir or Madam,

I write to you in support of the Rising Sun pub in Pensford. It is a pub that has a lovely garden area by the river, one of the most beautiful settings one can find in many miles around. It is also run by lovely people and the quality of their food and drinks is really good too. It has a great atmosphere as well, which anyone can feel straight away as soon as they walk in.

Everyone feels always welcome in there and I believe such a place plays a very important role in maintaining the community's well being, cohesion and happiness.

They sometimes hold some live music events, which is a very lucky feature, but seems like some neighbourhoods don't quite agree with. Well, I would say to them that some things are for the common good of the community, like the road, the A37, which runs across the village and adds a lot of noise to it.

Kind Regards

J. Cantera

Ref : Licence review Rising Sun Pensford.

Dear Sir / Madam,

I am writing concerning the review of the license for the Rising Sun Pensford. I have taken groups of upto 50 people into this pub on 4 occasions in the last 18 months, 3 on a Saturday daytime and once on a Saturday evening. On each occasion I have found the pub very well run with all of our number contained within the pub with the windows & door remaining closed.

I use Wick Lane regularly driving to and from Bristol from the Chew Valley, therefore passing the Rising Sun, I have never seen people outside the front of the pub during opening hours and never heard loud music.

I have never been delayed by dray deliveries outside the pub indeed the only time I have been 'stuck' was behind a council recycling lorry!

I use the pub on a leisure basis at least once a month and see no grounds for the complaints you have received, please contact me if you need any clarification.

Kind regards

P. Belton

Dear Sir/Madam,

Somerset Council

- 5 JUL 2017

Received

The Rising Sun is a lovely village pub that is run by a lovely couple with their two young children enjoying the quaint pub lifestyle. They run the pub very sympathetically and traditionally and it would be a loss to the local people, businesses that supply it and visitors if it were to shut. It has a great history but also runs successfully as a much needed rural business, employing local people. Please consider the impact to both the family running it and the community if it were to close having had their licence put under review. Yours faithfully Fiona Penfold

F. Penfold

HCA E

01.07.17

Dear Sir or Madam,

I am writing in support of The Rising Sun, Pensford and the owners Jo and Mike.

They are lovely, kind and generous people who have made the pub into a comfortable and pleasant place to meet up with friends and relax. It's become the hub of the community with lovely food and a pleasant atmosphere.

They are bringing up their children here and have become a much loved family in the village.

On the occasions when there's been an outdoor event with music the whole village is invited and made to feel welcome, the music doesn't go on too late, usually finishing by 10pm, is well controlled and never any trouble.

Sunday music sessions are well attended and fun but are finished by early evening and again, no trouble.

Jo and Mike should be applauded for what they have done for our village, turning a run down pub into a thriving business, employing many local people, and bringing life back to the centre of our community.

I, for one, and I'm sure I'm not alone, hope they are here for many years to come.

Yours sincerely

D. Skuse

From: amy bush
Sent: 05 July 2017 22:14
To: Licensing
Subject: Rising sun public house license under review

To whom it may concern

I am a resident of Pensford and I am writing in response to the Rising sun's license being under review. This pub is the heart of the village run by a family who are very involved in the community. It's a lovely place to visit with children and family.

I have lived in the village just over a year and the pub has only had a handful of live music events. The music is played in the rear garden and finishes no later than 21:00. The statement suggests that there is cheering and swearing through the windows on a daily basis, this is absurd. I can assure you, if that had ever happened I would not take my children to this pub - I have never witness any poor behaviour. This pub is a quiet country pub and customers are local respectful individuals .

I would be truly saddened if the pub was to lose it's license - it would have such a negative affect on so many people

Please do not close our local, community pub

From: Anthony Heaford
Sent: 06 July 2017 07:04
To: Licensing
Subject: Rising Sun Church Street Pensford

Dear Sirs,

I would support the renewal of the licence of the public house known as the Rising Sun on the existing terms and conditions. The Landlord and the Pub have become an integral part of the village and make a significant contribution to village events.

Regards

J A Heaford

From: Jeanette Duffin
Sent: 06 July 2017 11:16
To: Licensing
Subject: The Rising Sun - Pensford, Bristol

Sender:
Mr D M Richardson
Dear Sirs

I have lived in the village since 1991 and have always enjoyed the welcome and atmosphere at the Rising Sun. I find the people that run the establishment respectful and courteous. The allegations that they run a noisy pub are totally unfounded. They have a young family themselves and would never accept anybody being too noisy and certainly would not accept any aggressive behaviour.

The allegations that when they have music afternoons that run until after midnight are totally unfounded. When living opposite a pub you must accept that there is going to be some noise. Most of the people that use the pub are middle aged and it is my view that the people complaining about the Rising Sun are being unfair and intolerant.

I sincerely hope the Rising Sun will be allowed to flourish and continue to be successful as in my view it is a well run establishment.

Kind Regards

Mike Richardson

From: Bex Skinner
Sent: 06 July 2017 21:23
To: Licensing
Subject: The Rising Sun Pensford

Evening,

I am writing to you in support of my local pub, The Rising Sun in Pensford. They have recently had a resident in Pensford request for a review of their license.

Due to the pubs community participation, I understand that on a couple of occasions throughout the year, the neighbour may be disturbed later at night by large groups of people.

These community events are a fantastic part of our village life, with a large number of the local population attending.

It would be a great loss to our village if the Rising Sun lost their license due to so few events throughout the year.

Kind regards
Bex Skinner

From: Daniel Pitt
Sent: 05 July 2017 21:29
To: Licensing
Subject: Licensing review of the Rising Sun - Pensford

To whom it may regard.

I am a resident of Pensford, Bristol with my wife and two children. We have lived here for one year now and we love living here, it is a wonderful place. One of the highlights of the village is the wonderful, family run pub - The Rising Sun. We feel very lucky to have a local pub that is so friendly, welcoming and accommodating. When we moved to Pensford we did not know anyone but now we and our children have many friends and are starting to make some lovely memories, many of these are due to people we have met in the Rising Sun and the Landlord and Landlady - Mike and Jo.

I have heard that the license of the pub is under review and I think that this is absurd, there are not many late nights that play music - and if they do it is always in the back garden or in the pub and the front doors/windows are shut. Due to the fact that we have young children we do not always stay until the end of the night, whenever we do leave the music is still playing but it is not loud or offensive at the front of the pub (In fact I have never really noticed hearing it). Furthermore, I have never seen any people drinking/standing out the front of the pub, the standing areas are also out the back of the pub. It seems unrealistic that these complaints have any substance.

On the free music events and the Sundays that we have stayed late, the garden music always stops before 10 - as well as not being too loud. The music inside never goes past 12 and again - is never loud outside.

As I mentioned earlier, there are many good people in the pub - none more so than Mike and Jo. They are good people that have added substantial value to the village and we would all be worse off if they were to lose their license or even leave us.

Finally - I have been told that some complaints are regarding the bins - surely this blame cannot be put at the door of the Landlord, the local authority need to review the pick-up times of the recycling trucks (if this is true at all)?

Please do not close down a pub that is the heart beat of the village and without it many, many people will be negatively affected.

thank you,

Daniel Pitt

To Whom It May Concern

July 5th 2017

Re: Licensed Premises Complaint

I write this letter in support and exasperation that it has even come to this stage. Having had 22 years experience in the licensed trade, I can quite honestly say that I have never come across two more professional and conscientious publicans in my life.

I moved to Pensford in October 2016, and took over the George & Dragon. I soon met Mike and Joe from the Rising Sun, who were only too happy to offer any support that they could, especially as we share a lot of the customers, with the clientele more than happy to frequent both establishments.

I have visited their premises on numerous occasions, both on week nights, some weekends, and on times their music nights, if any when they have them.

I have on each occasion NEVER found any cause or issue with any noise, or customer issues that in any way could cause any offence to the neighbourhood.

Yes of course of times you may hear the infrequent use of bad language, but this happens in every licensed premises, and in no way should be regarded as the norm, in fact it is actively discouraged by Mike and Joe.

On our first visit to the premises, when proceeding to go for a cigarette outside, we were politely requested to use the smoking area at the rear of the premises, as they felt was inconsiderate to their neighbours to have people smoking and making noise at the front of their premises.

It is quite incredible in view of this, that I now find out that they are having noise complaints, when in my own personal view, that have gone out of their way to treat their neighbours with courteous and professionalism, and can only surmise that this is a vindictive and vicious campaign by one or two individuals who cannot appreciate that villages require licensed premises, and that the Rising Sun is one of the best in the country.

Should you require any further information or clarification on any point, please do not hesitate to contact me

Bath And North East
Somerset Council

Yours sincerely

R. Hughes

Dear Sirs,

Licensing Application Ref 17/01881/LAPRE, The Rising Sun, Pensford

I understand that there has been an objection to the renewal of the licence for these premises on the grounds of excessive noise and offensive language.

I am a 70 year old widow who has lived in Pensford for 33 years and have never found any of the public houses to be anything but considerate of their customers and neighbours in so far as a local pub can be expected to be.

The current owners seemed to have been as diligent as they could be – they have put up notices to remind customers not to drink or smoke outside the front door and to respect the neighbours when they leave.

It is a very family-friendly pub with a large garden leading down to the River Chew, access to a footpath to a neighbouring village, it's own garden and smallholding and a locally sourced and recommended menu. The quiz night once a month is run to help fund the local tennis club and the live music put on on the last Sunday in the month is only between about 4.30 and 8.30pm and is not particularly loud. The garden has hosted activities for local children, among whom are the licencees' own children.

Whoever has raised these objections has obviously no understanding of what it means to be part of village life or what it means to live near a local pub.

I sincerely trust that these objections will be overturned

Yours faithfully,

J. Sobey

From: Simon King
Sent: 07 July 2017 09:48
To: Licensing
Subject: Rising Sun , Pensford

Dear Sir/Madam.. I am writing to support the rising sun in its licensing review.. before the current owners had the premises there was a caretaker tenant who encountered the same issues of complaint from the same person.. I have to wonder why anyone who wants a nice peaceful life would ever purchase a house opposite a licensed premises..Its completely understandable if the points he is making were true.. this is not a particularly noisy pub other than on the odd occasion when there is live entertainment. To say he is disturbed on a near daily basis is ridiculous. He would not last five minutes living next to the george and dragon on high street . There have been several other instances where he has complained, mostly to do with planning and several instances of complaint that have no direct effect on him whatsoever. Im sure his issues with the rising sun owners are a bit more personal than just noise.. I hope common sense is seen here and there can be a mediated solution that is amicable to all.. I have lived here all my life and can remember the premises being much noisier and disruptive than it is now. .

Yours Sincerely.

Simon King ..

Dear Sir/Madam

Re; Licensing Act 2003, Notice of application for the review of a premises license.
The Rising Sun, Pensford.

We contact you in shock and anger that the license for this premise is under review. The Rising Sun was a pub slipping into decline, until a young couple purchased it and have turned it into a home for themselves and their two young very children plus a very successful business.

The work they have carried out to the building and the gardens is stunning, they produce food of the highest standard and it is now a place of welcome where you are happy to take family and friends.

The claim that there is excessive music emanating from the premises until late at night is, quite frankly, ridiculous, they have children aged four and two sleeping upstairs!

Sadly, this is clearly a case of someone who does not want to live opposite a pub, although we're sure he must have noticed it when making the purchase, it has been there since the 1700's.

This young couple have saved a pub, have made it into the hub of the village and a thing of beauty, their efforts should be applauded, for them to have to go through the ordeal of a license review is just terribly wrong.

We would suggest these allegations are false and brought on through spite and malice.

Yours faithfully

Moir Dyer and Roger Dyer

From: Paul May (Cllr)
Sent: 11 July 2017 09:10
To: Licensing
Subject: RISING SUN - SUPPORT - Cllr Paul MAY

I wish to support the application from the rising sun in the centre of Pensford. I have received many comments in support of this well run public house. Like many other village inns it has neighbours but it is part of the community it serves.

Best wishes Paul

From: Michael Daniels
 Sent: 07 July 2017 01:15
 To: Council Connect
 Cc: bazz
 Subject: The Rising Sun. Pensford
 Hello.

I have just returned from a rare evening out to the local pubs in Pensford where I live. To find out that the Rising Sun has problems with a possible breach of there licence.? This complaint seems to stem from the same people who complain and object about everything. They complain about every planing application and every party or festival/happy event, they object and complain at, well just about everything, they complain and object about everything if it's not there's. Both my wife and I have been on the receiving end of there vindictive planning objections, when we applied for the change of use for the miners welfare building to a coffee shop they had a letter campaign to yourselves objecting to the change of use (a full week (plus) after the change of use had been granted and said that banes were wrong for not considering there objections). They are almost like a medieval witch hunt, which involves the couple in Nelson house, and the couple in Pensford church as the ring leaders who drum up support from whom ever will listen. I can not remember going to the Rising Sun at anytime in the last 22 years and thinking that I would not take my mother (78yrs old) and father (80yrs old) who are both looking forward to this years regatta. Having tonight read the posters that the people in Nelson House have posted in the street and some of the posts on Facebook book my daughters have told me about leaves me baffled as to why someone would buy a house in a street with a pub in it and then complain about the pub and not even a noisy pub a family pub where my children have dinned regularly for the last 22 years along with my parents and my wife and I would like to add this is the only pub in the village that my wife will go in as it's has a warm and family friendly atmosphere.

Please can you forward this email to the appropriate department with in licensing.
 Also apart from the standard automatic reply that this email was received I would like a response within 3 working days from the licensing department that they have received a copy of this email.
 Many thanks
 Mike Daniels

From: Charlotte Seavill
Sent: 06 July 2017 12:16
To: Licensing
Subject: Rising Sun Pensford

Good afternoon,

I am writing in support of our village pub, the Rising Sun, who provides the village with a great family friendly, respectful, inclusive heart of the community. We live on the same street and have always found Staff and customers friendly and respectful. Their events such as the regatta are fantastic fun for all the family and an opportunity for the village to come together. When they have live music which is only a few times a year it is always finished at a reasonable hour and not at all at an excessive level in my opinion.

I'm really surprised to hear that you have had complaints about the pub as it is an asset to the village and I can't believe someone would be unhappy with their daily business or their brilliant events.

I am happy to discuss this further with you if necessary.

Kind regards

Charlotte Seavill

From: Dom Lowe
Sent: 07 July 2017 13:08
To: Licensing
Subject: Support for the Rising Sun, Pensford

Dear Sir or Madam

I would like to show my full support for the Rising Sun, its owners, staff and for all the events they lay on for us inside and outside in the garden of the pub.

I have frequented this establishment for the last 25 years and seen it transformed from a dark, damp and dirty, old cider house into a fervent, happy and beautiful meeting place incorporating an excellent restaurant, appreciated and enjoyed by virtually every Pensfordian and hundreds of others from South Bristol and the surrounding villages. It is famous for its location, tranquility and ambience and is an absolute treasure to those that know and use it.

Jo and Mike are experienced hosts from running other licensed premises in Bristol, here in Pensford they provide a high-end experience for anyone who wishes to eat, drink, listen to music or simply meet up with friends to socialise - they do not, never have, and never will tolerate drunken, loud or abusive behaviour from anyone and they make it clear that any person behaving in such a way will be escorted from the premises immediately. It simply isn't a place where shouting, jeering and swearing occurs with any regularity and to suggest otherwise is an injustice to the fine service that Jo and Mike provide, that said it is a public house not a library and a sizeable chunk of common sense also has to apply.

Occasionally, a handful of times a year, there is live music to enjoy which only adds to the vibrance of the buildings and garden, it attracts many locals and those from further afield which, in turn, brings more money into the village and directly into other local businesses, mine included, so any change in licensing will also affect the few, thriving businesses based in Pensford. I attend as many of the live music events as I can and have never known them to go beyond midnight, but would fully support them if they did as they provide so much fun and entertainment for local people on an occasional basis which greatly outweighs the short-term inconvenience that the great majority of villagers accept unconditionally.

In warm weather the welcoming breeze coming through an open window and out through the back door is always appreciated, if the noise, shouting and swearing were in any way as obtrusive as the complainant has suggested, I and most of the regular clientele simply would not be there in the first place, this kind of loutish behaviour does not happen on a regular basis, 99% of the time it is a very peaceful, calm and friendly place.

With regard to the disruption caused by delivery, recycling and waste collection vehicles, I can only say that I haven't witnessed any of it but I will say again, the Rising Sun is a hugely popular and valuable village amenity, it's a business that serves thousands of people annually - stock has always needed delivering just as waste has always been, and will be generated and in contrast to the value that it brings to our community, this disruption is a small price to pay, in my opinion.

Long live the Rising Sun and the pleasure it brings to just about all of us, I have to say that were I in any way upset by the general noise, music, laughter and the sound of people enjoying themselves that will always emanate from a thriving village pub, I would like to think I'd have the foresight not to buy a property directly opposite one that has been doing just that for the last 500 years or so...

Sincerely yours Dom Lowe

Date 6th July 2017

Reference: Rising Sun, Church St, Pensford license review

Dear Licensing Team,

I am writing in support of the Rising Sun in Pensford with regard to the licence review as a result of a complaint from a local resident.

The complaint appears to be based around a claim of excessive music beyond midnight and abusive language from patrons.

This claim is in complete and utter contradiction to my experience of the Rising Sun. I have lived in Pensford for over 13 years and regularly visit the Rising Sun since Mike and Jo took it over and transformed it from a dated and unwelcoming pub into what is now a hub of our community.

My wife and I are professional people (a solicitor and a surveyor) with 2 children and have no issues taking them to the rising Sun as it is a welcoming family environment. I also meet friends in the evening, without the children, and have never encountered abusive patrons or excessively loud music. I know many people who live in closer proximity than I do and have never heard any of them talk about such issues.

I absolutely believe that Mike and Jo would not tolerate such behaviour and would always do everything they could to prevent it. I cannot stress strongly enough the positive influence that the Rising Sun has on our community. Please do not alter their licencing agreement.

S. Roberts

Dear Sirs

Re: - The Rising Sun, Pensford

As local residents and occasional visitors to the Rising Sun we write in unequivocal support of the continuation of its licence.

The hosts, Jo and Mike are a charming and friendly couple and since taking over what was a struggling pub, it has become one of the hubs of village life. It is true that they hold some delightful summer events in the garden, perhaps three or four times a year, including the family regatta in August, where children from the village and surrounding areas race home-made model boats along the river. These events are always at the weekend and are extremely popular with everyone from babes in arms to octogenarians.

While these occasions generally involve a local band or some other form of music, Jo and Mike are always very mindful that not everyone might enjoy the sounds and to the best of our knowledge the music stops before midnight. No music is played in the pub itself and certainly whenever we have visited the Rising Sun, (maybe twice or three times a month) there has always been a convivial family atmosphere and no sign of any poor behaviour by the patrons.

The Rising Sun has improved dramatically in every respect since Jo and Mike took over, and having two children under 5 themselves they are very aware of disturbing the peace of the neighbourhood. In our opinion the complaint is entirely without foundation and should not be allowed to affect the continued success of the pub as a village asset.

Yours faithfully

S & K Ayres

From: natalie stephens
 Sent: 10 July 2017 11:53
 To: Licensing
 Subject: Re: Licensing review of The Rising Sun

Dear Sirs,

We are residents of Belluton, Pensford and know both Mike & Jo from The Rising Sun.

We are shocked to hear of the recent review of the license.

This is a lovely, family run pub.

Very scenic, accompanied by amazing food, if not the best locally, not to mention an all round lovely, friendly, inviting atmosphere.

My husband, who is a director of the family business often works late and some summer evenings we will decide on the spur of the moment to head out for a meal with our 2 young children, The Rising Sun in Pensford is the only place we feel comfortable with taking our kids to for dinner a little later than usual, between 6-8pm. We are always greeted with a friendly welcome and because they have the beautiful garden we are able to relax a little while our children explore the river bank under our supervision.

We have been to a few of the lovely bank holiday events held at The Rising Sun and because we have young children are always gone by 9, but the music has usually stopped for then too. At these events we meet so many of the local residents and catch up with friends from the village who all have busy lives themselves. Our children meet up with their preschool friends and it really is a lovely social occasion for everyone.

We have never heard loud music when leaving the pub on any evening.

The owners of the The Rising Sun have even helped raise funds for the primary school in pensford, this pub is the heart of the village and to think that it may risk been closed down is a very sad thought.

Yours kindly
 Natalie Stephens

From: JL Matthews
 Sent: 12 July 2017 09:18
 To: Licensing
 Subject: The Rising Sun Pensford

Sir/Madam

My husband and I are patrons of the Rising Sun pub Pensford. We live in but regularly visit for a meal or a drink after walking our dog in the area.

We have seen the changes that Jo & Mike have made to the premises, creating a family/dog friendly local amenitie where bad language or behaviour are not tolerated.

They do hold live events 4 or 5 times a year, well attended by people from far and near creating fun times for those wishing to socialise in great surroundings.

Jo & Mike have worked hard to make this enterprise work, creating local employment whilst trying to maintain the rural idyll.

Yours sincerely Lyn & Mel Matthews

From :

Date : 04/07/17 - 17:57 (GMTST)

To :

Subject : The Rising Sun Pensford 17/01661/LAPRE

Dear Madam/Sir

We are writing to support our local village pub , The Rising Sun.
We understand there has been a noise complaint about the pub.

This ancient pub has been for generations , the centre of Pensford life.
For many years it became more run down and needed experienced people to care for it and give it back its rightful place in the community.
Over 4 years ago Jo and Mike moved in and have worked so hard to make this a pub the whole village is proud of.

The outside of the pub has been redecorated, there are hanging baskets which are changed seasonally.
They have refurbished the kitchen, now providing a brilliant menu culminating in a Supper Club every month, bringing diners far and wide to a very special venue. This provides waitressing and cooking jobs for young people in our local community.
They have refurbished the bar, providing a new good selection of soft and alcoholic drinks . They have refurbished the toilets, making them more hygienic and comfortable.

But more than this , they have over the years provided traditional family entertainment both inside and outside the pub which is free for the whole village. They brought back a venue for the Christmas Mummers Play, the annual Duck Race, monthly Quiz nights and village Barbecues.

They have completely upgraded the river garden and made a river walk under the viaduct which is now easily accessible to families.
They support the school with visits to their .river walk and horses.
They are now such a wonderfully settled part of this community that their elder daughter will soon attend the village school.

The person complaining about the noise must be a newcomer. If they have recently moved to Pensford, maybe they don't yet realise the enormous value this pub adds to the village. A pub will obviously be a place for people to meet. I have never in 28 years of living in Pensford, seen any noisy or disorderly behaviour outside the pub.
Perhaps the complainers have simply chosen to live in the wrong house.
Hoping this will support Jo and Mike at our wonderful pub.
Come and see for yourselves.
Yours sincerely

Elaine and Tom Davidson

From: Liz Jones
Sent: 13 July 2017 10:13
To: Licensing
Cc: Liz Jones
Subject: The Rising Sun - Pensford

To whom this may concern,

It has been brought to my attention that my local public house, The Rising Sun, is under threat of licence review. Therefore I felt it necessary to email the licensing department to ensure that other opinions are heard and taken into consideration.

The Rising Sun is a central hub for many village members, offering a relaxing family environment for all and I feel the accusations being made are grossly exaggerated and completely unnecessary. The Rising Sun is seen by most members of our community as being at the heart of Pensford, hosting many community events and helping to maintain Pensford as a strong social group valued by the people who live here.

As a senior professional, I want to ensure due diligence is followed in this process, as naturally, this is a concern for me. I speak for many individuals in our community and should you want further statements from other residents about their concerns, then I would be happy to gather this information for you.

Please can you confirm receipt of my email

Regards

Mrs E Jones

Ref Renew of License

It is with deep sadness that the minority again are trying to spoil it for the majority. This is a family run pub that has a warm, welcoming & friendly atmosphere which generally is full of local people. There are enough pubs that are currently being closed down due to being unsustainable. Local amenities are being closed all around and in particular for the older generation it is vital to keep local amenities open & supported.

This pub was in decline but has had time, energy & of course money spent on improving inside & outside making it a beautiful place to visit.

They provide a valuable focal point to the village & have kept up with the tradition of the annual duck race, supported local fundraisers, pub quiz, provided a stunning back drop to a vintage tea party style wedding reception, bands etc. I have not known that the music has been excessive or indeed extended beyond an acceptable hour. To suggest that the locals leave the pub in an unruly manner or indeed using abusive language is ridiculous, as for rubbish collection or deliveries this is no more than you would expect from any other local shop or pub. Will this mean that our local village shop & Post Office will be next on the hit list.

Lisa Coles
Pensford

From: philip wallhead
To: "licensing@bathnes.go.uk" <licensing@bathnes.go.uk>
Sent: Thursday, 13 July 2017, 14:14
Subject: Rising Sun, Pensford, Bristol BS39 (Review of Licence)

I am sending this email because I understand my original email didn't arrive?

1. The Rising Sun, Church Street, Pensford, Bristol BS39 4QA

2. My name is Philip Wallhead and I live with my family at, which is approximately 200 yards from the Rising Sun, we have been in the village since early 2002

3. I wish to support the Rising Sun and its licensing application for the following reasons:

- We use the Pub on a regular basis and it has been transformed by Jo and Mike over the years to become I would say the hub of the community
- I tend to use the pub later in the evening and I can honestly say that when time is called its called, and anyone in the pub is encouraged to leave by the back door by all the staff.
- I have attended the pub when they have music and this had been both inside and outside in the garden. Again it is always well run and very well attended, by the village and the surrounding area.
- I have never seen any trouble, witnessed any raised voices or been told of any incidences.
- I am a Governor at the local school and cannot praise Jo and Mike more than I do, they regularly raise funds for the school with their events for which we are extremely grateful.

I would question why someone would buy a property next to or opposite a pub or any commercial premise's unless they were prepared to put up with people coming and going, deliveries and in this instance entertainment. I have spent 35 years arranging finance for people buying both residential and commercial premises and I know how difficult it is to obtain finance on any property near commercial premises.

Lenders don't like what commercial premises can become, for example you buy a property next to a newsagent hours are normally 6am to 6pm then they apply for a off sales licence and start opening 6am - 11pm or worst still it get taken over and gets turned into a takeaway.

Same applies to The Rising Sun, when we came to the village the pub was dead on its feet. Jo and Mike come along integrate into the village very well and turn the place around, inevitably with success will come more people.

I trust this will help The Rising Sun thrive in our community.

Philip John Wallhead

To whom it may concern 13th July 2017

Rising Sun, Pensford

In 1995 we moved to, Pensford. We knew that our house was near a river. We knew that it was near to the A37 and we knew it was 30 yards from the Rising Sun public house.

We are aware that the Rising Sun publican's licence is under review owing to a challenge by one of her neighbours.

We find it absolutely astonishing that someone who bought a house directly opposite a public house would then try to revoke the licence of the pub, which has been trading since Shakespearian times, knowing full well that this action could deprive the current licensees of their livelihood and the locals of a place to meet friends and family? Even Hitler and the great flood of 1968 couldn't do that. It is like us seeking the river and the A37 to be diverted away from us.

Village pubs and shops are the heart of the community and they shouldn't be put in an industrial estate just to keep the odd person happy.

The current licensees of the Rising Sun, Jo and Mike, have developed a good trade and employ a lot of local people. The previous licensees hosted weddings and parties, firework displays and bonfires, live music, karaoke and discos none of which irked my wife and I or, at that particular time, our young children. We have never been particularly bothered by noise coming from the pub.

Of course people who frequent any pub will talk and some may raise their voices from time-to-time. In the summer the pub will have their windows open and you can hear the pub-goers as you walk by. That is the nature of a pub and this is to be expected. (You can't install air-conditioning in a pub this old so that you can close the windows just to assuage one neighbour). The Rising Sun hosts the odd music event but have listened to their neighbours requests and finish outside music by 10pm and, as far as I am aware, they have never exceeded their opening times. That is reasonable and fair to all.

We hope that this matter is resolved sensibly so that Jo and Mike can continue running a good, lively village pub without any restrictions.

Yours sincerely, Susan Aiers and Chris Reddy

From: andrew collins]
Sent: 14 July 2017 14:50
To: Licensing
Subject: Review of license - Rising Sun, Pensford.

To whom it may concern,
We would like to add our support to the Landlords of the Rising Sun, Pensford, in their bid not have their license changed from it's current status.

We have lived in the village for almost 10 years and until a couple of years ago we lived two doors down from the complainant in this case. Therefore we have first hand knowledge of the effect the pub has had on Church street and the surrounding area. The improvements in the pub since Mike and Jo have taken over have been a testament to their hard work and the pride and care in what they do.

I can honestly say that we were never aware of excessive music regularly going on late or abusive and loud patrons. Jo and mike organize half a dozen events a year where there is live music in the evening. We have never known this music to go on past midnight with the possible exception of New Year's eve. Excessive music also wouldn't occur for the simple reason that Jo and Mike have very young children living on the premises.

In many ways the Rising Sun has become the heart and hub of the village. It provides a warm enviroment not just for people wanting a drink in relaxed, friendly and welcoming surroundings but also for the local community groups who meet there. They have provided employment in the village and the staff are second to none. They are welcoming, efficient and hard working and in my experience this comes from the top. Happy staff are people that are treated properly and feel valued.

On a personal note we would like to mention how Mike and Jo stepped in and directly contributed to make our wedding day such a success. We had been let down with our party venue at the last minute. Jo and Mike stepped in and offered us use of the pub and the beautiful gardens. Their kindness, hard work and professionalism made it a very very special day. So much so that my son had his wedding reception there and my parents made it the venue for their Diamond wedding anniversary. Believe me they wouldn't have done that if the place was full of rowdy and abusive patrons!

Without getting too negative about this we would also like to point out that during the time we lived in Church street we were often aware of the complainant's seeming need to enforce his views on all those around him. We have personally seen (and read) abusive and rude notes that he has put under the windscreen wipers of cars that have legally parked across the road from him. He would also put traffic cones outside his house so that people couldn't drive too close. As neighbours we were unaware of any problems until they moved in!

In conclusion the Rising Sun is something that Jo and Mike should be very proud of. I know that the village is very proud of it and value it greatly. It would be a huge shame if their

license should be changed because of the views of someone who knowingly moved in opposite a pub and then complains that he lives opposite a pub! I'm sure I'm not the first person to have said that!

Yours sincerely
Andy & Jacqui Collins

From: Deborah Wakeford Sent: 14 July 2017 16:06
To: Licensing
Subject: The RISING SUN - Application to Review Premises Licence

Dear Sirs

I am writing in support of The Rising Sun, Pensford, which I understand is due to have a licence review shortly.

I do not live in Pensford, but in one of the neighbouring villages but have enjoyed visits to The Rising Sun on many occasions with my family. I have read the objections raised and would say that I have never witnessed any kind of anti-social behaviour in the pub, in the gardens or even outside of the pub.

We have always found the pub and the licence holders to be very friendly, professional and welcoming and think it is very child-friendly. We have not witnessed any shouting or bad language and if we did, we would not keep returning.

We have attended social events at the pub and have not found music being played to be excessively loud. Again, with a young child, I would not find this acceptable myself and would have to leave but we have never found this to be a problem.

To the contrary, we are fully supportive of the pub as a valid and long-established community hub and I would hope that common sense prevails and it is able to continue to trade as it currently is. It is great to see such a pub doing so well in a difficult trading environment and it should be supported and encouraged.

Kind regards Debbie Wakeford

From: lizz
Sent: 15 July 2017 07:10
To: Licensing
Subject: Rising Sun Pensford

To whom it may concern,

I am writing in response to the request to review the license of the Rising Sun Pensford.

I live at which is two doors along from the requestors property and since living there have not experienced any excessive music or noise by voice coming from the premises or patrons leaving the premises.

The pub is a key part of the local community and the landlords are extremely welcoming and do a lot for the village. I am petitioning for the license to remain unchanged.

Yours sincerely, Elizabeth Hyde

From: Catherine and David
Sent: 15 July 2017 14:58
To: Licensing
Subject: Reference number 17/01661/LAPRE

Dear Mr Nash

We would like to offer our support for the licensing application for the Rising Sun in Pensford. It is a wonderful family-friendly pub which is a huge asset to the village. We regularly go to the pub for food, quizzes, and for some of the events they run such as the annual regatta, which is popular with families in the area. Jo and Mike Drury are very friendly and create an atmosphere which is welcoming to those of all ages. We live in the village itself and have never felt that there was excessive noise or encountered any unpleasant behaviour around the pub area.

Yours sincerely
Catherine Hunt and David Evans

I write in support of The Rising Sun, Church Street, Pensford, who are subject to a Review of Premises Licence, and against the complainant.

This pub is at the very hub of the village, is run in what any fair minded person would describe as an exemplary manner. They provide employment for quite a number of local people, some of whom are young and getting their first taste of employment, and none of whom would find any other employment in the village. The licensees are a delightful couple with a young family, and join in with the village life.

The complainant chose to move to a house that was opposite the pub, and therefore should be prepared to accept the occasional loud music or loud voices. It is not a common occurrence.

It should be noted that the complainant did not approach the licensees directly before bringing this application.

In my opinion it is a vexatious complaint.

Yours sincerely,

J.A.D.Littler (Mr.)

From: Andy Flack **Sent:** 17 July 2017 13:07
To: Licensing
Subject: Re Rising Sun Pensford License Review

To Whom It May Concern:

We write in support of the current landlords of the Rising Sun public house in Pensford.

We live less than a minute's walk from the pub, overlooking the pub garden. We regularly attend free music events, both inside and outside the pub, which we feel are an asset to the village community. They are a chance for residents to come together a couple of times each year. Of course, we live close enough to hear the music when it is on. However, we have two children under the age of four, and not once has it disrupted their bedtime routine, or our evenings. We feel that the landlords are highly considerate of residents' needs in this regard.

In spite of hearing this music, we have never heard loud voices or jeering from the pub or its garden, nor have we heard any delivery vehicles. We have to access Church Street to get to and from our property. Very rarely do we find this road blocked by delivery vehicles. If it ever is, there is never an issue asking the driver to move while we pass.

All this being said, we feel that there is no need for the Rising Sun pub license to be amended. Well-run pubs like this one are assets to any community. It would be detrimental to village life to lose this welcoming and family-friendly pub.

Yours sincerely,

Dr and Mrs Andrew Flack

From: Bridget Brown
Sent: 18 July 2017 03:22
To: Licensing
Subject: The Rising Sun Pensford

Dear Sir/Madam,

I would like to offer my support to the Rising Sun in Pensford. I have been to the pub on numerous occasions for a variety of events. Every one of them has been such a pleasure. The atmosphere at the pub is friendly, welcoming and safe with a family feel. Over the years I've observed the owners, Mike and Jo, continue to develop the pub for the better. They have put time and effort into improving both the inside of the pub, the exterior and the gardens out the back. All these improvements make not only the pub a nicer place to visit but the village of Pensford more attractive.

I know that Jo and Mike take their role in the community very seriously and have worked hard over the years to build good relationships with their neighbours.

I fully support all their endeavours and think their licence should remain unchanged.

Kind regards,
Bridget Brown

From: Sam Cox
Sent: 17 July 2017 14:24
To: Licensing
Subject: Ref Rising Sun Pensford Review

To whom it may concern

I have to say I'm extremely surprised to hear that the Rising Sun in Pensford is having its Licence reviewed.

It is the epitome of what a good village pub should be.

Mike, Jo and their staff are welcoming and professional in equal measures.

I lived in Pensford for 3 yrs up until July of last year and the Rising Sun is what I miss most about the village.

I have two young children and a disabled father all of whom were welcomed and made to feel at home in this great pub!

The food is fantastic and the occasional events that they hold are brilliantly run and always well attended by people from Pensford and the surrounding villages.

It would be a great shame if obstructions were put in the way of Mike and Jo running the pub as they see fit as they really are the heartbeat of the village.

I can only assume that someone living very close by has made some sort of noise complaint to which I would suggest that maybe buying a house near a pub isn't the best idea!

I hope this finds you well

Regards

Sam Cox

From: lizzie hart
 Sent: 17 July 2017 14:44
 To: Licensing
 Subject: The Rising Sun- license review

To whom it concerns,

I am writing to object the proposed license review.

We have recently moved to the village, we love being able to walk to our local pub which has an amazing and welcoming atmosphere each and every time we go.

Mike and Jo work so hard and are always very accommodating of any requests we make. All of the staff are always very helpful and efficient, as are part of a team.

They run some events throughout the year, which are family friendly and always well supported as lots of notice is always given.

Although we only moved to the village this year, we have used the Rising Sun all of our lives on and off. The Rising Sun is more than just a public house, it is a part of the community that brings so many of us together.

I believe it is a neighbour who has complained about noise, but why buy a house next to a pub if silence is something you want?! Even though every time we pass the pub there is never anyone loitering or noisy outside. Far worse noise could be caused by any neighbour who chooses to have a garden party!

Thanks for taking the time to read this email and I hope the review is quashed.

Thanks
 Liz Sweet

Sent: 17 July 2017 22:32
To: Licensing
Subject: The Rising Sun pub at Pensford Somerset

To whom it may concern,

I am writing this letter in full support of Mike and Jo Drury, My husband and I travel to The Rising Sun on a weekly basis sometimes more than three times a week (we live in Whitchurch village) This is a very special pub not only do they sell alcohol but serve lovely coffee, tea and excellent food. They have brought this pub alive its where the whole community can get together and enjoy their selves. There are not many pubs that can be called pubs any more, as landlords Jo and Mike are the best, friendly, family orientated and work hard to give a lot back to the area.

We go to this pub for the company of lovely friendly people, we have never had cause to complain about anything.

This pub has been in Pensford for hundreds of years and if people do not like pubs then they should not buy a house in the same street.

Keep up the good work Jo and mike we support you 100%

Kind regards

Lesley and Bill Hart .

From: Paul Adams
Sent: 17 July 2017 14:13
To: Licensing
Subject: Rising Sun, Church Street, Pensford - License Review

Dear Sir/Madam,

I am writing regarding the license review of The Rising Sun, Church Street, Pensford. Whilst I do not live in Pensford itself I have visited the pub on several occasions and have always been impressed by the friendly manner and welcome they extend to all customers. I understand that before the current landlords took over the pub that it was not much of a place to visit for non-locals. However over the past few years the pub has seen amazing transformation with people travelling long distances to go there. They have created a vibrant pub with a community feel. In the current times these efforts should be commended as without community places like this then community spirit is lost. With the ever increasing use of social media it is a well known fact that people go out less, and with increasing costs of living, many pubs across the UK have shut down, and with this the sense of community and belonging is lost. The Rising Sun has worked very hard to offer good food, a friendly environment and quite simply beautiful surroundings.

I understand the licensing review is due to excessive music beyond midnight and abusive language from patrons. With regards to the first point whenever I have visited the landlords are very conscious to ensure that the sound is reduced as it gets later, and music is stopped before the official closing time. They do have events from time to time, but again the music is well controlled and perfectly normal for events like this. With all due respect some noise can be expected if you live near a pub and I am sure the landlords would not intentionally create excessive noise, therefore I can only assume these are isolated events and I am sure the landlords would work closely with the local community to address any concerns they have and indeed would give advance warning of any outdoor events. This is a pub after all.

As regards to the abusive language from patrons, this seems unlikely to me as all of the people I have met are very friendly and well mannered. One can only assume that the language may be from people who either were not at the Rising Sun or indeed if they were it is surely beyond the control of the landlords once they have left the premises. When I have been at the pub, I have never seen any people who would be likely to use abusive language outside and so it is hard to imagine this is the case.

I do hope the licensing team are able to realise the great work the Rising Sun have done in creating a place for the community, providing high quality reasonably priced food, and transforming the pub into a vibrant location. The events they put on are so good for the local community. More of this is needed in an age of social media and people communicating less.

Many thanks for considering my views.

Kind Regards,

Paul Adams

From: Emily Arnold
Sent: 17 July 2017 13:29
To: Licensing
Subject: The Rising Sun, Pensford

To whom it may concern,

i would like to put forward my support for The Rising Sun pub in Pensford. It is an excellent hub for the community and provides a wonderful setting for locals and visitors to enjoy the village's stunning vistas. It is family friendly and champions small business ideals, whilst also maintaining its roots as a traditional country pub.

I have attended an outdoor music event here on a Sunday afternoon, which was a relaxed, and joyous affair. The music could only really be heard in the garden and ended in the early evening. It was enjoyed by many and provided a small festival atmosphere enjoyed by all in attendance, which was largely young families.

I know the landlady and her family have worked tirelessly to alter the reputation of this establishment for the better, overcoming many obstacles along the way. Under their ownership, the pub has been transformed into an attractive and welcoming place, with excellent food and drink, a beautiful garden, and a family-friendly atmosphere. They played a central role in fundraising to fix the public footbridge and are at the centre of many community events.

To restrict the terms of their licence would be detrimental to the business and inevitably to the community, and be a bitter blow to a family who have already been through an extraordinary amount of hardship. I know Jo and Mike will deal with any setback with courage and dignity, but I urge you to reward their hard work and dedication, by allowing them to continue improving their home and their community under their current licence.

Thank you for your time
Yours sincerely

Emily Arnold

From: Maria Cahill
Sent: 17 July 2017 23:05
To: Licensing
Cc: Jo Drury
Subject: Ref: licence review The Rising Sun Pensford

To whom it may concern,

I am writing to describe my observations having been a patron at the Rising Sun on and off since Jo Drury and her family moved there. Since moving to Pensford, Jo and Mike have been determined to integrate into the community. They had been living in Bristol for a number of years, but Jo is originally from a village outside of Bristol and was really keen to return to close-knit community living. They have made every effort to make their pub welcoming and attractive to the local community. Over the years they have invested heavily in the building and surrounding land, moulding it into the community hub it has become. They hold events throughout the year bringing together locals and those from further afield. The pub is central to the social cohesion of the village. It attracts people to Pensford from Bristol and other locations, generating revenue from which the whole village benefits.

On a more personal note, I have known Jo and Mike for close to a decade. They are both respectful and considerate members of the community and would not consciously disturb or inconvenience anyone, if they could avoid it. They do not take for granted the respect and welcome they have earned from their patrons and neighbours and would avoid jeopardising their community standing at all costs.

I don't know the details of the licence appeal but I think it would be a significant loss to the community of Pensford should the Rising Sun licence be altered or revoked.

Kind regards,
Maria Cahill

From: ELIZABETH LANGDON
Sent: 17 July 2017 22:17
To: Licensing
Subject: Support for 'The rising sun' pensford

To whom it may concern,
I am truly saddened to hear of the complaint that has put 'the rising suns' licence under review. Living just a mile away (as the crow flies) from the pub we quite often walk down with our 7 and 5 year old to enjoy amazing food, friendly staff and such a lovely atmosphere!!!

My husband has lived here for 42 years and we have only really started visiting the pub since jo and mike took it over and transformed it, as it had such a bad reputation previously. Now, with it friendly animals who greet us on our entrance into the pub, beautiful views, unique riverside garden and family friendly atmosphere- there is no where we would rather be than spending a nice summers day in their garden!

We have been to a couple of the live music events and had a lovely time. Having such young children with sensitive ears, we have never considered the music to be loud and the customers that attend are all very considerate towards others.

This pub is a true asset not only to the village of pensford but to the chew valley and surrounding area.

I am saddened to think that a pub, that the current owners have put so much time and effort into converting it into a true family friendly pub (rather than a cider house which is what it was know for!!!) has been threatened with these allegations!!

Hoping our views as local customers will get heard, so we can continue to enjoy our time at this gem of a place!!

Kind regards
Elizabeth and Nicolas langdon

From: Samantha Stocks
Sent: 17 July 2017 20:53
To: Licensing
Subject: Letter in support of The Rising Sun pub, Pensford

Dear BANES Licensing Team,

I'm writing to voice my support of The Rising Sun pub at Pensford.

I am a resident of Pensford and live at..... However I lived at, just a few doors down from the pub, from 2010 to 2015. At the time of my living there we never found the volume of the music to be an issue, even at times when music was played outdoors. The music always stopped by midnight and never kept us up or disturbed us at our house.

We were similarly never disturbed by loud voices from patrons or swearing. It's a real stretch to be able to describe noise by patrons as 'excessive'. As far as I remember, the volume of people leaving the pub was always normal talking level, not overly loud or excessive, and certainly nothing that disturbed us at night.

Getting past delivery vehicles was also not a problem, and indeed as I still live in Pensford and frequently drive down Church Street, I still never have a issue passing delivery vehicles. There has always been space to pass them without my needing to mount the pavement.

We've now lived in Pensford for 7 years, and in the time that the Rising Sun was taken over by its current owners, the feel of the village has transformed. My partner and I have personally been able to make new friends directly due to the pub and the events it puts on for the community. We greatly enjoy the pub's live music events, and other community events it puts on, and strongly believe that it has added a great deal to the entire community of Pensford.

Not only that, but the pub and its events attract people from areas outside Pensford, bringing more business to the village and making it somewhere to stop and visit rather than simply pass through.

The Rising Sun is the heart of the village, and the owners' interaction with the community is thoughtful and considered. My partner and I (and now our young daughter) are very grateful for the events the pub puts on, and hope that it will continue to be able to do so well into the future.

In short, I strongly believe the Rising Sun and its events are of real benefit to Pensford and its community.

Best regards,

Samantha and Elliot Stocks

From: Ellie Green
Sent: 17 July 2017 20:44
To: Licensing
Subject: Rising Sun - Pensford

Dear Sir

I am writing in support of the Rising Sun in Pensford as I am aware that some local residents have raised concerns about the terms of the license granted to the pub.

My husband and I have lived in Pensford a similar length of time to Jo and Mike, the landlords, and have seen the pub go from strength to strength under their ownership. We have never experienced any anti-social behaviour, nor anyone being particularly loud when leaving the pub at closing the time. The pub is welcoming and all the staff are friendly and polite.

Mike and Jo don't just run the pub, they are an asset to the local community, running family friendly events throughout the year, which encourage people from outside the area to visit. Without music these events would be far less enjoyable, and surely less well attended. I personally have never found the music to be intrusive or particularly loud, and it is always quiet at a reasonable hour of the evening.

Mike and Jo also support local causes and provide valuable employment for local people, and are friendly faces around the village. Pensford would be a sadder place without them, and there simply isn't a viable alternative for most people in the village as the other pubs are not in the same league.

Thank you for your time; I would be happy to be contacted regarding this correspondence.
 Kind regards
 Ellie and Ian Green

From: Vidette Filer pryce
 Sent: 17 July 2017 16:50
 To: Licensing
 Subject: Rising Sun, Pensford
 To whom it may concern
 With reference to the above I am writing re your notice of review.

I have visited the Rising Sun on many occasions for their fetes and music nights and never have I heard excessive music after midnight and as for the abusive language claim, I very rarely hear swearing!

Jo & Mike Drury, the landlord & landlady, have done so much for the village, for the school and other organisations and have brought the village together on many occasions.

I seriously believe the neighbours that are complaining need to stop, they go as far as to pick up a stray cigarette end from outside the pub, in a dustpan, along with road dust and dump it on the bar. I'm sorry if you don't like pub life, don't buy a house 6 ft away from one.

I hope this helps towards the review, I cannot see any reason for anything to change
 Kind regards Vidette Filer Pryce

From: Sara Sweet
Sent: 18 July 2017 10:10
To: Licensing
Subject: The Rising Sun, Pensford, BS39 4 AQ

19th July 2017

Dear Sirs,

I am writing on behalf of myself and my family following learning of the complaints which have been made about our local public house, The Rising Sun.

I live in ... with my Husband my 82 year old Mother, (who has recently come to stay with us following the death of my Father) and my 22 year old Son. My house is in an elevated position and my garden overlooks the pubs garden. We have lived here for almost 12 years and together we have discussed the complaints raised.

Jo Drury and Mike Radford have made a huge and positive difference on our village. They have in a very short space of time changed a very tired, limited drinking establishment into a vibrant, family orientated, pleasant hub for our village. The Rising Sun is now a valuable asset and offers an excellent menu, a warm welcoming atmosphere, family entertainment and pleasant surroundings.

As a neighbour we have an excellent relationship with Jo and Mike. They have always been courteous of our feelings and have always let us know if any events would be held in advance. On the few occasions when there has been music it has been kept to a reasonable hour and frankly if we haven't been able to go to the pub at such times we have enjoyed opening our windows and listening to it, such is the level that we cannot hear it clearly with the windows closed. My 82 year old mother goes to bed very early and has never mentioned being disturbed by entertainment or otherwise.

As far as general noise and foul language at closing time goes, we sleep with our bedroom windows open, which overlook Church Road. The Rising Sun is a public house selling alcohol so of course we expect to hear raised voices occasionally, however I cannot recall this continuing for any length of time, (high spirits usually as people make their way home), and it is never sufficient to cause us any concern. Jo and Mike have done everything they can to discourage inconvenience to neighbours, including asking patrons to use the smoking area they have provided at the rear of the pub to avoid hanging around outside and they have put a notice up to this effect.

In our opinion we do not believe that we could have a better village pub than we have now and it would be very sad to lose our licensees over the complaints of a disgruntled minority.

Yours faithfully,
Sara Sweet

On behalf of
Sara Sweet
Alan Sweet
Taylor Sweet
Rita Young

From: KAMAHA .
Date: Mon, Jul 17, 2017 at 3:57 PM
Subject: regarding licence at Rising Sun, Pensford
To: licensing@bathnes.gov.uk

This is just a quick email to express how valuable I find RS to be to its community. I stop there on every bike trip and am always welcomed by kind caring people. Having seen the report against them I feel bad that one busy body can have so much sway over their hard earned business. I'm sure the RS pub does much more for its community than this one complaining neighbour. Without that pub I would never have stopped in Pensford and got to enjoy the surrounding area.

Bests
Frankie

From: Fiona Lewis
Sent: 18 July 2017 14:30
To: Licensing
Subject: The Rising Sun, Pensford Licensing review.

Dear Sir or Madam,

I am writing to you regarding the above. The Rising Sun is a wonderful family run pub and we very much enjoy our time there. I take my family along for meals, have a drink in the evening with my friends and me and my family also very much enjoy the occasional event that is put on. The family have turned this pub around making it a wonderful welcoming place for all. The pub is a very important part of the local community and it would be a real shame to change the way it operates.

Yours sincerely

Fiona Lewis

From: Sue
Sent: 18 July 2017 23:30
To: Licensing
Subject: Review of licence for the Rising Sun, Pensford

To whom it may concern,

I am writing to offer my support of the licence of the Rising sun in Pensford, which I understand is under review.

Jo and Mike have worked incredibly hard in the short time that they have been running the pub and they have transformed it into a really attractive pub and farm which appeals to families, cyclists, walkers, and locals alike. It also brings in a lot of custom to the area from outside Pensford, I myself live in Bristol but have visited it many times and in my mind it adds a considerable amount to the appeal of Pensford as a place to live.

With respect to the levels of noise, my own experience is that Jo and Mike are very sensitive to the impact on their neighbours. When I hosted my 40th birthday celebration at the pub a month ago, Jo told me that the noise would have to be curtailed at 10pm in respect of the neighbours.

I consider the Rising Sun to be an excellent pub and I would be sad to see it lose its licence and I think Pensford would suffer without it.

Best wishes
Sue Madden

From: jen walsh
Sent: 18 July 2017 16:03
To: Licensing
Subject: Rising Sun Licence

To whom it may concern,

I am writing in relation to the licence for The Rising Sun in Pensford. This pub is a beautiful building in a stunning setting, it is a family friendly establishment with extremely high quality of service. I feel it is a valuable part of the community in Pensford and many people from the locality would be sad to see their licence revoked.

Kind regards,
Jen Walsh.

From: Jayne Drury
Sent: 18 July 2017 22:10
To: Licensing
Subject: Rising Sun Pensford

An amazing pub and great asset to village life & local employment D & J Drury

From: Katie Drury
Sent: 18 July 2017 19:47
To: Licensing
Subject: Support for Rising Sun Pensford under review of license

Dear Licensing Team

We are writing to extend our support to Jo, Mike and family who are the owners of the Rising Sun in Pensford, and to whom a complaint has been made which has resulted in their license coming under review.

We have lived in the area (Bristol and more recently Chew Stoke) for a number of years now and love visiting the pub in Pensford, not least due to it being owned by our family members, but moreso due to the friendly atmosphere of fellow pub users (many who we have now come to know through our Chew Valley school and village community). The pub is in a lovely location showcasing Pensford's viaduct and offers an extremely welcoming and family friendly place to spend leisure time. We have enjoyed several of the community events such as the fireworks evening, the summer Regattas and other summer celebration events. We have found all of these to be run with due consideration of those in the surrounding areas, with music being moved inside later on in the evenings and in keeping with the license for the event, and with the encouragement of visitors to park in considerate locations within the village or pub car park. The events have included a wide range of people in the local community, such as the local school mums who were raising charity money through a cake sale during one of the pub's events, and during the firework evening. We have never experienced any unsociable behaviour during these events and instead have found the experience to be very inclusive and considerate.

We wholeheartedly support Jo, Mike and their team who have done a fantastic job in reviving what we understand was a failing pub business before they took it on. They have now built a strong business which welcomes locals and visitors alike and offers a lovely environment in which to spend social times.

Please note we have also signed an online petition to support the Rising Sun's case.

Kind regards,

Katie and Pete Drury

From: Carol Millard
Sent: 18 July 2017 15:39
To: Licensing
Subject: Re License for Rising Sun Pensford.

Dear Sirs/Madams

The Rising Sun has been at the heart of the village of Pensford for many, many years as can be attested in a photo of a very young HRH Prince Philip who visited the hostelry a long time ago.

The Pub was taken over some years ago by a young couple who not only wanted to make a success of a business venture but also to make it a home for their family.

It has now become, like the shop, school and post office very much part of the community. The majority users being local, but with a few like us who travel to enjoy the community feeling which is in short supply in Bristol.

All the time since Jo and Mike took over the pub they have been very focused on ensuring that it is a place for everyone to enjoy.

Music evenings are few and far between with more focus on family events like Pub Quiz and BBQ and events. We attended one a few months ago and sat next to the DJ and still were able to have a conversation so it couldn't have been that loud.

With regard to abusive language this We have never heard, and I am sure Mike and Jo would stamp on this immediately. We hope you will take into account the views of the many when looking into the review.

Yours sincerely

Carol and Colin Millard

From: N Tyler
Sent: 20 July 2017 09:12
To: Licensing
Subject: The Rising Sun, Pensford

Dear All,

I just wanted to write to you in connection with The Rising Sun in Pensford, as I understand that the licence is currently under view due to a noise complaint. My family have lived in the village for over 15 years and I can honestly say that in our experience there have never been any issues noise. It has never been a noisy pub.

It has become such a fantastic pub since the current landlords took over, and it really has become the centre of the community. Pensford had, for a long time, been crying out for a pub that welcomed all ages, and served great food and Jo and Mike have done a fantastic job of creating that. It would be such a shame for the community if all the hard work the landlords have put in was now in jeopardy.

Many thanks,

Natalie

From: VALLENDERS
Sent: 19 July 2017 10:17
To: Licensing
Subject: Rising Sun, Pensford, Licence review

Dear Sir/Madam,

I would like to register my support for the continuation of the Licence for Jo, Mike and family at the Rising Sun in Pensford. This pub is an excellent village resource which I use on a regular basis for socialising, eating and celebrations. I live in close proximity to the Sun and have never been disturbed by noise or the occasional live music events.

When Jo and Mike first arrived, customers stood in front of the pub to smoke, they recognised this may be a problem and resolved the situation by providing a dedicated area at the rear thus removing any disturbance.

I have lived in Pensford for 26 years and have always used this pub under various landlords and have never been more satisfied with the level of service provided. Village charity events are often supported by Jo and Mike and local clubs hold committee meetings in the pub. I do not want to lose this valuable village asset.

Yours sincerely

Mrs B Vallender

From: Becca Fricker
Sent: 20 July 2017 01:06
To: Licensing
Subject: The Rising Sun Pensford.

To Whom it may concern,

I am writing to you in reference to the licensing review for The Rising Sun in Pensford. I have been working in this establishment for just over four years under the employment of Jo and Mike Drury and I cannot begin to express how much they have done for the village in the five years they have been here; from raising money for the local primary school and the deteriorating local weir, to letting local organisations such as The Pensford 10k and Pensford Tennis Club use the pubs function room for meetings and also providing jobs for many people in Pensford and surrounding areas.

Addressing some of the points made in the review, I know for a fact that the waste disposal company have been asked on many occasions to collect the waste and recycling bins later in the day because, we agree, being reasonable people that the noise of bins being emptied at unreasonable times of day is unnecessary.

I personally think that it is unfair to say that the pub causes too much noise on a day to day basis, as a member of staff I know that we all do as much as we can to make sure the noise isn't too loud purely in consideration for our neighbours. We are always aware of the volume of noise inside the pub and we try our very hardest to keep noise to reasonable level. When leaving the pub we try and get our customers to be polite and not to linger in the road making noise. On many occasions when I am on a late shift I will be walking home with the last of the customers because I myself live only a 3 minute walk from the pub.

When we hold events in the summer we do use our assets such as our lovely river side garden to host live music, but outside music is always over by 9pm at the latest, when we usually move it inside and will end no later than 12 pm.

I hope you will take my points into consideration and thank you for your time,

Rebecca Fricker

From: Elizabeth Tyler
Sent: 22 July 2017 09:03
To: Licensing
Subject: Rising Sun Pensford

Dear Sir/Madam

I am writing to you in support of The Rising Sun Pub in Pensford.

I am a resident of Pensford and have been for many, many years. Prior to the current owners taking over this pub, it was not a pleasant place to go at all. Jo and Mike have turned the place around completely. It is now such a good family/ village place to go, and feel very comfortable in doing so. It has become a real focal point for people of the village and for people from surrounding villages.

We have been in the pub many times and can honestly say, we have never heard anything that would cause offence either in content or volume.

The public house has been in this road for many years, so anyone buying a property near or around a pub should be aware of its presence prior to purchase.

Pensford would be very much worse off without the pub and indeed Jo, Mike and their family, as they have tried very hard, and succeeded at making The Rising Sun a really family, village hub.

Yours faithfully
 Mr and Mrs Tyler

From: Elliot Jay Stocks
Sent: 19 July 2017 17:36
To: Licensing
Subject: Letter in support of The Rising Sun pub, Pensford

Dear BANES Licensing Team,

My name is Elliot Stocks and I'd like to voice my support of The Rising Sun pub on Church Street in Pensford.

I spent five years living on Church Street, just a stone's throw from the pub. Far from being a nuisance in any way, The Rising Sun — in its current form — had enhanced the village enormously.

When we moved to Pensford, about a year prior to Mike and Jo taking ownership of the pub, the Sun was an uninviting, run-down pub; now, it is an asset to the community. The higher standard of drinking and dining, the friendliness of the staff, and the broader clientele has earned the Sun a place in the heart of Pensford. The events run by the pub bring the village together and, because of the attraction to visitors outside of Pensford, it could be argued that the overall appeal of the village has been increased. From a personal perspective, events run by Mike and Jo at The Rising Sun have allowed me and my wife to make friends in the village who we otherwise might not have met. Some of these people we now count as our very closest friends.

I moved from Church Street to just shy of two years ago, but never during my time there did I find the music — or level of noise in general — to be excessive. I hope that the council will remember that any public house will emit a degree of noise, be it from amplified music or patrons' voices, and that to describe such noise as 'excessive' is extremely subjective.

Similarly, it feels unfair to level criticism at the owners for the type of language used by patrons. The Rising Sun is a civilised, family-friendly country pub, frequented by friendly locals and visitors alike. I've personally never encountered foul language at volume, but what establishment could ever claim to have control over its patrons' choice of words?

The complaint against the Rising Sun is not warranted. The pub is an asset to the whole village and responsible for a vibrant sense of community that makes Pensford such a wonderful village in the opinion of my young family and, I'm sure, many others.

I'd be very happy to answer any further questions you might have regarding this letter of support.

Best,

~ Elliot

RECEIVED

Dear Sir or Madam,

I am writing this reference for Jo and Mike Drury who are the licensees of The Rising Sun, Pensford.

I am their account manager for Butcombe Brewery, an established brewer in the West Country who has been delivering to the Rising Sun for a little over 5 years and we are always aware of the difficulty of the delivery because of limited access. As a result we have 2 men delivering to the Rising sun and are always as accommodating as possible to ensure traffic flow obstruction is kept to an absolute minimum.

During Jo and Mike's time as my customer, I found them to be an extremely accommodating, family focused pub that is the centre of the local community and a favourite of far around.

Additionally, The Rising Sun a cheerful, friendly and selfless public house. I was surprised to hear of the complaints against them, they are excellent owners of this establishment.

Thank you for your consideration,

Ollie Fleming

ENVIRONMENTAL SERVICES

From: Faye Jones
Sent: 20 July 2017 10:10
To: Licensing
Subject: Rising Sun Pub - Pensford

Hello,

It has been brought to my attention that a complaint has been made about Mike and Jo Drury at the Rising Sun in Pensford.

I was completely shocked to hear that they have had a complaint. I think that they are upstanding members of the community and have improved the community spirit by moving to our lovely village. I grew up in Pensford and for a long time I personally rarely went to any of the three pubs in the village as I preferred pubs in neighbouring villages. However since Mike and Jo took over the pub I have enjoying meals there every time I have come home for a visit.

I think they have done wonderful things with the pub and have never considered any of the events they've put on to be particularly loud or unneighbourly.

I would like to give my full support to Mike and Jo in regards to this complaint.
Yours sincerely, Faye Jones

From: Leah Collins
Sent: 22 July 2017 11:09
To: Licensing
Subject: Review of premises licence @ Rising Sun, Pensford

To whom it may concern,

I am writing to you with regard to the news that Rising Sun at Pensford is due to have a review of its premises licence. The grounds of which are noted are for excessive noise beyond midnight.

I have been to many family occasions at this amazing pub and also visited with friends, never have I seen the location as rowdy or noisy, in fact it's one of the few pubs you can sit in and hold a conversation without speaking up over the background volume. Our most recent event on March 31st was a celebration of our wedding that took place from the afternoon until the evening. So not to disrupt the locals or cause excessive noise Jo and Mike asked that any music we had be played in the small barn at the back of the pub. This we were more than happy to oblige to. Our celebrations which involved a buffet, a few speeches and generally a relaxed happy atmosphere began to wind down around 10pm with the majority of the clearing up and guests leaving by 11pm. There was no excessive noise and no rowdy behaviour that evening, I believe this is mainly down to the atmosphere that the pub holds of it being a local family lead pub in addition to the brilliant management team.

I look forward to spending many anniversaries and celebrations at this wonderful location and hope that your findings and others personal statements make it clear that the complaint made was unnecessary

Personally I find this an almost malicious accusation and am appalled at the idea of someone deliberately put a local family run business at risk for no untoward reason other than their own personal satisfaction.

Yours faithfully

Leah Collins

THE LICENSING TEAM.
B.A.N.E.S
LEWIS HOUSE
MAWVENS STREET
BATH BA1 1JG

17th JULY 2017

ENVIRONMENTAL SERVICES
24 JUL 2017
Post Log No:
Receipt No:
CHICA E:

Bath And North East
Somerset Council

24 JUL 2017

Received

DEAR SIRS.

RISEING SUN, P.H
CHURCH STREET
PENSFORD BS 39 4AG

I OBSERVE WITH DISHAY THE OBJECTION TO ACTIVITIES AT THE
FAVOR LICENCED PREMISES. WITH MY WIFE AND FAMILY I AM
A REGULAR PATRON OF THIS ESTABLISHMENT, VISITING BOTH
DURING THE DAY AND EVENINGS. WE REGULARLY ATTEND
THE SOCIAL EVENTS WHICH ARE ORGANISED OCCASIONALLY. AT NO
TIME CAN I RECALL EXCESSIVE NOISE OR THE USE OF OFFENS-
IVE LANGUAGE. I DO BELIEVE THE RISEING SUN OFFERS A
FAMILY FRIENDLY ATMOSPHERE FOR BOTH DINING AND SOCIAL
AND IS EXACTLY WHAT THE VILLAGE REQUIRES.

THE RISEING SUN IS A CARPIT TO PENSFORD AND IS
A MAJOR EMPLOYER IN THE AREA. IT SHOULD BE ALLOWED
TO REMAIN THE CENTRE OF SOCIAL ACTIVITY IT HAS BEEN
FOR MANY, MANY DECADES.

THE PUB HAS BEEN ON THIS SITE FOR MORE THAN A CENT-
URY, AS HAVE ALL THE SURROUNDING PREMISES. ANY PERSON
WHO OCCUPIES A PROPERTY ALONG CHURCH STREET WILL BE
WARE OF THE ENVIRONMENT CREATED BY A PUBLIC HOUSE, THIS
ESTABLISHMENT CREATES NO MORE WHAT ONE WOULD EXPECT.

Yours. FAITHFULLY

RISEING SUN P.H

B J GILLET

Ref Rising Sun, Pensford

Dear all,

I would like to state that the owners of the above premises, Mike & Jo, who took over the public house just over five years ago have turned the premises into a very family friendly venue with an excellent reputation for fine food catering for both young & old.

They have great respect for all their neighbours and the allegations are completely unfounded.

After all a public house does generate a certain degree of noise from within but the locals also respect the neighbouring households.

We visit the pub regularly both at day & night times because we appreciate the quality food and the fine hosts who along with all their staff make this a perfectly safe and well respected environment to be in which we like.

Live music, and this is by no means regular is always kept within limits and there is no jukebox or loud TV to speak of.

I suggest Mike & Jo are allowed to continue serving the many satisfied visitors from far and wide.

Kind Regards
Nigel & Nicky Baker

From: Jones, Tony AJ
To: Licensing
Subject: Rising Sun, Pensford

Re: The Rising Sun, Church St, Pensford, Bristol BS39 4AQ
Mike & Jo Drury
Dear Sirs,

I write in support of the license review of the above public house.

I have lived in the village for 30 years, and there has rarely been a motivated landlord in any of the Pensford pubs.

Mike and Jo took the Rising Sun over 4-5 (?) years ago and have transformed the ambience and surroundings (and food) of the pub and it is now a pleasure to visit. They have had two children since taking over and are very involved in village life.

I believe there has been a complaint about noise by a neighbour, but why do they move next to a pub if they are disturbed by the noise?

I hope that no punitive restrictions will be placed on their license as result of a single complaint.

Yours faithfully,
Tony Jones

From: Phil Townshend
Sent: 25 July 2017 14:45
To: ian.nash@bathnes.gov.uk
Cc: Licensing
Subject: 17/01661/LAPRE

Dear Sirs

I wish to comment on the above License Review.

I frequent the Rising Sun, Pensford on a regular basis to enjoy the high quality service which caters for all the needs of the local population as well as those of the surrounding villages. It is a well run and respectable establishment and is very popular amongst the majority of locals, young and old as well as families.

When I first moved to the area the Rising Sun had a shocking reputation. It was filthy, the staff rude, drinks served in dirty glasses and noisy. As a result I didn't frequent beyond the first couple of visits. Loud rock music was played live on a fairly regularly basis, which attracted some less than desirable elements to the pub.

Since Mike and Jo took ownership, they have cleaned up all aspects of the Rising Sun's operation and have not only positioned the pub at the very heart of the community, they have also made it home for their young family. I therefore find it difficult to believe that they would put this all at risk by allowing disturbance and noise levels to impact on neighbours with a regularity that warrants a change to the condition of their license. They would after all be impacting on their own young family if this were to be the case ! Living close to a pub, church or school inevitably will come with occasional irritation but in this case any disturbance would, I know, be minimal.

Village pubs are closing with alarming regularity. Please allow this successful, responsible and valued village amenity to continue meeting the needs of Pensford and surrounding villages, unfettered and unconditionally.

Yours faithfully
 Phil Townshend,

To whom it may concern

I am writing in support of The Rising Sun in Pensford.

I have to say that seen as I live adjacent to the pub, I can honestly state that there is nothing out of the ordinary with respect to music and noise. I have my windows open on a regular basis and share a wall with them and I have never had a problem with excessive noise.

I find Jo and Mike to be friendly, open and approachable and if I ever did have a problem I would not worry in the slightest about bringing it up with them.

They are kind and considerate licensees and I feel lucky to have them as my neighbours.

The few music events they put on are for the whole community and all finish with in their licensable hours. They are well managed and I have never witnessed any aggressive or abusive behavior from any customers.

I do hope their licence is kept as it is. They are an asset to the village and should be thanked for all they do.

Yours Sincerely



J. Crane

Dear Licensing team

As a local resident of the village just across the main road from the Rising Sun Pub I would like to voice my opinion regarding some of the issues raised by the complainant. Also to explain how I and others I have spoken too see the Pub.

The Pub provides live music in the garden on a few occasions during the year Easter, May Bank Holiday and at the annual Regatta thats held in August. This is always welcomed by the majority and enjoyed by many. Its a time for locals and friends to get together and enjoy. Children are playing in the garden and its a fantastic family affair. The Regatta is very popular with all and fund raising is done for the benefit of the village. Music is by a live band and as much as we would like this on longer Mike and Jo always insure this is wound up before midnight. As a family we always support these events and really enjoy the entertainment provided free of charge by the pub. All of the events are directed toward the family and all are catered for. Occasionally on a Sunday afternoon they offer live music this again is between 5 and 7. This is set up inside the pub. Local singers can have 45minutes show casing there talent or maybe Autistic guitar /folk type music. This is not a late raucous night but more relaxing on a sunday evening listening people play. The occasions live music are inside the pub i.e. New Year possible Easter Mike and Jo insure the music ends at a reasonable time. Thus considering neighbours surrounding.

Music held a the pub is enjoyed by many in the community and I would be saddened to loose what we have come to look forward too.

In my opinion Mike and Jo have worked hard to insure this is a family pub. Children are welcome before 9.00pm. They have their own young children living within the pub. Its a pub you can have a quite drink with friends, to talk eat good food and relax. People walking in the beautiful countryside surrounding are welcome along with there dogs. My children have had part time jobs within the pub helping in the kitchen. As a responsible parent I would not let them work in unsuitable environment . Would all the families enjoying the pub really frequent the Rising Sun with a high volume of

swearing, shouting and jeering. Most people leave the pub via the back door towards the car park. It would be mainly locals leaving via the front door and are walking home that may be inconsiderate but signs are in place asking people to smoke at the back of the pub and to respect fellow neighbours. Mike and Jo have children sleeping upstairs so I am sure they do not want Loud Voices and General noise in the street.

The windows are sash type and are opened at the bottom as the pub is quite small with lots of bodies fresh air is needed. I know some peoples voices travel but generally its more of a hum of voices and laughter not some foul language den, most people walking past would find this welcoming. To find a village pub being what it should. A pleasant place to stop and have a pint.

The road is narrow and one way only outside of the pub and I'm sure at times it may get blocked, people come and go a little tolerance is needed. Parking is a premium in the village and with our only shop/ post office along the same the road. A cafe and hairdressers also. This area can get congested. We know they ALL have to get deliveries/supplies perhaps sometimes this can be a inconvenience but most people are aware the road size is already what it is and cannot be changed. It is a village not a new estate and whats there had been like it is for many years .

The people I have spoken too would hate for our local pub to change. Its our hub of the village we like how it is now and we all enjoy what it offers. A sense of community, people able to meet socially and a warm and friendly environment. Quiz nights enjoyed, eating with friends and family, monthly supper club and local club AGMS. Read the newspapers with a pint. Pop in after work before home. It means lots of things to lots of different people. Its used by the young and old a place to meet. The village is lucky to have the Rising Sun running how it is by Mike and Jo.

Sincerely yours,

Paul and Kerry Meacham

From: Laura Sealy
Sent: 26 July 2017 20:41
To: Licensing
Subject: Rising Sun public house, Pensford

Dear Sir/Madam

We are writing to give our support of Jo and Mike and the staff at the Rising Sun. We have visited the pub many times since they took it over and are very happy to have such a welcoming and professionally run establishment in our local area. It has become a destination visit for us and our family: in particular we enjoy the food, their hospitality, the peaceful garden and the family friendly summer event they run annually.

They have clearly worked tirelessly to make this pub a real pleasure to visit, and there is always something new to see each time we do. We would be deeply saddened if their licence had to be removed and feel that Pensford would lose a great asset to its community.

Yours sincerely
 Laura and Dave Sealy,

From: LOUISE SMART
Sent: 26 July 2017 14:18
To: Licensing
Subject: License Review - The Rising Sun, Pensford.

Sent by: Louise and Jamie Smart

Dear Sir/Madam,

Myself and my husband live just around the corner from the Rising Sun public house in Pensford , (no more than approx 60 metres door to door).

Since purchasing the Rising Sun the landlord and landlady have immersed themselves in village life, they have worked hard to provide a public house that has become a widely appreciated village asset and is seen by many as a community hub, a welcoming meeting place for all villagers, young or old. They themselves have a young family, and encourage other families in the village with young children to also frequent the pub.

On the very rare occasion when evening weekend events are held and music can be heard we have not known this to carry on any later than midnight, in fact, out of consideration for all local residents there has been a handful of music events held on a Sunday during the afternoon (for a couple hours at most) so that adults and children alike can all enjoy.

On a personal note we would welcome more planned events, further enabling the village to come together as a community.

As previously stated the pub provides a hub for the village community, when walking past on a warm day when the windows are slightly open it's nice to hear the chatter of daily village life, never have I heard any offensive remarks or, in our opinion, has there ever been an unacceptable level of noise.

The Rising Sun has been a focal point for the village for many many years, it seems absurd that anyone purchasing a property in such close proximity would do so without being prepared to accept the normal comings and goings of a business that not only enhances the community feeling, but is also a valuable addition to our local economy.

As residents that live in such close proximity to the pub we have no issues whatsoever with the day to day running of it, and feel that the landlord and landlady have made every effort to be considerate neighbours.

Regards

Louise & Jamie Smart

Good afternoon Ian,

Below are my comments regarding the Premises Licence Review for The Rising Sun. I would like these noted for the committee. If I understand the information correctly, I can speak as myself as well as put forward Cllr Mays views at the hearing.

The Rising Sun, Pensford

I would like to give my utmost support for the current owners of The Rising Sun at Pensford and hope the committee see fit to maintain their Premises Licence without any changes.

The pub is run in a responsible professional manner, retains capable friendly staff and is well used by the wide local community.

The owners take their role as landlords beyond just pulling a pint and offering excellent food (with the emphasis on sustainable locally produced food, they have excellent reviews on Trip Advisor and Facebook) - they are involved and active in the community. It is very evident when you talk to them that The Rising Sun is not just a business, it is their home, it is the place where they have chosen to settle and raise their family. They have wonderful events that are inclusive for all - from tiny babies to the very elderly. These are not rowdy unruly events, these are well planned and organised events centred around families having a great time. As an example they hold an annual "Regatta" which among the cakes and hog roast has a Homemade model Boat Racing in the River Chew! In addition, they run a monthly supper evening with a set 4 course menu of outstanding flavoursome local food, the people who go to this are not all local to The Rising Sun, they come to the evening because both the pub and the food have such an excellent reputation in the wider area.

I live within walking distance of The Rising Sun, just beyond the boundary of Publow with Pensford Parish and I was astounded when I heard that this license was being reviewed. I have never heard a bad word said about the landlord or her family, I have only ever heard complementary comments regarding how they run the pub. I have lived in my current home for just under 6 years and at the time I moved in The Rising Sun was under different ownership - very different ownership! To describe it then as "grotty" is probably a fair summary! It was dark and grimy, rather unfriendly and had a regular live music night that was geared towards rock music. The current owners moved in during 2012 and very quickly turned the place around into a thriving local business (that clearly employs many more people than the previous landlord). This ought to be applauded especially in a time when so many pubs are finding it hard to make a living, not only have they turned the place around, but they have not done so at the expense of other pubs in the area, each has a unique offering.

Finally, with regard to the details that have led to this license review, many people have homes near churches, schools, golf courses, shops, farms, railway lines, or under a flight path, etc all these things can cause regular irritations, however they must be measured with regard to the services they bring to a community or to a wider area - this pub is no different to many others in small villages set in the centre with cottages all around them. Common sense must prevail - busy thriving pubs have customers!

I estimate that there are at least 20 dwellings within 150ft of The Rising Sun, I also estimate that you will have had supporting comments from the vast majority of residents in these properties, as well as many more from residents of the Parish indicating how much the community value this local facility. **So I would urge the committee to recognise that this is a successful responsible family business employing local people - offering a service in the heart of a rural village that is valued not just by Pensford residents, but by many from a bit further afield - please maintain the Premises Licence for The Rising Sun without any changes.**

Best Regards

Liz

From: Sue Osborne
Sent: 26 July 2017 20:23
To: Ian Nash
Cc: Licensing
Subject: The Rising Sun - Pensford - Premises Licence Hearing.

To The Licensing Committee

I have booked, once again, for the gourmet dinner scheduled every last Thursday of the month at The Rising Sun.

It is a fabulous event supported by many local residents and those from surrounding villages. The talented chef produces fantastic dining food. I am a discerning foodie and feel reasonably equipped to make this judgement. I applaud the use of local suppliers and that local staff are proud of their event and delighted to entertain their guests. I am lucky to be going as there is always a waiting list of other hopeful diners.

It is quite remarkable that since 2012 when Mike and Jo took over the filthy dirty run down Rising Sun....a place I would not dare to tread....they have turned it into an authentic village pub serving a great range of beers etc and great value reliably excellent food. It doesn't have a clever contemporary interior, but is cosy and clean with a traditional feel.

The Rising Sun is a valuable community asset. Many villages would welcome the opportunity of such a business in their village.

I live within walking distance at Stanton Wick, although it is an easy walk for me to The RS. When I have visited or been passing I have never heard any noisy behaviour etc, although clearly the outside space is enjoyed (on the rare occasion the weather permits), and coming and going people talk and laugh. The RS is physically almost attached to its neighbours...as is the way with small village pubs...so living within the close vicinity I am sure there is some evidence of the existence of an active business. In much the same way as the A37 is audible because it is a major road, and as the School can be heard because it is full of children, and is the sky because Pensford is close to the flight paths of Bristol Airport.

Mike and Jo have integrated into the community and are valued supporters of the Pensford, Publow and the Stantons Community Trust (www.ppsct.org.uk) which helps to raise £12K for the communities every year. They have become well known and are very popular.

I think if a community asset such as The RS cannot retain its Premises Licence then there is little hope for village pubs. It would indeed be a sad day for Pensford.

It would be a sad day for my elderly 82 and 85 year old parents who like to pop in for a midweek lunch. It would be a sad day for those who walk along the river as part of a day out to loose their watering hole. It would be a sad day for the local suppliers and the local staff who have all benefitted from Mike and Jo's passion and determination to build a successful village business. It would be a sad day for me and my fellow diners tomorrow night.

So, I have never seen any reason to criticise The RS, only reason to congratulate Mike and Jo for their vision, courage and professional management. I therefore **wholeheartedly support the continuation of their Premises Licence without any change.**

Sue Osborne

From: Susan Grimes
Sent: 27 July 2017 09:49
To: Licensing
Subject: 17/01661/LAPRE

For the attention of Ian Nash

Rising Sun, Pensford

I was disappointed to see that an application for a review of the above mentioned premises has been received by yourselves.

The Rising Sun has been part of the village scene for centuries. Pensford was an important staging post for stage coaches which stopped at the Rising Sun during the 17th and 18th centuries (Wikipedia)

In my experience it is a family friendly pub and restaurant with a Trip Advisor Certificate of Excellence. The Trip Advisor reviews speak for themselves. It can get busy but it is not a pub with loud music and noisy drinkers using abusive language. If it was I wouldn't go in there.

I have eaten in the Rising Sun. They serve food sourced from local suppliers. All game is sourced from the Chew Valley and some of the meat is produced from their own small holding. I was on the steering group for the recently adopted Publow with Pensford Parish Council Neighbourhood Development Plan 2016-2035 and so was the licensee. The licensee seems to be conforming to the wishes of residents within the Plan. 90% of residents replying to a Plan questionnaire stated that 'We should seek to ...Support the supply of local products to local shops . Also, our Plan aims to maintain and extend local employment opportunities (p13) i. e one of my neighbour's teenage children works in the kitchen.

I am Chair of Pensford Tennis Club, a community club open to all members of the community. The club appreciates the generosity of the licensees who allow us to use their upstairs room free of charge for committee meetings. They also allow us to hold a monthly fundraising Quiz Night from 8.00 until 10pm. All funds raised go towards the upkeep of the community tennis courts.

As a member of Pensford with Publow Parish Council I believe that the Rising Sun provides a valuable service to the community. It provides an important local source of entertainment in the village where such facilities are extremely limited. As far as I am aware the Parish Council has not received any complaints from other residents about noise emanating from the Rising Sun.

Thank you

Sue Grimes

From: Derek Ezekiel
Sent: 27 July 2017 15:48
To: ian_nash@bathnes.co.uk
Cc: Licensing
Subject: Rising Sun, Pensford

Dear Sir

We would like to register our support for the continued use of the Rising Sun in Pensford as a public house.

The current incumbents have improved their establishment enormously in many ways. Serving the community and supporting its activities.

It is a place we enjoy visiting and want it to remain that way.

That apart, people who buy properties next to a pub, school, church etc must expect particular comings and goings.

Kind regards

Miriam and Derek Ezekiel

Dear Licensing Team,

I am writing to comment on the Premise Review of;

Rising Sun, Church Street, Pensford, BS39 4AQ

The Rising Sun pub is part of the heart of our village and has become a key social hub for the community. Since arriving at the pub the team have organised fun, social community focused events with food, music and activities. Through these events I have met my entire circle of friends in the village and I have come to feel at home in Pensford.

After living here for 3 years in 2015 we decided to get married at the Rising Sun. We wanted to get married in the place we now call home and where we wanted to start a family. We had our wedding reception at the Rising Sun in June 2015. Being able to celebrate our wedding in Pensford, the place we live, was incredible. The team at the pub were very professional and organised in the planning and logistics on the day. They were very attentive to managing the balance between creating a wonderful wedding reception and ensuring the event suited the pub and surrounding village. For example asking for music to finish at 12am to allow people to leave the venue in good time. The day itself was absolutely wonderful with friends and family visiting from all over the country and beyond as well as many people from the village.

Being able to have our wedding reception at the Rising Sun was really special for us and I hope other local couples have the opportunity to do so in the future. Having a local pub that works so hard to foster a sense of community in a village, which has pretty limited social spaces, is a real asset to the village. Through their events they not only bring together neighbours to enjoy each others company but also really good quality live music bringing, I think, important culture to the Chew valley.

Many thanks for reading my comments, I am available at the above address for further correspondence

Lizzie Harrison

From: Alison Patey
Sent: 28 July 2017 10:04
To: Licensing
Subject: The Rising Sun 17/01661/LAPRE

Hello

I am aware that there is an objection raised against the re-issue of a premises licence for The Rising Sun at Pensford. We have lived in the local area for nearly 40 years and have seen many landlords come and go at the local pubs. The Rising Sun occupies a rather special place in the village due to its age and consistency of tenancy. As long as I have known it, live music has been played there and mostly in aid of raising funds for local causes. The school benefits, the Memorial Hall benefits, the local sports amenities benefit and the villagers benefit.

I have never known the music events at The Rising Sun carry on later than the advertised time. I am sure that on the very odd occasion late revellers may not be as considerate as they should be when leaving the premises, but I would challenge anyone to show me a venue where people leaving are silent. People leaving a domestic home they have visited can be extremely noisy - and let's not forget the annoying 'beep beep' on the car horn they feel compelled to do as they drive away. However, private homes do not have licenses with specified times of music shut off which means that neighbours can be taken completely unawares of late night noise. A public house offering live music, on the other hand openly advertises the fact well in advance and neighbours can take avoidance action if wished, or come and join the fun - which I believe most of the near residents of The Rising Sun do. I question why anyone would buy a property near a pub if they are intolerant of typical pub activity. If one was on permanent night shift work, and slept during the day, it would be ridiculous to buy a house next to a school, wouldn't it?

If The Rising Sun ceased to be, Pensford would be a poorer place. We are proud of the hub of the village - the Post Office, the Pub, the Memorial hall and playing fields, etc. We are very lucky to have maintained a thriving village in this day of shopping malls and corporate, soulless public houses.

Alison Patey

Dear Sir

I am writing to you regarding the application to alter the licence for the rising sun. Certain aspects of this review are beginning to cause me concern. To set the record straight regarding the parties to this application both Chris and Ken and Mike and Joe are an active and continuing benefit to this community.

Ken sweeps church street for no charge, plants bulbs to beautify otherwise waste areas of public land and attends all our parish council meetings where we are very pleased to see him. He is a punchy and forthright individual, tackling dog fouling and fly tipping on the road when others shy away for fear of courting hostility. People who engage in this kind of work can be sneered at as busy bodies by less active neighbours but they are vital to a community whilst that kind of sniping is not.

Sadly for those in search of a villain the same can be said for Mike and Joe. They have turned the rising sun around from a moribund redevelopment in waiting into one of the best pubs in the valley. All are welcome, the food is excellent and they are improving the regard in which the village is held more generally. It should be noted that many of these changes have been complained about by near neighbours from the outset but the two of them have shown the grit required to force themselves on the establishment, to the benefit of all.

This makes it all the more unfortunate that the two couples are at loggerheads.

The Current Situation.

I am watching the course of this application with growing concern. The petitions and comments they contain, the letters and public notices are generating significantly more heat than light. It stands to reason that a well loved and patronised inn will attract a great deal more support than an elderly couple living nearby complaining of a noise nuisance. The commentary on line is particularly embarrassing and can be viewed as nothing short of bullying.

People living at a decent remove from the pub can add little to the question of whether it constitutes a noise nuisance to those in a house immediately opposite and even as the owner of the land adjoining the pub garden I would freely admit that I haven't the slightest idea what it sounds like in another person's living room.

The strength of feeling on this issue and the various altercations it has spawned are based on the long running nature of the disagreement. It has been a rolling irritant to both parties for years, the fact it has only reached you now should dispel any suspicions that Ken is a curmudgeon who will complain about anything. You might say he is intransigent but only by applying that term equally to both sides.

The Root Cause.

The root cause of the application is the tendency of the sun's regulars to open the windows and door facing out onto Church Street. This allows noise from within to spill out into the street and then into the living room of Nelson House opposite. It's not deafening but it has a

Chinese water torture effect over the course of months, especially if the pub is hosting a band or a sports team.

The obvious solution is to shut the windows but then the pub can become quite hot and in a perfect world its nicer with a breeze.

Now a general annoying background hum may not seem like the end of the world for a resident but then neither is closing a window going to fatally undermine the commercial viability of the Sun.

I think it would be a mistake to dismiss the concerns of either party in your deliberations. Chris and Kens happiness IS being eroded by the noise from the pub across the road regardless of what others might think and say and that should not be allowed to continue. Mike and Joe run a great pub and should not be loaded down with unnecessary strictures. I can't help but feel that once we get past the confrontational aspect of this dilemma that the solution is obvious.

A tale of two Windows.

As you will see from the attached plans the sun and nelson house do not fully overlap. The window into the road opposite the house goes into the bar area of the pub given over to drinking and chatting where the noise levels are relatively high. The far windows open into the restaurant area of the pub where people eat and the noise levels are significantly lower. Both sections are part of the same open plan space so a window open in one is open in both, but only one of them reliably generates high levels of noise opposite a house.

The one window would provide an acceptable level of freshness and cooling in the bar. Whilst this would produce a degree of noise it could be argued that this is part of living next door to a pub. On the other hand the minimal discomfort caused by having only one of your windows open onto the street is the price of buying a pub surrounded by houses.

Curfew

There could be a mutually agreed shut off time in the evening after which the windows would be shut once the clientele have warmed up and the weather has cooled down. It should go without saying that both windows and the door should be shut without exception during live music. Mike and Joe are very good at shutting the music off at eleven in my experience and it would be a shame to lose the few nights of the year when they entertain the village outside to a later time such as their annual regatta.

In Closing.

This issue will persist and worsen if left as it is. I would urge you to ignore the hedge of thorns growing up around this and cut it all off at the stem. There must be mutually acceptable times and combinations of window opening into the bar so Chris and Ken can recover their domestic equilibrium whilst allowing Mike and Joe to carry on running their business with the minimum interference necessary to ensure a lasting peace.

Yours

Paul Baxter.

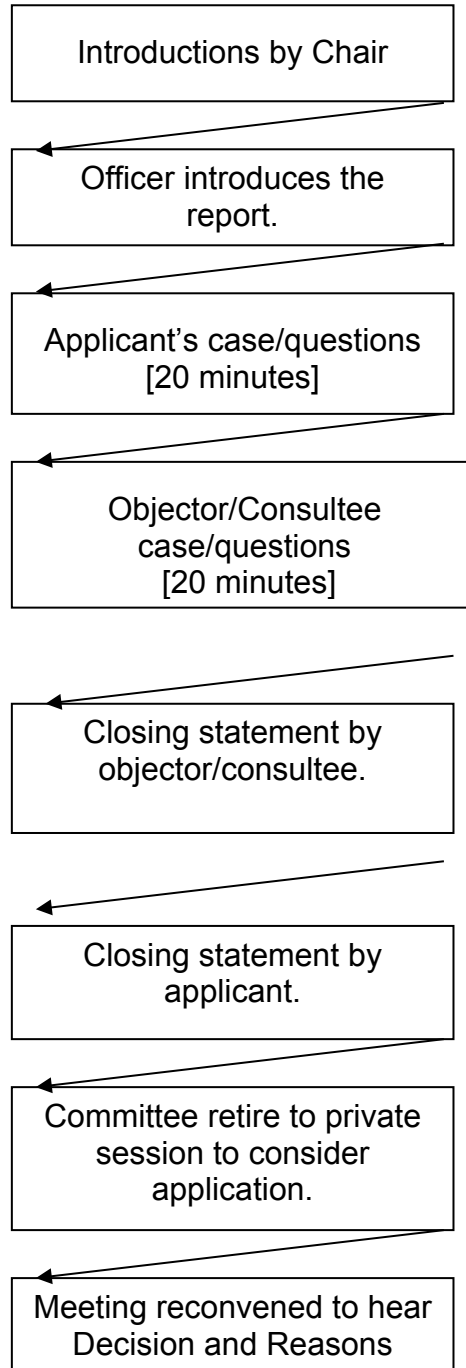
ENVIRONMENTAL SERVICES

Bath And North East
Somerset Council

28 JUL 2017

**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

OVERVIEW



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**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

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 and or representative present their case and may be questioned by the Committee and other parties.
4. The Applicant may call witnesses in support who may be questioned by the Committee and other parties.
5. The objecting parties address the Committee and can be questioned by the Committee and other parties on matters relevant to the application. Any person presenting evidence for an objecting party may also be questioned by Members and other parties.
6. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be questioned.
7. The parties are invited to make closing statements.
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 meeting room by all other persons.
9. 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.
10. 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.

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.

Bath & North East Somerset Council		
MEETING: Licensing Sub Committee		
DATE:	Thursday 20th July 2017	AGENDA ITEM NUMBER
TITLE:	Application for permission to provide facilities on the highway for recreation/refreshment at Caffè Nero 11 Old Bond Street, Bath, BA1 1BP	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application		
Annex B Site Plan		
Annex C Council's Standard Conditions		
Annex D Highways Notice		
Annex E Objection (including photograph)		
Annex F Supporting statement from applicant – <i>To be supplied in due course</i>		
Annex G Previous (2016) complaint		
<ul style="list-style-type: none">• Letter of complaint• Letter to Nero Holdings• Response from Nero Holdings		

1 THE ISSUE

- 1.1 An application has been received for permission to provide facilities on the highway in respect of Caffè Nero, 11 Old Bond street, Bath BA1 1BP

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application.

3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £251.

4 STATUTORY CONSIDERATIONS

- 4.1 Sections 115 A-K Highways Act 1980 give the Council discretion to grant permission to provide, maintain and operate facilities for recreation and/or refreshments on the highways subject to any reasonable conditions the Council thinks fit.

- 4.2 When making a decision consideration needs to be given to the Human Rights Act 1998.
- 4.3 An Equalities Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

5 THE REPORT

- 5.1 An application has been received for permission to provide facilities on the highway in respect of Caffe Nero, 11 Old Bond Street, Bath BA1 1BP (Annex A).
- 5.2 The application is for permission to place 3 tables on the highway outside the premises, along with appropriate seating (site plan attached at Annex B).
- 5.3 The Council's standard conditions for permission to place tables and chairs on the highway are attached at (Annex C).
- 5.4 The size of the area applied for is 3m x 1m 20cm.
The times applied for are:

Every Day from 07:00 to 21:00 hours
- 5.5 A notice was placed on the highway on 7th June 2017 (Annex D). The application was also placed on the Council's website.
- 5.6 An objection has been received. The grounds for objection allege that the applicant is failing to keep the area outside the premises clean and tidy.

(Copies attached at Annex E).
- 5.7 A supporting statement has been received from the applicant; this can be found in Annex F.
- 5.8 Following the grant of the 2016 permit a complaint was received in April 2016 concerning the same issue as the current complaint. Nero Holdings were made aware of this complaint. Copies of the complaint, a letter to Nero Holding and their response are attached at Annex G.

6 RATIONALE

- 6.1 As an objection has been received the Licensing Sub Committee must determine the application in accordance with Part VIIA, Highways Act 1980.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

- 8.1 In accordance with current Bath & North East Somerset Council policy, the Licensing Service consulted with Avon and Somerset Police, the Council's

Highways Team, Property Services, Environmental Services, Development Control, Ward Councillors and adjacent premises.

- 8.2 This report has not been sent to the Trades Union because they would have no involvement in 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 (Chief Financial Officer) and the Group manager Public Protection and health Improvement have had the opportunity to input to this report and have cleared it for publication.

Contact person	Andrew Tapper, Senior Licensing Officer Telephone: 01225 477533
Background papers	None
Please contact the report author if you need to access this report in an alternative format.	

APPLICATION


**Bath & North East
Somerset Council**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980**

PERMISSION TO PLACE AMENITIES ON THE HIGHWAY

CAFFE NERO 11 OLD BOND STREET BATH BA1 1BP

I/We

 NERO HOLDINGS.

hereby give notice that I/we intend to apply for a permit in accordance with the particulars in the attached Schedule.

NEW applicants only to complete the following section

- ☐ I/We enclose an illustration/photo of the type, colour and dimensions of the furniture
- ☐ I/We enclose a site plan indicating the dimensions of the area of highway upon which we wish to place the above furniture (all plans should be drawn to scale)

Applicants REAPPLYING only to complete the following section

(please check the attached application form and amend the details as necessary)

- ☒ I/We certify that there have been no alterations to the size of the area
- ☒ I/We certify that there have been no alterations to the number or style of the furniture
- ☐ I/We enclose the maps/diagrams and/or photographs illustrating change to area/furniture

ALL applicants to complete the following section

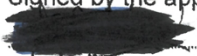
To make the payment please call us on 01225 477556 and quote reference 17/00341/TABLE (NB there will be an additional charge of 2.5% for credit card payments).

- ☒ I/We have paid the fee as follows:

Application Fee	£251.00
Number of Tables <u>3</u> @ £67 each	£201.00
£34 if any other items are used (e.g. planters, boundary markers etc.)	£
Please specify other items	
TOTAL FEE	£452.00

- ☒ I/We declare that the information given in this application is true.

Signed by the applicant(s) (type name in if sending by email)



Dated

08.2.17

Please email the completed application to licensing@bathnes.gov.uk

17/00341/TABLE

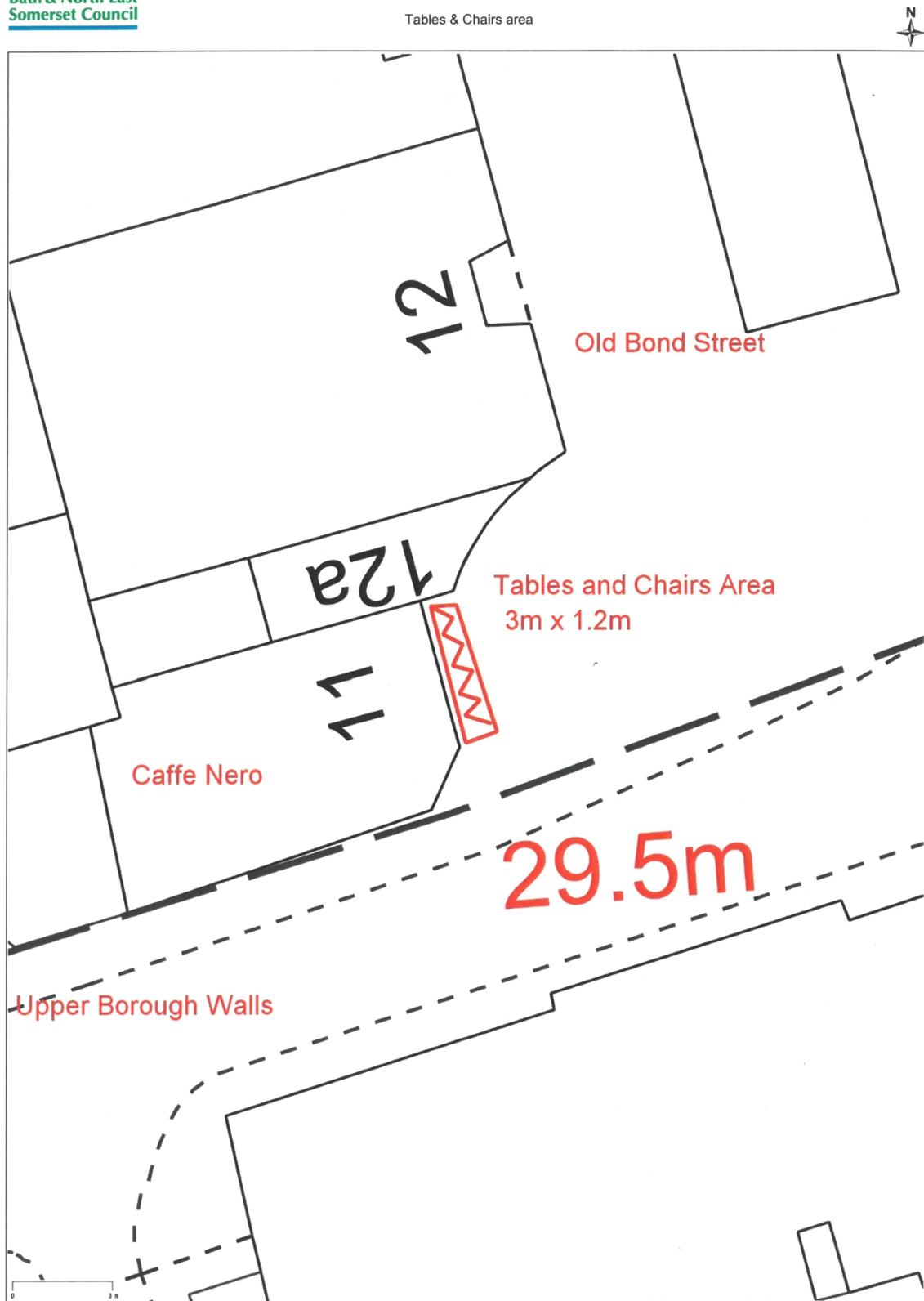
APPLICATION - PERSONAL DETAILS REDACTED

**Bath & North East
Somerset Council**

Local Government (Miscellaneous Provisions) Act 1982
Part VIIA Highways Act 1980
Permission to Place Amenities on the Highway at Caffe Nero
11 Old Bond Street Bath BA1 1BP

1	Full name and address of each applicant	[REDACTED]
2	Email address	[REDACTED]
3	Contact telephone number	[REDACTED]
4	Period of time for which the permit is required (maximum one year)	From: 1 April 2017 To: 31 March 2018
5	Size/Dimensions of area	3.m x 1.2 m
6	The Council must notify any "affected frontagers" of this application. Please provide details of the adjoining premises.	Christopher Barry, 12A Old Bond Street Bath BA1 1BP
7	Days of the week and hours of operation on those days	Every Day 07:00 - 21:00
8	Specific part of the premises proposed to be used	Front of premises
9	Alcohol permitted	No
10	If yes, please state your premises licence number	

17/00341/TABLE



Date Created: 10-7-2017 | Map Centre (Easting/Northing): 374968 / 164898 | Scale: 1:146 | © Crown copyright and database right. All rights reserved (100023334) 2017

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980
PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY

CONDITIONS

- 1 The holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission.
- 2 The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the Bath & North East Somerset Council.
- 3 The holder(s) shall return this Permission to the Office of the Head of Environmental and Consumer Services immediately on revocation of this Permission.
- 4 The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
- 5 The holder(s) shall not use or suffer or permit any music playing music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this Permission.
- 6 The holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
- 7 The holder(s) shall not use the highway for any other purpose whatsoever nor at any time other than during the permitted hours, other than lawfully passing or re-passing thereover as (a) member(s) or the public.
- 8 The holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
- 9 Notwithstanding the specific requirement in Condition 5 above the holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of the Bath & North East Somerset Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
- 10 The holder(s) shall not assign, underlet or part with any interest or possession given by this Permission or any part thereof but the holder(s) may surrender it at any time.
- 11 The holder(s) shall observe and comply with any directions in relation to the use of the highway given by the Head of Environmental and Consumer Services, or the Head of Engineering Services for the time being of the Bath & North East Somerset Council.
- 12 The holder(s) shall maintain the area shown on the plan attached to this Permission and edged in red, and the immediately adjacent area, in a clean and tidy condition during the permitted hours and shall leave the same in a clean and tidy condition and unobstructed, which shall include washing down the area, at the end of each daily period of use and on revocation or surrender of this Permission.

- 13 The holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required by the Head of Engineering Services and ensure that the same are emptied daily.
- 14 The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Permission at the expiry, surrender or revocation of the Permission.
- 15 The holder(s) shall indemnify and save harmless the Bath & North East Somerset Council their agents, servants and workmen from and against all proceedings, claims, damages, costs or expenses in respect of any injury (including personal injury) in damage or loss which may be sustained by the Council or any person or persons, body or company whatever arising out of or in any way connected with the provision or use of facilities under this Permission, except where such injury, damage or loss is attributable to the negligence of the Council.
- 16 This Permission may be revoked by the Bath & North East Somerset Council at any time and the Bath & North East Somerset Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder(s) in respect of such revocation.
- 17 Nothing herein contained shall be construed as the granting or purported granting by the council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1971 or any statutory modification or re-enactment thereof for the time being in force.
- 18 The holder shall, whilst members of the public are using the facilities provided for the consumption of intoxicating liquor, provide and maintain in a prominent position, to the satisfaction of the Council's Head of Environmental and Consumer Services, notices in the form approved by him concerning the provisions of the Byelaw made by the Bath City Council on 30th January 1991 relating to the consumption of intoxicating liquor in public places.

Notes:

- 1 Section 115K of the Highways Act 1980 provides as follows:-
 - (1) If it appears to a council that a person to whom they have granted a permission under section 115E of this Act has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.
 - (2) If a person on whom a notice is served under sub-section (1) of this Act fails to comply with the notice, the council may take the steps themselves.
 - (3) Where a council have incurred expenses in the exercise of the power conferred on them by sub-section (2) of this Act, those expenses, together with interest at such reasonable rate as the council may determine from the date of service of a notice of demand for the expenses, may be recovered by the council from the person on whom the notice under sub-section (1) of this Act was served.
- 2 Failure to comply with any Condition of the Permission will require the Council to consider whether any subsequent Permissions should be granted to the holder(s) of this Permission.

**BATH & NORTH EAST SOMERSET COUNCIL
ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES (BATH) ORDER 2004**

This Order is made under the Criminal Justice and Police Act 2001 and relates to the consumption of alcohol in a Public Place. For the purposes of the Order, your premises and the area covered by your permit are not a Public Place.

Where a constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to consume alcohol in such a place. The constable may require the person concerned either not to consume in that place anything which is, or which the constable reasonably believes to be, alcohol; or to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol. A constable may dispose of anything surrendered to him in such manner as he considers appropriate.

A person who fails without reasonable excuse to comply with a requirement imposed on him under in such circumstances commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500).

Application Ref. 17/00341/TABLE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART VIIA HIGHWAYS ACT 1980**

CAFFE NERO 11 OLD BOND STREET BATH BA1 1BP

NOTICE IS HEREBY GIVEN that an application has been made to Bath & North East Somerset Council by the proprietor of the abovementioned premises for permission to provide facilities for recreation or refreshment consisting of a number of tables and chairs and/or other items in or on that part of the highway specified above until:

31 March 2018

and at the following times:

Every Day

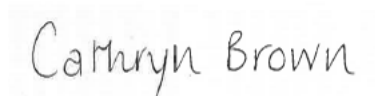
07:00 - 21:00 hours

Further information about the above application, including hours of operation, area of footpath or footway and other information, may be obtained by calling at the address below.

If you wish to make any representations to the Council regarding the above application you should do so in writing to the undersigned by 4 July 2017.

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

Dated 4 July 2017



Cathryn Brown
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Email: licensing@bathnes.gov.uk

OBJECTIONS – PERSONAL DETAILS REDACTED







09/06/2017

Environmental Information Officer
Ms Lauren Latta
Public Protection & Health Improvement
Lewis House, Manvers Street, Bath BA1 1JG



**Re: Local Government (Miscellaneous Provisions) Act 1982
Part V11A Highways Act 1980
Permission for Chairs and Other Items on the Highway at
Café Nero
11 Old Bond Street Bath BA1 1BP**

Dear Ms Latta

Thank you for your letter regarding the permission for tables and chairs at Café Nero, 
 Whilst we appreciate that you are in favour of promoting a Café society in Bath, the lack of tables and chairs
outside the café has been an absolute delight. No litter, no cigarette ends, no dirty tables 


There seems to be no effort on Café Nero's part to take charge of the area and after many complaints on our part we are
left to sweep and wash down the area ourselves in an attempt to keep it in order.

People urinate in the space at night and we find it incredible that there is no attempt to clean it before the Café opens.
Their customers are subjected to an area, which is a smelly health hazard.

There are very rarely ashtrays on the tables so people extinguish their cigarettes on the floor, which are just left all day.

We would be very grateful if you take into consideration our comments before making a decision.

Sincerely,




OBJECTIONS – PERSONAL DETAILS REDACTED

Photograph taken by objector 12/06/2017 at 6:41pm



Supporting statement from applicant

TO BE SUPPLIED

Previous complaint April 2016



Your ref;16/00366/TABLE

Environmental Information Officer
Bath & North East Somerset Council
Public Protection
Lewis House
Manvers Street
Bath BA1 1JG

Bath And North East
Somerset Council

12 APR 2016

8th April 2016

Received

Local Government (Miscellaneous Provisions) Act 1982
Part VIIA Highways Act 1980
Permission to Place Tables and Chairs and Other Items on the Highway at
Café Nero, 11 Old Bond Street, Bath BA1 1BP

We acknowledge receipt of your letter dated 23rd March 2016 regarding the above.

We should like to repeat once again our concerns regarding this Permission:

- 1 The tables outside Café Nero are not serviced. Dirty crockery and full ashtrays are left to mount up all day on the tables, floor and bench seating opposite.
- 2 The chairs and tables are not confined to their specified area and creep out across the pavement during the day, eventually often sprawling across the entrance to our premises, unlike the shop selling pasties opposite which has barriers containing the tabled area. This should be applied to the Café Nero area.
- 3 The pavement is left strewn with cigarette ends at the close of their business so that we are obliged to sweep up and often wash down their area which adversely affects the front of our premises.
- 4 All of the above presents a constant eye-sore in the centre of our City and we feel that permission should only be granted on the condition that the area is constantly, hygienically maintained by staff at Café Nero and that regular checks by yourselves are carried out to ascertain that this condition has been adhered to.

We trust that you will give your full attention to our valid and continued concerns.

Yours sincerely,

Christopher Barry Limited Old Bond Street Bath BA1 1BP Telephone 01225 464585
Email christopher@christopherbarry.co.uk www.christopherbarry.co.uk
Directors C B Richardson K Richardson Registered in England number 3127362

Letter dated 12th April 2016 to Nero Holdings re Complaint

Public Protection

Lewis House, Manvers Street, Bath BA1 1JG
www.bathnes.gov.uk

Date: 12 April 2016
Our ref: 16/00366/TABLE
Direct line: 01225 477531
Fax: 01225 477596
Email: licensing@bathnes.gov.uk



Dear [REDACTED]

**Local Government (Miscellaneous Provisions) Act 1982
Part VIIA Highways Act 1980. Permission to Place Tables and Chairs and Other Items
on the Highway at Caffe Nero. 11 Old Bond Street Bath BA1 1BP**

This letter is to make you aware that we have received a complaint regarding the use of the Tables and Chairs at your property in Old Bond Street, Bath.

The complaint comes in 3 parts:

1. That the Tables and Chairs are not serviced at regular intervals to ensure that the dirty crockery is removed in a timely fashion and ashtrays are emptied.
2. That the Tables and Chairs are not being confined to the specified area of the permit and are allowed to creep outside of the permitted area during the day.
3. That the pavement area of the permit is not being cleaned at the end of the day.

Whilst I do not have any direct evidence to show that this is happening I have no reason to dispute the complaint received is justified. All of the above issues are breaches of the conditions that are attached to the Permit that is issued.

Can I ask that you make the staff at the property aware of the complaint to ensure that the issues are complied with? As a result of the complaint our officers will be attend at periodical intervals to monitor the situation and if evidence is found that the conditions are being breached enforcement action may be taken and it could affect any future applications.

Yours sincerely

A J Tapper

Andrew Tapper
Senior Licensing

Response from Nero Holding re 2016 complaint

From: [REDACTED]
Sent: 12 April 2016 14:06
To: Andrew Tapper
Subject: RE: Complaint re Caffè Nero, Bath

Good afternoon Andrew

Thank you for making us aware of this complaint and I'm very sorry to hear that this is happening. I will forward on to the Area Manager concerned for immediate actions to be made.

[REDACTED]

A copy of your email has also been sent to [REDACTED].

Best Wishes

CAFFÈ
NERO