

# Licensing Sub-Committee

**Date: Thursday, 21st December, 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

A briefing session for Members will be held at 9.30am in the room where the meeting is to take place.



**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.

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### 4. **Public Speaking at Meetings**

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

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### 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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**Licensing Sub-Committee - Thursday, 21st December, 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: 23 NOVEMBER AND 7 DECEMBER 2017 (Pages 7 - 20)

6. VEHICLE PROCEDURE (Pages 21 - 24)

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

7. CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE - MR S H (Pages 25 - 52)

8. LICENSING PROCEDURE (Pages 53 - 56)

The Chair will, if required, explain the licensing procedure, which will be followed for the next two items of business.

9. APPLICATION FOR A NEW PREMISES LICENCE FOR GROUND FLOOR AND BASEMENT, 8 EDGAR BUILDINGS, GEORGE STREET, BATH BA1 2EE (Pages 57 - 90)
10. APPLICATION FOR A NEW PREMISES LICENCE FOR BECKFORD BOTTLE SHOP LTD, 5-8 SAVILLE ROW, LANSDOWN, BATH BA1 2QP (Pages 91 - 134)

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, 23rd November, 2017, 10.00 am

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

**Officers in attendance:** Carrie-Ann Evans (Deputy Team Leader (Barrister)), Alan Bartlett (Public Protection Team Leader) and Terrill Wolyn (Senior Public Protection Officer)

**55 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

**56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**57 DECLARATIONS OF INTEREST**

There were none.

**58 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**59 TAXI PROCEDURE**

The Chair drew attention to the procedure to be followed for agenda item 7.

**60 EXCLUSION OF THE PUBLIC**

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, **RESOLVED** that the public should be excluded from the meeting for the next item of business and that the reporting of this part 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.

**61 FAILURE TO RETURN REQUIRED DBS CERTIFICATE - MR JLW**

This matter had been scheduled for hearing on the 26<sup>th</sup> October 2017. The licence holder had not attended the meeting, or provided any reason for his absence. The Sub-Committee had resolved, for reasons of fairness, to defer the hearing to a future meeting. Notice was sent to the licence holder informing him that his case would be heard at today's meeting, and that if he failed to attend the case could be determined in his absence. The licence holder had not attended today's meeting, nor provided a reason for his failure to do so. The Sub-Committee noted that the licence holder had repeatedly failed to respond to attempts to contact him. Members considered whether or not the matter should proceed in the licence holder's absence or be

deferred again. On that preliminary issue the Sub-Committee resolved in the circumstances to proceed in Mr JLW's absence.

After discussion the Sub-Committee **RESOLVED** that Mr J L W was no longer a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence and authority was delegated to the Public Protection Officer to give notice revoking his licence.

### Reasons

Members have had to determine whether or not the licensee continues to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence having failed to provide a copy of his Disclosure and Barring Service Certificate. In doing so they had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The licensee failed to attend the hearing on 26<sup>th</sup> October 2017 as a result Members determined in the interests of fairness to defer the matter until the next Licensing Sub Committee meeting on notice to the licensee that should he fail to attend on the next occasion the matter may be dealt with in his absence.

The matter came before the Licensing Sub Committee for determination today having been deferred. The Licensee failed to attend and there was no information regarding his non-attendance. Members noted that the Licensee would have been put on notice that the matter may proceed in his absence. In the light of these circumstances Members decided to proceed in Mr J L W's absence.

Members took into account the contents of the report before them together with annexes. Mr JLW had not made any representations in writing and had not attended the hearing in person to make oral representations.

Members noted:

- i. That Mr JLW's licence had been issued on 29<sup>th</sup> January 2017 subject to "a satisfactory DBS Check".
- ii. The DBS web portal had confirmed that a certificate was issued by the DBS and sent to Mr JLW on 8<sup>th</sup> February 2017.
- iii. Mr JLW was sent a letter by the Taxi Licensing team on 27<sup>th</sup> June reminding him that he was obliged to provide a copy of his DBS certificate as soon as he received it. He was asked to produce the certificate within 7 days of the date of the letter and given advice regarding next steps in the event that a further DBS check was required. He was warned that failure to contact the Licensing office within 7 days would result in his licence being referred to the LSC for members to consider suspension or revocation of his Combined Hackney Carriage/Private Hire Driver's licence.
- iv. On 27<sup>th</sup> July 2017 Mr J L W was send a reminder letter in similar terms but on this occasion, it included a formal warning that he had until 17<sup>th</sup> August 2017 to contact the Taxi Licensing office to either a) produce

his DBS Certificate or b) complete a DBS application at his cost in the sum of £44. Mr JLW was warned that failure to do so would result in a report to the LSC to consider whether or not he continued to be fit and proper to hold a combined Hackney Carriage/Private Hire Driver's Licence. Mr JLW was informed that there would be no further warnings.

- v. Mr JLW failed to attend the LSC hearing on 26<sup>th</sup> October 2017 and provided no information regarding his non-attendance. The meeting had been deferred with notice that failure to attend on the next occasion may result in the matter proceedings in his absence.
- vi. Mr JLW failed to attend the LSC hearing today and there was no information regarding his non-attendance.

Applying their policy Members noted that the DBS Check is an important tool in determining whether or not a Licensee continued to be a fit and proper person to hold a licence and in the light of the circumstances and the absence of the DBS Certificate Members could not be satisfied that Mr JLW continued to be fit and proper.

Accordingly members resolve to revoke Mr JLW's licence under section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976.

Authority delegated to the Public Protection Officer to give notice to this effect under section 61(2A) Local Government (Miscellaneous Provisions) Act 1976.

## **62 LICENSING PROCEDURE**

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

## **63 APPLICATION FOR A PREMISES LICENCE FOR SUGO, 66 WALCOT STREET, BATH BA1 5BD**

Applicant: Macellen Ltd, represented by Magnus MacDonald (Director) and Mark Heather (Director)

Other Persons present: Michael Brett (representing Tramshed Ltd and The Abbey Residents' Association), Catherine Chambers (resident), Stephen Montgomery (resident)

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

The Senior Public Protection Officer summarised the report. She reminded Members that the hearing of this application had been deferred from 9<sup>th</sup> November 2017. Members noted that the premises were situated within the Cumulative Impact Area, that five representations had been received from Other Persons residing close to the premises. Between them these representations related to all four licensing objectives. There had been no representations from the Responsible Authorities. The applicant had offered conditions to promote the licensing objectives as detailed in paragraph 5.5 of the report. Tramshed and The Abbey Residents' Association had

proposed further conditions as set out in their written representation (agenda pages 74-75). The applicant already held a licence for the premises, which would be surrendered if today's application was granted.

Mr MacDonald and Mr Heather stated the case for the applicant. Mr MacDonald said that he had applied for this new licence after discussion with the Police Licensing Officer. It was felt that the existing premises licence was an unsatisfactory document and that the plan of the premises was not very accurately drawn. Work had been done to improve the building, access to it, and its relationship with neighbours. The old extractor fan had been undersized and sounded like a jet engine. The building had been in a pretty shocking condition. In consultation with the Police Licensing Officer and the Senior Public Protection Officer and others a more satisfactory licence had been drawn up. He explained that his professional background had been in building construction and restaurant design. He had been involved with the Glass Boat and half a dozen other restaurants in Bristol. It would be entirely counterproductive for any business to alienate its neighbours. The kitchen had been moved downstairs from the first floor, since an extractor fan could not be installed in the original location. The backyard had been in a terrible condition. In conclusion he said that the applicant wished to serve a wide range of customers. They wanted to provide a good quality breakfast early in the morning, a happy hour for children in the afternoon, and be a place where people could drop in for a drink after work, and then providing evening meals. There were few places at the moment where people could have a drink after a visit to the theatre without being deafened. He did not like to be subjected to noise and other nuisance from licensed premises, and saw no reason to inflict it on others. He had had connections with Walcot Street since the 1970s and understood the area and the spirit that it used to have. He hoped to contribute to reviving this, serving everyone from the oldest to the youngest.

Mr Heather said that he had had been a licensee for thirty years and had worked in licensed premises in most parts of Bath. He had had his own business, called the Raincheck Bar, for ten years and believed that the record would show that this was a well-managed establishment. It was proposed that he would be the day to day operator of Sugo with about six staff, and would be at the premises for most of the time. He hoped that the premises would contribute not just to the Walcot Street area, but to the whole city. He hoped that as an independent operator they could offer something the large pub chains could not.

The Other Persons did not wish to put questions to the applicant. In response to questions from Members Mr MacDonald and Mr Heather stated:

- 07:00 was when they wished to open to sell breakfast. They did not think there would be a great deal of demand for alcohol at that hour; perhaps someone would ask for a brandy once in six months and people sometimes liked bucks fizz with breakfast, and it would be nice to have the flexibility to serve them.
- Food would include pastries, really good coffee, bacon sandwiches and eggs. There would major on vegetarian food, with meat options.
- The rear courtyard would be closed at 23:00 every day. Most activity after 22:00 would be concentrated in the restaurant. The rear exit would be just a

fire exit. There would be tables and chairs at the front for use by smokers. The rear courtyard could not be used for smoking area as it was more than 50% covered.

A Member enquired how patrons gained access to the external area and Mr MacDonald responded that currently this was through the entrance of the restaurant on Walcot Street. The Senior Public Protection Officer pointed out that as there would be a condition requiring the rear courtyard to be cleared of patrons by 23:00, the rear entrance could not be used for late night entrance and egress by patrons thereafter.

Mr Brett stated his case. He said that he was Vice-Chair of The Abbey Residents' Association. He said that the premises backed onto Beehive Yard Estate. There is access to the premises via the estate road. The estate contains offices and flats, many occupied by households with children, and had hosted a succession of licensed premises. It should be noted that work was underway to increase the number of flats on the estate from 23 to 41. Relations between residents and licensees had always been cooperative, and there had been no cause to complain to the Council about them. Unfortunately the current application had adopted a different approach. Unlike previous licence holders, they had not consulted with residents about this application. Mr Brett submitted that the applicant had not shown that they were aware of the Council's Cumulative Impact Policy or demonstrated that there would be no impact, despite the long hours for the sale of alcohol applied for. It appeared, though it was not entirely clear, that the applicant intended to open the area at the rear of the premises; the work being done at the premises was not consistent with applicant's stated intentions. He submitted that the hours applied for were entirely inappropriate for the location of the premises. It would be wrong to grant a licence for up to 02:00 in the City centre. Complaints about nuisance caused by customers entering and leaving licensed premises were among the commonest received by TARA. In accordance with the licensing objectives of the prevention of public nuisance and the protection of children from harm he believed that the application should be refused. However, if the Sub-Committee permitted the application, he urged that it impose the additional conditions given in the bullet points on pages 74-75 of the agenda. These conditions would serve to give assurance to residents in the immediate vicinity of the premises.

Catherine Chambers stated her case. She said that she had been resident in Bath since 2002. She wanted to feel that she was contributing to the local area and she wanted to see successful businesses operating there. She appreciated that the Sub-Committee often had to listen to conflicting views from residents and businesses. However, she noted that the applicant had stated that they did not wish to alienate local residents. Residents owned Beehive Yard; they were responsible for its maintenance and management and ensuring its cleanliness and its safety. Access to the entrance at the rear of Sugo was by means of a private road, which was very narrow and easily blocked by people and cars. This rear area was of particular concern to her and other residents. The planning permission given to the previous licence holders had given them limited access to it. Unlike previous licence holders the applicant was not part of the Beehive Yard Estate. The applicant's management of the recent building works raised concerns about whether they would be good neighbours. She feared that the use of the rear area would intensify and that there would be a much greater flow of people and vehicles to it. She realised that some of these issues related to planning, but she submitted that some also related to the

licensing objectives and that they were therefore relevant issues for the Sub-Committee to consider. She said that double doors had been placed on a structure at the rear of the premises in a hitherto open area. She submitted that the doors were not of a kind that would be put on a staff or tradesmen's entrance, but appeared to be designed for the use of customers. She was concerned that nuisance would be caused when people exited through those doors to smoke, or if they were affected by drink. She did not think it was possible to manage this in a way that effectively promoted the licensing objectives. She therefore believed that use of the rear area should be strictly limited, as was the case in the premises licence before the current one.

The Senior Public Protection Officer clarified that the application before the Committee did not propose any changes to the way that the rear area currently operates.

Mr Montgomery said that he agreed with the statements made by his two colleagues and did not wish to make a separate statement.

Mr MacDonald summed up for the applicant. He said that he cared about relations with local residents. He conceded that the building works had been a nightmare. This was because the state of the building had been considerably worse than he had been led to believe. The previous rear entrance had actually been much wider and more accessible than its replacement and quite ugly. He had wanted to tidy it up and make it look nicer. The roof of the existing lean-to had been improved. In addition, on the advice of the Environmental Health, a large filter and silencer had been installed. He envisaged that access through the back gates might make it convenient for people visiting the furniture store and residents to come in and have refreshments. He apologised for not attending the meeting of 9 November; this had been because of a medical issue.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application, subject to the mandatory conditions and conditions consistent with the operating schedule. Authority was delegated to the Senior Public Protection Officer to issue the licence.

### Reasons

Members have had to determine an application for a new Premises Licence for Sugo, 66 Walcot Street, Bath, BA1 5BD. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

The hearing of the application had been adjourned from 9<sup>th</sup> November in accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. Members noted that each application is considered on its own merits.

Members were careful to take account of the relevant written and oral representations made and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters.

### **The Applicant**

Mr MacDonald on behalf of the applicant indicated that there is an existing licence on premises which he felt could be improved in terms of relationship with neighbours. He indicated that he had a background working with licensed premises and is a former Wiltshire Councillor. He informed members of the steps taken regarding the extractor system to reduce nuisance caused by that. He went on to say that he wants to offer premises which are about the community and where people could go for a quiet drink and to hold a conversation. Mr Heather also spoke on behalf of the applicant and indicated he had been a licensee in Bath for 30 years; will be the day to day operator and he would be there a lot of the time as managing partner.

It was confirmed by Mr MacDonald and Mr Heather in response to questions that they had tidied up the back yard area; put a new roof on but that as with the existing licence that courtyard area would still be cleared by 2300 hours each day. Mr Heather indicated that the area could not be used for smoking as he understood the law, as it is more than 50% enclosed.

### **The Interested Parties**

The Interested Parties objected to the application on the grounds of the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives.

Specific concerns were raised regarding noise and drunken behaviour that may take place in the courtyard area of the premises, bearing in mind the proximity to Tramshed residents. Concerns were raised that patrons themselves and patrons' vehicles may block Beehive Yard causing issues for emergency vehicles, residents' free passage and safety; the implication being that this would create a nuisance. They indicated that the rear access to the premises through Beehive Yard was a cause for concern in terms of the prevention of public nuisance licensing objective.

Mr Brett on behalf of the Tramshed residents and The Abbey Residents Association (TARA) objected to the application on the grounds of the prevention of public nuisance and protection of children from harm licensing objectives. Mr Brett indicated that the Beehive Yard is a purpose built mixed use development with residents of varying ages. He explained that they have had no cause to complain regarding the previous licence but there had been no consultation with residents regarding the proposed licence and expressed the view that the applicant had not addressed the council's Cumulative Impact Policy. Mr Brett said that the hours requested are entirely inappropriate.

Members noted that Ms Chambers relied upon her written representations as set out in the report and sought to amplify them. Ms Chambers expressed public safety concerns related to the use of the rear double doors to the premises unless that use is limited. Ms Chambers acknowledged that planning issues were not the remit of the committee.

### **Responsible Authorities**

Members noted that there had been no representations from Responsible Authorities, including the police.

### **Members**

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

Members carefully considered the representations made on behalf of the Interested Parties, the Tramshed Limited, TARA and the Applicant.

Members noted specifically that the Cumulative Impact Policy relates to the 'on trade' sale of alcohol for consumption on the premises. They noted the existing premises licence as set out in Annex F to the report. Members were satisfied that the applicant had demonstrated taking into account all the relevant circumstances including the proposed conditions on the operating schedule that the proposed licence would not add to the cumulative impact being experienced.

Members considered that any effect on the licensing objectives would be addressed by the conditions consistent with the proposed operating schedule which they found to be appropriate and proportionate.

Accordingly, members resolved to approve the application subject to the mandatory conditions and conditions consistent with the operating schedule.  
Authority was delegated to the Public Protection Officer to issue the licence.

The meeting ended at 12.00 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Thursday, 7th December, 2017, 10.00 am

**Councillors:** Anthony Clarke (in place of Deirdre Horstmann), Les Kew (Chair) and Caroline Roberts

**Officers in attendance:** Ian Nash (Public Protection Officer (Licensing)) and Carrie-Ann Evans (Deputy Team Leader (Barrister))

#### **64 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

#### **65 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Deirdre Horstmann. Councillor Anthony Clarke substituted.

#### **66 DECLARATIONS OF INTEREST**

Councillor Clarke declared Other Interests as a member of the Campaign for Real Ale and as a Fellow of the Royal College of Surgeons. He did not believe that these would impact on his ability to determine the application with an open mind.

#### **67 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **68 MINUTES OF PREVIOUS MEETING: 9 NOVEMBER 2017**

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

#### **69 LICENSING PROCEDURE**

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

#### **70 APPLICATION FOR A NEW PREMISES LICENCE FOR CHAMPAGNE PLUS FROMAGE, 5 GEORGE STREET, BATH BA1 2EH**

Applicant: LAFATA Ltd, represented by Stefano Frigerio (Director and DPS) and David Holley (Licensing Agent).

The Other Person, Stephanie Brown, was not present and not represented.

The Applicant confirmed that he had received and understood the procedure to be followed for the hearing.

The Public Protection Officer summarised the application. This was an application for a new premises licence. The application sought authority for the sale of alcohol for

consumption on and off the premises and the provision of Late Night Refreshment. The premises was situated within the Cumulative Impact Area. One representation had been received from an Other Person in relation to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

Mr Holley and Mr Frigerio stated the case for the applicant. Mr Holley said that he would examine the strength of the objections raised by the Other Person and endeavour to demonstrate that the applicant's business would be a good and honest operation, which would add to the type and quality of refreshment currently available in Bath. He submitted that Mrs Brown's representation gave a very general view of the impact of the concentration of licensed premises in the George Street area. He thought it was significant that neither the Circus Residents' Association nor the Responsible Authorities had made representations to the application. He asked Mr Frigerio to provide a complete description of the business, to allow Members to judge its potential impact.

Mr Frigerio said that LAFATA owned four premises in London. The first had been in Covent Garden, the second in Brixton, the third in Greenwich and the fourth in Mercato Metropolitano, Newington Causeway. LAFATA was jointly owned by two families. The concept of champagne and cheese was unique, and this was the secret of their success. Similar concerns to those made in the representations to this application had been raised when it was proposed to open premises in Brixton, which is an area with many alcohol-related problems. But then it was understood that the concept of the business is quite different from that of the usual pub or restaurant. The focus is on champagne, which the management personally select and import. Mr Frigerio said that his wife is French and an expert on champagne. He believed champagne was best served with food, especially cheese. The business had been operating in London for six years. Because of the nature of the business, there was a new kind of customer. The premises in London had never received complaints about noise or alcohol-related bad behaviour by customers. The average age of customers was about thirty-five, and they were not motivated by drinking as much alcohol as possible. Their premises were not just restaurants, but also shops. Therefore they were open throughout the day, and did not just open at night to sell alcohol. The intention was to expand the shop at George Street into a kind of French market, where people could buy cheese and champagne and other things as well, including non-food products, such as kitchen utensils. They wanted to be open throughout the day, providing breakfasts and lunch. Comments about the London premises on websites such as TripAdvisor were very favourable. The site of the Bath premises is very beautiful and presents a very good image for the business. It is very similar to the premises in Greenwich, which is also Grade II listed. He believed that the business would add value to Bath by increasing what was available to residents. He understood the concern about alcohol-related issues in certain places, but the premises would not just be pushing the consumption of alcohol; this was not the main driver of the business. The business had an operations manager who ensured all premises had proper procedures in place. All managers and staff were trained in licensing requirements, food hygiene and safety and emergency procedures. He believed that the premises in Bath would be run to the same standard as the premises in London because the operations manager was the same. No accidents or incidents had occurred at any of the London premises.

The Chair asked whether the applicant wished to address Cumulative Impact. Mr Holley submitted that the most important factor in reducing the impact of licensed

premises on a locality was how licensed premises were operated. No representations had been received from residents' associations or the Responsible Authorities, and he felt that they would have made representations had they been concerned about this application.

The Chair noted that Mr Frigerio lived in London, and asked who would supervise the premises on a day-to-day basis. Mr Frigerio replied that the operations manager also resided in London, though it was the present intention that he should move to Bath for the first year after opening. A local manager who held a personal licence had been appointed. All managers were very experienced. It was planned that he or one of the other Directors would spend one day a week in Bath for the first six months to ensure that everything was under control.

A Member asked about seating capacity in the premises. Mr Frigerio explained that most of the ground area of the premises would be occupied by the shop, with some tables and chairs at the rear of this area. There would be another seated area on the first floor. There would be a kind of lounge in the basement. There would be sufficient seating to allow customers who wished to sit to do so. Customers have to sit to be able to enjoy the food.

Summing up for the applicant Mr Holley submitted that the nature of the business and the conditions included in the operating schedule were such that there was no undue risk of any adverse impact from the premises. No evidence had been submitted to suggest there would be. The premises would be run in a competent manner.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application as applied for, subject to the mandatory conditions and conditions consistent with the operating schedule. Authority was delegated to the Public Protection Officer to issue the licence.

### Reasons

Members have had to determine an application for a new Premises Licence for Champagne plus Fromage, 5 George Street, Bath, BA1 2EH. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. Members noted that each application is considered on its own merits.

Members were careful to take account of the relevant written and oral representations made and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters.

### **The Applicant**

Mr Holley addressed members as the legal representative for the applicant. Mr Holley contended that the representation that had been received from Ms Brown was a general view. Mr Holley addressed members in relation to the Cumulative Impact

Policy. He cited the staff training, the nature of the premises and the way the business premises are intended to be run as reasons why he does not think that the they will contribute to the cumulative impact already being experienced. He noted that there had been no representations from the Residents' Associations nor Responsible Authorities. Mr Holley submitted that members could be satisfied that the application would not add to the cumulative impact.

Mr Frigerio on behalf of the Applicant addressed members on his previous experience of running four other licensed premises in London over the last of six years which he said had never received complaints. Mr Frigerio said that he feels the premises will add value to the current offering from existing premises in Bath. The premises are not intended to push just the sale of alcohol which will be an ancillary part of the business.

### **The Interested Parties**

Mrs Brown made written representations as an interested party who lives in the vicinity of the premises. Mrs Brown objected to the application on the Prevention of Crime and Disorder and Prevention of Public Nuisance licensing objectives. She indicated that the existing premises licensed to sell alcohol in the area covered by the Circus Area Residents Association already have an adverse impact on crime and disorder and this addition of this premises would contribution to that impact. Similarly, she referred to the impact of existing premises on the prevention of public nuisance and how the addition of another premises would add to her already being woken multiple times a week by inconsiderate noisy consumers of alcohol, some of whom are abusive. Mrs Brown indicated that this causes distress and is adversely affecting her health.

### **Responsible Authorities**

Members noted that there had been no representations from Responsible Authorities, including the police.

### **Members**

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

Members carefully considered the representations made on behalf of the Interested Party and the Applicant.

Members noted specifically that the Cumulative Impact Policy relates to the 'on trade' sale of alcohol for consumption on the premises. Members were satisfied that the applicant had demonstrated taking into account all the relevant circumstances including the proposed conditions on the operating schedule that the proposed licence would not add to the cumulative impact being experienced.

Members considered that any effect on the licensing objectives would be addressed by the conditions consistent with the proposed operating schedule which they found to be appropriate and proportionate.

Accordingly, members resolved to approve the application subject to the mandatory conditions and conditions consistent with the operating schedule. Authority was delegated to the Public Protection Officer to issue the licence.

The meeting ended at 11.25 am

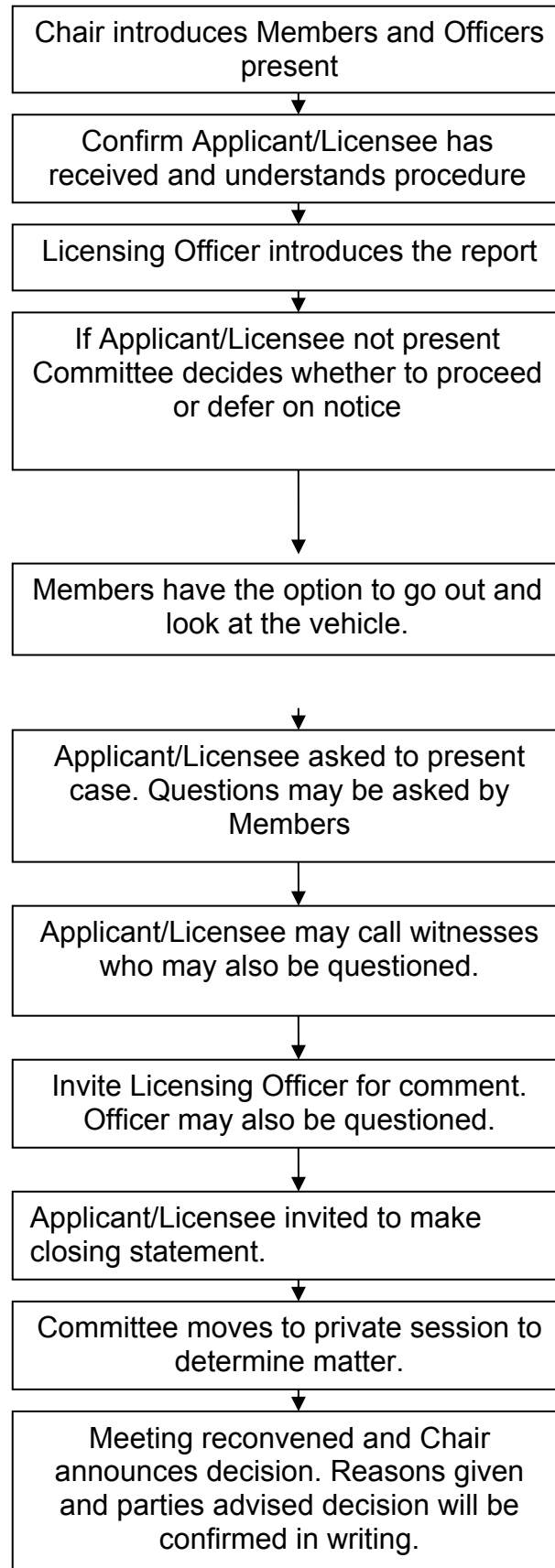
Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**LICENSING SUB-COMMITTEE  
HACKNEY CARRIAGE (TAXI) AND  
PRIVATE HIRE PROPRIETORS LICENCE PROCEDURE**



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**Licensing Sub-Committee  
Hackney Carriage and Private Hire  
Proprietors' Hearing Procedure**

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

Updated November 2013

### **PLEASE NOTE:**

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should it be necessary, supplementary questions limited to clarification purposes.
- Parties will be allowed an equal amount of time to present their cases. Whilst time limits are at the discretion of the Chair, 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 any person behaving in a disruptive manner leave the hearing and refuse that person to return, or only to return subject to conditions. An excluded person however is entitled to submit the information they would have been entitled to present had they not been required to leave.
  - 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 on the grounds set out in the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
  - If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Licensing Sub-Committee	
MEETING DATE:	Thursday 21 December 2017	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – Mr SH	
WARD:	ALL	
OPEN PUBLIC SESSION		
List of attachments to this report:		
Annex A	Application Form.	
Annex B	Policy on Hackney Carriage and Private Hire Licensing Standards.	
Annex C	Standard Private Hire Vehicle Licence Conditions.	

## **1 THE ISSUE**

- 1.1 This report invites the Licensing Sub-Committee to consider whether or not a vehicle that is over 5 years old is suitable to be licensed as a private hire vehicle.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits, and where applications fall outside the general policy they should be referred to the Licensing Sub-Committee for determination.
- 1.3 The policy adopted by the Council requires that the vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of the application will be referred to the relevant Council Licensing Sub-Committee for determination.

## **2 RECOMMENDATION**

- 2.1 That the Sub-Committee determine the issue.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no resource implications arising from this report.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as 'a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers.

4.2 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Private Hire Vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is-

- (i) suitable in type, size and design for use as a private hire vehicle,
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage,
- (iii) in a suitable mechanical condition,
- (iv) safe, and
- (v) comfortable.

4.3 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

4.4 Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates court.

4.5 In January 2014 the Council's Licensing Committee adopted the current policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. (The Policy is produced at Annex B).

4.6 In January 2014 the Council's Licensing Committee adopted a set of standard licence conditions applicable to all Private Hire vehicle licenses issued in Bath & North East Somerset. (The conditions are produced at Annex C)

## **5 THE REPORT**

5.1 Mr Holden applied for the grant of a Private Hire vehicle licence on 6 December 2017. (A copy of the application form is produced at Annex A).

5.2 The application is for a BMW 316 saloon, first registered in May 2012. At the time of application the vehicle was more than five years and six months old.

- 5.3 The current policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators states “*That all vehicles will normally be less than five years old when first licensed*”.
- 5.4 The standard conditions attached to the grant of a Private Hire Vehicle licence state “*The vehicle shall normally be five years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination*”.
- 5.5 The vehicle is fully compliant in every other respect with the standard Private Hire licence conditions and has passed a licensed vehicle mechanical compliance check at an authorised garage on 28 November 2017.
- 5.6 The vehicle will be available at the meeting should Members require to inspect the vehicle themselves.

## **6 RATIONALE**

- 6.1 Each application for a licence will be considered on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards. This application is for a Private Hire vehicle licence in respect of a vehicle which cannot comply with the standard licence conditions attached to the grant of a Private Hire vehicle licence in B&NES. Consequently, this matter is referred to the Licensing Sub Committee for consideration.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

- 8.1 The Council's Monitoring Officer (Head of Legal and Democratic Services and Council Solicitor), the Section 151 Officer (Divisional Director - Finance), and the Information Governance Officer, have had the opportunity to input to this report and have cleared it for publication.

## **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.

<b>Contact person</b>	Alan Bartlett - 01225 477536
<b>Background papers</b>	Licensing File
<b>Please contact the report author if you need to access this report in an alternative format</b>	

# **Bath & North East Somerset Council**

## **Local Government (Miscellaneous Provisions) Act 1976**

### **APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE**

(1) Full name STEVEN ROBERT HOLDEN  
 Address 6 Rooksbridge walk  
Twerton BATH Post Code BA2-1BS.  
 Telephone No. 01225 590327

Hereby make application to the Bath and North East Somerset Council for a Private Hire Vehicle Licence in respect of:-

Make BMW Model 316 Colour white Reg.No. LC12 ECD  
 Passengers 4 Doors 4 CC 2000

Year of Manufacture 2012 Plate No. (if applicable) 097.

Of which I am the (Sole Proprietor) (Part Proprietor with)

Name STEVEN HOLDEN  
 Address 6 Rooksbridge walk Twerton.  
 Post Code BA2-1BS. Telephone No 01225 590327

- (2) Is the vehicle fitted with a taximeter YES (NO)  
 (3) Is the vehicle wheelchair accessible YES (NO)

I/WE undertake, if granted a Private Hire Vehicle Licence, to ensure that this vehicle when used for private hire purpose, is adequately insured at all times and complies with the Local Government (Miscellaneous Provisions) Act 1976 and the conditions prescribed by Bath and North East Somerset Council.

I understand that in order to Operate my own vehicle I will require an Operator's Licence unless I work for or with a Licensed Operator. (Operate means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle.)

NAME OF LICENSED OPERATOR ABBLE TAXIS

## ANNEX A

I/We declare that to the best of my knowledge and belief, the answers given overleaf are true. If a licence is granted I/We undertake to comply with conditions attached to the grant of the licence.

(6) I understand that any Licence obtained by false declaration may be suspended Or revoked by the Council.

Usual signature of applicant ..... Date 1 Dec 2007  
Applicants are advised that to make a false statement or omit any information from this application is a criminal offence.

(7) Please produce:-	(1) Current insurance certificate which must cover the vehicle for hire and reward.
	(2) Vehicle Registration document.
	(3) MOT Certificate for all vehicles over one year old when licensed.
	(4) Vehicle Inspection Sheet (Issued By Authorised Garage)
	(5) Certificate Of Meter Compliance (If Taximeter Fitted)
	(6) 2016/ 2017 Total Fees Payable including roof sign on new application: £332 (New Application.) £100 (Vehicle Substitution) £203 (Annual Licence Renewal)
Please present all documents in person to:-	Bath and North East Somerset Council Licensing Taxi Licensing Office Locksbrook Road Bath BA1 3EL Tel 01225 477689

**POSTAL APPLICATIONS WILL NOT BE ACCEPTED.**

### **APPEALS PROCEDURE**

(1) Any person aggrieved by:-

- (a) the refusal of the District Council to grant a licence under Local Government (Miscellaneous Provisions) Act 1976 or
  - (b) any conditions attached to the grant of a vehicle licence -
- may appeal to the Magistrate's Court

(2) Appeals must be brought within 21 days.

(3) A further right of appeal lies to the Crown Court from the Magistrate's Court.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see;

<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm> or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email [information\\_governance@bathnes.gov.uk](mailto:information_governance@bathnes.gov.uk)



## ANNEX B

### **PRIVATE HIRE VEHICLE LICENCE GENERAL CONDITIONS**

These conditions are based on the law currently in force.

#### **INTERPRETATION**

In these conditions:

"The Council" means Bath & North East Somerset Council.

"Authorised Officer" means an officer of the Council authorised in writing by the Council for the purpose of these conditions.

"Private Hire Vehicle" has the same meaning as defined in section 80 of the Local Government (Miscellaneous Provisions) Act 1976 Part II.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Private Hire vehicle licensed by the Council.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Vehicle" means the Private Hire vehicle in respect of which this licence is issued.

#### **VEHICLE SPECIFICATIONS.**

The vehicle may not be of a design or appearance so as to lead any person to believe that the vehicle is a Hackney Carriage and therefore available for immediate hire.

The engine size of the vehicle shall normally be at least 1400cc.

The vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination.

Vehicles that have dented or damaged bodywork are unsuitable for licensing.

A licensed vehicle which becomes 10 years old may be subject to a review of suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the relevant Council Licensing Sub Committee for a final decision as to suitability to continue to be licensed as a Private Hire vehicle. Factors that may render a licensed vehicle unfit may include (but not be limited to) general condition of exterior and interior, such as accident damage, rust, poor paintwork; ripped, torn or stained interior carpets, seats and trims; a history of failing an MOT test or Council Vehicle Inspection. The Vehicle Operator Services Agency (VOSA) MOT database and the individual vehicle licensing file will be used to ascertain this data for individual vehicles.

A current M.O.T. certificate is required on all vehicles over 1 year old at the time of application for a Private Hire vehicle licence. This is in addition to the Council's vehicle inspection test carried out as part of the application process. The proprietor



## **ANNEX B**

shall produce to the Licensing Section a new M.O.T certificate within seven working days of the expiry of the current certificate.

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors. At least three of these doors must be accessible for passengers to enter and exit the vehicle without the need to move, adjust, or climb over any seating.

All passenger seats must allow not less than 406mm (16in) per passenger along the narrowest part of the seat. In addition the leg room between rows of seats should allow for a minimum 255mm (10in).

### **TYPE APPROVAL**

Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate issued by the VOSA.

Any vehicle submitted for licensing originally given European Community N type approval will be considered unfit for the purpose and will not be licensable as a Private Hire vehicle. The definition of category N type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of goods.

### **STRETCH LIMOUSINES**

Stretch limousines may be licensed as a Private Hire vehicle provided that the vehicle is either a standard production model, or alternatively the vehicle has been stretched as part of a recognised programme approved by the original vehicle manufacturer. American limousines must have been approved under the Qualified Vehicle Modifier (QVM) programme for Ford/Lincoln or the Cadillac Master Coachbuilder (CMC) program for Cadillac vehicles. Limousines will only be licensed if the vehicle seating capacity does not exceed eight passengers in total.

A current IVA certificate issued by the VOSA in respect of the prospective stretched limousine must be submitted on application for a Private Hire vehicle licence. Imported Stretch Limousines may be left hand drive.

Any supply of alcohol intended in the course of a limousine hiring is only permissible if the relevant premises licenses have been obtained, under the Licensing Act 2003, where applicable.

### **ALTERNATIVE FUELS**

Any conversion of a Private Hire vehicle to run on Liquid Petroleum Gas, any alternative fuel or combination of fuels must be carried out by a fully qualified and certified installation engineer. A certificate of installation must be produced to the Licensing Section before the vehicle can be used for the purpose of hire and reward.

## **ANNEX B**

### **SATELITE GPS NAVIGATION SYSTEMS**

At no time shall any satellite navigation system be situated within the swept area of the windscreen of a licensed vehicle.

### **TINTED GLASS WINDOWS**

DIY window tint film kits are not permissible.

Tinted glass windows are permissible provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.

### **LICENCE RENEWALS**

A Private Hire vehicle licence must be renewed annually and the renewal applied for prior to the expiration of the current licence. A licence will only be issued following a satisfactory vehicle inspection and measured mile taximeter test if applicable.

Where the licence cannot be renewed due to mechanical failure of the vehicle the proprietor shall notify the Licensing Section in writing that the renewal application will be delayed and he may, with the consent of an Authorised Officer submit an application for renewal of the licence after the expiry date, and the renewal fee in force at that time will be payable.

### **THIRD PARTY ADVERTISING**

Discreet third party advertising will be permitted on the front door panels of vehicles, subject to the written consent of the Council.

### **COMPANY LIVERIES**

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Private Hire Company. No other wording is permitted. The words "TAXI" and "CABS" are prohibited from use as part of a livery on a Private Hire vehicle.

Applications for company liveries must be submitted in writing to the Licensing Section and the design must be authorised by the Licensing Section before the livery is used. Any liveries which are considered unacceptable by the Licensing Section will be referred to the relevant Council Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side, front or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number is permitted to be displayed on the windscreen of the vehicle. Such a sign must be of the "sunvisor" type, and must not exceed 330mm x 228mm (13in x 9in).

## **ANNEX B**

### **ROOF SIGNS**

A Roof sign as prescribed by the Council shall be fitted to the vehicle at all times whilst hired or available for hire. The roof sign shall be fitted along the length of the vehicle's roof. Illumination of the roof sign is not permitted.

Roof signs may be removed for vehicles travelling on long journeys involving motorways but should be replaced on exiting the motorway.

### **PRIVATE HIRE PLATES**

When a Private Hire Licence is issued and on payment of a 'plate deposit' the Council will issue a Private Hire plate. There shall be marked on the Private Hire plates the number of the licence for the Private Hire vehicle, the registration number of the vehicle, manufacturer and model of the vehicle, date of expiry of the licence and the number of persons that may be carried. The number of passengers that may be carried by a Private Hire vehicle is determined by the type of vehicle and is stated on the licence plates. In any event the maximum number is eight.

At all times, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Private Hire plates provided by the Council.

An interior plate provided by the Council shall be fixed to the inside of the Private Hire vehicle so as to be plainly visible to any passenger.

The plates shall be at all times clearly visible and maintained in a clean, tidy and legible condition. It is not permissible to alter the size of the issued licence plate by trimming or cutting.

No other plates, fittings, signs or printed matter shall be displayed on the exterior or interior of the vehicle without the approval of an Authorised Officer of the Council or unless required by these conditions. At no time shall the word "TAXI" or "CAB" be used or any other wording leading any person to believe that the vehicle is a Hackney Carriage.

The licence plates shall remain the property of the Council and shall be returned to the Council on expiry, or within seven days of the notice of suspension, revocation or refusal to renew the vehicle licence having been served on the proprietor. The plate deposit shall be refunded upon the plates being returned to the Council.

### **EXECUTIVE HIRE/CHAUFFEUR HIRE**

Exemptions from the requirement to display standard identification plates and roof signs will only be granted to vehicles that are exclusively supplied by an Operator for Executive Chauffeur hire on a full time basis and are not fitted with a taximeter.

Executive Chauffeur Hire Vehicles will be required to display an identification disc on the interior of both the front windscreen and rear window so as to be plainly visible. There shall be marked on the Private Hire disc the number of the licence for the Private Hire vehicle, the registration number of the vehicle, date of expiry of the licence and the number of persons that may be carried.



## **ANNEX B**

Executive Chauffeur vehicles will be required to display an Interior identification plate issued by the Council and such plate shall be mounted so as to be plainly visible to any passenger travelling in the vehicle.

### **SELLING OR SUBSTITUTING A VEHICLE**

Any vehicle substituted for the vehicle in respect of which this licence is issued must be authorised by the Council. A vehicle substitution fee will be payable.

Any vehicle proprietor who sells a licensed Private Hire vehicle must notify the Council in writing within fourteen days of the sale specifying the name and address of the new owner and the date of sale.

### **TAXIMETERS**

If the Private Hire vehicle is fitted with a taximeter:

The taximeter will be programmed with the authorised tariff as set by the licensed Private Hire operator. No other tariff shall be permitted.

All tariffs shall be clock calendar controlled.

The word "FARE" shall be printed on the face of the taximeter in plain letters.

The taximeter shall be positioned so as to be clearly and easily visible at all times to any person conveyed in the Private Hire vehicle.

The taximeter shall be sealed in such a way that it shall not be practicable for any person to tamper with the taximeter except by breaking, damaging or permanently displacing the seals.

The taximeter must be sealed by an Authorised Officer of the Council.

The vehicle shall not be used for hire or reward unless the taximeter is properly sealed.

In the event of an emergency requiring an authorised taximeter dealer to break the taximeter seal, the vehicle may be used for hire and reward providing the driver is in possession of a certificate from the dealer indicating why the seal was broken and the date the seal was broken. In any event the taximeter is to be re-sealed within three working days of the date of the notice.

All taximeters must be capable of being sealed by permanent lead or plastic seals. Paper seals are not suitable for use. Existing meters that are not capable of authorised sealing methods should be replaced no later than twelve months from the date these conditions come into force.

All taximeters must be clock calendar controlled. Existing taximeters that are not capable of being clock calendar controlled should be replaced no later than twelve months from the date these conditions come into force.

## **ANNEX B**

### **FARECARD**

If the vehicle is fitted with a taximeter a current table of fares as set by the Private Hire Operator shall be carried the interior of the vehicle at all times and shall be made available to any person being conveyed in the Private Hire vehicle on request.

### **CLOSE CIRCUIT TELEVISION (CCTV)**

CCTV will only be permitted for use within the vehicle subject to the written consent of the Council's Licensing Section.

If an approved CCTV system is fitted, a sign must be displayed in the interior of the vehicle, plainly visible to passengers stating "CCTV in Operation". Similar signs shall be displayed on the exterior of the vehicle to warn prospective customers of the use of CCTV in the vehicle.

The use of dummy CCTV equipment is permissible subject to the written consent of the Council.

Any signs indicating that CCTV is in operation must be approved by the Councils Licensing Section.

It shall be the vehicle proprietor's responsibility to ensure that he/she is fully aware of the provisions of the Data Protection Act 1988, and fully complies with the relevant requirements of the Act and the CCTV Code of Practice published by the Information Commissioners Office.

### **SMOKING**

The Smoke free legislation under the Health Act 2006 which came into effect on 1<sup>st</sup> July 2007, makes smoking a criminal offence in a licensed private hire vehicle. Smoking is prohibited at all times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietor's responsibility to ensure that the legislation is complied with at all times and to ensure that any licensed drivers permitted to drive the vehicle are fully aware of the law.

### **PROPRIETORS RESPONSIBILITIES**

Every proprietor of a Private Hire vehicle shall:

- (a) ensure that all windows and window handles are maintained in good repair and condition and operate correctly.
- (b) keep the seats properly cushioned and covered, and ensure that they are kept free from unsightly repairs stains and burns.
- (c) provide proper and sufficient accommodation for luggage and a means of securing such luggage
- (d) provide and maintain an electric light in the interior of the vehicle for use of any person entering or alighting from the vehicle
- (e) carry a spare wheel and tyre and suitable tools for the replacement of damaged or punctured tyres. If the vehicle is fitted with an LPG conversion and there is

## ANNEX B

no room for a spare wheel, then an alternative method of re inflating a punctured tyre must be carried. (It is acceptable not to carry a spare wheel if the vehicle is not fitted with a spare wheel as standard manufacturers' equipment and is provided with a suitable means of emergency puncture repair).

- (f) carry a fire extinguisher with a valid expiration date readily available for use. The fire extinguisher must comply with the requirements relating to fire extinguishing appliances for use in public service vehicles, which may include dry powder type
- (g) keep the vehicle properly painted in one of the manufacturer's standard range of colours
- (h) keep the interior and exterior of the vehicle in a clean and tidy condition and all body work should be sound and reasonably well maintained, free from major dents and other distortions/damage. Any repairs and cosmetic improvements must be of professional quality and a good paint match achieved
- (i) Carry a full set of replacement bulbs, to include headlight, taillights, sidelights and indicators. (vehicles fitted with Xenon and LED lighting systems are excluded from this requirement, but should carry standard replacement bulbs if appropriate)

The vehicle shall display in both rear passenger door windows a discreet sticker advising passengers that seatbelts should be worn.

The vehicle shall display a "No Smoking" sign so as to be plainly visible to anyone entering the vehicle.

The vehicle shall be fitted with sufficient seat belts to correspond with the seating capacity of the vehicle.

Where the vehicle is an estate car a rack must be fitted to prevent luggage entering the passenger compartment during an emergency stop.

### **INSURANCE**

The vehicle proprietor shall ensure that a valid certificate of insurance, which complies with the requirements of the road traffic legislation currently in force, is kept in respect of each driver of the Private Hire vehicle and in relation to its use as a Private Hire vehicle. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

The proprietor shall produce a new insurance certificate or cover note within seven days of the expiry of the current certificate, or cover note.

Named drivers included on the insurance certificate must hold a Private Hire driver's licence issued by the Council. Certificates will not be accepted if they include named drivers that are not the holder of a Private Hire driver's licence issued by the Council.

## **ANNEX B**

### **VEHICLE INSPECTIONS**

The proprietor shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times, and where an Authorised Officer or constable is not satisfied with the condition of the vehicle for use as a Private Hire vehicle the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the provisions of the conditions set out above, the proprietor of a Private Hire vehicle shall present the vehicle for inspection at such time and at such place within the area of Bath and North East Somerset Council as is specified in written notice in writing served upon the proprietor by the Council.

### **ACCIDENTS & ALTERATIONS**

The proprietor of a Private Hire vehicle shall report to the Licensing Section of the Council any accident to any such vehicle within 72 hours of the occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any damage to the Private Hire vehicle must be repaired as soon as is practicable. The Authorised Officer of the Council may require the Private Hire vehicle to be presented for a formal mechanical inspection at the licensee's expense after completion of the repairs.

The proprietor of a Private Hire vehicle shall report to the Licensing Section of the Council, any material alteration in the design of the vehicle (either to the machinery or construction of the body) as soon as practicable, and the Authorised Officer of the Council may require the vehicle to be presented for an inspection.

### **CHANGE OF ADDRESS**

The proprietor or part proprietor of the vehicle shall;

- within seven days of any change of address during the period of the licence disclose to the Council the details of the change in writing.

### **PENALTY POINT SCHEME**

Breach of any of these conditions may be enforced by the Penalty Point scheme as shown on the attached table.

### **SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE**

The Private Hire vehicle licence may be suspended, revoked or not renewed by the Council on any of the following grounds:-

- a) that the vehicle is unfit for use as a Private Hire vehicle
- b) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the part of the vehicle proprietor or driver
- c) any other reasonable cause.

The Licence may be immediately suspended where an Authorised Officer is not satisfied as to the fitness of the vehicle or its taximeter where fitted, the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976 apply.



## **ANNEX B**

### **MISCELLANEOUS**

The vehicle proprietor is required to be familiar with the Council's requirements for Private Hire vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Private Hire vehicle drivers licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

### **SERVICE OF NOTICES**

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, shall be deemed to have been properly served if served personally on him/her, or sent by pre-paid post to or left at the last known address of the holder of the licence.

### **GENERAL**

#### **Any person who:**

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by such officer or constable in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976

shall be guilty of an offence.

These conditions shall apply to Private Hire vehicles licensed by Bath & North East Somerset Council.

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions and notice thereof will be served on all licensees.

July 2013



## ANNEX B

### Penalty Points Scheme Relating to Private Hire Vehicles

Offence	Points	Person Responsible
Carrying more passengers than specified in licence for vehicle	6	Driver
Licensed vehicle failing to display exterior plates	6/Stop Notice	Driver/Proprietor
Failing to have current insurance certificate	6/Stop Notice	Driver/Proprietor
Failing to have current MOT certificate	6/Stop Notice	Driver/Proprietor
Tyres, windscreen wipers/washers, exhaust, lights, reflectors, spare wheel and tyre, brakes, not maintained in good condition	4 6 points each defect or Stop Notice	Driver/Proprietor
No tools to change spare wheel and tyre, or defective or unsuitable tools / no spare bulbs	4/Stop Notice	Driver/Proprietor
No fire extinguisher/fire extinguisher not in good working order/not of correct type	4/Stop Notice	Driver/Proprietor
Vehicle displaying signs not authorised	4/Stop Notice	Proprietor
Vehicle failing to display compulsory roof sign	4/Stop Notice	Driver/Proprietor
Dirty interior/exterior of vehicle	4/Stop Notice	Driver/Proprietor
Failing to report accident within 72 hours	4	Proprietor
Failing to produce insurance certificate or MOT certificate on expiry of certificate.	4	Proprietor
Interior comment plate missing/not visible to passengers	3	Driver/Proprietor
Any breach of condition not specified above	1 – 4	Driver/Proprietor
Unauthorised CCTV System	Stop Notice	Proprietor
<b>METERS (IF FITTED)</b>	<b>Points</b>	<b>Person Responsible</b>
Taximeter not sealed or seal broken	6/Stop Notice	Driver/Proprietor
Taximeter not displaying current operators tariff	4/Stop Notice	Driver/Proprietor
Taximeter obscured visible to passengers	4 Stop Notice	Driver/Proprietor

## ANNEX B

Where 12 or more points are issued to a Driver/Proprietor/Operator within any period of 1 year, a report will be submitted to the relevant Council Licensing Sub Committee with a view to the suspension, revocation or refusal to renew such a licence.

**I, the undersigned certify that the preceding conditions and penalty point scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme.**

Signed .....

Full Name.....

Date .....

**Witness signed .....**

**Full Name.....**

**Date .....**

**POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING  
STANDARDS - DRIVERS, VEHICLES AND OPERATORS**

The following policy sets out the context within which Hackney Carriage and Private Hire vehicles operate and outlines the standards required by the Council for Hackney Carriage and Private Hire vehicles, driver and operators:

1. Each application for a licence will be treated on its own merits. Where however, applications fall outside this Policy they will be referred to the relevant Licensing Sub-Committee for consideration.
2. The district of Bath and North East Somerset is zoned, for the purpose of Hackney Carriage licensing, into the two areas: Bath (zone 1) and North East Somerset (zone 2).
3. Bath & North East Somerset Council regulate the number of Hackney Carriage Proprietors Licences it issues in Bath (zone 1). When the Council determines any application for new hackney Carriage Proprietors Licence it will do so having regard to the recommendations of an independent Unmet Demand Survey. All such applications shall be determined by the relevant Licensing Sub-Committee.
4. An Unmet Demand Survey (for zone 1) will be carried out at regular intervals and no more than three years will elapse between each survey.
5. That any new Hackney Carriage Proprietors licenses issued in zone 1 in light of the results of a survey will be issued on condition that the vehicle is fully accessible and has side loading capability. To be deemed fully accessible a vehicle shall cater for a range of disabilities for example visual, aural and ambulant disabilities. Any replacement vehicle shall be to the same or higher specification.
6. That all vehicles, including new ones, shall be visually and mechanically inspected prior to being licensed and thereafter mechanically inspected on an annual basis at garages approved by the Licensing Officer.
7. That all vehicles will normally be less than five years old when first licensed.
8. That the engine size of vehicles to be licensed shall be at least 1400cc
9. That only roof signs approved by the Licensing Officer are permitted on the vehicle. Hackney Carriage signs shall be fitted across the width of the vehicle and Private Hire signs shall be fitted along the length of the vehicle.
10. That the vehicle licence plates are issued annually and display the registration number of the vehicle, licence number, number of seats, colour of vehicle, date of expiry of licence and make of vehicle.
11. That the vehicle licence plates remain the property of the Council and shall be returned to the Council in the event that the vehicle is no longer used for Hackney Carriage or Private Hire work or the licence expires.
12. That Hackney Carriage vehicle licenses are renewed annually and expire on the 31<sup>st</sup> May.

13. That Private Hire vehicle licenses are renewed annually and expire on the 31<sup>st</sup> October.
14. That Hackney Carriage and Private Hire Driver's licenses are renewed annually and expire on the 28<sup>th</sup> February.
15. That an Operator's licence is issued for a maximum five year period, and shall expire on the 30<sup>th</sup> September.
16. The Council reserves the right to issue licenses for a lesser period should it see fit.
17. That all Drivers' licenses are issued as joint Hackney Carriage/Private Hire licences.
18. That the following checks are carried out on all new applications and that a licence will not be issued until all the relevant documents are presented and are correct:

Operators Licences; receipt of a satisfactory application form, 3 references, Disclosure & Barring Services check and the appropriate fee.

Vehicle Licences; receipt of satisfactory application form, vehicle registration document, insurance for hire and reward (public for Hackney Carriages and private for Private Hire), MOT certificate for all vehicles over 1 year old, Inspection Certificate, Meter Test Certificate, (where applicable) and the appropriate fee.

Driver's Licences; receipt of a satisfactory application form, birth certificate, Group 2 Vocational Driver Medical Certificate, check with the DVLA as to motoring offences, check with the Disclosure & Barring Services, 3 references, and the appropriate fee.

All non UK applicants will be required to produce original and certified translations of birth certificate, driving history, and certificate of good conduct or similar check of criminal convictions. All documents must have been obtained in the month prior to the application being submitted. Photocopies or scans of documents will not be accepted.

In order to be licensed as a Hackney Carriage or Private Hire driver, an applicant must hold a full driving licence issued in the United Kingdom, (UK) the European Community (EC), one of the other countries listed in the European Economic Area (EEA) or an exchangeable licence as defined in s108 of the Road Traffic Act 1988 and provide a certified and translated driving history from the country of issue.

From 1<sup>st</sup> January 2014 the Council will require all current Hackney Carriage and Private Hire drivers who currently hold an EC/EEA or exchangeable driving licence to have a UK DVLA issued Driving Licence.

An individual with an EC/EEA or exchangeable driving licence making an application for a Hackney Carriage or Private Hire drivers licence on or after the 1<sup>st</sup> January 2014 shall obtain a UK DVLA Driving Licence prior to the Hackney Carriage/Private Hire Drivers Licence being issued.

If a licensed driver cannot obtain a UK Driving Licence before their existing Hackney Carriage or Private Hire drivers licence expires the new licence will be issued on the condition that a UK Driving Licence is obtained and produced to the Council within three months.

## ANNEX C

All non UK, EC/EEA, exchangeable licence holders will be required to submit their original EC/EEA driving licence on application for a Hackney Carriage/Private Hire driver's licence.

19. That all applicants for combined Hackney Carriage/Private Hire driver's licence have held a UK full driving licence (or an EU equivalent or exchangeable driver's licence) for a minimum of three years, and must normally have attained the age of 21.
20. All new applicants for a combined Hackney Carriage/Private Hire Drivers Licence must have completed a Bath & North East Somerset Council Drivers Assessment Course training prior to submitting an application for a combined Hackney Carriage/Private Hire Drivers Licence. This course will be completed at the expense of the applicant and a certificate of completion must be produced at the time of application.
21. That all driver's submit a Group 2 Vocational Driver Medical Certificate, on the prescribed form, on first application and on the first application after the 45<sup>th</sup> birthday and every 5 years thereafter until the age of 65 and every year thereafter. If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.
22. That all new applicants for a combined Hackney Carriage/Private Hire drivers licence produce to the Council the original Enhanced Disclosure & Barring Services Certificate obtained as part of the application process. This Certificate must be produced to the Council no later than 30 days from the date of the certificate. Applicants who are unable or unwilling to produce the certificate within 30 day of issue will have their applications referred to the relevant Council Sub-Committee for determination.
23. That all holders of a combined Hackney Carriage/Private Hire drivers licenses will be subject to an Enhanced Disclosure & Barring Service check every three years from the date of the first licence issued. It shall be the responsibility of the Licensee to ensure that they are registered with the Disclosure & Barring Service's online checking service and to keep the registration current as long as they continue to hold a combined Hackney Carriage/Private Hire drivers licence issued by the Council.
24. Renewal applications will be delayed for existing Licensees if at the time of a renewal application for a combined Hackney Carriage/Private Hire drivers licence the Council is unable to check the status of the last Disclosure & Barring Service Certificate issued in respect of the applicant using the online checking facility, due to the applicant not being registered with the Disclosure and Barring Service. If an online check is not available due to the applicant not being registered a new Enhanced Disclosure & Barring Service Certificate will need to be obtained by the applicant prior to a licence being issued. No licence will be issued until the applicant produces the valid Enhanced Certificate to the Licensing Office.
25. That all new applicants for combined Hackney Carriage/Private Hire driver's licences undergo a local area knowledge test which will include questions on the law pertaining to licensed vehicles and drivers, local licensing conditions and the highway code and will include a practical route test taken in a vehicle supplied by the applicant. Applicants who fail any part of the knowledge test may retake the knowledge test, however, should the applicant fail a second test a minimum period of three months shall elapse before a third test can be

## ANNEX C

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taken. Applicants who fail the knowledge test three times will have their application terminated and any refundable portion of the fee refunded. Any applicant who has failed the test for a third time may not reapply for a driver's licence until a period of not less than 12 months has elapsed, whereupon they may submit a new application.

26. That all Operators, Private Hire Driver and Vehicle licenses issued by Council are subject to a penalty point scheme as detailed in the section below.
27. That all Hackney Carriage Driver licenses issued by the Council are subject to byelaws made by the Council.

That any application which falls outside of this Policy, which includes applications for driver's licences from applicants where criminal convictions, formal cautions or fixed penalty notices are disclosed, or have been "objected to," is referred to the relevant Licensing Sub Committee for determination.

November 2013

**PENALTY POINT SCHEME**

Introduction

1. Licensed Vehicles, Driver's and Operators are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, and conditions attached to a licence by the Council.
2. The primary objective of the penalty point scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
3. The penalty point scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan designed to record incidences of bad behaviour so as to ascertain whether the licensee continues to be a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other actions.
4. Penalty points remain on a licence for a period of twelve months from date of imposition. As older points become spent by passage of time they are excluded from the running total recorded on a licence.

Issue of Penalty Points

1. Where concerns about a licensee's conduct or the condition of the vehicle are brought to the Council's attention or the Council becomes aware that a Licensee has committed an offence, been given a formal caution, received a Fixed Penalty Notice, breached the conditions of the licence or is the subject of a complaint the Licensee will be asked to attend the Council offices for an interview, with the vehicle if appropriate. Once investigations are completed, letters will be sent out detailing the outcome of the investigation and a permanent record kept on the licensing file. The outcome of the investigation may result in one or more of the following: the Officer may take no further action, issue a formal warning, attach penalty points, issue a s68 Local Government (Miscellaneous Provisions) Act 1976 stop notice, issue prosecution proceedings and or refer the matter to the relevant Licensing Committee for the consideration of a warning as to future conduct, suspension, revocation or refusal to renew a licence.
2. Where a licensee accumulates more than 12 penalty points in any twelve month period, the matter will be referred to the relevant Licensing Committee for determination as to a licensee's fitness to continue to be licensed. The Committee may issue a warning, suspend, revoke or refuse to renew a licence in accordance with this Policy depending on the individual circumstances. The determination will take into account all the circumstance including previous conduct of the licensee.
3. Penalty points issued to a licensee will be confirmed in writing within 14 days of the decision to issue points.
4. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws or regulations.

Any disputes regarding the issuing of penalty points will be referred to the Service Manager who will have the discretion to award a greater or lesser number of points than is displayed on the tariff, if the complaint or breach is upheld. Licensees shall have twenty one days from the date of issue of penalty points to appeal against the decision. An appeal must be made in writing.

### **POLICY RELATING TO PREVIOUS CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES IN RELATION TO FITNESS TO HOLD LICENCES**

#### Introduction

Each application will be determined on its own merits bearing in mind all the circumstances of the application.

Hackney Carriage and Private Hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that a conviction is never spent and can therefore be taken into consideration in the determination of an application.

In terms of this policy any reference to conviction includes formal police cautions and fixed penalty notices issued by a police constable, whether for driving or any other offence.

This policy shall apply to all new applicants and any application by a current holder for a renewal of a licence. Any reference to an applicant shall also mean any person currently holding a combined Hackney Carriage/ Private Hire driver's licence, or Private Hire Operator's licence.

The Council must be satisfied that all those it licenses are fit and proper persons. A criminal record check is an important tool in the fit and proper person assessment process. This policy gives guidance on the extent to which an applicant's criminal and driving records can be used when assessing an applicant's/licensee's fitness to hold a licence issued by the Council. The policy also sets out the minimum period of time the Council expects an applicant to remain free from conviction, caution or fixed penalty notice before he/she may be considered fit and proper.

The policy will apply in the following situations: when a criminal record check discloses an applicant has received any conviction or caution. When the Council is informed that a licensee has received any conviction, caution or fixed penalty notice and when a subsequent criminal record check discloses a conviction or caution has been obtained during the period of an existing licence.

Applications from applicants disclosing an history of offending showing convictions and or formal police cautions falling within or outside of this policy will be referred to the relevant Licensing Sub-Committee for determination.

#### General Policy

1. Each case will be decided on its own merits. Although an applicant may have convictions falling within the guidance set out in this policy, the Council may depart from this policy having had regard to the full facts of the case and having taken account of any mitigating or other circumstances put forward by the applicant. Should the Council depart from this policy it will give reasons for so doing.



2. An applicant with convictions is not permanently barred from obtaining a licence but would be expected to have remained free of conviction for the period of time set out in this policy. However, the overriding consideration in determining whether or not to grant a licence will be the protection of the public.
3. Where any conviction has resulted in a term of imprisonment, the time periods set out in this policy run from the date of conviction.
4. Notwithstanding the periods set out below, during which an applicant is expected to remain free from conviction, the nature, seriousness, frequency of offending and any mitigating circumstances put forward will always be taken into consideration when determining whether an applicant is a fit and proper person to hold a licence.
5. Bath & North East Somerset Council will expect that an applicant will not -
  - (a) have been convicted of three or more minor motoring offences during the previous three years;
  - (b) have been convicted of a serious motoring offence during the previous five years;
  - (c) have been refused or had revoked by the Traffic Commissioners an HGV or PSV Licence within the previous three years.
  - (d) have been cautioned by the police for an offence during the previous two years;
  - (e) have been convicted of an offence during the previous three years;
  - (f) have been convicted of a serious offence for five years
  - (g) have been convicted of a sexual offence within the previous five years;
6. A serious view will be taken of any conviction occurring whilst the person holds a current licence.

A serious view will be taken of any conviction obtained by a licensee whilst he or she is acting in the course of their employment as a licensed Driver or Operator.
7. Where there is evidence suggesting that the safety of the travelling public is at risk and it is in the interests of public safety a driver's licence may be suspended immediately by an authorised officer. The matter will then be referred to the appropriate Committee for consideration. Immediate suspension should be expected in any case involving assault or involving indecency of any description.
8. The above examples are not exhaustive and the Council may depart from this policy in exceptional circumstances if it is just and reasonable to do so. Should the Council depart from this policy it will give reasons for so doing.

9. The following examples may afford a general guide on the action to be taken where convictions or police cautions are revealed:—

### Sexual Offences

Drivers of licensed vehicles frequently carry lone children, women and vulnerable persons. Applicants with convictions for sexual offences or convictions of a sexual nature must show a period of at least 5 years free of conviction before their application can be considered.

A conviction for a sexual offence or of a sexual nature will be viewed seriously. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from an applicant who is the subject of a notification requirement or notification order under the Sexual Offences Act 2003 shall be referred to the relevant Licensing Sub-Committee for determination.

Where there is more than one conviction for this type of offence a period of 10 years should elapse before an application is considered. Any such application shall be referred to the relevant Licensing Sub-Committee.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the relevant Licensing Sub-Committee for determination.

### Drug Offences

Any conviction involving the misuse of drugs will be viewed seriously. An applicant with such a conviction will be expected to show at least 3 years free of conviction before being considered for the grant of a licence. Where a course of rehabilitation has been ordered or undertaken an applicant will be expected to show a period of at least 5 years free of conviction before being considered for the grant of a licence.

Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the relevant Licensing Sub-Committee for determination.

### Violence Against the Person

Drivers are often placed in confrontational situations with their passengers. It is important that they have the ability to deal with such situations in a calm and polite manner.

Where an applicant has a conviction for an offence of violence against the person such as wounding with intent, grievous bodily harm or assault occasioning actual bodily harm they should have remained free from conviction for a period of 5 years. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

9. The following examples may afford a general guide on the action to be taken where convictions or police cautions are revealed:—

### Sexual Offences

Drivers of licensed vehicles frequently carry lone children, women and vulnerable persons. Applicants with convictions for sexual offences or convictions of a sexual nature must show a period of at least 5 years free of conviction before their application can be considered.

A conviction for a sexual offence or of a sexual nature will be viewed seriously. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

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An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the relevant Licensing Sub-Committee for determination.

### Drug Offences

Any conviction involving the misuse of drugs will be viewed seriously. An applicant with such a conviction will be expected to show at least 3 years free of conviction before being considered for the grant of a licence. Where a course of rehabilitation has been ordered or undertaken an applicant will be expected to show a period of at least 5 years free of conviction before being considered for the grant of a licence.

Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the relevant Licensing Sub-Committee for determination.

### Violence Against the Person

Drivers are often placed in confrontational situations with their passengers. It is important that they have the ability to deal with such situations in a calm and polite manner.

Where an applicant has a conviction for an offence of violence against the person such as wounding with intent, grievous bodily harm or assault occasioning actual bodily harm they should have remained free from conviction for a period of 5 years. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where an applicant has a conviction for an offence such as assault or common assault they should have remained free from conviction for a period of 3 years. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction or where the offence occurred whilst acting in the course of their employment as a Council licensee shall be referred to the relevant Licensing Sub-Committee for determination.

### Dishonesty

Licensed drivers are in a position of trust. They often carry unaccompanied goods and are aware of empty properties, for example after taking its occupant to the airport or railway station. Moreover, it is comparatively easy for an unscrupulous driver to exaggerate a fare by taking an unusual route or demand more than the legal fare as overseas/out of town visitors are often unfamiliar with a city's layout and or confused by the change in currency becoming "fair game." For these reasons the honesty of an individual is of paramount importance when determining the grant of a licence.

Where an applicant has a conviction for offences involving an element of dishonesty they should have remained free from conviction for a period of 3 - 5 years. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one such conviction, or where the offence occurred whilst acting in the course of their employment under a Council licence, shall be referred to the relevant Licensing Sub-Committee for determination.

### Intoxication Through Drink or Drugs

An isolated conviction for an offence aggravated by drink or drugs should not necessarily preclude the grant of a licence although the Council must be satisfied that it was an isolated occurrence.

Should, however, an applicant have more than one conviction for an offence aggravated by drink or drugs, particularly if close together and within the preceding three years, the Council will take a more serious view of the matter.

If there is any history of alcoholism or drug addiction, or a suggestion that the applicant has been or is in recovery from such an addiction, then a period of 5 years should have elapsed since the last conviction for an offence aggravated by drink or drugs.

An application from a current licensee with such convictions, or where the offence occurred whilst acting in the course of their employment under a Council licence, shall be referred to the relevant Licensing Sub-Committee for determination.

If so required the applicant shall, whether or not medical evidence is presented by the applicant, submit to an examination by a Council appointed

Medical/Occupational Health professional to assess the applicant's fitness to drive a licensed vehicle.

### Traffic Offences

A serious view will be taken of convictions of driving or being in charge of a motor vehicle while under the influence of drink or drugs

Where an applicant has been convicted of a serious motoring offence, for example driving or being in charge of a motor vehicle while under the influence of drink or drugs, dangerous driving, failing to stop or report an accident then a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where an applicant has been convicted of more than one serious motoring offence in the preceding 5 years grave concerns will arise about the applicant's fitness to be licensed and the Council would expect a period of 5 years should have elapsed since the last conviction. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where the applicant was ordered to re-sit a driving test or an extended driving test after disqualification, the period of 5 years should have elapsed since the last conviction and any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

An application from a current licensee with one serious motoring conviction or where the offence occurred whilst acting in the course of their employment as a licensee shall be referred to the relevant Licensing Sub-Committee for determination.

Applications will not normally be entertained from applicants who have more than one previous conviction for driving with excess alcohol, especially where they have been ordered by the court to undertake any form of rehabilitation. Any application in these circumstances will be referred to the relevant Licensing Sub-Committee for determination.

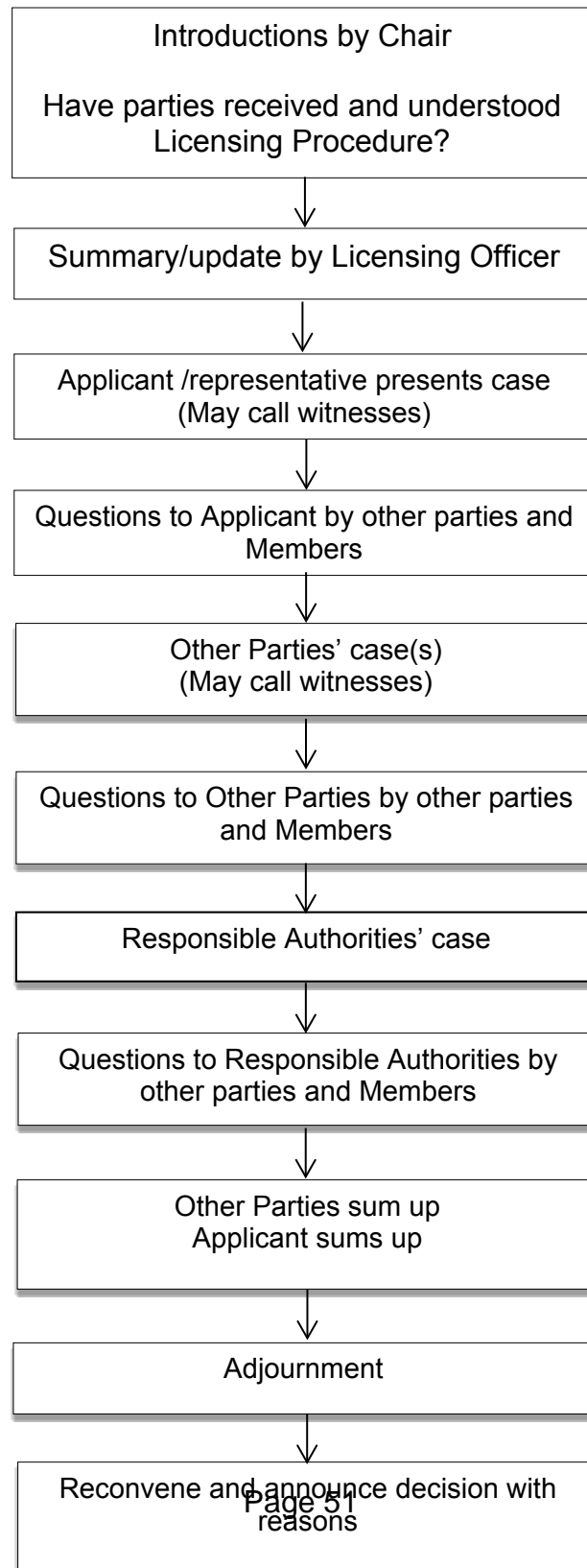
Where an applicant has been convicted of minor traffic offences, for example obstruction, parking or speeding offences, which are dealt with by way of driver awareness courses, fixed penalty notices, fine and or endorsement this will not normally be a bar to the grant of a licence provided there have not been more than 3 offences within the three years immediately preceding the application. Any application disclosing such offences will be referred to the relevant Licensing Sub-Committee for determination.

Where sufficient penalty points have been endorsed on an applicant's driving licence requiring a period of disqualification from holding or obtaining a driving licence the Council would expect a period of at least six months should have elapsed since the restoration of the combined Hackney Carriage/Private Hire driving licence.

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

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



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

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

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

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

Responsible Authorities will be invited to summarise their representations

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

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

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

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits or advise that the decision will be



Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 21 <sup>st</sup> December 2017	
TITLE:	Application for a new Premises Licence for Ground floor and Basement, 8 Edgar Buildings, George Street, Bath BA1 2EE	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b>		
<b>Annex A</b>	Application for a new premises licence	
<b>Annex B</b>	Plans of premises	
<b>Annex C</b>	Site plans	
<b>Annex D</b>	Representations received from Other Persons	

## 1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect Ground floor and Basement, 8 Edgar Buildings Bath BA1 2EE

## 2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

## 3 RESOURCE IMPLICATIONS

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

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

5.2 The application proposes the following licensable activities:

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

Sunday to Thursday                      10:00 - 19:00

Friday to Saturday                      10:00 - 23:00

### **Non Standard Timings**

Bank Holidays and Public Holidays (but not Christmas Day) operating hours 10:00 to 19:00

- 2) The opening hours proposed are:

Sunday to Thursday                      10:00 - 19:00

Friday to Saturday                      10:00 - 23:00

### **Non Standard Timings**

Bank Holidays and Public Holidays (but not Christmas Day) operating hours 10:00 to 19:00

5.3 The following conditions have been offered by the applicant:

All staff shall be trained in the law about the sale of alcohol. All staff training shall be recorded and any additional refresher training will be provided. The training will cover the following

Acceptable forms of proof of age

How to refuse a sale to persons under 18 years of age, and

How to record such a refusal in the refusals register

Training records shall be made on request to police and officers of responsible authorities. In addition the business will operate a "Think 25/Challenge 25" scheme, including notices and/or posters advertising the same.

5.4 Plans of the premises are attached at Annex B.

5.5 Site plans are attached at Annex C.

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

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

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

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

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

- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29,33-36, 38-41 of the 2015 policy.
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised April 2017.
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.

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

5.10 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

5.11 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental

health, development control, trading standards, health authority and the child protection agency.

- 5.12 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.13 A representation has been received from 1 “other persons” who resides close to the premises. The representations expresses concern that the applicant’s proposals are likely to undermine **the prevention of public nuisance licensing objective and the prevention of crime and disorder licensing objectives**. (Annex D)
- 5.14 A representations have been received from the Police, who are a Responsible Authority, the representation expresses concern that the applicant’s proposals are likely to undermine **the prevention of public nuisance licensing objective and the prevention of crime and disorder licensing objective**. (Annex D)
- 5.15 The premise is situated within Bath’s Cumulative Impact Area. As relevant representations have been received, the policy has been engaged and there is a rebuttable presumption that the licence will be refused.
- 5.16 This report has not been sent to the Trades Union because they would have no involvement.

## **6. RATIONALE**

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

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

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

## **9 RISK MANAGEMENT**

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

## 10 ADVICE SOUGHT

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

<b>Contact person</b>	Ian Nash, Licensing officer 01225 396719
<b>Background papers</b>	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy





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

ANNEX A

**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.

We **LLDD Ltd**

(Insert name(s) of applicant)

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Ground Floor &amp; Basement</b> <b>8 Edgar Buildings</b> <b>George Street</b>		<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <b>ENVIRONMENTAL SERVICES</b>   <div style="text-align: center; font-weight: bold;">31 OCT 2017</div>         Post Log No: .....          Receipt No: <u>307134</u>          CH/CA £190.00       </div> <div style="border: 1px solid black; padding: 5px;"> <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 30px; margin: 0 auto;">CC</div> </div>	
<b>Post town</b>	<b>BATH</b>	<b>Postcode</b>	<b>BA1 2EE</b>
Telephone number at premises (if any)		-	
Non-domestic rateable value of premises		<b>£20,500 - 27,500 on VOA website</b>	

**Part 2 - Applicant details**

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

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

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

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(B) OTHER APPLICANTS**

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

<b>Name</b> LLDD Ltd
<b>Address</b> 47 Chilton Road Bath Somerset BA1 6DR
<b>Registered number (where applicable)</b>  10673520
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Private Limited Company
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

The Premises is located at the Ground Floor, 8 Edgar Buildings, Bath, BA1 2EE as identified in the attached plan labelled Plan A. In addition to the ground floor, the Premises also include a basement and a vault, as outlined in the attached plan labelled Plan A.

As part of the Premises, there is also a kitchen to be used for staff purposes only. In addition, we have attached a further plan of the Italian Deli layout (Plan B), which will be located on the Ground Floor at 8 Edgar Buildings and which shows where there will be furniture within the Italian Deli.

The Premises is a shop which will operate as an Italian Deli, known as the Italian Food Hall, selling a range of Italian food and drink products, including alcohol. The Premises are located on George Street and opposite to Milsom Street in Bath. Located next door to the Premises is the bar and restaurant known as Slug and Lettuce. In addition, the Premises is surrounded by a mixture of residential properties, restaurants and drinking establishments.

Alcohol products sold will be for consumption off the premises and for customers to taste in the Premises.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☐

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

☒

**In all cases complete boxes K, L and M**

## A

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

**B**

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

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Sat			
Sun			



**D**

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

## E

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

**F**

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

## G

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

## H

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

## I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) Bank Holidays and Public Holidays (but not Christmas Day) operating hours: 10:00 – 19:00.		
Mon	10:00	19:00			
Tue	10:00	19:00			
Wed	10:00	19:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)  Bank Holidays and Public Holidays (but not Christmas Day) operating hours: 10:00 – 19:00.		
Thur	10:00	19:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	19:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Laura Doria	
Date of birth: 15 August 1970	
Address 47 Chilton Road Bath	
Postcode	BA1 6DR
Personal licence number (if known) This is in the process of being obtained.	
Issuing licensing authority (if known) Bath and North East Somerset	

☐ ☐ ☐ ☐

K

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

None.

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)  Bank Holidays and Public Holidays (but not Christmas Day) operating hours: 10:00 – 19:00.
Day	Start	Finish	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)  Bank Holidays and Public Holidays (but not Christmas Day) operating hours: 10:00 – 19:00.
Mon	10:00	19:00	
Tue	10:00	19:00	
Wed	10:00	19:00	
Thur	10:00	19:00	
Fri	10:00	23:00	
Sat	10:00	23:00	
Sun	10:00	19:00	



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

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

All staff shall be trained in the law about the sale of alcohol. All staff training shall be recorded and any additional refresher training will be provided. The training will cover the following:

- Acceptable forms of proof of age;
- How to refuse a sale to persons under 18 years of age; and
- How to record such a refusal in the refusals register.

Training records shall be made on request to police and offices of responsible authorities. In addition, the business will operate a 'Think 25 / Challenge 25' scheme, including notices and/or posters advertising the same.

**b) The prevention of crime and disorder**

As set out above.

**c) Public safety**

As set out above.

**d) The prevention of public nuisance**

As set out above.

**e) The protection of children from harm**

As set out above.

**Checklist:****Please tick to indicate agreement**


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
<b>Signature</b>	

Date	31.10.2017.
Capacity	TRAINEE SOLICITOR.

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

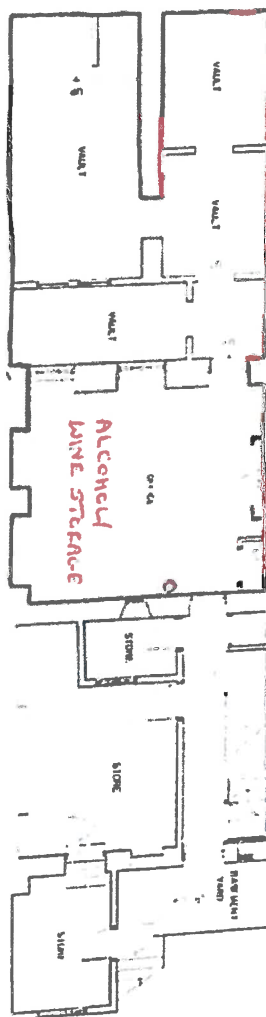
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Hannah Haughton Thrings LLP The Paragon Counterslip			
Post town	BRISTOL	Postcode	BS1 6BX
Telephone number (if any)	0117 374 9631		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) hhaughton@thrings.com			

### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).



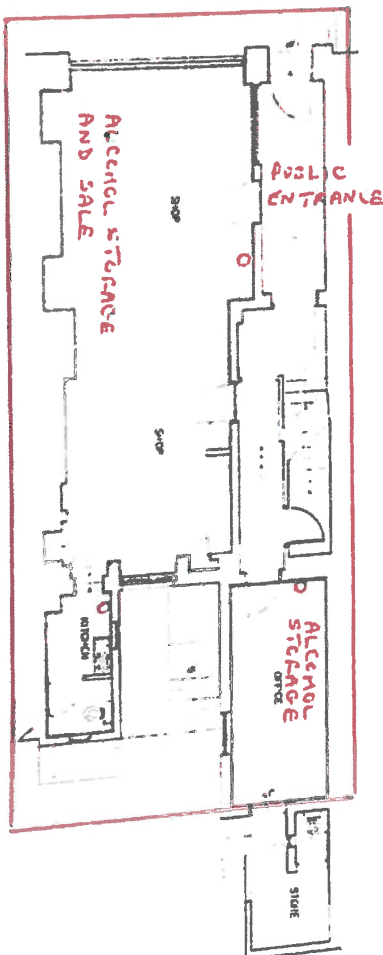
BASEMENT FLOOR

LOCATION PLAN - Scale 1:2500



Notes: 1. The Drawing is to be read in conjunction with the particulars of the lease and the site plan. 2. The Drawing is to be read in conjunction with the particulars of the lease and the site plan. 3. The Drawing is to be read in conjunction with the particulars of the lease and the site plan.

0 FILLS EQUIPMENT



GROUND FLOOR

NOTE  
This drawing has been reproduced from an existing  
Source Drawing sheet  
© ALL RIGHTS RESERVED  
BATH AND NORTH EAST SOMERSET COUNCIL  
COPYRIGHT

**Bath & North East  
Somerset Council**

Property Services  
Northgate House  
Upper Borough Walls  
Bath BA1 1RG

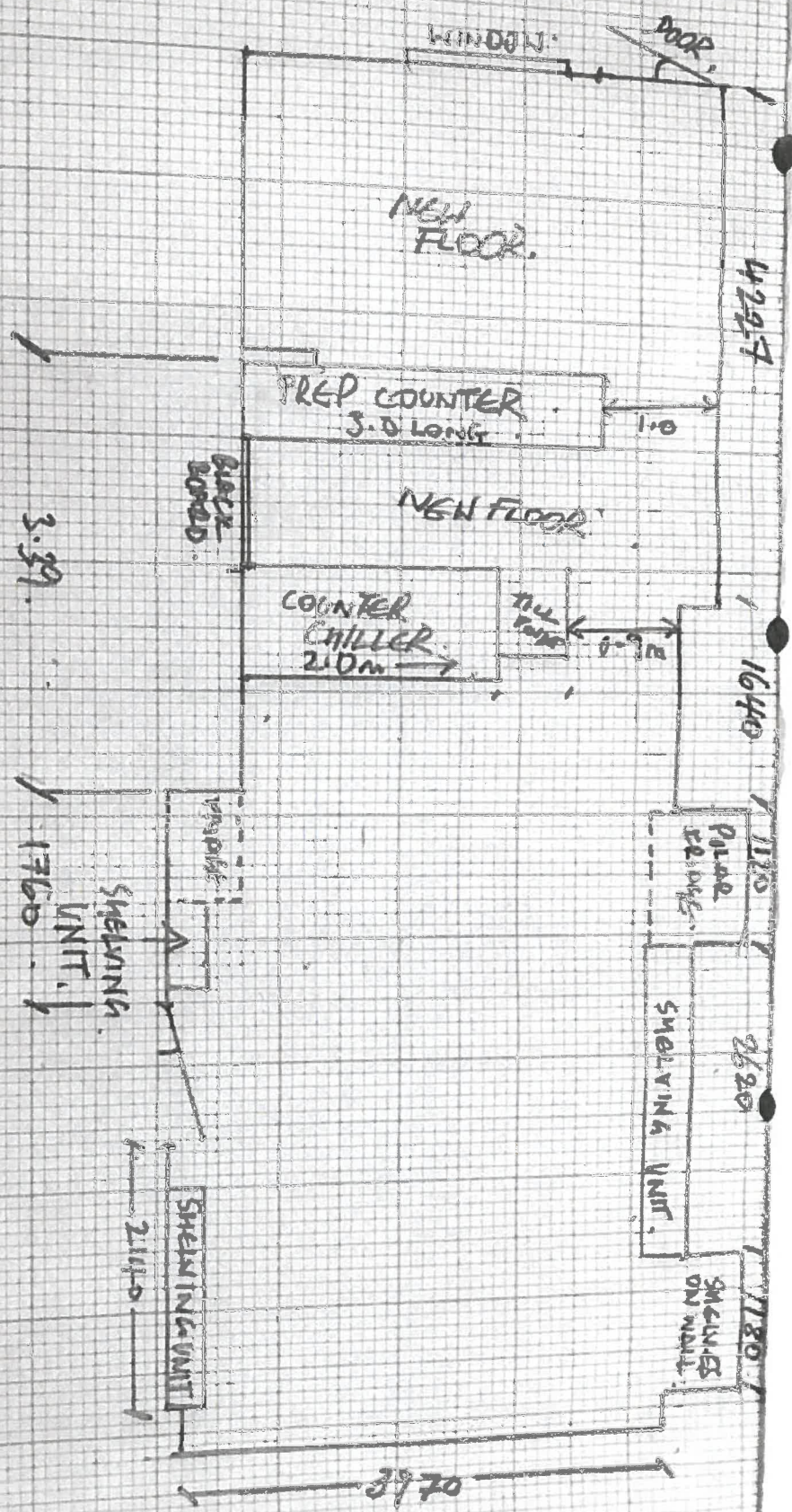
PROPERTY  
8 EDGAR BUILDINGS & MEWS  
GEORGE STREET  
BATH BA1 2EE  
DRAWING TITLE  
BASEMENT & GROUND LEASE PLAN  
JUNE 2013

PSR No 6218  
Drawn DW  
Scale 1:100 @ A3  
Date JUNE 2013  
Drawing No 6218V/L01 JUNE 2013



PLAN B

ITALIAN FOOD SHOP



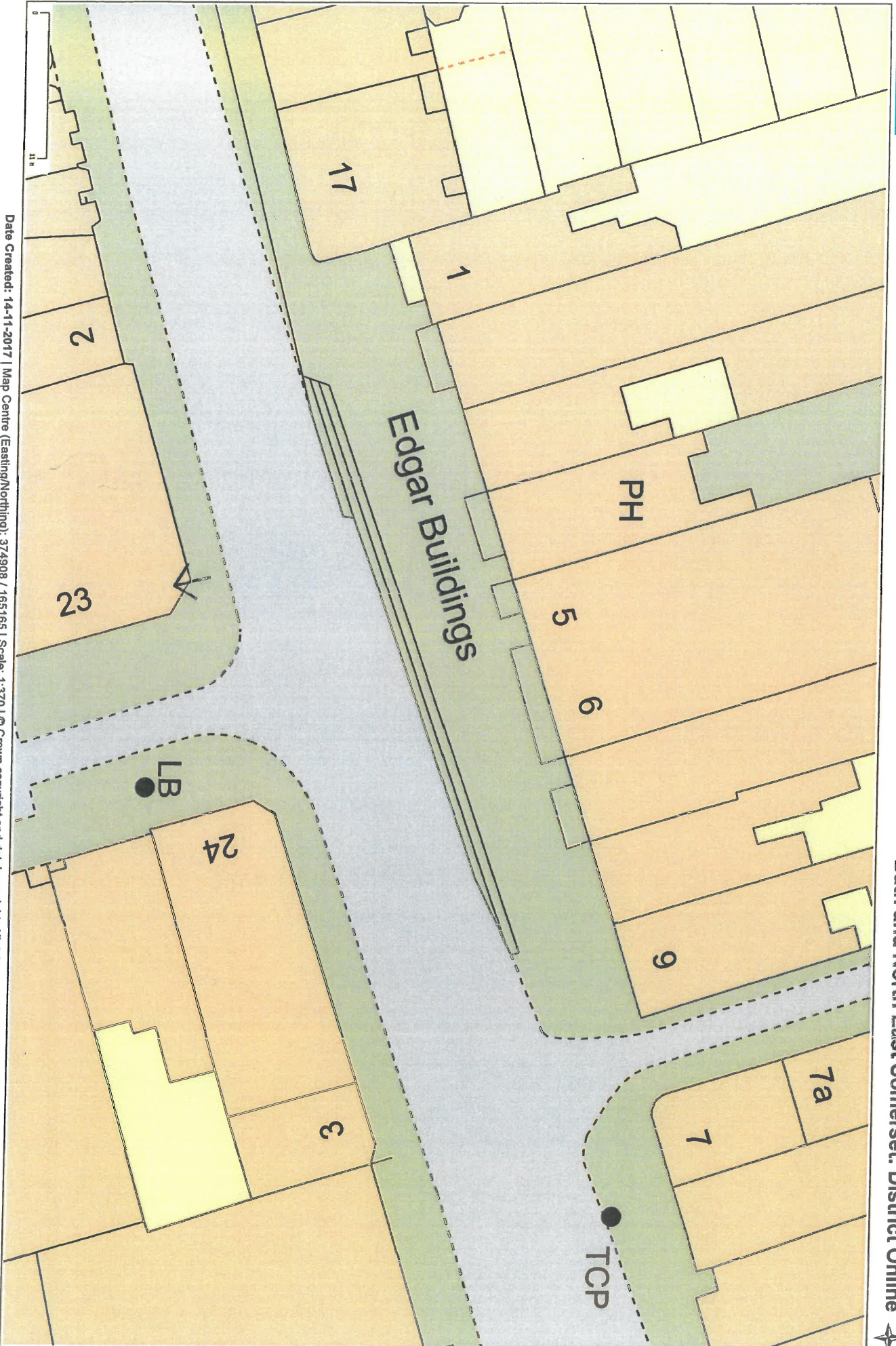
ALL UNITS 2.1 HIGH.

13/10/17.



Location Plan

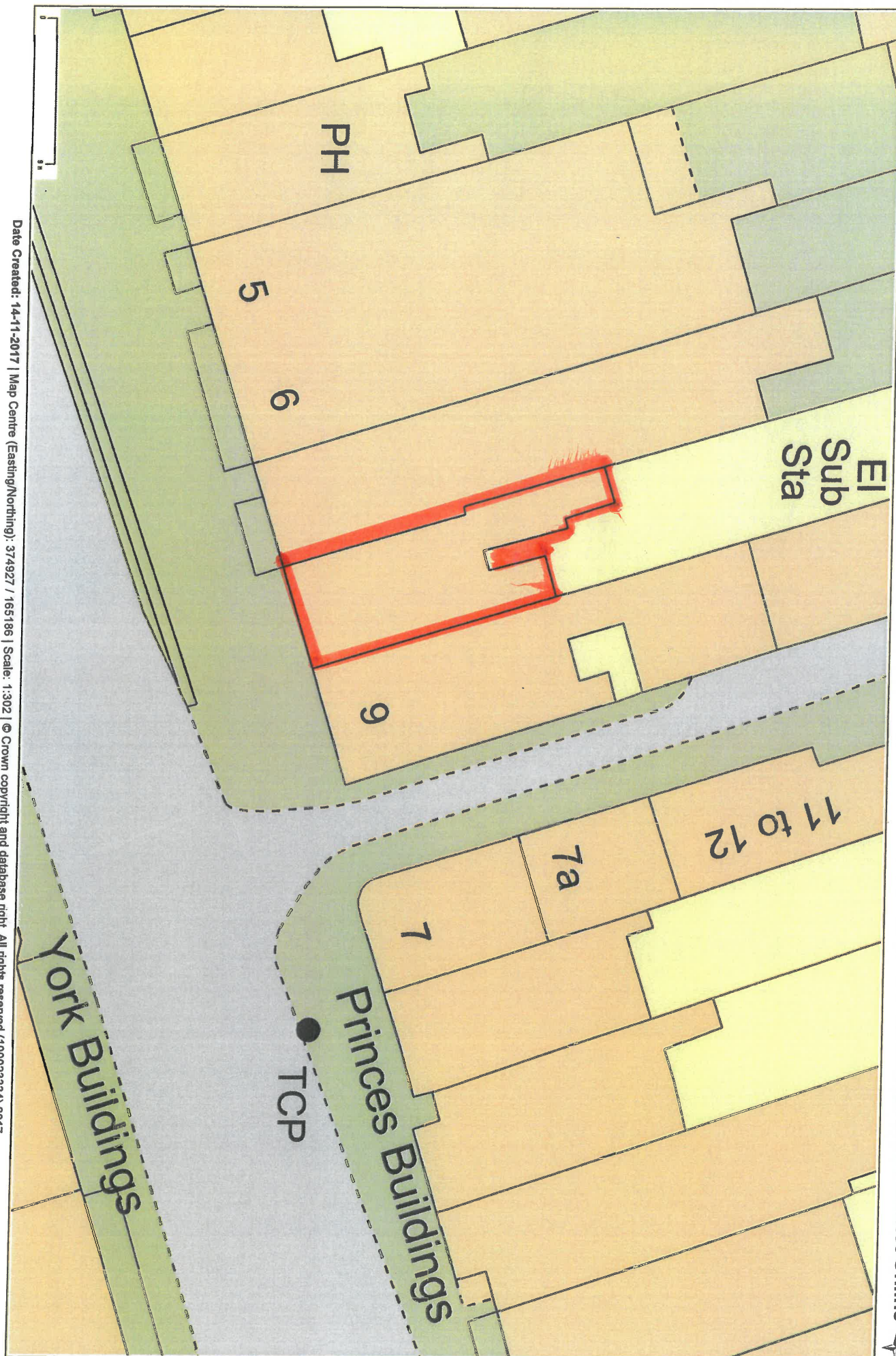
Bath and North East Somerset: District Online





Location Plan

Bath and North East Somerset: District Online





**From:** Richard Brown **Sent:** 13 November 2017 12:00

**To:** Licensing

**Subject:** Licensing Application for Un named Premises at 8 Edgar Buildings

FOR THE ATTENTION OF: Lauren Latta

Dear Ms Latta,

**Re: 17/028701/LAPRE. As yet un named premises at 8 Edgar Buildings**

I am a resident living in the vicinity of the above premises, the subject of the current licensing application.

I wish to **OBJECT** to the licensing of the above premises on the following basis:

**1) Prevention of crime and disorder**

In my residential community, the area covered by the Circus Area Residents Association, there are to my count at least 15 establishments that already sell alcohol until late at night. These are: Assembly Inn, Bistrot Pierre, Bistro Rustico Italiano, Boston Tea Party, Chequers, Circo, Co-operative Shop, Henry's, Moles, Olive Tree, Porters, Slug and Lettuce, Sub 13, The Circus and Woods.

This saturation of alcohol establishments is more than enough for a small residential community. The combined effect already has an adverse impact on crime and disorder. For example:

- The necessity to add police resources to the establishments in and above George Street is evidence that alcohol, often to excess, is leading to crime.
- The impact on our community, almost on a daily basis, as the drunkards 'watered' by these establishments wind their way home in the late/early hours.

**2) Prevention of public nuisance**

As mentioned above, the impact of excessive alcohol consumption from the current collection of bars and restaurants is already a nuisance. I see the impact of another alcohol establishment, however it is dressed up, as adding to the nuisance faced by my neighbours and myself. For example:

- I am already woken on at least 5 nights every week, by inconsiderate noisy consumers of alcohol, some of whom are extremely abusive, causing distress and a public nuisance to myself and neighbours, and this is adversely affecting my health.

**Conclusion**

I do not feel another drinking establishment, however it is titled, will benefit what is already a residential community saturated by the number of alcohol establishments. I believe that the addition of yet another such premises, will add to current levels of Crime & Disorder and Public Nuisance. As such, I **OBJECT** to the license application.

Sincerely,

Stephanie Brown



**Avon & Somerset Constabulary  
Representations Licensing Act 2003.**

Your Name	Geoff CANNON	
Job Title	POLICE LICENSING OFFICER	
Postal and email address	2 <sup>nd</sup> Floor REDBRIDGE HOUSE MIDLAND RD BATH BA2 3EW	
Contact telephone number/e-mail address		
Name and address of the premises you are making representations about.	8 EDGAR BUILDINGS BATH BA1 2EE	
Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	No	
To prevent Public Nuisance	Yes	See below.
To prevent crime and disorder	Yes	<p>The application is for a Premises Licence to authorise the sale of alcohol for consumption on and off the premises Monday to Thursday and Sundays 10:00hrs – 19:00hrs and 10:00hrs – 23:00hrs on Fridays and Saturdays.</p> <p>The premises is described as a 'shop which will operate as an Italian Deli known as The Italian Food Hall'.</p> <p>The location of the premises, Edgar Buildings on George St. is one of busiest area of Bath generally and the busiest area during the night – time economy. The Police Licensing Officer has pointed out to the applicant via their legal representative that the George Street area of Bath is very popular with people using the bars, restaurants and nightclubs after 10pm on a Friday and Saturday night. There is a greater density of premises selling alcohol in this area than anywhere else in the city and George St sits firmly in the Cumulative Impact Area. There are a greater number of incidents of alcohol induced crime and disorder and public nuisance in this area than anywhere else in Bath particularly on a Friday and Saturday night.</p> <p>It is against this backdrop that the Police feel that the measures proposed by the applicant to promote the four</p>



# ANNEX

licensing objectives are not detailed enough to adequately assist with the prevention of public nuisance and the prevention of crime and disorder.

The Police Licensing Officer has discussed the following with the applicant's legal representative:  
A requirement to have some control over off – sales to ensure customers would not take open containers of drink onto the street.

Clarification of the maximum size of samples of alcoholic drinks.

Confirmation that there would be no bar at the premises where customers may sit and / or stand and drink (thereby removing the potential for the premises to become another drinking establishment).

Control over where spirits are offered for sale to prevent thefts.

As a result of these discussions, the applicant has agreed with the police to offer the measures below to form conditions attached to the operating schedule.

Following observations of the location during Friday and Saturday nights, the applicant has also volunteered to reduce the hours authorising the sale of alcohol to 10:00hrs – 19:00hrs every day. This effectively removes any concern of customers from this new premises adding to the number of people on the streets during the busier later Night – Time Economy hours.

## Public Safety

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

The following suggested conditions have been agreed with the applicant via their legal representative:

There will be no bar at the premises at which persons may consume alcohol.

The consumption of alcohol on the premises will be limited to taster samples provided in no more than 125ml. containers.

The premises will maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request.

All spirits on display at the premises will be kept behind the service counter and not available for self-service

All alcohol supplied for consumption off the premises will be sold in sealed containers.

The police take the view that the applicant fully understands their responsibilities and has willingly engaged in the process to ensure that the premises licence operating schedule, when granted, accurately reflects the nature of the proposed business.

N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: G Cannon

Date: 14.11.17

ANNEX

**This form must be returned within the Statutory Period. (With supporting evidence).**

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 21 <sup>st</sup> December 2017	
TITLE:	Application for a new Premises Licence for Beckford Bottle Shop Ltd, 5-8 Saville Row, Lansdown, Bath BA1 2QP	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application for a new premises licence	
Annex B	Plans of premises	
Annex C	Site plans	
Annex D	Representations received from Other Persons	
Annex E	Representations for support of Applicant	

## 1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of Beckford Bottle Shop Ltd, 5-8 Saville Row, Lansdown, Bath BA1 2QP

## 2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

## 3 RESOURCE IMPLICATIONS

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

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

5.2 The application proposes the following licensable activities:

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

Monday to Wednesday      09:00 - 21:00

Thursday to Saturday      09:00 - 23:00

Sunday      10:00 - 15:30

### **Non Standard Timing**

New Year's Eve until 00:30 the following morning

- 2) The provision of **Late Night Refreshment** indoors:

Thursday to Saturday      23:00 - 23:30

### **Non Standard Timing**

New Year's Eve until 00:00

- 3) The opening hours proposed are:

Monday to Wednesday      09:00 – 21:30

Thursday to Saturday      09:00 - 23:30

Sunday      10:00 – 16:00

### **Non Standard Opening Times**

New Year's Eve until 01:00 the following morning.

5.3 The following conditions have been offered by the applicant:

- Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.

- There will be no bar on the ground floor of the premises at which persons may consume alcohol.
- CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording.
- The premises will maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request.
- All alcohol supplied for consumption off the premises will be sold in sealed containers except when being consumed in any area covered by a Tables and Chairs Permit.
- All spirits on display at the premises will be kept behind the sales till area and not available for self-service.
- Signage requesting patrons to be considerate to neighbours when leaving the premises shall be conspicuously displayed at entrances/exits.
- The premises will operate a 'Challenge 25' policy and will display signs advertising this policy at the till area. The DPS will ensure that all staff are trained in implementing 'Challenge 25'.
- Staff will be trained to report any suspicion of possible drink driving to the duty manager who will make reasonable efforts to prevent such an occurrence. Operational procedures will ensure removal of empty glasses.

5.4 Plans of the premises are attached at Annex B.

5.5 Site plans are attached at Annex C.

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

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

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



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

- 5.7 The Licensing Authority may grant the application with or without additional conditions.
- 5.8 Section 4(3)Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29,33-36, 38-41 of the 2015 policy.
  - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised April 2017.
  - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.9 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.10 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.11 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.12 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.13 Representations have been received from 10 "other persons" who reside close to the premises. The representations express concern that the applicant's proposals are likely to undermine **the prevention of public nuisance licensing objective and the prevention of crime and disorder licensing objective.** (Annex D)



- 5.14 There are 18 representations in support of the application (Annex E)
- 5.15 No representations have been received from the Responsible Authorities
- 5.16 The premise is situated within Bath's Cumulative Impact Area. As relevant representations have been received, the policy has been engaged and there is a rebuttable presumption that the licence will be refused.
- 5.17 This report has not been sent to the Trades Union because they would have no involvement.

## **6. RATIONALE**

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

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

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

## **9 RISK MANAGEMENT**

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

## **10 ADVICE SOUGHT**

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

<b>Contact person</b>	Ian Nash, Licensing officer 01225 396719
<b>Background papers</b>	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Beckford Bottle Shop Ltd

(Insert name(s) of applicant)

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description		ENVIRONMENTAL SERVICES	
5 to 8 Saville Row		30 OCT 2017	
		Post Log No: .....	
		Receipt No: 30931	
		CH/CA £ 315.00	
Post town	Bath	Postcode	BA1 2QP

Telephone number at premises (if any)	NA
Non-domestic rateable value of premises	£40750

**Part 2 - Applicant details**

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

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

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

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

Name Beckford Bottle Shop Ltd
Address C/O The Beckford Arms, Fonthill Gifford, Tisbury, Wiltshire SP3 6PX
Registered number (where applicable) 09788962
Description of applicant (for example, partnership, company, unincorporated association etc.) A limited company
Telephone number (if any) 01747 870385
E-mail address (optional) bottles@beckfordbottleshop.com

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	1	2	0	1	8

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

DD		MM		YYYY			

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

The premises are currently a closed A3 tea and cake shop and are located on the pedestrianised historic alley way, Saville Row, adjacent to The Assembly Rooms. There is an interconnecting basement that has A3 use and under-pavement vaults with a kitchen, toilets and seating area. There is also a small courtyard at the back of the building. On the ground floor there is retail A3 space with further toilets, where we (The Beckford Bottle Shop) intend to retail a quality selection of wines from around the world, together with craft beers and carefully chosen spirits and allow customers to try those wines and other drinks on the premises accompanied by small plates of food. As well as tasting rooms, part of the basement will also be used for wine education courses, a fire escape is adjacent to this room. There are three upstairs floors that will be used as offices and not for the licensed activities. A pavement licence is being sought to continue the use of tables and chairs on Saville Row at reasonable hours in line with the operating schedule.

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

--	--	--	--	--	--	--	--	--	--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

**Provision of late night refreshment** (if ticking yes, fill in box I) ☒**Supply of alcohol** (if ticking yes, fill in box J) ☒**In all cases complete boxes K, L and M**



A

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

## B

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



C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

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

E

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

F

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

G

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

## H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Fri	23:00	23:30			
Sat	23:00	23:30			
Sun			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) New Year's Eve until 00:00		



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)		
Mon	09:00	21:00			
Tue	09:00	21:00			
Wed	09:00	21:00			
Thur	09:00	23:00			
Fri	09:00	23:00			
Sat	09:00	23:00			
Sun	10:00	15:30	<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)  New Year's Eve until 00:30		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Timothy John Gardner	
Date of birth	7th March 1970
Address 4 Opera Court, 39-47 Wedmore Street, London, N19 4RT	
Postcode	N19 4RT
Personal licence number (if known) 88111	
Issuing licensing authority (if known) Islington Council, 159 Upper St, London N1 1RE Tel: 020 75273031	



**K**

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

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	21:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p> <p>New Year's Eve until 01:00</p>
Tue	09:00	21:30	
Wed	09:00	21:30	
Thur	09:00	23:30	
Fri	09:00	23:30	
Sat	09:00	23:30	
Sun	10:00	16:00	

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

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

Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.

There will be no bar on the ground floor of the premises at which persons may consume alcohol.

**b) The prevention of crime and disorder**

CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording.

The premises will maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request.

All alcohol supplied for consumption off the premises will be sold in sealed containers except when being consumed in any area covered by a Tables and Chairs Permit.

All spirits on display at the premises will be kept behind the sales till area and not available for self-service.

**c) Public safety**

We will have a suitable, maintained, fire alarm system. Staff will be trained to report any suspicion of possible drink driving to the duty manager who will make reasonable efforts to prevent such an occurrence. Operational procedures will ensure removal of empty glasses.

**d) The prevention of public nuisance**

Signage requesting patrons to be considerate to neighbours when leaving the premises shall be conspicuously displayed at entrances/exits.

**e) The protection of children from harm**

The premises will operate a 'Challenge 25' policy and will display signs advertising this policy at The till area. The DPS will ensure that all staff are trained in implementing 'Challenge 25'

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15)</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work</li> </ul>
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	relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	<i>Daniel Brod</i>
Date	31st October 2017
Capacity	Director

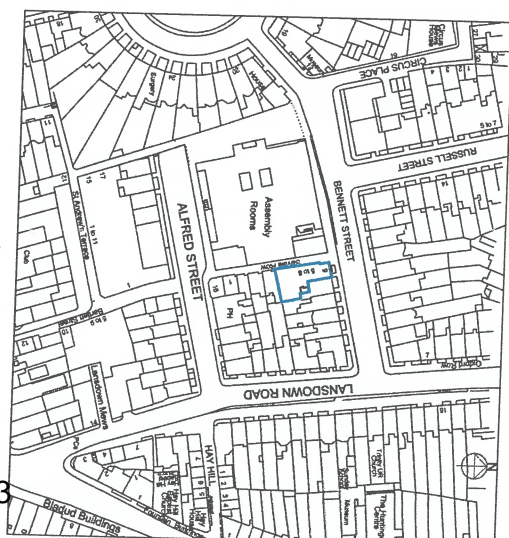
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

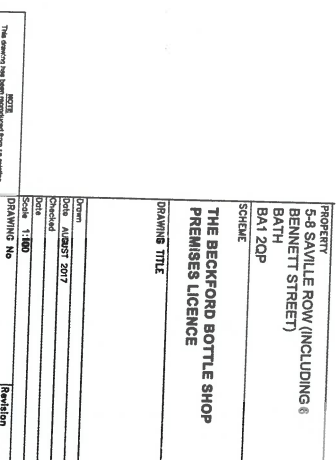
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Daniel Brod Beckford Bottle Shop Ltd Co/ Beckford Arms, Fonthill Gifford, Tisbury, Wiltshire			
Post town	Salisbury	Postcode	SP3 6PX
Telephone number (if any)	07957143857		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) dan@beckfordbottleshop.com			

### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

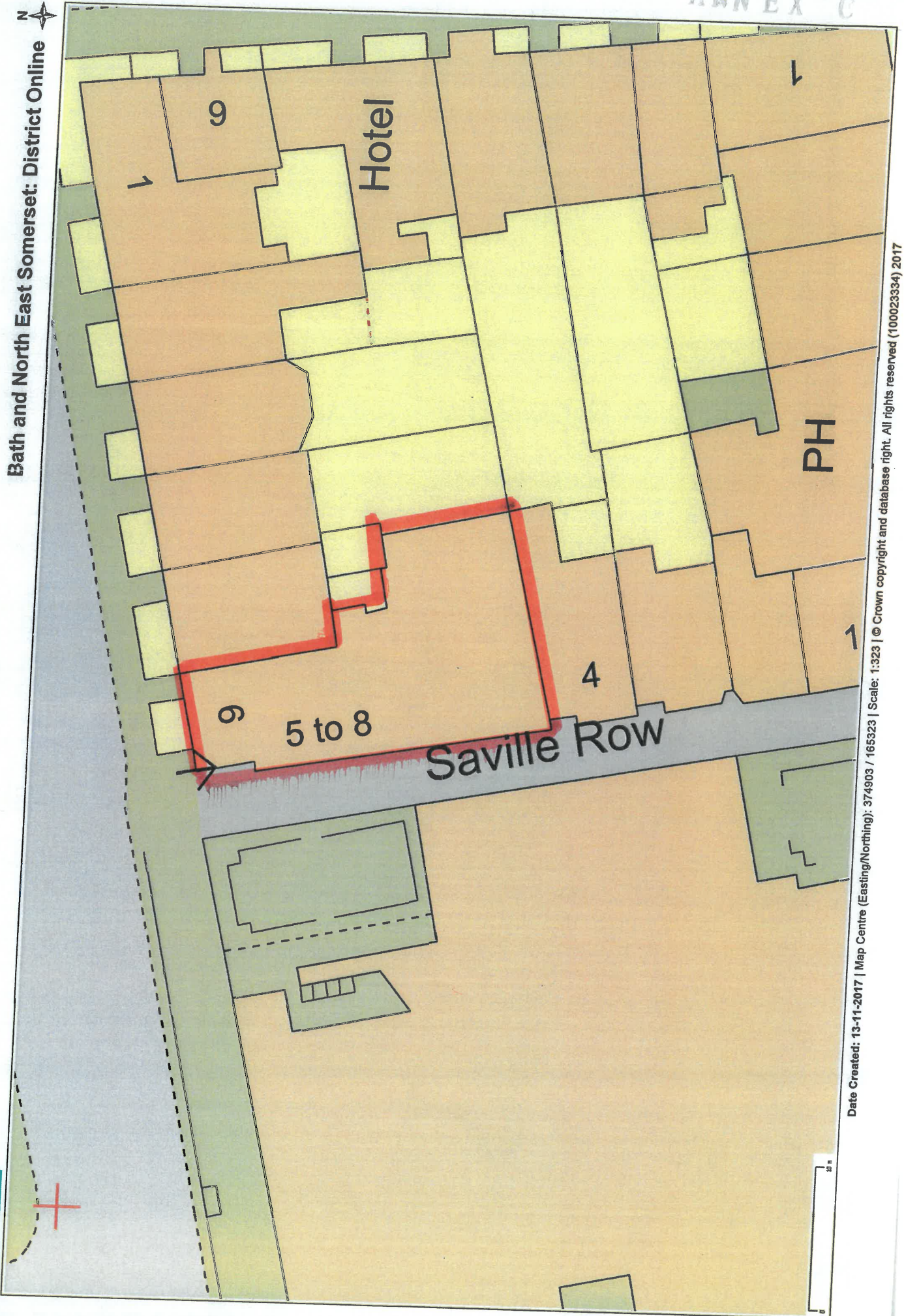


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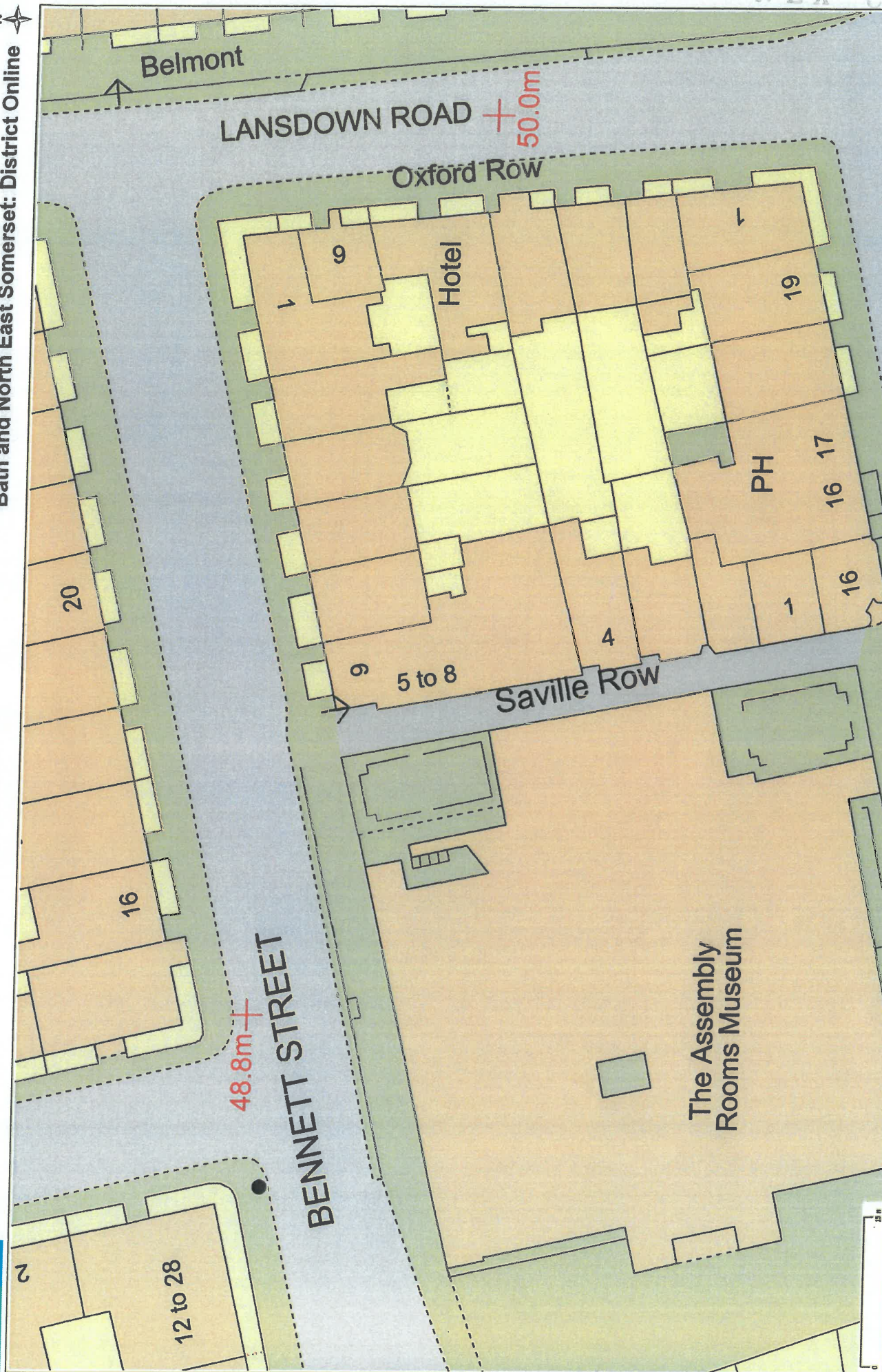












**From:** K GREEN

**Sent:** 10 November 2017 11:46

**To:** Licensing

**Subject:** Ref17/02863 Beckford Bottle Shop - Kim GREEN

Dear sir or madam

I would like to register my representation regarding the plan to establish a Beckford Bottle Shop at Saville's Row Bath as a potential public nuisance. My reasons for this are as follows:

Bennett Street is a chiefly residential area and I feel that residents will suffer from such a development on their doorstep.

I am a resident of .....and have my bedroom on the street side - this means that I sleep directly opposite the the premises currently considered a licence to sell alcohol late into the evening on Thursday, Friday and Saturday. I already have disturbance late into the night from the Common Room (also on Saville Row) and feel that these type of premises are too close to residential properties in this part of Bath.

I recognise that I may be at a particular disadvantage given my position in the street (directly opposite the proposed development and the fact that my living conditions include my bedroom being at the front of the building rather than the back as some in Bennett Street but, as I have mentioned, I already find disturbance from the Common Room a problem and I have health problems that this development may well exacerbate.

I hope there a possibility that this development might be reconsidered if enough local residents feel as I do that problems will ensue from the change of usage

Best wishes

Kim Green

**From:** Danielle Jefferies  
**Sent:** 13 November 2017 10:12  
**To:** Licensing  
**Subject:** Re: 17/02863/LAPRE

17/02863/LAPRE

Beckford Bottle Shop Ltd

I would like to submit an application in to go against the above license application.

I live at The Circus and feel this will attract students into the area to buy alcohol and make noise and cause a disturbance. We already have loud noise and disturbance from Sub 13 which does exactly the above.

Thank you

Dani Jefferies-Clarke

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From: Nicholas Tucker  
 Sent: 16 November 2017 10:11  
 To: Licensing  
 Subject: 17/02863/LAPRE

> re. Beckford Bottle Shop

> Objection

>

> I recently attended a presentation given by the potential licensees and attended by local residents. It was apparent that the majority of the property was to be a bar with a shop selling wine attached.

>

> The directors of the company did not seem to know the area at all and had not in particular had any report on traffic in Bennett Street carried out. They were hoping to sell wine by the case which would cause people to attempt to park in what is already a majorly congested street.

>

> Our main point of objection however is that having a bar in what is a residential area will add to the already existing problem of late night noise and disturbance in the surrounding streets and the Circus. The Circus suffers from drunken revellers on a very regular basis and is also used as a public urinal most nights. It already causes major disturbances for the residents. I believe the proposed Beckford Bottle Shop and bar will contribute to this existing problem, making a residential area even more blighted by noise, unruly behaviour, and mess, than it already is.

>

> Yours sincerely

>

> Nick and Heidi Tucker



**From:** Richard Brown  
**Sent:** 13 November 2017 11:56  
**To:** Licensing  
**Subject:** Beckford Bottle Shop Licence Application

FOR THE ATTENTION OF: Lauren Latta

Dear Ms Latta,

Re: Beckford Bottle Shop. 5-8 Saville Row. Bath REF: 17/02863

I am a resident living in the vicinity of the above premises, the subject of the current licensing application.

I wish to **OBJECT** to the licensing of the above premises on the following basis:

**1) Prevention of crime and disorder**

In my residential community, the area covered by the Circus Area Residents Association, there are to my count at least 15 establishments that already sell alcohol until late at night. These are: Assembly Inn, Bistrot Pierre, Bistro Rustico Italiano, Boston Tea Party, Chequers, Circo, Co-operative Shop, Henry's, Moles, Olive Tree, Porters, Slug and Lettuce, Sub 13, The Circus and Woods. (Plus two more applications, one of which has yet to have a trade name)

This saturation of alcohol establishments is more than enough for a small residential community. The combined effect already has an adverse impact on crime and disorder. For example:

- The necessity to add police resources to the establishments in and above George Street is evidence that alcohol, often to excess, is leading to crime.
- The impact on our community, almost on a daily basis, as the drunkards 'watered' by these establishments wind their way home in the late/early hours.

**2) Prevention of public nuisance**

As mentioned above, the impact of excessive alcohol consumption from the current collection of bars and restaurants is already a nuisance. I see the impact of another alcohol establishment, however it is dressed up, as adding to the nuisance faced by my neighbours and myself. For example:

- I am already woken on at least 5 nights every week, by inconsiderate noisy consumers of alcohol, some of whom are extremely abusive, causing distress and a public nuisance to myself and neighbours, and this is adversely affecting my health.

**Conclusion**

I do not feel another drinking establishment, however it is titled, will benefit what is already a residential community saturated by the number of alcohol establishments. I believe that the addition of yet another i.e. Beckford's Bottle Shop, will add to current levels of Crime & Disorder and Public Nuisance. As such, I **OBJECT** to the license application.

Sincerely,  
 Stephanie Brown

**From:** Joe Duncan  
**Sent:** 22 November 2017 08:26  
**To:** Licensing  
**Subject:** 5 to 8 Saville Row application

Hi

**Re Licensing application for 5 to 8 Saville Row, BA1 2QP, ref 17/02863 LAPRE**

I'm writing because I have concerns about this application and the noise nuisance that it will cause. I live .....on the Bennett Street side of this building. We already get a lot of late noise from people leaving and hanging around near to the Common Room - people often stop and talk and often shout at the end of Saville Row where it joins Bennett Street. This application will lead to more noise like this.

Worse than that, I'm concerned about noise at the back of the building where there are courtyards and gardens. We currently get some noise from the Common Room there, into my kitchen and bathroom for example. But if 5 to 8 Saville Row uses it's very small courtyard area for dining, drinking or as a smoking area then the sounds of conversations there will feel very close, like having strangers in your garden. The noise affect on 5 Bennett Street residents will be particularly intrusive.

I'm also concerned about any air conditioning equipment which might be installed at the back – that would be a very intrusive, irritating noise for many hours in the evenings. Similarly, if they have an active kitchen, and/or dishwashers going in the evenings, or even just staff or drinkers in rooms that open to the back – with windows open it will be very noisy at the back of the building, affecting the nearest houses on Bennett Street especially.

Please bear in mind that where I live is a listed building and I'm not allowed to have double-glazing installed to reduce noise (and improve energy efficiency etc)! I expect that few or none of the windows of the houses at the back are double-glazed.

Regards

Joe Duncan

**From:** Sarita Richards

**Sent:** 22 November 2017 16:23

**To:** Licensing

**Cc:** Pauline Cann

**Subject:** ref17/02863 LAPRE

Dear Sir

Reference : ref 17/02863 LAPRE

Further to this application we would like to express our concern at the impact that the opening of a late night drinking establishment will be to the people we support in ..... Bennett Street . The vulnerable adults who live at ..... Bennett street require 24 hour staff support.

They have said they are concerned about late night drinkers leaving the premises late at night so close to their home, and the effect that it will have on them . They are worried that the noise will disturb their sleep , cause anxiety and worsen their health and wellbeing.

As the manager of this service I also have concerns regarding the wellbeing of my staff . Staff will come on duty at 10 pm to provide waking night support to the people we support at this service . Staff do not welcome the idea that there will be people drinking late into the evening and potentially causing noise nuisance in this quiet area .

Therefore we would like to oppose the Beckford Bottle Company being granted a license to provide late night drinking

Yours sincerely

Sarita Richards and on behalf of : John Coles, Lenore Maddock, Roger Holmes, William Stayt, Jane MCMullen, Paul Clelland and Gareth Webb

**From:** Maria Clifton

**Sent:** 25 November 2017 11:34

**To:** Licensing

**Subject:** Objection to 17/02863 LAPRE

Dear Sirs

I strongly object to the proposed licensed premises at the former site of Bea's Vintage Tea Rooms and antique shop.

It is definitely not suitable in this residential area to have further drinking premises allowed. It could open the floodgates for similar establishments in the strip that is Saville Row. There is already a night club there, the Common Room, and noisy revellers spill out of the club up until the early hours of the morning. Another drinking venue will add to the noise earlier in the night and is simply not acceptable.

Yours faithfully

Maria Clifton

**From:** WESTBURY  
**Sent:** 27.11.2017  
**To:** licensing@bathnes.gov.uk  
**Subject:** Re: Licence application 17/02863/LAPRE

Dear Madam,

After some considerable thought on this application I have decided to voice my opinion against the granting of a licence for that part of the proposed business that caters to late night drinking.

Whilst I would not object to a licence for the selling of bottles of wine during the day, I do believe that it follows, as night follows day, that any increase in the so-called night time economy in such a residential area would cause horrendous noise and other nuisance (both public and private) for those living and working nearby, and notwithstanding the well-intentioned descriptions meted out by the well-meaning applicants for this licence, I must object to any business that potentially causes suffering to other people living and/or working nearby.

The current extant drinking establishment nearby, viz.: The Common Room, by reason of its very nature, does cause a nuisance to people living and working nearby, and whilst the proprietors do make a concerted effort to reduce said nuisance (mostly noise and illegal urination, etc), there are still many crime reference numbers I could share to prove the problems exist if required to do so - relating to public order offences which directly stem from licensed premises in close proximity to the applicant's premises.

I do not suggest that the Beckford Bottle Shop is in any way responsible for the abovementioned nuisance and/or crime, but merely make this point as comparative circumstantial evidence of how late night drinking by establishments in this particular residential area often cause problems.

In addition, I would suggest that any business in possession of the premises with a licence to sell alcohol at night would, by the very nature of business, consider at some point in the future, whether it might prove more profitable to open the larger area up for bar use, thereby increasing the size of both the number of customers and the nuisance respectively. Moreover, the applicant could sell the lease (with a licence) to a less caring operation that might wish to maximise profits at an even greater cost to those living and working nearby.

Consequently, in light of the above arguments, I would strongly argue that whilst the applicants do seem reasonable people, it would unquestionably follow, I suggest, that the granting of a late night licence to this premises would be a mistake, and that the proposed business would be thoroughly inappropriate and incongruous within this mainly residential area.

Yours faithfully,  
Marcus Westbury





**From:** Elizabeth Lewry  
**Sent:** 25 November 2017 22:31  
**To:** Licensing  
**Subject:** Saville Row Ref 17/02863/LAPRE

Dear Sir or Madame

I am writing with some concerns about an alcohol licence application for a proposed new premises, The Bottle Shop, directly opposite to where I live in Bennett St. ( ref. 17/02863/LAPRE ). I am concerned about noise from customers gathering and drinking outside, particularly during proposed late evening opening. I understand that permission is being sought to have tables outside; so outside drinking is going to be encouraged. I have a bedroom facing onto the street (as do two other flats within the house).

Yours faithfully

Elizabeth Lewry

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**From:** David Daniels  
**Sent:** 27 November 2017 21:52  
**To:** Licensing  
**Subject:** Ref 17/02863 LAPRE

Dear Sir/Madam

REF: 17/02863 LAPRE : Proposed Development of Saville Row by Beckford Bottle Company

We are residents of ..... in close proximity to the Saville Row commercial properties currently under proposal to become a late night licensed venue and retail bottle store. We have considerable disturbance in this residential area already from the Common Room in Saville Row where drunken clients stand outside the bar and create very disturbing noise with no controls being applied by the owners. In addition we have the Assembly Rooms with late night music that is very audible and people lingering around until late at night. We also have the Mandalay Bar, the Assembly Inn and other George street venues that spill out late night drinkers that are disturbing the residents.

We therefore object to the application by Beckford Bottle Company for yet another late night licensed venue that focuses primarily on the sale of alcohol. We know from experience that clients will include smokers and that means standing on the street with the usual loud noise levels. We have many residents very close to this venue, some with children, some with special needs. The application for late night and extended late night drinking license will without doubt create further problems.

Traffic in Bennett Street is now highly congested with huge traffic flows including coaches, buses, and cars using this route as an alternative to George Street and more recently the supermarket delivery vans. Angle parking makes this worse. Blockage is the norm as the buses cannot pass freely. There simply is no place for temporary stop and pick up that would be the norm for such a

bottle store retail business. The additional traffic and collection involved would compound this already very bad traffic situation.

We know from experience, and you should perhaps consult police records, that many drunken individuals have urinated through railings in our street. Only recently we caught a drunken man urinating through our railing into our basement. On challenging him he verbally abused my wife before collapsing in the street too drunk to move. The emergency services were called along with police to pick him up and remove him to hospital. The Assembly room collonades, one of Bath's historic attractions, are already a popular urinal for people returning from nights out. This is why the

Assembly Rooms management has installed automatic lights, with limited preventive effect I am afraid to say.

Please consider the residents of our area and the problems we already have to deal with. We therefore strongly urge you to reject this application.

Yours sincerely

David and Ruth Daniels

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**From:** Alan Cooper

**Sent:** 22 November 2017 13:17

**To:** Licensing

**Subject:** ref 17/02863 LAPRE - Representation in Support

Hi,

Contrary to my neighbours I'd just like to say I welcome this application as quite looking forward to it opening.

In three and a half years of living here I've never had any issues with noise from people late at night leaving existing nearby bars.

Kind regards

Alan Cooper

---

**From:** Bill Vasilieff

**Sent:** 24 November 2017 16:03

**To:** Licensing

**Subject:** Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row

Dear Sir/ Madam

I write with reference to the above. I believe that the plans for the wine shop/ bar represent what would be an excellent addition for Bath and I have for a long time believed that it is something that Bath currently lacks. I have also had the pleasure of meeting the partners who are going to operate the premises and believe that they are very experienced and well placed to make the business a success.

Yours faithfully

Bill Vasilieff

---

**From:** Bath .....

**Sent:** 24 November 2017 16:03

**To:** Licensing

**Subject:** Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath

Dear Sir/Madam

I write in support of the above licensing application which I understand has been made

Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath

I am a Bath resident in very close proximity to this premise.

I have read the details and am fully in support of this application being passed. I do not see any detrimental factors with engaging an otherwise empty premise into a unique sophisticated wine shop with food offerings that would serve local residents and visitors alike.

It's obvious that these applicants/operators are highly experienced in the licensing trade at several other upmarket award winning venues and extremely qualified to run such like premises. Providing numerous benefits.

I also as a local business owner have knowledge of all the other nearby licensed premises and it's my option this offers something different and unique to this part of the city.

Kind regards

Marcus Whittington

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**From:** Max Kaye

**Sent:** 25 November 2017 13:30

**To:** Licensing

**Subject:** Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath,

Dear BANES,

I am writing to express my support for the Beckford Bottle Shop planned for 5-8 Savile Row, Bath (Ref 17/02863/LAPRE).

Having seen business come and go in Savile Row it would be good if the premises were to occupied by a good quality business providing services and amenities for local residents.

The notion that a wine bar aimed at adults would disrupt the neighbourhood is nonsensical if one takes into account that the area's largest venue of entertainment and licensed alcohol is the adjacent Assembly Rooms - much loved by us all.

I am confident that a well-managed establishment located in Savile Row will be of substantial benefit to local residents' social life.

Thanks, Max Kaye

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To whom it may concern:

I am writing as I have just heard about the application for a subtle wine shop and bar to be opened on Saville Row in Bath.

I would just like to confirm my absolute support for such a proposal as it is exactly what we need in the area.

I have looked at other locations they own which are really classically designed and therefore perfect for Bath.

If you need any further information from me, please do not hesitate to contact me further.

Kind regards Debbie Taylor

**Letter of support for the Beckford Bottle Shop**

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**Reference- 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath**

To Whom it may concern,

I was recently made aware of the application by the Beckford Bottle Shop on Savile row in Bath.

It's extremely exciting that such a respected operation wishes to establish a new venue in Bath. I have seen first hand what the owners have created at the Beckford Arms, The Talbot and the Bottle Shop in Tisbury. They offer a brilliant service in exceptional surroundings and I believe this venture will continue to develop the regeneration of this part of town.

This is not a late night venue but it's an excellent venue for the people of Bath who don't wish to visit packed bars with loud music. As a young professional in Bath the options available are very slim. I'm excited that an independent wants to bring this concept to Bath and I sincerely hope the council will support them.

Many thanks in anticipation of a positive outcome for our city,

Matt Powell

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**From:** Jane Ingham

**Sent:** 27 November 2017 11:15

**To:** Licensing

**Subject:** 17/02863/LAPRE - Beckford Bottle Shop - Saville Row

Good Morning

I would like to offer my support to this new opening

Saville Row is a tricky area to operate in but having footfall come to the top of town is essential for the retailers

I don't see this being a noisy venture but one the residents of The Circus, Brock Street and Russell Street seeing benefit from

Thanks Jane

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**From:** Marcus Green

**Sent:** 27 November 2017 11:26

**To:** Licensing

**Subject:** Ref 17/02863/LAPRE I am just writing to voice my support for Beckford Bottle Shop. I know the owners are experienced operators and I think the opportunity to have a local business in Bath providing a civilised setting for eating and drinking will be good for the City and residents.

Kind regards Marcus Green

**From:** Casey Ryder

**Sent:** 27 November 2017 11:55

**To:** Licensing

**Subject:** Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath

Dear Bath Council,

As a Bath resident of some years I would like to offer my support and enthusiasm for Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath.

I am familiar with the Beckford arms, Beckford bottle shop and the Talbot Inn, which are all fantastic assets to their local communities as would the proposed plans be for the locals of Bath. Additionally, the proposed opening hours and style of establishment will bare minimal impact on any immediate local residents.

Best wishes, Casey Ryder

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**From:** Andrew Seys Llewellyn

**Sent:** 27 November 2017 14:52

**To:** Licensing

**Subject:** Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath

Dear Lauren or whom it may concern,

I have become aware of the above application and wanted to send some comments over.

I believe the application for The Beckford Bottle Shop must be from the same group that owns the Beckford Bottle Shop in Tisbury, as well as both the Talbot Inn at Mells & The Beckford Arms? I have been to The Talbot with friends and the Beckford Arms once with my wife and daughter. Both offer very high quality food and wine, and appear to be very professionally run. In short, I would be thrilled to see Bath encouraging this sort of venture.

I should add that my positive views about this application contrast to my feelings about certain other venues in Bath and the general nature of Bath city centre nightlife, which I hope adds more weight to my support. As city centre residents ..... my wife and I lament that we seem to tolerate a number of very late licenses that seem to encourage stag and hen parties and people coming in from out of town but that there are very few of the smaller, calmer establishments which would higher quality venues to residents and tourists alike. Places like the Nest lead to noise pollution and general mess (broken glass) etc on weekend mornings. Frequently, when taking our dog for a walk on weekend mornings, we encounter glass on the pavement around the Common Rooms also, which is on Saville Row too of course and has a far later licence than I imagine the Bottle Shop would request! I imagine, having had many conversations with neighbours and other residents, that people in the area may be thinking 'not another bar' etc etc, but I think it is vital to distinguish between very different types of bars and try to accommodate the sort of venues that add to a more responsible, independent food and drink culture in Bath. Henry's Restaurant on Saville row is



already a very welcome addition to Bath's dining scene and I think The Beckford Bottle shop would complement that well.

In short, I wholeheartedly support licence applications from small yet established, well managed groups such as The Beckford Bottle Shop, which seems to be proposing a more mature venue that closes at an appropriate time. I do this because i believe this is exactly the sort of venue Bath needs, while at the same time not supporting the very late licenses that seem to encourage anti-social behaviour in the city centre.

I would be very happy to make myself available for a conversation if you wish.

Thank you and best wishes,

Andrew

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**From:** Luke Brady

**Sent:** 27 November 2017 11:08

**To:** Licensing

**Subject:** Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath,

To whom it may concern,

I am writing to express my support for the Beckford Bottle shop and their plans for 5-8 Savile Row in Bath.

The owners have a proven track record and are experienced operators of top level establishments in the local area.

The location is superb and the offering would be unique in Bath and will be a real asset to the city.

Kind regards,

Luke

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**From:** Emily Brooke

**Sent:** 27 November 2017 21:35

**To:** Licensing

**Subject:** 17/02863/LAPRE Beckford Bottle Shop

Hi,I am just emailing in regards to the 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath to express my excitement towards this site opening.

I am a regular customer at the other establishments across Somerset and Wiltshire and believe this would be a great addition in the Bath community and a place that would be appreciated I am sure by all locals due to its style and class. Especially with there being more and more chain businesses appearing and independents closing it would be lovely to have a place like this.

Best regards, Emily

**From:** Des  
**Sent:** 28 November 2017 01:12  
**To:** Licensing  
**Subject:** Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath

Dear Sir or Madam,

With reference to the above referenced application, and as a local resident, I would like to register my support in favour of the application

Having felt pressured by others local to oppose the application, I have bothered to visit the applicants' existing Bottle Shop in Tisbury Wiltshire and can imagine no reason why a similar enterprise located at Saville Row/Bennett Street should not be beneficial to us in Bath.

Tisbury has a thriving, independent High Street in which Beckford Bottle Shop sits discreetly and in good taste. The proprietors clearly have good experience and good taste in presenting a quality service to their customers. It clearly does not impose any negative effect on the community and does not encourage an antisocial evening clientele, as others would have me believe.

I understand the applicants also own and run two highly respected, award-winning restaurant inns in the area.

These are clearly the type of forward-thinking proprietors we need in Bath to further enhance our wonderful environment and to avoid the blight of further business premises standing empty.

I very much look forwards to being a customer of the Beckford Bottle Shop in Bath and therefore a positive decision in the application.

Yours faithfully  
Mr D Hoskins

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From: Louise Pye  
Sent: 27 November 2017 23:46  
To: Licensing  
Subject: Beckford Bottleshop

AS a resident of St James Square in Bath, I was delighted to hear that Beckford Bottle Shop are looking at the premises alongside the fashion museum. I have visited the Beckford Bottle Shop in Tisbury & was impressed. There are so many pubs in this area, it will be good to have a tasteful wine bar/shop; furthermore & it is important that this prime retail space is filled, it would be a travesty if it remained empty, or heaven forbid became something ghastly like a tattoo parlour. My family and friends are looking forward to becoming regulars.

Louise Pye

**From:** Frances Perkins

**Sent:** 27 November 2017 22:04

**To:** Licensing

**Subject:** Re: Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath

On 27 Nov 2017, at 21:57, Frances Perkins .. wrote:

To Whom it may concern,

I was recently made aware of the application by the Beckford Bottle Shop on Savile row in Bath.

It's extremely exciting that such a respected operation wishes to establish a new venue in Bath. I have seen first hand what the owners have created at the Beckford Arms, The Talbot and the Bottle Shop in Tisbury. They offer a brilliant service in exceptional surroundings and I believe this venture will continue to develop the regeneration of this part of town.

This is not a late night venue but it's an excellent venue for the people of Bath who don't wish to visit packed bars with loud music. As a professional in Bath the options available are very slim. I'm excited that an independent wants to bring this concept to Bath and I sincerely hope the council will support them.

Many thanks in anticipation of a positive outcome for our city

Frances and Andrew Perkins

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**From:** William Brenner

**Sent:** 27 November 2017 16:47

**To:** Licensing

**Subject:** Ref. 17/02863/LAPRE - Beckford Bottle Shop / 5-8 Savile Row, Bath

To whom it may concern,

I would like to voice my support for the above application, with regard to the wine shop and wine bar t/a The Beckford Bottle Shop, at 5-8 Savile Row Bath.

Being a local resident (Rivers Street), I believe this establishment would be an asset to the area, adding both to its charm and history of independents.

Unfortunately, some parts of the city that have lost there appeal due to redevelopment and the occupation of larger national (and multi-national) retailers, and therefore independent businesses like The Beckford Bottle Shop are always welcome.

In respect of the unit itself, judging by the other premises run by the prospective tenant (such as the Talbot Inn and Beckford Arms), I have no doubt the fit-out and offering will also be of the highest standard.

Kind regards William Brenner

**From:** Rob Arber  
**Sent:** 28 November 2017 09:31  
**To:** Licensing  
**Subject:** Beckford Bottle Shop Licensing

*Dear Sirs*

*I am a Bath resident in very close proximity to this premise.*

*I have read the details and am fully in support of this application being passed.*

*I do not see any detrimental factors with engaging an otherwise empty premise into a unique sophisticated wine shop with food offerings that would serve local residents and visitors alike.*

*It's obvious that these applicants/operators are highly experienced in the licensing trade at several other upmarket award winning venues and extremely qualified to run such like premises.*

The fact that within a few yards there are The Common Room, The Assembly Pub, BTP, The Assembly Rooms Cafe, Woods and ex Casanis shows that the close area is fine with this kind of establishment.

I wish them the best of luck.

Yours faithfully

Rob Arber

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**From:** Sally Stokes  
**Sent:** 28 November 2017 18:15  
**To:** Licensing  
**Subject:** Beckford Bottle Shop

Ref 17/02863/LAPRE Beckford Bottle Shop / 5-8 Savile Row, Bath

I am writing to lobby the council to support this venture. I live in the centre of Bath and buy my wine from Waitrose which is fine but a little uninspiring. It would be great to have an independent specialist shop locally that doesn't charge the earth like Corkage. It wouldn't attract a rowdy crowd at all - and I believe it would add a certain cachet to the area, especially when you compare it to the local Assembly Inn pub.

I understand there have been a few negative opinions offered so would like to redress the balance. I truly believe the Beckford Bottle Shop would be a hugely positive addition to the area.

Yours sincerely

Sally Stokes