

Licensing Sub-Committee

Date: Thursday, 4th April, 2019

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Les Kew, Rob Appleyard and Deirdre Horstmann

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.



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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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. Public Speaking at Meetings

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

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

5. Emergency Evacuation Procedure

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

6. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

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

Licensing Sub-Committee - Thursday, 4th April, 2019

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: 17TH JANUARY 2019 (Pages 5 - 12)

6. LICENSING PROCEDURE (Pages 13 - 16)

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

7. APPLICATION FOR A PREMISES LICENCE FOR GARFUNKEL'S, ORANGE GROVE, BATH BA1 ILP (Pages 17 - 92)

8. APPLICATION TO VARY THE PREMISES LICENCE FOR HOMEWOOD PARK HOTEL AND SPA, HOMEWOOD, HINTON CHARTERHOUSE, BATH BA2 7TB

(Pages 93 - 136)

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, 17th January, 2019, 10.00 am

Councillors: Les Kew (Chair), Rob Appleyard and Anthony Clarke

Officers in attendance: Terrill Wolyn (Senior Public Protection Officer) and Shaine Lewis (Team Leader Resources - Legal Team)

42 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

43 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

44 DECLARATIONS OF INTEREST

Members declared that they had received emails about the applications to be heard today. They affirmed that their determination of the applications would not be influenced by the content of those emails.

45 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

46 MINUTES OF PREVIOUS MEETINGS: 6TH AND 20TH DECEMBER 2018

The minutes of the meeting of 6th December 2018 were approved subject to one amendment:

at the end of the second bullet point on page 71 (agenda page 11) to add:
"However, there was nothing to indicate where the vomit had come from."

The minutes of the meeting of the 20th December were approved as a correct and both sets of minutes were signed by the Chair.

47 LICENSING PROCEDURE

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

48 APPLICATION TO VARY THE PREMISES LICENCE FOR VALLEY FEST, DENNY LANE, CHEW MAGNA, BRISTOL

Applicant: MiniV Limited, represented by Luke Hasell (Premises Licence Holder & DPS), Chris Tarren (Production Manager), Harad Smith (Production Manager)

Responsible Authority: Education and Enforcement B&NES Council, represented by Suzanne McCutcheon (Team Manager Safety and Standards)

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

The Senior Public Protection Officer presented the report. Additional information had been submitted by the objector and the applicant, which had been circulated before the hearing. Members noted that the representation related only to the proposed variation in the capacity limit for the site, and not to any other part of the application.

Mr Tarren stated the case for the applicant. He said that Valley Fest had been going for some years, and had grown as a community event. The currently permitted maximum capacity was 4999 people. The purpose of applying for a capacity of 9999 was to allow the festival to grow over a period of years without the need for repeated variation applications. People who attend the festival are a mix of those coming from local villages for a day and those who like to stay for the weekend. There is a mix of space available to the applicant on fields owned by Mr Hasell's uncle and on land rented from two neighbouring farmers. Discussions are in progress with the two farmers about the renting of additional space in future on land that will be returned to grass. There were areas that could be used for either car parking or camping space, depending on how the festival developed in the future. There had been a review of the camping space available. If the same field was used for camping, then there would be the same number of camping spaces as last year, but on the other hand the number of spaces for camper vans might be increased, as they seem to be becoming more popular than tents. It was likely that a headline act would be booked for one day, probably the Saturday, next year, which would draw a bigger attendance while the attendances for Friday and Sunday remained similar to this year. The applicant had preferred to deal with the variation application before beginning the detailed planning for next year's event, to ensure greater clarity about the framework within which planning could take place. Booking an artist can take two years. He believed that the additional information submitted over Christmas had demonstrated that there was sufficient space available for what was planned this year, while he was aware of the need to demonstrate that there was sufficient space for later years.

Mr Hasell said that the applicant had a long-term agreement with Bristol Water allowing the use of their private road to provide access to the parking spaces. There was also land owned by Bristol Water on which additional parking could be provided in future, mainly for day visitors, but this had not been included in the applicant's current plans. Bristol Water could become a sponsor of the festival. The applicant used the services of a traffic management company, which monitors the use of the roads giving access to the festival and makes recommendations.

The Chair invited the Responsible Authority to put questions to the applicant.

Ms McCutcheon said that on the 11th January this year she had asked the applicant to clarify where cars were likely to be parked and to explain how there was enough extra parking space available. The traffic management plan identifies car park C as the staff car park and as a contingency car park for use in bad weather. However, as can be seen from the plan subsequently submitted the majority of that field has been allocated for additional car parking to deal with increasing numbers attending the event. Could the applicant explain how these conflicting demands on the available parking space could be reconciled?

Mr Tarren replied that they did not intend to use all that car parking space next year. In 2018 there had been space for 5,000 cars, but there was a maximum of 1,000 at any one time. A great many people were given lifts to the event. There is no dedicated drop-off space at Community Farm, but the person who had managed the stewarding team there had said that it had been constantly busy. It seems that an unusually high number of people from local villages preferred to be given lifts or to use taxis, so while there had been nearly 4,000 attending, there had only been 1,000 cars parked. If that trend remained the same, they would be expecting 2,000 cars in future. However, they did not assume this and felt the need to have more parking space; the national average for the loading of cars is 2.5 people. It was true that some parking space had been allocated as contingency, but he did not think all of this would be needed. He had taken into account issues raised by Ms McCutcheon in correspondence, and had further conversations with Bristol Water, who had agreed to allow access and the use of land the other side of the road. There was also land marked on the plan as available from a neighbouring farmer in 2020. In reply to a question from the Chair he said that this land was not currently available, but would be set to grass this year, after which it would need to be left for a year. Bristol Water had agreed that their land could be used this year. There is a lot more potentially available land around, including 100 acres owned by Mr Cox, who is interested in leasing land for the festival. That is to be used for ancillary purposes, such as camping and parking, and not for licensable activities. There would be no change to the licensed area.

Ms McCutcheon asked how parking would be sufficient for 9999 attendees within the existing footprint if an assumption is made of 2.5 people per vehicle. Mr Hasell said that he had a background as an organic farmer and wanted to do everything in an as environmentally-friendly way as possible. They were trying to arrange shuttle buses from Bristol and Bath and were also teaming up with a company that encourages people to ride cycles to events.

Ms McCutcheon asked about parking procedures and measures to ensure that people will be able to cross the road from the car park safely. Mr Tarren said that a one-way road system was put in place for the festival, so access was only available from the Chew Valley Lake end. The traffic management advisors had been requested to prepare a proposal for a traffic crossing between the Green Gate and the Brown Gate, so that the road could be crossed safely from the car park. They are basing the proposal on traffic coming only from one direction. The proposal is expected to be implemented this year. If the application were granted, the team dealing with parking, traffic management and the control of the one-way system would be doubled. So the current 10 car parking stewards would be increased to 20 to reflect the anticipated increase in arrivals. Once within the site there is a footpath leading into the main arena area avoiding the car park in Community Farm. Hard core roadways had been laid around the edge of the field.

Ms McCutcheon asked as the camping area is not supposed to be increased and that the only increase in camping proposed is for an additional 100 camper vans, would it not be the case that the additional people coming to the event would be likely to do so by car. Mr Tarren replied that it is likely that the additional people would arrive for the Saturday. Attendance on Friday and Sunday had been 60% of the attendance on Saturday, so most people would arrive on Friday to camp for the weekend, or on the Saturday morning. There would not be many people driving about in the small hours of the Saturday.

In reply to questions from Members the applicant stated:

- They had never reached full capacity. They had been 300 people short of capacity in 2018. Some contingency had to be factored in for the artists, who had to be included in the capacity figure, because some stayed for the weekend and some left immediately after their performance.
- They were not intending to increase attendance to 9,999 immediately, but over a period of years. The application was intended to avoid the need to have to apply for a variation every year. It was reasonable to expect that there might be an attendance of 6-7,500 in 2019, and more in 2020 and 2021. Experience showed that festivals tended to grow in small increments of 10-15% a year.
- Their intention was to be family friendly. About 1,200 children attended, who were included in the capacity figure, but did not contribute to revenue. Keeping the event financially viable by increasing the number of paying customers was one of the motives behind the application.
- A chain of stewards directed cars arriving in the car park to a particular parking space. They were considering having a team of 4 stewards to help people cross the road safely.
- Most people booked in advance, but it was possible to buy tickets at the gate. Pre-booked tickets were released in batches to allow the calculation of the infrastructure, such as toilets, that would be required. The number of tickets available for purchase at the gate would naturally decrease as attendance grew.
- The festival had begun in 2014, which had attracted about 700 people. 1500 had attended in 2015 and about 3000 in 2016. The exceptional summer of 2018 had resulted in an attendance that peaked at about 4000 on Saturday and 1500 on Friday and Sunday.

The Senior Public Protection Officer advised that if the applicants wished to extend the period of the event beyond a single weekend they could not achieve this by a variation, but would have to have to apply for a new licence.

Ms McCutcheon stated the case for the Responsible Authority. She said that after her discussions with the applicant and hearing what they had said given today, she still had considerable reservations about 9,999 being a plausible capacity figure. The majority of additional parking was located in car park C, which was also designated for staff car parking and contingency parking for wet weather. She thought that the dimensions of the parking spaces shown on the plan would make it difficult for cars to get in and out. She suggested that the majority of the additional people coming to the event would do so by car. She therefore did not think there was adequate parking space for a capacity limit of 9,999 and that a capacity limit of 7,500 would be more appropriate.

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

Decision and reasons

Members have determined an application to vary the Premises Licence for Valley Fest, Denny Lane, Chew Magna. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence suggesting a Premises may have a detrimental effect on one or more of the Licensing Objectives and they must only do what is appropriate and proportionate on information before them. Members are further aware that applications must be considered on merit and objections received from Responsible Authorities must be capable of withstanding scrutiny.

The Applicant

The applicant stated they have operated a successful event on this site for 5 years and as a community event it is growing. This variation is intended to allow the event to grow over time rather than an immediate increase. Those attending the festival are a mix of local people visiting for the day and those from wider afield who take advantage of the camping facilities. The applicant stated there are plans in place to add additional car parking/camping as the event grows and this application is intended to negate the need to return for further variation. The applicant believed they had demonstrated enough space is available for this year's event and in partnership with Bristol Water and adjoining farmers there are long term options in place to alleviate any negative effects and keep the event safe.

Responsible Authority

A representation was received from the Health and Safety Team on the Public Safety objective. The objector stated that despite negotiations safety concerns remained as the site was limited in size and accessible by only single track lanes.

The objector also questioned whether there was existing space within the footprint to accommodate the increase in vehicle and camping numbers or enough space to ensure sufficient vehicle/pedestrian separation to accord with the Purple Guide.

The objector was further concerned about the lack of information on the numbers of tickets and whether these would be day tickets or weekend tickets. Given the limited capacity the objector stated this would result in difficulties with vehicle movement on and off site throughout the day and night.

In short the objector stated the capacity could be increased to 7,500 although concerns remained with regard to the comings and goings on site given its limitations.

Members

Members noted that the application was to remove certain conditions and replace them with others, extend the times the premises are to be open to the public and increase the maximum capacity of persons permitted on the premises from 4,999 to 9,999. The objection, however, was limited to the capacity increase alone. Whilst Members focused on this narrow issue Members further noted the premises do not comprise of camping or parking areas but are limited to what is described as the 'Main Show Arena.' In any event capacity will necessarily include all staff, support and festival goers within this area.

In determining the application Members reminded themselves of the Statutory Guidance. This recognises the important role licensed premises play in the local community and states the Act is a permissive regime that minimises the Regulatory burden. Members further noted the Council's Events Policy which advocates the need to support and facilitate events as these contribute to economic development and vibrant sustainable communities that are active, lively and inclusive. Members also reminded themselves of their Statement of Licensing Policy which aims to facilitate a healthier economy that feels safe and reduces alcohol related crime and anti-social behaviour.

In terms of representations Members noted an absence of representation from the Police or Fire and Rescue Service. In any event Members were careful to take account of the oral and written representation and to balance the competing interests of applicant and objector. In terms of the licensed premises, Members were bound to disregard irrelevant matters, for example, public transport, parking, noise disturbance from late night traffic movement and camping arrangements. All of which constituted the broad thrust of the objection.

Whilst Members reminded themselves that each application must be determined on its merits they were mindful of other legislation and recognised that the licensing regime should not duplicate other statutory provisions, for example, the Health and Safety at Work etc. Act 1974, associated Regulatory provision and Health and Safety guidance.

Members noted that there was no information before them suggesting the operation of the premises currently has a detrimental impact on the licensing objective in question. Moreover, Members noted that whilst the objection questioned the size of the footprint for the premises licence matters such as safety risks from pushing, shoving and crushing usually associated with such events were noticeably absent.

In terms of the current licence and the objector's representation Members noted the licence requires liaison with the police, a detailed site layout plan showing ingress/egress routes, audience circulation areas, welfare and medical facilities together with an Event Safety Management Plan.

In all the circumstances Members found this event has been well planned and executed since its inception and that it was proposed to increase the event incrementally. Members noted there was an opportunity to utilise additional land as the event grows to address concerns relating to traffic movement both on and off the site as a whole. Accordingly, in light of the availability of other statutory controls, the existing conditions, the applicant's contingency plans and the need for Event Management Plan each year Members found it inappropriate, unnecessary and disproportionate to add additional conditions. Being mindful that premises licences

are always subject to Review in they adopted the light touch approach advocated by the Licensing Act and granted the variation as applied for.

Authority is delegated to the Licensing Officer to issue the licence.

49 APPLICATION TO VARY THE PREMISES LICENCE FOR THE COURTYARD CAFE, 3 LILLIPUT COURT, BATH BA1 1ND

Applicant: The Lilliput Court Café Limited, represented by Harald Bret (Director)

Other Persons: Emma Leith (representing Carol Hollis), Nici and Alan Jones, Catherine and Michael Booth, Mr and Mrs Mike Snowden, Martin Perry, Philip and Belinda Dahan-Bouchard, Marin Mackenzie, Ian Perkins (Abbey Residents' Association)

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

The Senior Public Protection Officer presented the report. Members noted that the premises were located in the Cumulative Impact Area, and that there was therefore a rebuttable presumption that the application would be refused.

Mr Bret stated that he wished to withdraw the application to allow him to have further discussions with his neighbours, with whom he wished to remain on good terms. He would therefore not make a statement in support of the application.

The Team Leader (Legal) advised Members that they had to determine the application before them, which they could grant, grant with modifications, or refuse.

Representors made brief statements in support of their written representations.

RESOLVED that the application be refused.

Reasons

Whilst noting the applicant wished to withdraw the application to vary the premises licence at the Courtyard Café, Lilliput Court, Bath it was nevertheless a matter for Members to determine the application in accordance with the Licensing Act 2003, Statutory Guidance and Council's Policy.

The Applicant

The applicant did not offer any evidence in support the application. He stated he wished to negotiate with his neighbours and find a way forward with a future application.

Interested Parties

The objectors outlined their objections and noted the applicant wished to negotiate on a possible future application.

Members

Members noted the applicant did not put any information forward in support of the application in the face of the objections. Accordingly, given the presumption of refusal under the Cumulative Impact policy Members refuse the application.

The meeting ended at 12.06 pm

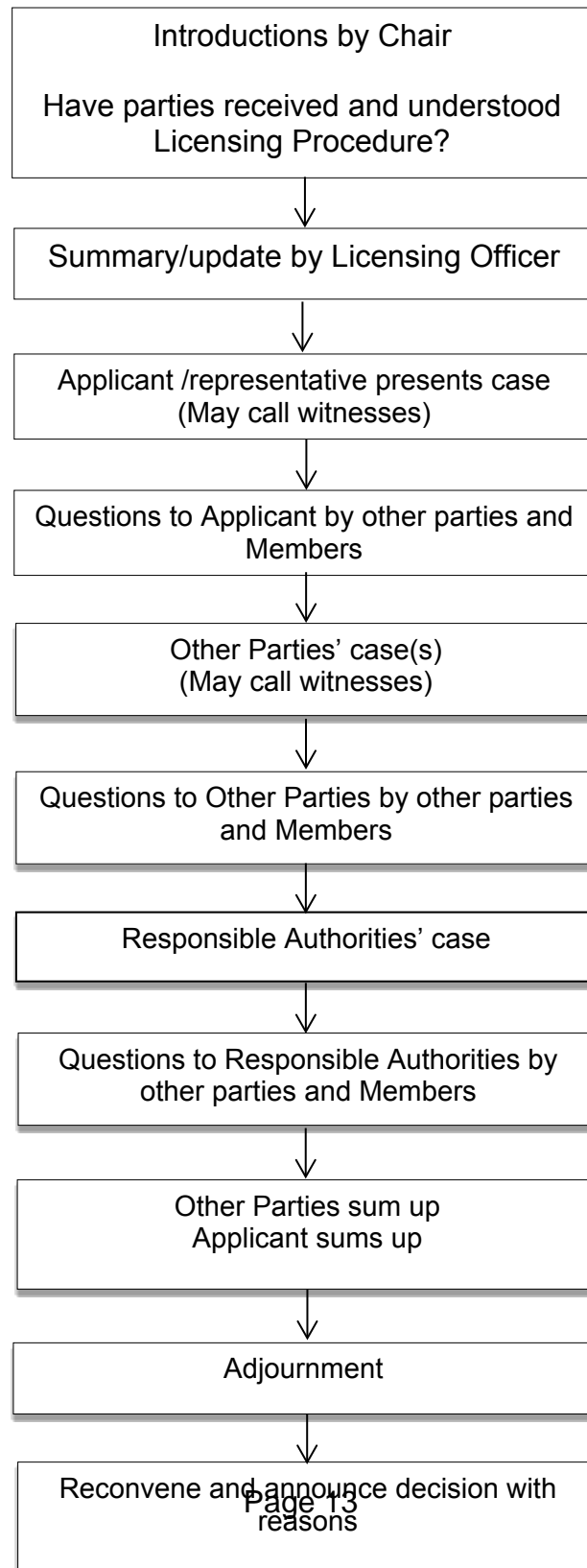
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

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



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

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

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

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

Responsible Authorities will be invited to summarise their representations

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

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

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

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

released in writing with reasons within the statutory time limit, in this instance, 5 working days.

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

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

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 4 April 2019	
TITLE:	Application for a Premises Licence for Garfunkel's, Orange Grove, Bath BA1 1LP	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application for a new premises licence	
Annex B	Plan of licensed premises and site plan	
Annex C	Representations received from "other persons"	
Annex D	Current premises licence	
Annex E	Additional Information submitted with the application	

1 THE ISSUE

- 1.1 An application for a new premises licence has been submitted by The Restaurant Group (UK) Limited under s.17 Licensing Act 2003 in respect of Garfunkel's, Orange Grove, Bath BA1 1LP

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 £635.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The 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 by retail for consumption on the premises only between the following hours:

Sunday to Wednesday 09:00 – 23:00

Thursday to Saturday 09:00 – 00:00

Non-standard timing for New Year's Eve:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

2) The playing of Recorded Music, indoors only:

Sunday to Wednesday 09:00 – 23:00

Thursday to Saturday 09:00 – 00:00

Non-standard timing for New Year's Eve:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

3) The provision of Late Night Refreshment, indoors only:

Thursday to Saturday 23:00 – 00:00

Non-standard timing for New Year's Eve:

From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day.

4) Hours the premises are open to the public:

Sunday to Wednesday 08:00 – 23:30

Thursday to Saturday 08:00 – 00:30

Non-standard opening times for New Year's Eve:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

5) The following **measures** have been offered by the applicant within the operating schedule to promote the licensing objectives:

- 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.
- The Premises Licence Holder shall ensure that a digital CCTV system shall be installed at the premises. It shall be maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be kept for at least 28 days and shall be available to the Licensing Authority or Police on request.
- At all times the premises are open for licensable activities, waiter/waitress service shall be available.
- Substantial food shall be available to order in all parts of the premises where alcohol is sold or supplied for consumption on the premises until at least 9pm daily.
- There shall be no emptying of bottle bins outside the buildings outside the following times, Monday to Sunday including Bank Holidays or public holidays 08:00 to 22:00 hours.
- A direct telephone number shall be available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
- Noise Limiter: If officers of the Council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
- The noise limiting device shall be installed and set at a level approved by the Council through an authorised officer of the Pollution Control Team within 1 month of notification, for its requirement, from the Licensing section.
- The noise limiting device shall be properly secured so that it cannot be tampered with.
- The noise limiting device shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team.
- If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification.

- The outside area shall be used for the supply of food and/or drink between the hours of 08.00 and 22.00 hours daily and shall be cleared of customers by 22.30.
- Service to the outside area shall be restricted to customers who are seated at tables provided (no standing around drinking). This should be supported by signage outside the premises.
- The outside area shall be serviced by waiter/waitress service.
- A notice advising customers to leave the premises quietly and respect the needs of residents must be displayed at each of the exits of the premises.
- The premises will operate a Challenge 21 policy and will display a sign advertising this policy at all bar areas.
- The manager and staff shall be trained in the importance of their responsibilities in ensuring that customers who request alcohol are over 18.
- Records will be kept of staff training. The records are to be made available for inspection by officers of Responsible Authorities immediately on request and all such records to be retained at the premises for at least 12 months.

5.3 A plan of the premises and a site plan are attached at Annex B.

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

- a) The Prevention of Crime and Disorder;
- b) Public Safety;
- c) The Prevention of Public Nuisance; and
- 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.

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

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

- a) Paragraphs 3-6, 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 2018**.
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.9 In accordance with the requirements of the Act, copies of the application were forwarded to the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, Health Authority and the Safeguarding Children and Young Persons Team.
- 5.10 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.
- 5.11 Eight representations of objection have been received within the statutory period from "other persons", namely residents living in The Empire, The Abbey Residents' Association (TARA) and the Empire Owners' Association. Collectively these representations express concern that the applicant's proposals will undermine the Prevention of Crime and Disorder licensing objective, the Public Safety objective (in relation to the proposed use of the terrace) and the Prevention of Public Nuisance Licensing Objective (Annex C).
- 5.12 The current premises licence for Garfunkel's has been attached for reference at Annex D.
- 5.13 Additional information submitted with the application (comprising of a Licensing Brochure, detailing the history and philosophy of Brunning & Price together with sample menus), has been attached at Annex E.

5.14 The premise is situated within Bath's Cumulative Impact Area. As relevant representations have been received, there is a rebuttable presumption that the application will be refused unless the applicant can demonstrate how the proposals within the application will not add to the cumulative impact already experienced in the area.

5.15 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 (Director - Legal & Democratic Services and Council Solicitor), section 151 Officer (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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

Bath & North East Somerset District Council

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.

We The Restaurant Group (UK) Limited

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			
Garfunkels, Orange Grove,			
Post town	Bath	Post code	BA1 1LP
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£166,000.00	

Part 2 - Applicant Details

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

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current 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		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
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 The Restaurant Group (UK) Limited
Address 5-7 Marshalsea Road Borough, London, SE1 1EP
Registered number (where applicable) 00894426
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

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

Day	Month	Year

A

Please give a general description of the premises (please read guidance note¹) as existing

The Premises will operate with an informal and relaxed environment with a good quality food and refreshment offer.

The Premises will be made up of formal and informal dining areas and bar areas on the ground and basement floors with an external terrace area to the front of the premises, in accordance with plans, drawing number L1 submitted with the application.

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

N/A

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

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

Provision of regulated entertainment (please 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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" 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					
Thur			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Fri					
Sat					
Sun			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

B

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	09:00	23:00			
Tue	09:00	23:00	Playing of recorded music throughout the premises .		
Wed	09:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	09:00	00:00			
Fri	09:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	09:00	00:00			
Sun	09:00	23:00			
			New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) 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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)	
Wed				
Thur				
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 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				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)	
Wed			Hot food and drink provided as and when required including functions or events.	
Thur	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)	
Sat	23:00	00:00		
Sun			From 23:00 hours on New Years Eve to 05:00 hours on New Years Day.	

J

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

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

Name Stephen Butt	
Date of birth 24/05/1976	
Address 25 South Road Kingsclere	
Postcode	RG20 5RY
Personal Licence number (if known) LP 700 1824	
Issuing licensing authority (if known) Reading Borough Council	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	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 (please read guidance note 6)
Sun	08:00	23:30	
			New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

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

[The information provided in this box is solely for information only and not intended to be converted into conditions on the licence.]

The Restaurant Group (UK) Limited operate a collection of licensed premises offering good quality food and refreshment. Within the stable of businesses that they operate, the businesses include Frankie & Bennies, Coast to Coast, Chiquito, Garfunkel's Joe's Kitchen and Brunning and Price.

Garfunkels has operated in Bath for many years however the licence holder is proposing a significant investment and resulting refurbishment at the premises which would see the introduction of a Brunning and Price style of operation, additional information surrounding Brunning and Price is attached. Prior to submitting the application the representatives from The Restaurant Group and Brunning and Price have met with local residents and residents associations to discuss the applications and specialist acoustic advice has also been obtained in relation to the potential impact of any refurbishment. The applicant considers that the nature and style of the refurbishment including the internal layouts will not have any adverse impact on the local area and further, as part of the application, have put together a comprehensive and robust operating schedule to deal with the premises location in cumulative impact. Conditions include restrictions on the existing outside area which do not currently exist on the premises licence that is operated at the moment number 17/0135/LAPRE. Additionally, the premises licence differs from the current premises licence in so far as the following modifications:

- i. The terminal hour sought for the sale of alcohol is the same as the existing premises licence although there is a modest change to the commencement time to 9am which provides flexibility for example; to provide the occasional champagne breakfast or bloody mary.
- ii. An earlier terminal hour for the sale of alcohol is sought than that permitted on the existing licence.
- iii. The only non standard timing is a replica of the NYE permission.

- iv. The existing premises licence does not have a robust operating schedule. There is reference to restrictions on the licence applicable from the 1964 Licensing Act which is now repealed. This application provides for a comprehensive and robust operating schedule which further safeguards the concerns of the local community which is known to the applicant.

Prior to submitting this application, there has been pre consultation with the Police Licensing Officer Geoff Cannon and in addition, the Licensing Authority. Careful consideration has been given to Bath's Licensing Policy and the combination of a reduction of potential licensed area, reduction in operating hours for licensable activities, the reduction in licensable activities together with a comprehensive and robust operating schedule is proposed to rebut the policy presumption in relation to cumulative impact.

b) The prevention of crime and disorder

1. 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.
2. The Premises Licence Holder shall ensure that a digital CCTV system shall be installed at the premises. It shall be maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be kept for at least 28 days and shall be available to the Licensing Authority or Police on request.
3. At all times the premises are open for licensable activities, waiter/waitress service shall be available.
4. Substantial food shall be available to order in all parts of the premises where alcohol is sold or supplied for consumption on the premises until at least 9pm daily.

c) Public safety

5. We understand our obligations under existing legislation, and take our responsibility seriously.

d) The prevention of public nuisance

6. There shall be no emptying of bottle bins outside the buildings outside the following times, Monday to Sunday including bank holidays or public holidays 08:00 to 22:00 hours.
7. A direct telephone number shall be available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
8. Noise Limiter: If officers of the Council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence. (ii) The noise limiting device shall be installed and set at a level approved by the Council through an authorised officer of the Pollution Control Team within 1 month of notification, for its requirement, from the Licensing section. (iii) The noise limiting device shall be properly secured so that it can not be tampered with. (iv) The noise limiting device shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team. (v) If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification.
9. The outside area shall be used for the supply of food and/or drink between the hours of 08.00 and 22.00 hours daily and shall be cleared of customers by 22.30.
10. Service to the outside area shall be restricted to customers who are seated at tables provided (no standing around drinking). This should be supported by signage outside the premises.

11. The outside area shall be serviced by waiter/waitress service.

12. A notice advising customers to leave the premises quietly and respect the needs of residents must be displayed at each of the exits of the premises.

e) The protection of children from harm

13. The premises will operate a Challenge 21 policy and will display a sign advertising this policy at all bar areas.

14. We will at all times ensure that the manager and staff are trained in the importance of their responsibilities in ensuring that customers who request alcohol are over 18.

15. Records will be kept of staff training. The records are to be made available for inspection by officers of Responsible Authorities immediately on request and all such records to be retained at the premises for at least 12 months.

Please tick yes

- I have made or enclosed payment of the fee or ☒
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy ☐
- 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 11). **If signing on behalf of the applicant please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [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 14) • 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)
Signature	<i>Poppleston Allen</i>
Date	7 th February 2019
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

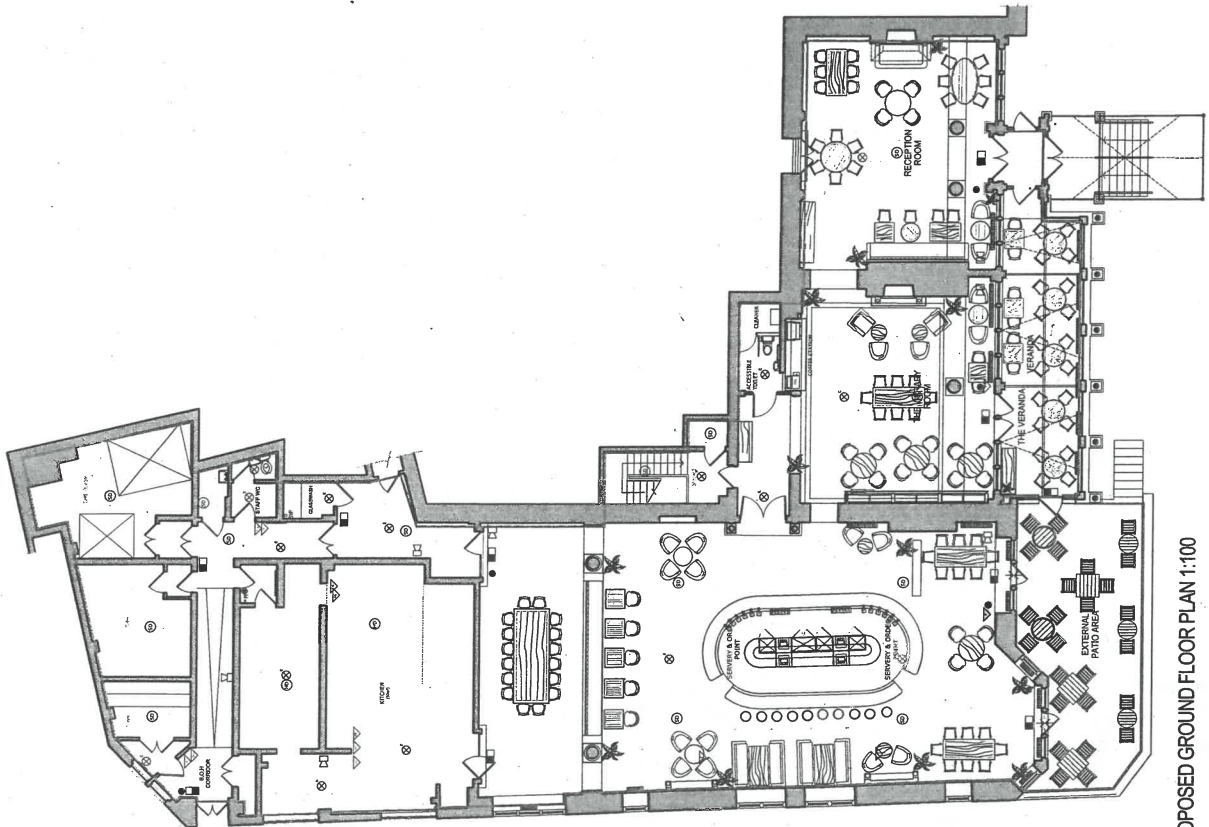
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Clare Eames
Poppleston Allen Solicitors The Stanley Building
7 Pancras Square

Post town	London	Post code	N1C 4AG
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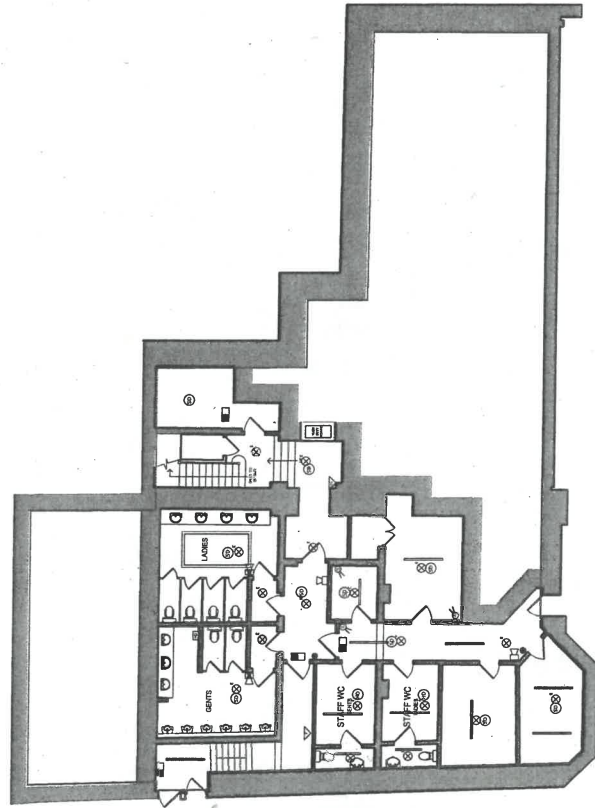
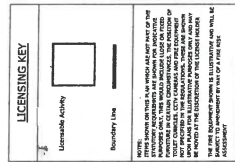
Telephone number (if any)	0203 859 7750
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
c.eames@popall.co.uk

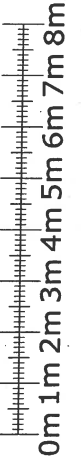


PROPOSED GROUND FLOOR PLAN 1:100

- Fire Alarm Panel
- Smoke detector fitted with audible alarm
- Heat detector fitted with audible alarm
- Manual Call Point
- Sounder beacon
- Emergency light-fitting (fluorescent, downlight or luminaire)
- Emergency Exit Light c/w legend (directional)
- 9-litre water fire extinguisher
- Dry powder fire extinguisher
- Carbon Dioxide fire extinguisher
- Foam fire extinguisher
- Wet chemical extinguisher
- Fire Blanket
- room: 30 Min fire resistant fire door
- room: 60 min fire resistant fire door
- * Water Sprinkler



PROPOSED BASEMENT PLAN 1:100

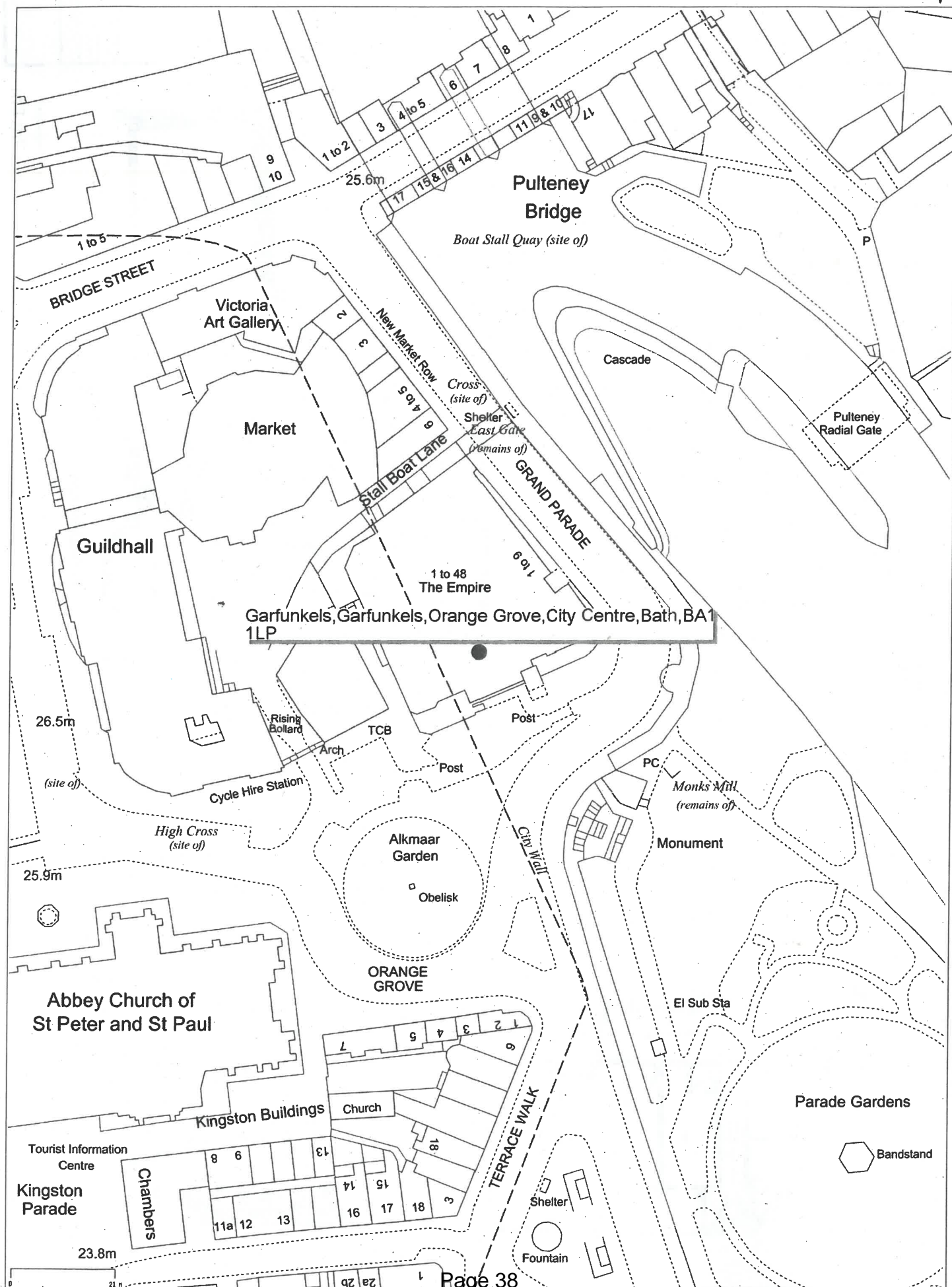


SPATIALIZ.D

1 The spatial Court
100 High Street
Weymouth
DT9 2LU

Tel: 01932 421 421
Email: info@spatializ.com
Web: www.spatializ.com

GROUND FLOOR & BASEMENT LICENSING PLAN	
Address GARRETT'S THE EMPIRE ORANGE GROVE, BATH, BA1 1LP	
Date FEB'19	Revision
Drawn HS	Job No 02-18-887
Scale 1:100@A1	Page No L1



Bath And North East
Somerset Council

28 FEB 2019

Received

The Empire
Grand Parade
Bath BA2 4DF
February 27th 2019

For the attention of Wendy Stokes.

**Objection re New Premises Licence Application No. 19/00953/
APRE**

The Restaurant Group is applying for long opening hours which may well impact negatively on the surrounding area especially on the residential building of which the existing Garfunkel's is part. Above Garfunkel's is a building of 43 apartments designed for the over 55 age group and many residents are in their 80s and 90s. A number of the apartments share a separating floor or ceiling with Garfunkels, or have all their windows on the same side as Garfunkels' terrace and exit.

Longer drinking hours added to the clear implication of a shift from a business serving food with accompanying alcohol to an establishment where alcohol sales are the mainstay of the business could well create unreasonable noise issues. This would particularly be the case for the apartments mentioned above. Both internally and externally the level of noise would need to be moderated to be reasonable and especially to finish at a reasonable time. The terrace for outside customers is particularly concerning here. Browns next door has a clear limit on the use of the outside terraces and it would be appropriate for this new licence to have similar conditions imposed.

Music in bars tends to be played more loudly than that in restaurants, and Brunning and Price have experience running pubs and bars where music may well be central to the entertainment. Because of the location of these premises adjoining and beneath residential apartments, conditions should be put on the use of music and sound-proofing particular areas.

Added to this the noise from exiting customers late at night would create a noise disturbance and a potential social nuisance. People who have been drinking are not quiet and alcohol lowers social inhibitions so the possibility of anti-social behaviour immediately outside the premises would be increased.

There must surely be consideration given by the council to balancing the interests of local businesses with the health and social well-being of residents in the area.

Thank you in anticipation for your careful consideration of my concerns.

Judith Mistral

- 1 MAR 2019

Received

LICENSING ACT 2003

REPRESENTATION FORM

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	19/00953/LAPRE
Applicant's name:	The Restaurant Group
Premises name and address:	Garfunkels Orange Grove Bath
Application for a:	Alcohol Licence

Objector Details:

Objector's Name:	Roger Godfrey
Objector's Address:	The Empire Grand Parade Bath BA2 4DF
Organisation name if applicable:	

Objection Details:

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

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

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

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

LICENCE APPLICATION 19/00953/LAPRE - Garfunkels

OBJECTION

Above the Applicant's property live over 50 people with an average age of around 70 years. The change of use from a Restaurant to a Pub will have a great effect on the owners of The Empire apartments. I therefore object to the application for the following reasons:

1. PUBLIC NUISANCE

- 1.1 The very late hours for alcohol to be served will cause much noise as people leave the building.
- 1.2 If people are drinking during late hours on the external terrace, it will cause much disturbance to Empire owners who are trying to sleep.
- 1.3 Unfortunately binge drinking is prevalent in today's society and consequently loud shouting and boisterous behaviour will result in noisy drinkers on leaving the pub. Therefore the proposed licencing hours should be restricted to more sensible times.
- 1.4 The volume of music should be such that it cannot be heard in any of the Empire apartments or common areas. The same would apply at times when the windows and/or doors are open

2. SPECIAL ISSUES

- 2.1 The change to the position of the bar back to the previous central position with a very large bar is indicative that the property is to change from a restaurant to a pub. The layout drawing shows about 60% being drinking area and 40% as restaurant. Not only should there be an Application for 'change of use', but this licence application should be rejected until a change of use is first agreed.

3. CONCLUSION

- 3.1 This property licence proposal should be refused because of its closeness to residential property.
- 3.2 The internal layout is similar to the previous planning application when it was called a Pub. The licence application should be refused and resubmitted after a 'change of use' from a restaurant to a pub is submitted and approved.
- 3.3 With such closeness of residential property, any licence should be restricted to not allowing drinks to be served after 22.00 hours.

Roger Godfrey

John East

From: John East
Sent: 04 March 2019 14:48
To: Licensing
Subject: Representation re 19/00953/LAPRE

Prevention of Public Nuisance

More than 80% of this building is occupied by over 50's, the majority of whom are 75 plus.

I am one of many who go to bed around 10 pm. Sometimes, especially during the warmer half of the year, one is awoken between midnight and 4 am by shouting in the medium distance, verging on baying, presumably from outside the pubs near the information centre or clubs near North Parade and elsewhere. My biggest fear is that this problem will be magnified many times over for the residents here, if this licence is granted.

It is unacceptable that so many elderly people might well be disturbed by inebriated people late at night right outside our windows. One is also concerned with the possibility of smokers with drinks making a lot of noise outside this building and /or on the terrace. Within the building a great deal of noise would often be generated near such a large bar and I am concerned that it will disturb those in the residential part.

Outside the pubs in this central area including Turtle Bay there is often considerable litter, especially, but not only, in the form of cigarette butts. For many this is a sickening sight and I do not wish to find similar litter outside The Empire as a consequence of the granting of this licence.

The New Year is a time to enjoy and also to reflect on what is to come. It should not be a time made miserable for the elderly by uncontrolled revelling which goes on well beyond a reasonable time.

It is inappropriate that a pub should be an integral part of a building mainly redeveloped as sheltered housing, which is what I presume the granting of this licence would lead to.

Mark & Judith Rutherford

From: Judith Rutherford
Sent: 06 March 2019 16:18
To: Licensing
Subject: Premises Licence Application 19/00953/LAPRE

We attach a submission which we would like considered in relation to Brunning & Price's application for a new premises licence for Garfunkel's Restaurant in Orange Grove – Application 19/00953/LAPRE.

Brunning & Price - Premises Licence Application 19/00953/LAPRE

We are close neighbours of the premises to which this application relates – living on the first floor of The Empire directly above Garfunkel's restaurant. All our main rooms and windows overlook their front terrace. We have occupied this apartment since conversion and would like to make the following comments and requests in relation to the application.

Hours requested

The applicant states that 'the terminal hour sought for the sale of alcohol is the same as the existing premises licence although there is a **modest change to the commencement time to 9 am** which provides flexibility.....'

The commencement time proposed may be only one hour earlier on weekdays and Saturdays, but is **three hours earlier on Sundays** – which we do not consider a 'modest change'. After 4am on a Sunday morning the city centre becomes relatively quiet for a few hours, which is very welcome to the residents who are recovering from the noise of the previous night. We would not like to see alcohol available again so early in the morning and ask that the start time on **Sundays remains at 10 am** to match the time granted to the neighbouring premises (Browns Restaurant) which is only a few metres away, so that this does not have a cumulative impact on theirs and other licences in the area.

The sale of alcohol is requested until 23.00 on a Sunday night. Although this is a slightly earlier terminal hour than the present licence, it is still not in keeping with the area generally where Sunday night is usually viewed as an earlier night. To respect this, the sale of alcohol granted on the Browns' premises licence only allows them to sell alcohol until **22.30 on a Sunday** evening and again we would request that the two licences agree.

Substantial food

Substantial food is to be available until '**at least 9 pm daily**'. This could mean that for up to three hours each evening the premises will only operate as a drinking establishment. We would ask that it be made a licensing condition that **substantial refreshment be available until much nearer the end of the licensing hours granted** to prevent potential public nuisance and crime and disorder.

Description of premises

In the general description of the premises on the Application Form, the applicant states that 'The premises will be made up of formal and informal dining areas and bar areas on the ground **and basement floors** in accordance with the plans, drawing number L1 submitted with the application'. The boundary line shown on plan L1 encompasses a large empty space at basement level and this is also edged red to indicate that it is included in the licensable activity. This area forms **NO PART** of the commercial lease as it is part of the residential lease. **Given the confusing wording used ('dining areas and bar areas on the ground and basement floors'), could the applicant please be asked to confirm that it is not their intention to permit further drinking of alcohol by extending the 'dining area and bar**

area' into their 'basement floor' – and that the residential area is included in error.

The Terrace – The prevention of public nuisance

We are very pleased to see that the applicant intends to put in place a robust operating schedule and is also offering 'conditions on the existing outside area which do not currently exist on the premises licence operating at the moment' but, as we have been let down so many times in the past, we feel that all of the points suggested should be incorporated as conditions on the new licence.

Over the years we have seen a gradual deterioration in general up-keep of the front terrace of the premises and witnessed a total lack of control or any sort of supervision of the customers using it. We have suffered unseemly behaviour, rowdy groups, large noisy parties dragging tables together, shouting, screams of laughter, customers smoking at tables positioned directly under our windows – and late 'after-hours' staff parties in the early hours of the morning. This noise is very noticeable, disruptive and intrusive to all residents living across the front of the building, but especially to us as we are close enough to, on occasions, be able to follow conversations taking place on the terrace below. Over the years we have discovered that complaints to management bring a slight temporary slight improvement, but this does not last and things soon deteriorate again when the next large lucrative party arrives.

Until last summer there were 'no smoking' signs on the tables on the terrace. About the time the last licence application was withdrawn these signs were removed and during the hot days that followed we were not able to open our windows for ventilation without inhaling second hand cigarette smoke rising up from the tables positioned directly under our windows. This very much interfered with our quality of life and we shouldn't have had to choose between ventilation or smoke inhalation. A note on the plan accompanying this application suggests that furniture is shown for indicative purposes only, but even for 'indicative purposes' four tables have been placed on the terrace directly against the front wall of the building - so potentially 16 people sitting immediately under our living room and bedroom windows and right in the very positions on the terrace that cause us so much nuisance.

In view of all this, and in order to avoid any problems or unpleasantness in the future, we would please ask that the suggestions put forward under item Md) the 'Prevention of Public Nuisance' heading in the application be incorporated in any licence granted, viz:

'6. There shall be no emptying of bottle bins outside the buildings outside following times, Monday to Sunday including bank holidays or public holidays 08.00 to 22.00 hours.'

'7. A direct telephone number be available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.'

'9. The outside area shall be used for the supply of food and/or drink between the hours of - 22.00 and shall be cleared of customers by 22.30.' The applicants have asked for a start time of 8.00 am. As this area is directly under residential bedrooms we request that the **start time be put back to 09.00** - which even then would be earlier than for Browns' forecourt.

'10. Service to the outside area shall be restricted to customers who are seated at tables provided (no standing around drinking). This should be supported by signage outside the premises'. We should like to request that the following phrase be added after the first sentence - **'and there should be no dragging of tables together to accommodate large groups or parties'.**

11. The outside area shall be serviced by waiter/waitress service.

12. A notice advising customers to leave the premises quietly and respect the needs of residents must be displayed at each of the exits of the premises.

8. We are not so happy with point 8 which states that a noise limiter will be fitted to the music system if officers of the Council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity. We request that a simple condition be substituted instead that **no noise is to be audible outside the premises or at the nearest noise sensitive premises (ie The Empire residential apartments).**

In addition

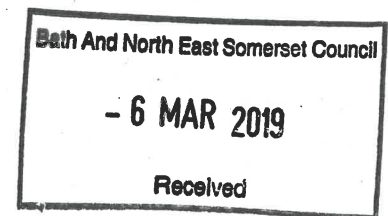
We would also like to request a condition that **regulates the numbers using the terrace** at any one time and suggest that these should be **limited to 22**. Spaces for 26 are shown on the accompanying plan, but the central table of four should be removed in the interests of public safety as it obscures the fire exit route through the main restaurant terrace doors, across the terrace and down the small flight of steps shown on the plan. These steps currently have a gate at the bottom marked as 'fire exit – keep clear'. This would enable the remaining tables of four to be moved away from the area directly under residential windows so helping to cut down on the nuisance caused to those who live above.

Ideally for health reasons we would like a condition imposed to see the front terrace made a **'no smoking' zone**, not only to protect our health but also the health and comfort of the 'non-smoking' diners using it who also have to share the smoke. However, if this cannot be agreed, at least smoking should be confined to those tables positioned around the perimeter railings of the terrace, again to prevent public nuisance.

Also, we would encourage the applicant to provide **a big canopy or large umbrellas** to cover the terrace area, (as recommended in the noise assessment accompanying a parallel planning application - but not submitted with this application) not only to help protect the residential occupiers above from excess noise and nuisance, but also for health and safety reasons to protect the diners during the summer months when the seagull population return.

Mark and Judith Rutherford,
Apartment
The Empire

**LICENSING ACT 2003
REPRESENTATION FORM**



Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	19/00953/LAPRE
Applicant's name:	The Restaurant Group (UK) Limited
Premises name and address:	Garfunkels Orange Grove Bath BA1 1LP
Application for a:	Premises Licence

Objector Details:

Objector's Name:	Anne Robins
Objector's Address:	The Empire Grand Parade Bath BA2 4DF
Organisation name if applicable:	Empire Owners' Association

Objection Details:

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

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

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

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

☐

See attachment

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

Signed

Date

6/3/19

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

INTERESTED PARTY REPRESENTATION: Application number 19/00953/LAPRE

A. Current situation

This representation is on behalf of the Empire Owners' Association whose members live in 43 apartments in the same building as the licensed premises, many directly above them, some with open balconies. We currently live in harmony with Garfunkels restaurant.

B. Summary of our submission

Empire residents would welcome a revitalised restaurant operation but have grave concerns about the impact on them and the wider public of nuisance and noise from the planned high volume pub operation, particularly arising from a busy open terrace.

We request that the protection we have in the existing licence condition, that drink must be ancillary to the food operation, be retained; also that, whether or not that is retained, a full list of specific conditions be added to any new licence, to afford us protection against nuisance and noise, including that arising from customers using the terrace.

Nuisance and noise was reported to the management company in the early busier period of the restaurant's operation, but occurs less frequently with the current low business volumes, as described in the submission by Mr & Mrs Rutherford.

We also request that opening hours and hours allowed for the sale of alcohol are mindful that this is primarily a residential building.

C. The area

In addition to sharing the Empire building with elderly residents (many in their 80's and 90's), the premises are close to other noise and nuisance sensitive residential premises, all affected regularly by noise and anti-social behaviour from late night revellers in the immediate area. Residents living on levels 1-3 of the Empire regularly report disturbance outside, as do visitors sleeping in guest rooms in the Empire basement.

These premises, which are within the area covered by the cumulative impact policy, are at the epicentre of Bath's late night drinking culture with drink based establishments on North Parade, Pierpoint Street, on the other side of the weir, and other late night refreshment establishments in Grand Parade and the Terrace Walk area. In addition to this, Grand Parade and Orange Grove see most of the late night drinking crowd from the rest of Bath as they make their way to the taxi ranks and the station. This means that additional, particularly late night, drinking in this area from another pub is very likely to increase the disorder and public nuisance already experienced by residents and enforcement agencies.

D. Representation areas

D1. Hours. The applicant, The Restaurant Group (UK) Limited, has applied for a new premises licence, requesting extensions to some hours, and hours beyond those permitted by the more limited planning permission. We have noted below concerns on some of these, and support fully the details in the submission by Mr & Mrs Rutherford.

D2. Drink no longer ancillary to food. The applicant advised us that it does intend to operate here not as now but as in its 70 plus Brunning & Price pubs/pub restaurants, and with a new very large bar server and order point as the central feature of the main room.

There would be vertical drinking space around the large bar, as well as 10 bar stools along one side of it. Its Managing Director confirmed in the recent meetings with us that the design was illustrative, and high drinking posture tables may very well also feature.

The applicant therefore wishes to remove the current licence condition of about 20 years standing relating to the premises' structure, and constraining the operation to one where drink is ancillary to the restaurant/café food operation, so that it can operate a pub.

We submit that this condition was designed as a fundamental protection for residents, to limit drinking capacity in the premises and the area and the likely resultant escalation of disorder and public nuisance in or near the Empire building, and should be retained. It is:

- The premises are structurally adapted and bona fide used for or intended to be used for the purpose of habitually providing for the accommodation of persons frequenting the premises for substantial refreshment, to which the sale and supply of intoxicating liquor is ancillary.

D3. New conditions. At a recent meeting with us and TARA the applicant's representatives proposed offering reassuring conditions in the licence, but none have been listed as such.

In a parallel listed building application (ref 19/00467/LBA) a noise assessment has been submitted. We request that where the officers can do so that conditions be included in the premises licence to address the concerns raised in, and recommendations made by, this noise assessment, and by further professional input we have commissioned. **Details will be in a submission by Professor Kolaczowski.**

The applicant notes a possible operating schedule in section Ma) but the form has a clear statement in brackets that this is purely background information and not intended to be converted into conditions. Therefore we have had to request conditions here and in Mr & Mrs Rutherford's submission. **We strongly believe that comparable specific operational conditions would be required to protect the public and Empire residents, should a new licence be issued for this anticipated high volume pub business. Such licence could in future be taken over by new tenants, with less apparent commitment to operating responsibly.**

E. Justification for our assertion that the premises would operate in pub mode

The intention to change the mode of operation to improve The Restaurant Group's profits, while potentially increasing nuisance to elderly residents and the wider public in the area by increasing the focus on drink and drinks events, is evidenced below.

E1. The intended operator, Brunning & Price, operates only pubs/pub restaurants, not restaurants, as its website and the websites of its 70 or so pubs make clear. For example:

"Award winning pub group. We are very proud to have been winners of The Good Pub Guide: Pub Group of the Year no less than four times..."

E2. The Restaurant Group's strategy is to open more pubs

The Restaurant Group is the owner of both Brunning & Price and the existing tenant Garfunkels, and both its 2017 and 2018 Annual Reports states that its strategy is to expand its "Pub business" (ie Brunning & Price).

E3. New layout and usage

The layout attached to the application, and the parallel listed building application, is for Garfunkels' grand main dining area to be changed to have a very large bar as its central feature, and order point. So the main activities or at least a substantial proportion of them, would be bar/drink/associated food, and not primarily restaurant, related. Only smaller areas would be set aside for quieter dining.

This focus on drinks and drinks promotional events is evident on the websites of many of the Brunning & Price's larger locations (NB links from www.brunningandprice.co.uk).

Residents are very concerned that, by removing the condition that intoxicating liquor has to be ancillary, the way would be open for noisy and potentially disorderly drinks events, and an overall increase in drinking and vertical drinking right underneath their homes and immediately around them.

F. Impact on the Licensing Objectives

F1 Drinks focus. As above, we believe this application is to increase the focus on drinking in the premises and to increase its capacity to house vertical drinkers as well as seated drinkers, to the detriment of two of the licensing objectives – disorder and public nuisance experienced by Empire residents and the wider public.

While The Restaurant Group's lease does appear to us to limit it to drink being ancillary to a restaurant operation, the applicant does not seem to acknowledge that, so residents in the building would not wish this stronger parallel ancillary restriction in the current premises licence to be lifted. We do not wish to get into a continuous cycle of nuisance and disorder enforcement action.

F2 Noise. Sound can travel up the Empire building from the ground floor through chimneys, and from the open terrace to residents' balconies and open windows. As mentioned earlier the applicant's noise assessment has confirmed that specific actions are needed address this. An increase in drinking capacity would result in an increase in noise and disturbance, with the terrace being of particular concern, but no firm conditions have been included.

F3 Music. Another concern is music. Residents are already impacted by noise from musical events beside the river and we are very wary of a change in approach to a drinks focus leading also to regular and louder live music since this is a technique to increase drinks sales. ***Many Brunning & Price pubs and pub restaurants have live music events, often on terraces.*** The guest rooms in the basement of the Empire are frequently occupied by young children who would be sensitive to this sort of disturbance. ***Without a specific condition barring all music on the terrace (live as well as recorded), the residents and the area would be at risk of significant nuisance.***

In discussion with us the applicant has refused to ban smoking on the open terrace, a clear risk to the health of residents living above it, and we ask that it be banned on the terrace.

F4. Hours. Archives at the Empire show that from the start in 1995 customers have been allowed on the premises only until midnight to protect residential amenity, ***so we request that no opening hours in any new licence go beyond midnight to protect residents from noise and nuisance when they are trying to sleep above the premises and the exit door.***

We understand that an industry standard approach to reduce the risk of drunkenness is to allow 30 minutes drinking up time from the end of alcohol supply to premises closure, so we ***request that this approach be applied consistently.***

Also we support the request by Mr & Mrs Rutherford that Sunday and early morning times be reduced for such a residential building. ***This is most important for the terrace area.***

Finally on hours we find the proposals for New Year ***quite unacceptable*** for a building which is primarily residential – and suggest that a deadline of 2.30am for the supply of alcohol and 3.00am for all customers to have left the premises on New Years morning.

G. Conditions

Given the applicant's current refusal to apply for changes to its planning permission to reflect this new type of high volume pub operation ***the only place where appropriate conditions can be inserted at this stage to ameliorate the impact on residents and wider public nuisance and disorder is in this licence, so we request that most of the points the applicant makes in Ma), and others mentioned above, be conditioned where the officers can do so.*** For example for the terrace in similar mode to Browns next door:

- All users of the terrace should be seated and supplied by waitress service
- Service there should cease by 22.00 and it be cleared of customers by 22.30
- Numbers there should be controlled (NB the layout shows 26 seats, but a maximum of 22 would be safer to allow space for the escape route in the case of fire).
- It should be covered by umbrellas or a canopy to prevent noise and disturbance to residents living above it
- It should be used only for food consumption (to which alcoholic drink is ancillary), and not for any drinks focussed events
- No live or recorded music to be audible on the terrace

We also request that smoking be banned on the terrace.

Other proposed conditions are in submissions by Mr & Mrs Rutherford and Professor Kolaczowski, and we ask that all be considered to produce one comprehensive set.

LICENSING ACT 2003
INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	19/00953/LAPRE
Applicant's name:	The Restaurant Group
Premises name and address:	Garfunkels Orange Grove Bath BA1 1LP
Application for a:	Premises Licence

Objector Details:

Objector's Name:	Prof Stan Kolaczowski
Objector's Address:	The Empire Grand Parade Bath BA2 4DF
Organisation name if applicable:	Owner & Chairman Empire Owners' Association

Objection Details:

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

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

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

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

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

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

I have no objection to this site (designated for restaurant use), being granted a licence to supply alcohol on the premises, but I do object to the lack of recognition in the application, of the impact that a change of use from a restaurant to a pub would have on Crime & Disorder, and Public Nuisance. It has been made very clear to the Applicant that the Residents in The Empire do not want a pub operating beneath them (because of the problems that this can create) and they purchased their apartments on the understanding that the two commercial premises were operating as restaurants (consistent with the granted planning and licence for this development).

The creation of a "mega-bar", in what is now the main dining area in Garfunkels, in combination with declared information on Brunning & Price Pubs, makes it very clear that they plan a "major change of use".

This new venture will need to have a significant turnover in cash and patrons, to cover the investment cost of the change of use, and the only way in which this will make money is by attracting the hordes of drinkers that move from one pub to another, often shouting and screaming in great delight as they encourage the stragglers in the hen, or stag party to catch up, and then there are the moments when the students descend on the town to see how many drinks they can consume in a set circuit of drinking dens that can accommodate large crowds - and this would then become one of them.

Then there is the nuisance created by either football, or rugby supporters, watching a match, spilling over from the venue onto the terrace, and then the street with drink in their hands. Then the bar turns up the TV to broadcast the match, and there are loud cheers from the crowd in the pub as a goal is scored or moans when it is missed... need I say any more? BANES and the Licensing Authority are aware of these problems in Bath. Allowing this to happen beneath 43 apartments with elderly residents, would be negligent.

However, the Applicant may argue that this is not their intention, and their target customer base consists of young professionals and middle-aged couples, who would enjoy a meal and a drink. To help the Applicant achieve this objective, the Licensing Authority could consider imposing the following conditions:

[Condition No 1] As the current premise licence is for restaurant with ancillary drinking, then a noise level of 75dBA must not be exceeded inside the premises. The Applicant must also ensure that the noise limiter is set at a level below this, such that there is no audible noise inside any of the apartments, dining area, or the hallway entrance reception area in the Empire. The Applicant is reminded of the need to ensure that base element noise (which is often the cause of nuisance) must be considered and restricted in an explicit manner. The establishment of conditions for the noise limiter, must be done in consultation with the Residents in The Empire (via their Administrator), and must be written up and made available to the Empire Owners' Association Committee. The noise limiter should be interlocked with the sound system and trigger a signal that background noise levels have

been exceeded and action to reduce needs to be taken, which may include restricting the number of people in the establishment.

The Noise Limiter must be kept in a locked cupboard and only the licensee should have access to that key.

[Condition No 2] The activities on the terrace need to be managed and configured in such a manner, that there is no audible noise which creates a nuisance, to be transmitted from the terrace to the apartments above, including when they have their windows open in the warm months. So, the use of the terrace is to be restricted to a maximum of 22 seated patrons, and no vertical drinking (standing and drinking) on the terrace. If there are any complaints from the residents in the Apartments above, then action needs to be taken to eliminate and avoid that nuisance.

A small suggestion from our noise consultant, was that the noise system could be interlocked with the external doors to the terrace, so if they are opened, the sound is turned off. Just an idea to consider.

[Condition No 3] After 6 pm, to avoid noise nuisance and misbehaviour from waiting crowds, there are to be no queues formed outside the premises, waiting to enter. And the dispersal of patrons as they leave the restaurant near closing time, from any busy events needs to be managed.

[Condition No 4] Suggestions on operating hours have been already submitted in a separate objection from residents living immediately above the premises.

Supporting Explanatory Comments

Condition No 1: this would capture concerns over the noise levels which could otherwise, easily be exceeded should the music be too noisy, or a big crowd of noisy drinkers enter the premises. For information, in the noise survey (Dec 2018, Big Sky Acoustics) which the applicant submitted with their most recent LBA application, they only report a maximum figure of 74 dBA (with music turned up and the base turned down) in their textual commentary.

So setting a noise limit of 75dBA as a Condition, is within their ambition.

However, in their earlier Acoustics Report (March 2017, by ion Acoustics) in support of a change of use application (which met opposition and was withdrawn), the noise levels discussed were higher, and there were many recommendations, which do not appear to be mentioned in this submission for a licence application. Such as, "the proposed pub would not feature amplified music and this is important to limit background noise levels and ensure that conversations can be held at normal voice levels". And this was with a consideration of the need to include "improvements to the ceiling which would also increase the sound insulation to the flats above".

However, based on advice from a noise expert, figures in the region of 90-95 dBA are more typical for a noisy pub with music (also supported in the Report on Noise from Clubs & Pubs, for the Department of Environment and rural affairs....., March 2005). I can only assume that Brunning & Price wish to avoid this problem, so if the Condition is set that the noise must not exceed 75dBA, then this will help them to avoid this problem.

This Condition would also capture concern associated with base-element noise, which is often a major problem in establishments that play music, as it must be considered in an explicit manner and turned down low.

The reason why the setting of the Noise Limiter needs to be done with the cooperation of the owners living above, is because when the limiter is set, it will be important to check if the noise can be heard in the flats above. If it can, then the limiter needs to be set to a lower value. This will need to be done in the evening when the background noise level is low. This assessment would need to be done once per year, or at any time when the location of the speakers, or source of sound is changed in the restaurant below.

In an indirect manner, Condition No 1, would discourage admission of noisy groups, as there is a restriction of 75 dBA on noise, hence group size and their behaviour. And so the type of patron that leaves is more likely to read the notice about the need to be quiet.

Also, the Applicant does not yet know in detail, what noise reduction measures may be required in their premises to permit them to operate even at 74 dBA, with the new configuration that they plan, and where they plan to have speakers or point sources of sound. What is known, is that noise can easily travel up the chimneys, and up the common walls (flanking noise), and through the blocked doorway between the entrance foyer to this restaurant and foyer in The Empire. So, after any remedial action has been taken to address these weak points, a check on noise nuisance would need to be made. The Owners of the flats above would need to be involved in such an exercise to reset the Noise Limiter – and I feel confident that they would cooperate.

Our noise consultant suggested that the Noise Limiter should be kept in a locked cupboard and only for the licensee to have access to that key. That reduces the risk from bar staff turning up the volume, or the base and creating a nuisance.

Condition No 2: in the plans there is a terrace, which even in the earlier Brunning & Price commissioned report (March 2017, by Ion Acoustics), it states on p.14, referring to the terrace, that “those seated in the unshielded area could potentially disturb the residents above and therefore a degree of management would be required.” And yes, we already know that this happens, and that disturbance would be much more significant if they were standing rather than sitting. Hence the suggestion to limit the number of seats and prohibit standing & drinking on the terrace.

From a practical perspective, if Brunning & Price positioned some umbrellas which had a noise reduction feature in their fabric, then that would help them and the residents living in the apartments above.

Condition No 3: In licensed premises about 130 m from The Empire, outside of Po Na Na (North Parade) we already see an example of queues in the evening waiting to get inside, and potential for significant noise and nuisance. We do not want that outside The Empire. Then just as an example, last night (Wed 6 March 2019) when I returned home at 22.50 hours, there was a group of only about 15 girls and 2 boys (looked like students) waiting for a bus on the other side of the road, opposite the entrance to the apartments. In their excitement, after probably having had a boisterous night (school girl/boy dress event), they were shouting and squeaking so loud, that they could be heard most clearly through a closed door, and inside the lobby of The Empire (about 30 m away from them). And that was just a group of 18 students.

General comment

When the Applicant's team, including a solicitor from London met with some of our residents and some of our Committee, they should have listened more to our concerns about noise and nuisance from the operation of a pub.

In their application (Section d, The prevention of Public Nuisance), expecting the Council to have to "...witness noise at a level that causes unreasonable disturbance to the occupants..." as a method of deciding when to reduce the noise, is not a good use of Council resources or an acceptable method of control. The Applicant should take full responsibility to ensure that their methods of noise and nuisance control are robust, so that their neighbours do not need to complain.

By adding the extra Conditions as suggested, the Applicant's mind is focussed on their responsibilities.

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

Signed

Date

6 March 2019

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

(mobile number)
only to be used by BANES and not
released to any other party

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name _____

I will be attending the hearing ☐ I will not be attending the hearing ☐

I will be represented at the hearing by _____

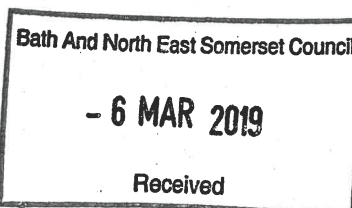
I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary/unnecessary

Form to be returned to:

Licensing Team
Public Protection and Health Improvement Service
Lewis House
Manvers Street
Bath BA1 1JG

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I object to the following application:

Application number:	Garfunkels 19/00953/LAPRE
Applicant's name:	The Restaurant Group (UK) Limited
Premises name and address:	Garfunkels Orange Grove Bath BA1 1LP
Application for a:	premises licence under section 17 of the Licensing Act 2003

Objector Details:

Objector's Name:	Dr Willm Mistral
Objector's Address:	The Empire, BA2 4DF
Organisation name if applicable:	

Objection Details:

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

Prevention of crime and
disorder

Prevention of public nuisance

Making Bath & North East Somerset an
even better place to live, work and visit

The wording of Garfunkel's current licence (17/01351/LAPRE) states:
 'The premises are structurally adapted and bona fide used for or intended to be used for the purpose of habitually providing for the accommodation of persons frequenting the premises for substantial refreshment, to which the sale and supply of intoxicating liquor is ancillary.'

The key word here is 'ancillary':

1. Providing necessary support to the primary activities or operation of an organisation, system, etc.

1.1 In addition to something else, but not as important (Oxford Dictionary).

The applicants state under Prevention of Crime and Disorder:

4. Substantial food shall be available to order in all parts of the premises where alcohol is sold or supplied for consumption on the premises until at least 9pm daily.

The suggestion "until at least 9pm daily" still leaves several hours until proposed closing times solely for the consumption of alcohol. This suggests that food will be ancillary to alcohol consumption.

Objection: The Home Office Revised Guidance section 182 Licensing Act 2003, April 2018 section 10.23, states that where drinking is not an accompaniment to other activities such as having a meal while seated at a table. '...the environment within such establishments can have a significant bearing on the likelihood of crime and disorder'.

Prevention of Public Nuisance

The applicants state:

6. There shall be no emptying of bottle bins outside the buildings outside the following times, Monday to Sunday including bank holidays or public holidays 08:00 to 22:00 hours.

Objection: For elderly residents in The Empire apartments above Garfunkels 0800 is too early and 2200 too late for emptying of bottle bins, which is an exceedingly noisy activity.

Also the applicants state:

8. Noise Limiter: If officers of the Council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.

Objection: This proposal would require local elderly residents in The Empire apartments to call out 'officers of the Council' in order that they may witness unreasonable noise. Noise should be limited at all times, especially as the nearest properties are occupied by elderly people. Noise limitation should include substantial sound proofing, both within the premises and on the terrace where noise will rise to the apartments above.

The applicants do not mention the public nuisance of smoking

Objection: The terrace area should have conditions to mitigate the effects of smoke rising to the apartments immediately above.

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

Signed _____

Date

06/03/19

Contact telephone number(s)

(This is essential as we may need to contact you at short notice)

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name

Dr William MISTRAL

I will be attending the hearing

~~I will not be attending the hearing~~

I will be represented at the hearing by _____

I will be calling the following witness(es):

Bath & North East Somerset Council

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it.

I/We object to the following application:

Application number:	19/00953/LAPRE
Applicant's name:	The Restaurant Group (UK) Limited
Premises name and address:	Garfunkels Address: Orange Grove, Bath, BA1 1LP
Application for a:	New Premises Licence

Objector Details:

Objector's Name:	Ian Perkins
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	Flat 11 George Street Bath BA1 2EH
Organisation name if applicable:	Tara

Objection Details:

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

Prevention of public nuisance

TARA has some 300 members who live in the historic centre of Bath including all the residents of the Empire building.

We are objecting to this application because we believe there is evidence that these premises already create nuisance which undermines the objectives of the Licensing Act and that there is a reasonable expectation that the applicant's proposals will increase that nuisance without additional conditions.

This business is within the Empire building which is primarily residential and is home to many elderly residents, the premises are close to other noise and nuisance sensitive residential premises. The building is in the heart of the Cumulative Impact Zone and residents of the Empire regularly report disturbance outside. The current level of business at the existing restaurant means that complaints about noise and smoke in residential units are less than in the past but complaints about noise and smoke are still been made particularly in relation to the terrace. Since the purpose of this application is to increase business there is clearly a potential for nuisance to return to historic levels.

The use of the terrace is of particular concern both because it is the major source of nuisance to residences but also because of its potential to allow interaction between customers and passing crowds of people many of whom particularly at night, will be under the influence of alcohol.

It is worth noting that the terrace is directly under the windows of the nearest noise sensitive premises and that the applicants own noise advisors have expressed concern about the challenge this represents in preventing nuisance.

We believe this application will increase the potential for nuisance because it will increase the number of customers who are drinking alcohol and drinking alcohol without food. There are also indications in the applicants submissions to BANES that they intend to increase the amount of vertical drinking or at the least do nothing to restrict it. From other premises, we know that an increase in vertical drinking independent of food leads to an increase in disorder.

The BANES cumulative impact policy creates a rebuttable presumption that applications for new premises licences, club premises certificates or variations relating to "on trade" premises situated within the Cumulative Impact Area, will be refused if relevant representations are received. In order to rebut this presumption, applicants must demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.

While we must thank the applicant for the very considerable efforts they have made to engage with us and address our concerns and while considerable progress has been made in many areas we still contend that the applicant has failed to demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.

We would all welcome the renovation and revitalisation of this important premises this should not be at the expense of residents quality of life nor should it undermine council licensing policy.

To avoid this we would ask the committee to impose the following conditions:

1. That alcohol should not be sold before 10 am in line with neighbouring premises.
2. That alcohol should not be sold after 22.30 on a Sunday evening again in line with neighbouring premises.
3. That substantial food should be available during all the hours when alcohol is being sold.
4. That customers using the terrace must be seated and have drinks served by waiting staff
5. There shall be no emptying of bottle bins outside the buildings outside following times, Monday to Sunday including bank holidays or public holidays 08.00 to 22.00 hours.
6. A direct telephone number be available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
7. The outside area shall be used for the supply of food and/or drink only between the hours of 9:00 and 22.00 and shall be cleared of customers by 22.30.

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	17/01351/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code Garfunkels Orange Grove Bath BA1 1LP	
Telephone number	01225 461465

Where the licence is time limited the dates	Not applicable
--	----------------

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities	
Sale of Alcohol	
Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 23:30
Good Friday	12:00 - 23:30
Christmas Day	12:00 - 23:30
Performance of Recorded Music	
Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 23:30
Late Night Refreshment	
Monday to Saturday	23:00 - 00:00
Sunday	23:00 - 23:30
Non Standard Timings: From normal activity start time on New Year's Eve until normal activity finishing time on New Year's Day.	

The opening hours of the premises	
Monday to Saturday	07:00 - 00:30
Sunday	07:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies Alcohol is supplied for consumption on the premises

17/01351/LAPRE

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

The Restaurant Group (UK) Limited
 5-7 Marshalsea Road
 London
 SE1 1EP
 hello@garfunkels.co.uk

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

Registered Business Number - 894426

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

Ms Jessica Rose McKay
 39 Chantry Mead Road
 Bath
 BA2 2DF

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

B&NES/16/03635/LAPER
 Bath & North East Somerset Council

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

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

Dated 14 June 2017

Annex 1 – Mandatory conditions

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

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

where:

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

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

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

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

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

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

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

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

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

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

From 1 October 2014:

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

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

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

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

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

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

No off sales permitted.

The premises are structurally adapted and bona fide used for or intended to be used for the purpose of habitually providing for the accommodation of persons frequenting the premises for substantial refreshment, to which the sale and supply of intoxicating liquor is ancillary.

The Licensing Act 2003 hours will be as:

Licensing Act 1964 - Section 95. Restaurant and Residential licences.

Alcohol may be sold or supplied:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11 am to 12 midnight.
- b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30 pm
- c) On Christmas Day: 12 noon to 11:30 pm
- d) On New Year's Eve from the start of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises.
-

Annex 2 – Conditions consistent with the Operating Schedule

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

Annex 4 – Plans

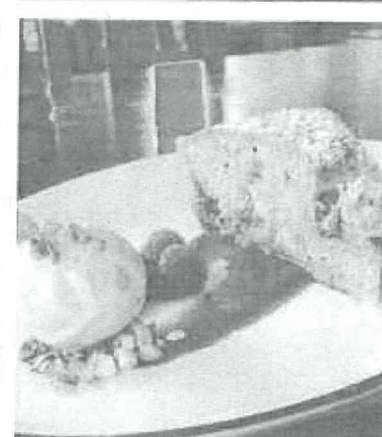
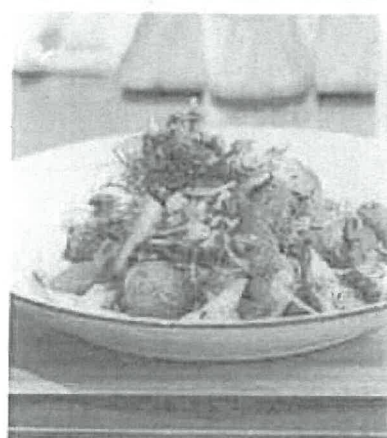
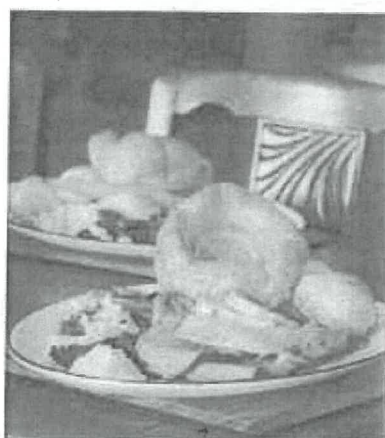
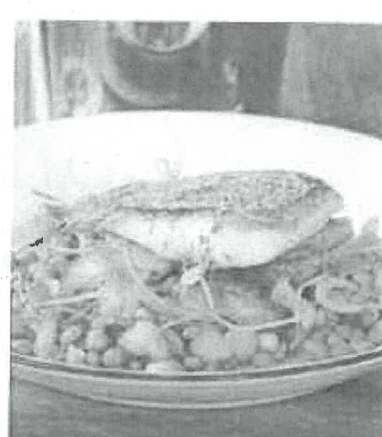
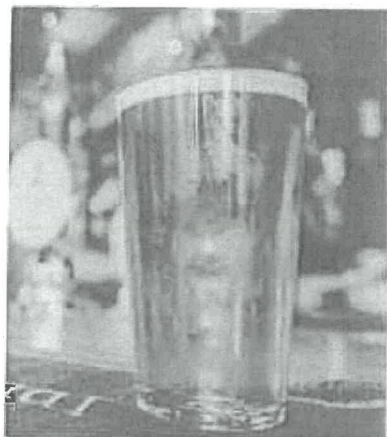
As submitted with application.

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**GARFUNKELS
ORANGE GROVE
BATH
BA1 1LP**

LICENSING BROCHURE

- 1) Brunning & Price History
- 2) Brunning & Price Philosophy
- 3) Visual of how the premises will look
- 4) Sample Menu



Brunning & Price Company History



Jerry Brunning had begun life in the family advertising business, but had hankered after the fertile valleys on the other side of the pumps, being an enthusiastic, but often disappointed, pub-goer. The seeds of the company germinated in 1981, when Jerry bought the freehold of the Bell Inn at Outwood, a small village in Surrey

The Bell



A bit of a classic in the Surrey countryside.



Jerry having a word about his tax return with the Chancellor at that time, Geoffrey Howe

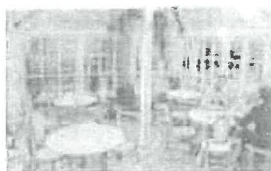
The Bell was a beautiful 16th century pub in a small village surrounded by unspoilt countryside, yet not too far from the hurly-burly of Gatwick.

Jerry was the landlord and used the place to develop the style of operation that we run today: classic interiors, decent plain home cooking, a variety of cask conditioned beers and good wine. Pubs didn't generally have these things in those days, and the Bell was immediately popular.

The Fox Revived

The Bell was very busy and the learning curve very steep. After a few years, only made financially survivable by the high turnover and rising property prices, Jerry decided to buy a lease on another pub, the Fox Revived at Norwood Hill, another country pub near Gatwick.

You can see from old photographs of the Fox the genetic blueprint that underpins our pubs – old furniture, blackboards, books and pictures to give relaxed and comfortable surroundings, a sunny conservatory and pleasant gardens.



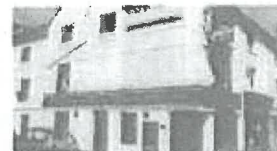
Although the two pubs were busy, the business suffered from the classic problems of a start-up operation: more enthusiasm than skill and poor accounting information, coupled with a difficult economy and a bank reluctant to take risks.

The Great Eastern

Money was expensive then (16% per annum) and difficult to get, so it was decided to sell the freehold of the Bell Inn and buy two more leased properties to add to the Fox Revived. Jerry sold the Bell for £310,000 (bought for £160,000) in 1984 and put the money into two tenancies: the Great Eastern in Brighton and the Black Jug in Horsham. So then there were three.



The Great Eastern before.



The Great Eastern after a damn good clearing.



The interior style had pretty much evolved by then.



Wood panelling, old furniture, clocks, books... only the caravans didn't make it into the 90's.

By now, Jerry's old drinking partner Graham Price had graduated (in Management Science), joined Tetley's in Yorkshire, left Tetley's in Yorkshire (neither he nor Jerry being corporate types) and formed his own company with his father running the Middle House Hotel in Mayfield, Sussex. This was a beautiful 16th century inn with rooms and a restaurant.



The Middle House, Graham's first pub.



Graham offered us £50 not to use this photo but Jerry gave us £100 to include it



The bar.



Classic 16th century oak interior.

After much deep discussion, usually late into the night at the bar, Graham and Jerry became partners in Pubs Ltd (later renamed Brunning and Price) in 1988. Graham sold the Middle House and put some money into the company.

Their first task was to expand. Another pub was needed to keep the ball rolling, but it was a very difficult time for the business – it was not strong enough to raise money easily, but expansion was essential if they were to succeed in getting over the hump and achieving 'critical mass'. They needed something cheap, but which could be made beautiful.

The move to Chester and the search for money

They found a site in Chester, got planning permission to turn it into a pub, got the liquor license and then tried to raise the £90,000 necessary to do the work. Predictably, every high street bank in Chester turned them down.

Then their lawyer introduced them to 3i plc - a huge venture capital company. It happened that Jonathan Russell, then a newly graduated MBA in their Brighton office, was very keen on our pubs and a regular at two out of the three. He immediately saw that we needed to grow and agreed to lend us money in exchange for a fixed price option of £25,000 for 20% of the shares.



Graham and Jerry at the opening of Harkers, Jerry has since given up the gapers.

In fact, Jonathan lent us more than we needed, £120,000 instead of £90,000, explaining that in his experience people overspent on this sort of project - how right he was. As a result, the Old Harkers Arms opened in 1989 and was an immediate success.

3i supported us with loans for our next three pubs: the Hare in Langton Green outside Tunbridge Wells, the Grosvenor Arms in Aldford near Chester and the Pant Yr Ochain in Wrexham. Since then, we have borrowed from our high street bank, NatWest, as our security is good, making the risk low and the bank comfortable.



We moved our office from rooms over the Black Jug in Horsham to rooms over the Grosvenor Arms in Aldford, but later we moved the offices again to converted farm buildings in Saughton.

In 2000 we bought out the shares from 3i (paying £750k for their 20% and making them a very nice return on their investment) and so the ownership was back to just Jerry and Graham.

The Restaurant Group

Right from the outset, the plan was to get the company to fourteen or sixteen pubs, which is a useful size for a group of pubs. It's big enough to have achieved critical mass in terms of our size and ability to grow, and to be able to provide decent head office support in terms of food, beer and wine, IT, HR, buildings, accounts etc.

Nevertheless, by 2007, as we approached the magic number the question was "Where do we go from here?". The big problem we faced was that when we had 14 pubs and open just one pub a year, there are 14 deputy managers and 14 deputy chefs wanting the main job in that pub. If we had 25 pubs, and only added one new pub in a year, there would be 25 deputies and 25 second chefs chasing the main job in the new pub – so the bigger you grow, the more the company gets bogged down and the more people become frustrated and start looking for better opportunities elsewhere.

So we asked ourselves the question, do we set the pubs in amber and go off and develop businesses elsewhere? Well, you don't have to be Einstein to appreciate that for us to do nothing means that in the real world we would soon start to go backwards. So we had to keep growing, but at an accelerated pace, which meant we needed serious funding.

Being beholden to the city by either floating the company or getting into bed with venture capitalists again didn't launch Jerry and Graham's canoe at all. It became apparent that what we needed to do was to hand over the reins of the company to someone with the drive and resources to move us onto another level, whilst keeping our standards high and culture intact. Jerry and Graham had been friends with Andrew Page, the Chief Exec of The Restaurant Group, for several years, and he had been an enthusiastic fan of the Hand and Trumpet, his father's local, since it opened. He understood what made B&P tick, and why customers and staff alike are so enthusiastic about our pubs, and so it was, in October 2007, TRG bought all the shares in Brunning and Price from Jerry and Graham.

Onwards and upwards

Since then there is no doubt, in our own minds anyway, that we have gone from strength to strength. The Restaurant Group have encouraged our organic expansion, and we now add four or five new pubs a year, which happily means there are more opportunities, more often, for people who want to grow their careers with us. Our culture remains as strong as ever, but we are more focussed and our systems are tighter all round. The feeling we have is that the pubs have never looked better, and that the standard of our food is higher than it has ever been: but we need to keep pushing on as the competition is also much stronger than it has ever been.

In 2010 Blubeckers, another pub group operated by the Restaurant Group, came under the umbrella of Brunning and Price. The 28 family restaurants were not in a healthy state, and presented a massive challenge which stretched sinew and nerve to turn around. We have converted most of them to Brunning and Price pubs, and they are steadily making their way in the world.

A bit about Brunning and Price, our philosophy and our pubs

Actually the very best thing would be to take a look at our website www.brunningandprice.co.uk as this is full of pictures, wines lists and menus. However, if you don't have access to the web right now then read on....

General Offering

In short, a B & P pub restaurant is a relaxed, attractive place, primarily for adults to meet and chat without the intrusion of any other forms of entertainment. The food and drink is relatively uncomplicated but of high quality, and the staff are encouraged to be friendly and helpful but not servile.

Location

These are destination pubs and their success is inherently dependant on building a good reputation so they don't need to be in high profile locations, though a good sized populous within 15 minutes is important. Overall the product is based on a feel-good factor and the prettier and more charming the location the better.

Customers and demographics

Our perfect atmospheric profile is to have professionals and business people nattering with a range of locals at the bar while a cosmopolitan crowd of couples and small mixed groups socialise over a bite to eat and a few drinks. This is a very broad spectrum but they are united by being discerning and socially adept, and not particularly price sensitive.

The Property Itself

The more interesting the better: our perfect sites are usually older as they tend to have more intrinsic physical charm. Having said that we have taken on some pretty ugly and "out of sorts" properties and made them pleasing to visit, but you can't beat centuries old beams and inglenook fireplaces as a head start. Properties don't need to have been a pub before, as the conversion process is relatively easy, but we do need to be able to provide certain facilities and create a certain size of customer floor area to make the businesses commercially viable. Many of our pubs have been listed and or are in conservation areas and we pride ourselves on being able to work sensitively with most buildings by polishing up their best features and getting rid of what are quite often nasty hangovers from insensitive prior developments.

Management

We want our managers to act like "owner-operators" and to feel that they are genuinely in control of their pubs, as we believe that this makes them feel good and this in turn helps the customers feel good. For this reason, almost uniquely within a larger company, we let them choose a large chunk of what products to sell, and from whom and at what price. This may sound somewhat risky, but in reality we actively give advice and direction, and the net result is that they mostly buy locally sourced products that we are happy with and sell them at margins and prices that achieve our guideline objectives. The same goes for recruiting staff and agreeing sensible rates of pay. Underlying all this is the fact that the management and senior staff are all paid a substantial cut of the profits of their pub every month, so it is to their advantage to ensure that standards are high and that the pub is as successful and efficiently run as possible.

Staff Recruitment and Training

At the customer "coal face" we look for nice people, who are bright and we encourage them to express their own personalities. Most of the training for these roles is done "on the job" on site, but is supplemented by a whole host of central courses: wines and spirits, food hygiene, manual

handling, whisky appreciation, etc. Staff dress is informal, but they are all asked to wear the same colour shirts, which ensures that they are recognisable to customers but still gives them room to express their own personalities. Kitchen-wise, we recruit some experienced chefs and train some ourselves, through a combination of on the job, in house training, and external government-recognised courses. We have a number of roving chef and roving manager positions which we use to cover absences or vacancies, but they also act as positions for training and development, and prove particularly useful in getting someone into the swing of our company style.

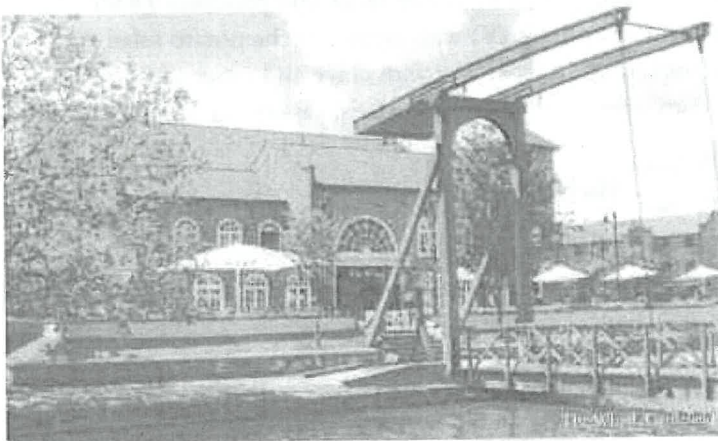
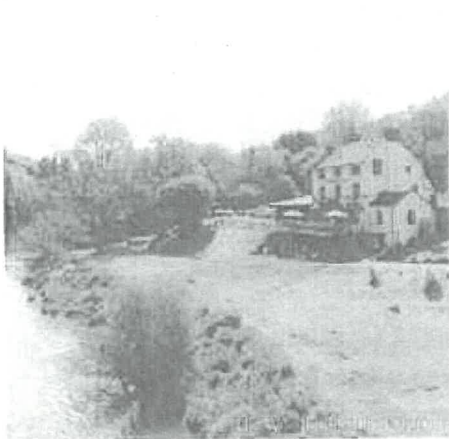
Products

In our eyes we sell decent food, wine and cask beers and make a point of always having a substantial range of malt whiskies behind the bar. The reality is that we also sell a lot of lager, cider, Guinness, coffee, etc., but our focus, image and reputation is centred on the food, wine, cask beer and whiskies.

Food – Our passion lies in finding quality ingredients and preparing, cooking and presenting them in a modern but unpretentious way. The menus have a spine of freshly prepared, classic British dishes complemented by more exotic influences from other parts of the world. They change slightly every week, with a more substantial change approximately every 4 to 6 weeks according to what the manager and head chef decide, usually in consultation with our executive chef. *See sample menu

Wine – We started out as massive fans of Oddbins, to précis: “Who cares about where the wine comes from but does it taste good and is it a reasonable price?”. Over the years this philosophy has developed, as has the market place, and we see wine as an essential part of our offering. We stick to the rule that the wine must taste good and represent good value for money, but try to get a list of 40 to 50 wines that covers most bases, without getting into vintages etc. This number allows a very good range of styles and qualities without becoming over-facing or frightening to read (four sides of A4). *See sample wine list

Cask Beers – Always one of our mainstays, most pubs have around 6 cask ales on offer at any one time. The ranges vary considerably from pub to pub but most will have 3 or 4 that they don't change very often and 2 or 3 that they constantly rotate. We encourage the pubs to keep the line-up balanced, by which we mean that consideration should be given to strength, style and whether they are locally made, well regarded nationally or something off the beaten track. We sometimes have national brands (Flowers being a popular one) but it is generally discouraged. The individual pub line-ups aren't currently available on our website but there is a beer trivia page, which details many (over 250) of the favourites from around the company.



The Physician

~ Monday 19th February 2018 ~

While you wait

Plum and vanilla gin fizz; Edinburgh plum and vanilla liqueur topped up with prosecco £6.25

Sloe Gin fizz; Sloe gin topped up with prosecco £6.25

Marinated Nocellara olives £3.95

Starters

Roasted tomato, red pepper and basil soup with crusty bread £5.25

Pan fried scallops with cauliflower puree, black pudding and an apple and endive salad £10.95

Crispy ham hock and mustard terrine with pea and broad bean puree £6.50

Gin cured salmon with horseradish yoghurt and dill oil £6.95

Deep fried Cornish Brie with pickled cranberries and candied pecan salad £6.25

Chicken liver pâté with carrot and apricot chutney and granary toast £6.25

Wild mushroom risotto with tarragon, pickled mushrooms and truffle oil £5.95

Garlic and rosemary baked Camembert with fruit chutney and warm ciabatta £12.95

Charcuterie board; Chicken liver pate, Cured meats, roquito peppers, caperberries, pea falafels, olives, apricot chutney and hummus with granary toast (great for sharing) £18.95

Light Bites

Rump steak sandwich with Dijon, tarragon mayonnaise and fries £10.95

Harissa halloumi salad (V) with charred aubergines and mint yoghurt £8.95

Five spiced duck leg with spring onion, cucumber, hoisin sauce and pancakes £8.95

Wild mushroom, blue cheese and spinach quiche (V) with creme fraiche potato salad £9.25

Salmon and smoked haddock fisheake and poached egg with chive and caper sauce £9.95

King prawn and chorizo linguine with oven dried cherry tomatoes, capers and rocket £10.75

Mains

Deep fried cod in beer batter with chips, mushy peas and tartare sauce £13.45

Appleby's Cheshire cheese, potato and onion pie with carrot puree, winter greens and gravy £12.95

Warm crispy beef salad with sweet chilli dressing and cashew nuts £12.95

Fish pie salmon, smoked haddock and prawns with French style peas £14.50

Lashfords pork sausages with mash, buttered greens and onion gravy £12.95

Braised shoulder of lamb with dauphinoise potatoes, carrot mash and rosemary gravy £17.25

Cider braised faggots with mashed potato, kale, leeks and a cider jus £11.95

Game suet pudding (venison, pheasant and rabbit) with mash and buttered greens £14.95

Salmon wellington with creamed spinach, buttered new potatoes and winter greens £15.50

Pork tenderloin wrapped in parma ham with tarragon potato cakes, chorizo, peas and a red wine jus £16.95

Slow cooked beef feather blade with colcannon mash, caramelised shallot and parsnip crisps £15.75

Steak burger topped with grilled bacon and Cheddar, served with coleslaw and chips £12.95

Pan fried chicken breast with black garlic, king oyster mushrooms, cauliflower purée and a red wine jus £14.50

Sweet potato, cauliflower and chick pea tagine (V) with apricot and date couscous £11.95

Honey roasted ham (served cold) with eggs and chips £11.45

10oz Rump steak with Dijon and tarragon butter, portobello mushrooms, tomato and chips £18.95

24oz cote de boeuf (To share) Rib eye on the bone, served with chips, mushrooms, balsamic tomatoes, crispy onions, pepper sauce and bearnaise sauce £44.95

We are happy to provide allergen guidelines for all our menu items, for more detailed information please speak to a member of the team. We take additional measures when told about allergens but as our food is prepared and freshly cooked to order in our kitchen, we cannot guarantee all traces of allergens and gluten are completely removed.



Sandwiches

- BLT sandwich** on white bloomer bread £6.75
Fish finger sandwich on wholemeal bloomer bread with tartare sauce £7.95
Toasted sourdough (V) with roasted portobello mushrooms, spinach and Worcester Blue cheese £6.75
Crayfish marie rose open sandwich on granary bread £6.95

Smaller Things for smaller appetites

- Deep fried cod in beer batter** with chips, mushy peas and tartare sauce £8.25
Honey roasted ham (served cold) with eggs and chips £7.25
Beef burger with cheese and chips £7.95
Pasta (V) with tomato sauce and Cheddar cheese £5.95
Pork sausages with mash and onion gravy £7.25

Side Orders

- | | |
|-------------------------|---------------------------------------|
| Mixed vegetables £3.50 | Mixed salad with house dressing £3.95 |
| Chunky chips £3.50 | Garlic bread with cheese £3.95 |
| Fries £3.50 | Garlic bread £3.50 |
| Bread with butter £2.25 | Green salad with apple dressing £3.95 |

Puddings

- Sticky toffee pudding** with toffee sauce and vanilla ice cream £5.95
Crème brûlée with shortbread biscuits £5.95
Spiced plum and almond Bakewell with cinnamon ice cream £5.95
Apple and blackberry crumble with vanilla custard £5.95
Triple chocolate brownie, with chocolate sauce and vanilla ice cream £6.25
Dessert plate consisting of: Dark chocolate marquise,
 Raspberry brulee,
 Baileys ice cream and shortbread £10.95

Ice Creams and Sorbets

- Cheshire Farm ice cream** - choose three scoops from vanilla, strawberry, chocolate, banoffee and cinnamon £5.25
Cheshire Farm sorbets - choose three scoops from lemon, cherry and apple £5.25
 Single scoop £1.75
 Chocolate sauce £1.95

Cheese Board

- A selection of British farmhouse cheeses;** Worcester Blue, Bosworth Ash, Appleby's Cheshire, Cornish Brie and Hereford Hop with biscuits, fruitcake and chutney (ideal for sharing if you're so inclined) £8.95

*For your chance to win a meal and drinks up to the value of £50, please subscribe to our mailing list at www.thephysician.co.uk
 The Physician, Harborne Road, Edgbaston, Birmingham, B15 3DH. 0121 272 5900*

The Physician

With Allergen Information

~ Monday 19th February 2018 ~

If you are reading our allergen menu you will probably have an allergy or sensitivity to a particular ingredient. Can you please make this clear when ordering food so that we can ensure that the chefs are aware.

Where certain allergens are highlighted the allergen may relate to just one component of the dish, such as bread served with soup for instance, which may easily be substituted or removed. For more information please ask one of our crew.

While you wait

- Plum and vanilla gin fizz;** Edinburgh plum and vanilla liqueur topped up with prosecco £6.25
Sloe Gin fizz; Sloe gin topped up with prosecco £6.25
Marinated Nocellara olives £3.95

Starters

- Roasted tomato, red pepper and basil soup** with crusty bread £5.25
Contains: Gluten, Egg, Soya, Milk, Celery, Sulphur Dioxide
- Pan fried scallops** with cauliflower puree, black pudding and an apple and endive salad £10.95
Contains: Gluten, Molluscs, Milk, Sulphur Dioxide
- Crispy ham hock and mustard terrine** with pea and broad bean puree £6.50
Contains: Gluten, Egg, Soya, Milk, Celery, Mustard, Sulphur Dioxide
- Gin cured salmon** with horseradish yoghurt and dill oil £6.95
Contains: Fish, Milk, Sulphur Dioxide
- Deep fried Cornish Brie** with pickled cranberries and candied pecan salad £6.25
Contains: Gluten, Egg, Nuts, Soya, Milk, Celery, Sulphur Dioxide
- Chicken liver pâté** with carrot and apricot chutney and granary toast £6.25
Contains: Gluten, Egg, Soya, Milk, Sulphur Dioxide
- Wild mushroom risotto** with tarragon, pickled mushrooms and truffle oil £5.95
Contains: Milk, Celery, Sulphur Dioxide
- Garlic and rosemary baked Camembert** with fruit chutney and warm ciabatta £12.95
Contains: Gluten, Milk, Celery, Sulphur Dioxide
- Charcuterie board;** Chicken liver pate, Cured meats, roquito peppers, caperberries, pea falafels, olives, apricot chutney and hummus with granary toast (great for sharing) £18.95
Contains: Gluten, Egg, Soya, Milk, Sesame, Sulphur Dioxide

Light Bites

- Rump steak sandwich** with Dijon, tarragon mayonnaise and fries £10.95
Contains: Gluten, Egg, Mustard, Sulphur Dioxide
- Harissa halloumi salad (V)** with charred aubergines and mint yoghurt £8.95
Contains: Milk
- Five spiced duck leg** with spring onion, cucumber, hoisin sauce and pancakes £8.95
Contains: Gluten, Crustaceans, Soya, Sesame, Sulphur Dioxide
- Wild mushroom, blue cheese and spinach quiche (V)** with creme fraiche potato salad £9.25
Contains: Gluten, Egg, Milk, Mustard, Sulphur Dioxide
- Salmon and smoked haddock fishcake** and poached egg with chive and caper sauce £9.95
Contains: Gluten, Egg, Fish, Milk, Celery, Mustard, Sulphur Dioxide

King prawn and chorizo linguine with oven dried cherry tomatoes, capers and rocket £10.75
Contains: Gluten, Crustaceans, Egg, Milk, Sulphur Dioxide

Mains

Deep fried cod in beer batter with chips, mushy peas and tartare sauce £13.45
Contains: Gluten, Egg, Fish, Mustard, Sulphur Dioxide

Appleby's Cheshire cheese, potato and onion pie with carrot puree, winter greens and gravy £12.95
Contains: Egg, Milk, Celery, Sulphur Dioxide

Warm crispy beef salad with sweet chilli dressing and cashew nuts £12.95
Contains: Nuts, Milk, Sesame, Sulphur Dioxide

Fish pie salmon, smoked haddock and prawns with French style peas £14.50
Contains: Gluten, Crustaceans, Egg, Fish, Milk, Celery, Sulphur Dioxide

Lashfords pork sausages with mash, buttered greens and onion gravy £12.95
Contains: Gluten, Soya, Milk, Celery, Sulphur Dioxide

Braised shoulder of lamb with dauphinoise potatoes, carrot mash and rosemary gravy £17.25
Contains: Milk, Celery, Sulphur Dioxide

Cider braised faggots with mashed potato, kale, leeks and a cider jus £11.95
Contains: Gluten, Milk, Celery, Sulphur Dioxide

Game suet pudding (venison, pheasant and rabbit) with mash and buttered greens £14.95
Contains: Milk, Celery, Sulphur Dioxide

Salmon wellington with creamed spinach, buttered new potatoes and winter greens £15.50
Contains: Gluten, Egg, Fish, Milk, Celery, Sulphur Dioxide

Pork tenderloin wrapped in parma ham with tarragon potato cakes, chorizo, peas and a red wine jus £16.95
Contains: Gluten, Milk, Celery, Sulphur Dioxide

Slow cooked beef feather blade with colcannon mash, caramelised shallot and parsnip crisps £15.75
Contains: Milk, Celery, Sulphur Dioxide

Steak burger topped with grilled bacon and Cheddar, served with coleslaw and chips £12.95
Contains: Gluten, Egg, Soya, Milk, Celery, Mustard, Sulphur Dioxide

Pan fried chicken breast with black garlic, king oyster mushrooms, cauliflower purée and a red wine jus £14.50
Contains: Milk, Celery, Sulphur Dioxide

Sweet potato, cauliflower and chick pea tagine (V) with apricot and date couscous £11.95
Contains: Gluten, Celery, Sulphur Dioxide

Honey roasted ham (served cold) with eggs and chips £11.45
Contains: Gluten, Egg, Mustard, Sulphur Dioxide

10oz Rump steak with Dijon and tarragon butter, portobello mushrooms, tomato and chips £18.95
Contains: Milk, Mustard, Sulphur Dioxide

24oz cote de boeuf (To share) Rib eye on the bone, served with chips, mushrooms, balsamic tomatoes, crispy onions, pepper sauce and bearnaise sauce £44.95
Contains: Gluten, Milk, Celery, Mustard, Sulphur Dioxide

Sandwiches

BLT sandwich on white bloomer bread £6.75
Contains: Gluten, Egg, Soya, Milk, Mustard, Sulphur Dioxide

Fish finger sandwich on wholemeal bloomer bread with tartare sauce £7.95
Contains: Gluten, Egg, Fish, Soya, Milk, Mustard, Sulphur Dioxide

Toasted sourdough (V) with roasted portobello mushrooms, spinach and Worcester Blue cheese £6.75
Contains: Gluten, Soya, Milk, Sulphur Dioxide

Crayfish marie rose open sandwich on granary bread £6.95
Contains: Gluten, Crustaceans, Egg, Soya, Milk, Mustard, Sulphur Dioxide

Smaller Things for smaller appetites

Deep fried cod in beer batter with chips, mushy peas and tartare sauce £8.25
Contains: Gluten, Egg, Fish, Mustard, Sulphur Dioxide

Honey roasted ham (served cold) with eggs and chips £7.25
Contains: Gluten, Egg, Mustard, Sulphur Dioxide

Beef burger with cheese and chips £7.95
Contains: Gluten, Egg, Soya, Milk, Celery, Sulphur Dioxide

Pasta (V) with tomato sauce and Cheddar cheese £5.95
Contains: Gluten, Egg, Milk, Sulphur Dioxide

Pork sausages with mash and onion gravy £7.25
Contains: Gluten, Soya, Milk, Celery, Sulphur Dioxide

Side Orders

Mixed vegetables £3.50
Contains: Milk

Chunky chips £3.50

Fries £3.50

Bread with butter £2.25

Contains: Gluten, Soya, Milk

Mixed salad with house dressing £3.95
Contains: Celery, Mustard, Sulphur Dioxide

Garlic bread with cheese £3.95
Contains: Gluten, Soya, Milk

Garlic bread £3.50
Contains: Gluten, Soya, Milk

Green salad with apple dressing £3.95
Contains: Celery, Sulphur Dioxide

Puddings

Sticky toffee pudding with toffee sauce and vanilla ice cream £5.95
Contains: Egg, Soya, Milk

Crème brûlée with shortbread biscuits £5.95
Contains: Gluten, Egg, Milk

Spiced plum and almond Bakewell with cinnamon ice cream £5.95
Contains: Gluten, Egg, Nuts, Milk, Sulphur Dioxide

Apple and blackberry crumble with vanilla custard £5.95
Contains: Gluten, Milk

Triple chocolate brownie, with chocolate sauce and vanilla ice cream £6.25
Contains: Egg, Soya, Milk

Dessert plate consisting of: Dark chocolate marquise,
 Raspberry brulee,

Baileys ice cream and shortbread £10.95
Contains: Gluten, Egg, Peanuts, Nuts, Soya, Milk, Sulphur Dioxide

Ice Creams and Sorbets

Cheshire Farm ice cream - choose three scoops from vanilla, strawberry, chocolate, banoffee and cinnamon £5.25
Contains: Gluten, Soya, Milk, Sulphur Dioxide

Cheshire Farm sorbets - choose three scoops from lemon, cherry and apple £5.25
Contains: Gluten, Milk

Single scoop £1.75
Contains: Gluten, Milk

Chocolate sauce £1.95
Contains: Soya, Milk

Cheese Board

A selection of British farmhouse cheeses; Worcester Blue, Bosworth Ash, Appleby's Cheshire, Cornish Brie and Hereford Hop with biscuits, fruitcake and chutney (ideal for sharing if you're so inclined) £8.95
Contains: Gluten, Egg, Nuts, Soya, Milk, Celery, Sulphur Dioxide

Non Menu Items

Marinated Nocellara olives £3.95

Two scoop £3.50

Irish coffee £4.95

Contains: Gluten, Milk, Sulphur Dioxide

Peppercorn sauce £1.95

Contains: Milk, Celery, Sulphur Dioxide

Tomato, rocket and shaved Parmesan salad £3.95

Contains: Milk, Sulphur Dioxide

Mixed salad with house dressing £3.95

Contains: Celery, Mustard, Sulphur Dioxide

Dauphinoise potatoes £3.75

Contains: Milk

Crispy pork belly with sriracha mayo £3.50

Contains: Gluten, Egg, Soya, Milk, Mustard

NIBBLE platter A selection of 4 bar nibbles £9.95

Salt and pepper fried baby squid with aioli £3.50

Contains: Gluten, Molluscs, Egg, Mustard

Bar Crispy beef Warm crispy Beef with sweet chilli sauce £3.50

Contains: Gluten, Fish, Milk, Celery, Sesame, Sulphur Dioxide

Pork pie piccalilli £3.95

Contains: Gluten, Egg, Milk, Celery, Mustard, Lupin, Sulphur Dioxide



The Dinorben Arms

White Wines

Wines that are available by the glass are sold in 125ml measure.
Larger sizes of 175ml and 250ml are also available and are priced accordingly.

House white

Crusan Colombard Sauvignon, France

£3.20 £17.45

Fresh but succulent, this is a juicy little quaffer with a soft attack, late fruit and a clean finish.

Crisp and dry

Quindi Pinot Grigio, Italy

£3.45 £18.95

An Italian classic from the beautiful region of Puglia. Delicate citrus and apple aromas with a zesty lemon touch on the tongue balanced by crisp apple and soft pear.

Solandia Grillo Sicilia, Italy

£18.25

Sun-drenched vineyards of Sicily give us this modern favourite. How anything so delicately fragrant can be born from this heat is a wonder.

Daciana, Sauvignon Blanc, Romania

£3.65 £19.95

A great discovery. At a sauvignon tasting we had, this Romanian delight stood out tops. Crisp, tropical, fruity and dry. A refreshing dive into a green grapey pool of white wine

Domaine de Vedilhan Sauvignon Blanc, France

£20.75

Nose-pricklingly crisp, with refreshing hints of lime in the mouth. This is the wine you would give your future in-laws, boss, dentist or state prosecutor if you wanted things to go your way.

Les Girelles Picpoul de Pinet, France

£25.45

Bone-dry and mineralic with great texture. If you enjoy a crisp Sauvignon, this will float your boat.

Joseph Mellot Sancerre Les Collinettes, France

£33.75

When it comes to pedigree, Sancerre is an aristocrat of a wine, and this one certainly deserves its ennoblement. You'll find a classic lick of gooseberry with hints of honey and grapefruit.

Dry and aromatic

Rare Vineyards Marsanne Viognier, France

£19.75

Rhône grapes go on holiday! Frolicking in the Southern French sunshine and throwing off their traditional oaky restraint to create a wine that is fresh and peachy, soft and rounded.

Etchart Privado Torrontés, Argentina

£19.95

Juicy and fragrant. If I had but £20 left in the world, this is what I would do with it. Then I'd put the change on an accumulator at Epsom so I could buy some more later.

Riverstone Sauvignon Blanc, Marlborough, New Zealand

£4.15 £22.75

This Kiwi beauty is bursting at the seams with zingy gooseberries, nettles and voluptuous tropical fruit flavours.

Raimat Albariño, Spain

£26.95

This Spanish señorita dances on your palate with a kick of zippy citrus and graceful swirls of apricot, almonds and sweet vanilla.

Bay of Fires Riesling, Tasmania

£29.95

Dry with a classic diesel nose, this is no oily rag. This is a brushed chrome, highly polished aromatic beauty delivered with a cheeky spark of Tasmanian madness.

Cloudy Bay Sauvignon Blanc, Marlborough, New Zealand

£44.95

Behold the icon of New Zealand Sauvignons which still sits on its elegant throne after all these years. Okay so it's pricey, but this is exactly what £44.95 is designed for.

Clean and rounded

- Kleine Zalze Bush Vines Chenin Blanc, South Africa** £3.45 £18.95
 Bags of yellow tropical fruits. South Africa is absolutely jumping right now, and Chenin Blanc is the pole-vaulter of the team. One step up from dry, but it never cloy.
- Les Volets Chardonnay, France** £3.85 £20.95
 A full flavoured Burgundy white. Zesty acidity leading to green apple and soft brioche notes. Old oak barrels have added texture and added a nutty twist. If you're looking for a high quality Chardonnay, this punches well above it's weight.
- Araldica Gavi 'La Luciana', Italy** £24.95
 Overlook this, and you'll be the poorer for it. This is a discovery wine, from the cool foothills of Piedmont, and is dry, crisp and lemony.
- Sileni Cellar Selection Pinot Gris, Hawke's Bay, New Zealand** £27.95
 The Alsace grape on holiday in the adventure capital of the world. Adventurous stone fruit, citrus and pear flavours. PG goes bungee jumping!

Rich and full

- Mâcon Villages Domaine de la Grange Magnien, Louis Jadot, Burgundy, France** £28.95
 Iconic white Burgundy from the traditional home of Chardonnay. Dry, crisp, minerally fruit, fantastic length. Gallic Chardonnay for people who think they don't like Chardonnay.
- Domaine de la Motte Chablis Premier Cru, Beauroy, France** £42.95
 Too often these days, Chablis can be mean, lean and plain unfriendly, but this is old school aromatic buttery loveliness. This is a big shaggy dog of a wine that licks you all over.

Organic White

- La Ciboise Luberon Blanc, M.Chapoutier, France** £26.95
 This organic white walks barefoot in the mountains of Luberon with flowers in its hair. White blossom, lemon and exotic fruit skip hand-in-hand with a fresh, round finish.
- Tenuta del Porconero Fiano, Paestum, Italy** £24.95
 Fiano is widely tipped as the next big thing. Lovingly produced in harmony with the lunar cycle, it has clean, rich flavours of hazelnut, green apple, pears, jasmine and broom. Get in touch with your spiritual side, man.
- Sepp Grüner Veltliner, Austria** £29.95
 The indigenous Austrian grape Gruner Veltliner is given the organic treatment by the legendary Nikolaus, son of Sepp. Grapefruit with a hint of spice and edelweiss.

Fizz

- Midea Prosecco** £5.25 £22.95
 The fuel of gondoliers, water-taxi drivers and romances of Venice. Happy bubbles....Ciao bella!
- Mirabello Pinot Grigio Rosé Spumante, Italy** £5.25 £24.95
 Let's face it, it doesn't get much more fun than pink bubbles. Time to unfasten your top button and let your hair down.
- Louis Dornier et Fils Champagne, France** £7.75 £37.95
 A light, fresh, vigorously youthful champagne with a fine, elegant, slightly lemony nose, lively mousse and long, crisp palate. What's not to love?
- Perrier-Jouët Grand Brut NV Champagne, France** £49.95
 Push the boat out with this Grande Marque, well known for its friendly and open style. Perrier-Jouët have been making champagne since 1811, and they've pretty much nailed it by now.
- Taittinger Prestige Brut Rosé NV Champagne, France** £54.95
 Ultimately elegant pink bubbles from Reims. Dry and deep pink in colour with flavours of strawberry and cherry, this is the champagne of the bon viveur — beaucoup de luxury!



The Dinorben Arms

Red Wines

Wines that are available by the glass are sold in 125ml measure.
Larger sizes of 175ml and 250ml are also available and are priced accordingly.

House red

Solandia Nero d'Avola, Italy

£3.20 £17.45

This is a proper Italian quaffer with bags of character. Excellent on its own or with food.

Elegant and less weighty

Mucho Mas Merlot, Central Valley, Chile

£3.45 £18.95

A lovely mountain Merlot. Plum, blackcurrent and cranberry aromas provide a nose full. A really easy drinking red with juicy and fresh soft red fruits with just a hint of green pepper....'Mucho'.

Granfort Merlot, France

£3.65 £19.95

Superb Old World Merlot. A foodie wine with a touch of elegance. Southern France character with soft tannin and a little chocolate richness to finish.

Conviviale Montepulciano d'Abruzzo, Italy

£19.95

This wine takes you on a whirlwind tour on the back of a Vespa along the route of black cherries, raspberries and light zippy fruit... Bellissimo!

Rare Vineyards Pinot Noir, France

£4.00 £21.95

If wine were footwear, this would be a light summer deck shoe. In the glass, this Pinot Noir is warm and loving with a good level of fruit that's had the sun on its back. Red cherries spring to mind.

The Cloud Factory Pinot Noir, Marlborough, New Zealand

£31.95

This New Zealand Pinot drives with the top down and the wind in its hair. Living on the coast of the Southern Ocean, it is quirkier and more vibrant than its French cousin. Full of breezy finesse and flavours of cranberry and redcurrant.

Fleurie, Château de Fleurie Liron, France

£31.45

You'll find ripe and savoury strawberry, cherry and raspberry fruit, which stays clean and supple throughout. This is a welcome relief from those shouty New World fruit-bombs, jumping up and down, waving their arms about and generally showing off.

Smooth and earthy

Aradon Rioja, Spain

£4.00 £21.95

A real Rioja with unmistakable delicate soft tannins of Tempranillo that fill the mouth with fleshy cherry and plum fruit balanced by its more earthy, savoury character and sweet spice finish.

Emiliana Carménère, Chile

£19.95

Packed with strawberry, cherry and black pepper aromas, the smoky coffee notes from the French oak also add intensity on the palate. The only thing better than a glass of Emiliana is two glasses of Emiliana.

Flagstone Longitude Cab Sauv Shiraz Mourvèdre, South Africa

£21.45

South African blends have become renowned of late, this one unusually combines influences from Bordeaux and Rhône, but with a South African twist.

Don Jacobo Rioja Crianza, Spain

£26.95

Easy in the mouth, this is warm and friendly, all a classic Rioja should be. If God had access to wine, I like to think this would be to his taste. It speaks a rich, dark but soft voice.

Warm and spicy

- Nederburg 'The Manor' Shiraz, South Africa** £3.65 £19.95
An abundance of prune, plum and cherry with pencil shaving and oak spice aromas is met on the palate by flavours of ripe plum, cherry and dark chocolate.
- Percheron Shiraz Mourvèdre, South Africa** £19.95
A 'Percheron' is a breed of French heavy horse used by early settlers. This Shiraz blend is strong, robust and dependable, like its namesake - yet it remains surprisingly nimble on its feet.
- Etchart Malbec, Argentina** £4.00 £21.95
A rich, yet very soft and juicy example of what many regard as Argentina's most successful red grape. The grapes have sufficient time to ripen fully during the long growing season in Cafayate and then aged for six months in oak.
- Nederburg 'The Brewmaster' Cabernet Sauvignon, Western Cape, South Africa** £34.95
Serious kit. A tribute to Johann Graue, the famous 'Brewmaster' of the Western Cape. Claret with a blast of South African sunshine. Big, warm, restrained and respectful - a gentle giant.
- Domaine La Haute Marone Gigondas, 'Dentelles de Montmirail', France** £34.95
This is a heady, top-end wine from the Southern Rhône. Its weight and warm spices come primarily from hand-picked Grenache, whereas all the finesse comes from earthy, elegant Syrah.

Rich and plummy

- Boutinot 'Les Coteaux' Côtes du Rhône Villages, France** £24.95
This has weight, fruit and power, with immense smoothness and harmony. In choral terms, Boutinot's 'Les Coteaux' is the Penrhyn Male Voice Choir.
- Passori Rosso, Veneto, Italy** £4.75 £25.95
'Passori' is an anagram of 'Ripasso', a style of wine renowned for its rich, dark-baked Christmas cake flavours and aromas of sun-dried raisins. Amarone for the people.

Organic Red

- Honoro Vera Organic Monastrell, Bodegas Juan Gil, Jumilla, Spain** £22.75
Mid Spain, big sun, huge fruit. This is a Flamenco dancer's lunchtime tippie! Taste the sunshine.
- Borie de Maurel Esprit d'Automne Minervois, France** £24.95
This classic country wine rides into town on its bicycle with a string of onions round its neck. It is rustic, earthy and sun-kissed with a deep purple nose and bags of Gallic charm. Pass the baguette.

Rosé

- Kleine Zalze Gamay Noir Rosé, South Africa** £3.65 £19.95
This wine is, if you will, a halfway house between the strawberries and cream approach and more serious wines. It's very good at what it does, but it remains chilled out while it's doing it.
- I Castelli Pinot Blush** £3.85 £20.95
Lightly tinted Pinot Grigio with elegant, fresh berry fragrances. Soft and balanced with round, fruity flavours.
- Kissing Tree Zinfandel, California, USA** £3.85 £20.95
Strawberries and cream in a glass on a mid-summers' day.
- Domaine de L'Olibet 'Les Pujols' Cinsault Rosé, Pays d'Oc, Languedoc France** £4.00 £21.95
Delicate dry rosé from the black Cinsault grape. Fine and elegant with strawberry and raspberry flavours. Serious rosé with a dry finish - it could have been a red and it knows it.

Dessert Wine

- Ginestet Classique Sauternes 50cl, France - 50ml glass** £2.95 £24.45
This wine blew our pants off - there's loads going on with flavours of almond, peach and orange and is intense, complex and long: that's Botrytis (noble rot) for you.

V

Bath & North East Somerset Council

Agenda Item 8

V Bath & North East Somerset Council		
MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 4 April 2019	
TITLE:	Application to Vary the Premises Licence for Homewood Park Hotel & Spa Homewood, Hinton Charterhouse, Bath BA2 7TB.	
WARD:	Bathavon South	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application to Vary the Premises Licence	
Annex B	Current Premises Licence	
Annex C	Site Plan	
Annex D	Representation from Safety & Standards Bath & North East Somerset Council	

1 THE ISSUE

1.1 An application has been received from Homewood Park Limited for the variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of Homewood Park Hotel & Spa, Homewood, Hinton Charterhouse, Bath BA2 7TB.

2 RECOMMENDATION

2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

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

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

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

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

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

5 THE REPORT

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

5.2 The current premises licence is detailed in Annex B.

5.3 The Variation application seeks to:

- Vary the hours for the Sale of Alcohol to the public, every day, to 10:00 – 01:00 the following morning;
- Vary the hours for the provision of Late Night Refreshment, every day, to 23:00 – 01:00 the following morning;
- Remove the non-standard timings for Good Friday and Christmas Day in respect of the Sale of Alcohol and the Playing of Recorded Music;
- Add a non-standard timing for New Year's Eve in respect of the provision of Late Night Refreshment;
- Add the conditions agreed with the Police pre-application as detailed in section M of the application;
- Revise the floor plan relating to the Ground Floor ;
- Remove the non-standard timing relating to opening times; and to
- Remove the following Annex 2 condition that states:

No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar.

5.4 The "spa area" comprises of the spa pool, treatment rooms, changing rooms and outdoor pool. The "champagne area" relates to a champagne nail bar that no longer forms part of the offering at the premises.

5.5 A site plan is 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, and
- d) The Protection of Children from Harm.

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

- 5.7 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.8 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.9 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.10 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, 15, 17-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised April 2017).
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 5.11 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.
- 5.12 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.

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

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

- 5.13 In accordance with the requirements of the Act copies of the application were served upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Health Authority and the Safeguarding Children and Young Persons Team.
- 5.14 The applicant was required to place a notice at the premises for a period of 28 days starting the day after the application was made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.15 **One representation** of objection has been received from Sara Chiffers, Specialist Officer – Health, Safety & Food, BANES Council (Annex D). It expresses concern that the applicant's proposal to remove the existing Annex 2 condition will effectively allow alcohol to be sold (appropriated to the customer) within the Spa Area, and as such is likely to undermine the **Public Safety** licensing objective.
- 5.16 **No representations** have been received in relation to any of the other proposals detailed within the application.
- 5.17 This report has not been sent to the Trades Union because they would have no involvement in this application.

6 RATIONALE

- 6.1 As a relevant representation has been received the Licensing Sub-Committee must determine the application in accordance with the Licensing Act 2003.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Director - Legal & Democratic Services and Council Solicitor), section 151 Officer (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We **Homewood Park Limited**

(Insert name(s) of applicant)

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

Premises licence number

18/02146/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Homewood Park Hotel & Spa
Homewood
Hinton Charterhouse

Post town

Bath

Postcode

BA2 7TB

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ BAND C

Part 2 – Applicant details

Daytime contact telephone number	01225 585015		
E-mail address (optional)	steveholmes@kaleidoscopecollection.co.uk		
Current postal address if different from premises address	Homewood Park Limited The Bird Bath 18-19 Pulteney Road Bathwick,		
Post town	Bath	Postcode	BA2 4EZ

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? YES

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

DD		MM		YYYY			

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

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

- To vary the hours for the Sale of Alcohol to the public, every day, to 10:00 – 01:00 hours the following morning;
- To remove the non-standard timings for Good Friday and Christmas Day in relation to the Sale of Alcohol and the Playing of Recorded Music;
- To vary the hours for the provision of Late Night Refreshment every day to 23:00 – 01:00 the following morning;
- To add a non-standard timing for New Year's Eve in respect of Late Night Refreshment;
- To remove the Annex 2 condition that states:
 - "No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar"
- To add the measures agreed with the Police pre-application (as detailed in section M);
- To revise the floor plan relating to the Ground Floor as attached; and
- To remove the non-standard timing relating to opening times as the premises is already permitted to open 24 hours per day, every day.

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) 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) Y

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

In all cases complete boxes K, L and M

A n/a

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

B n/a

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri					
Sat			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 (please read guidance note 7)		
Sun					

C n/a

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<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 7)
Sat			
Sun			

D n/a

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E n/a

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

F n/a

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

G n/a

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H n/a

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	Y
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	23:00	01:00			
Tue	23:00	01:00			
Wed	23:00	01:00			
Thur	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun	23:00	01:00			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
			From 23:00 hours on New Year's Eve until 05:00 hours on New Year's Day.		

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	Y
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
			<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> (please read guidance note 7)		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

K

<p>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 10).</p> <p>NONE</p>
--

L n/a

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

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

"No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar"

Please tick as appropriate

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

☐
☐

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

As the application is being submitted electronically via email, the premises licence shall be returned to the Licensing Authority under separate cover.

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

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.

b) The prevention of crime and disorder

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.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

The premises will operate a 'Challenge 21' policy and will display signs advertising this policy at all bar areas.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; PLEASE CALL TO TAKE CARD Y
- PAYMENT OF THE APPLICATION FEE
I have not made or enclosed payment of the fee because this application has been made n/a
in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others
where applicable. Electronic application therefore onus is on the LA to serve copies on n/a
the Responsible Authorities
- I understand that I must now advertise my application. Y
- I have enclosed the premises licence or relevant part of it or explanation. Y
- I understand that if I do not comply with the above requirements my application will
be rejected. Y

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Steven Holmes (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Ian Taylor (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

Signature	Christa Taylor (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

Signature	Seng Loy (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Mr Steven Holmes

Post town		Post code	
Telephone number (if any)	01225 585015		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
steveholmes@kaleidoscopecollection.co.uk			

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

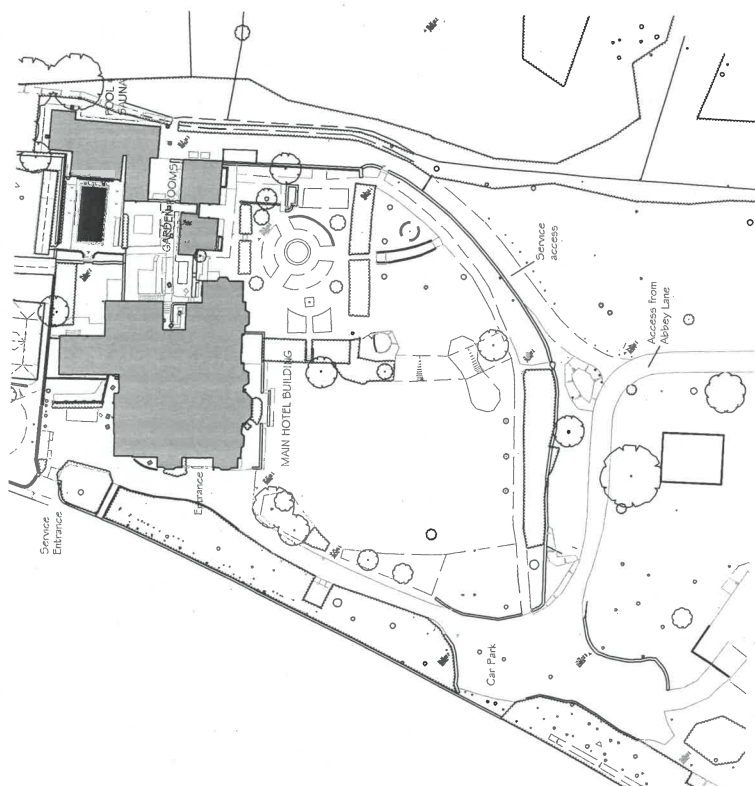


RIBA #

Chartered Practice

Notes

- 1 Do not scale this drawing.
- 2 All dimensions to be checked on site.
- 3 This drawing is to be read in conjunction with all relevant specifications and the architectural, structural, mechanical and electrical drawings.



SITE PLAN - 1:500

Rev	Date	Name	Details

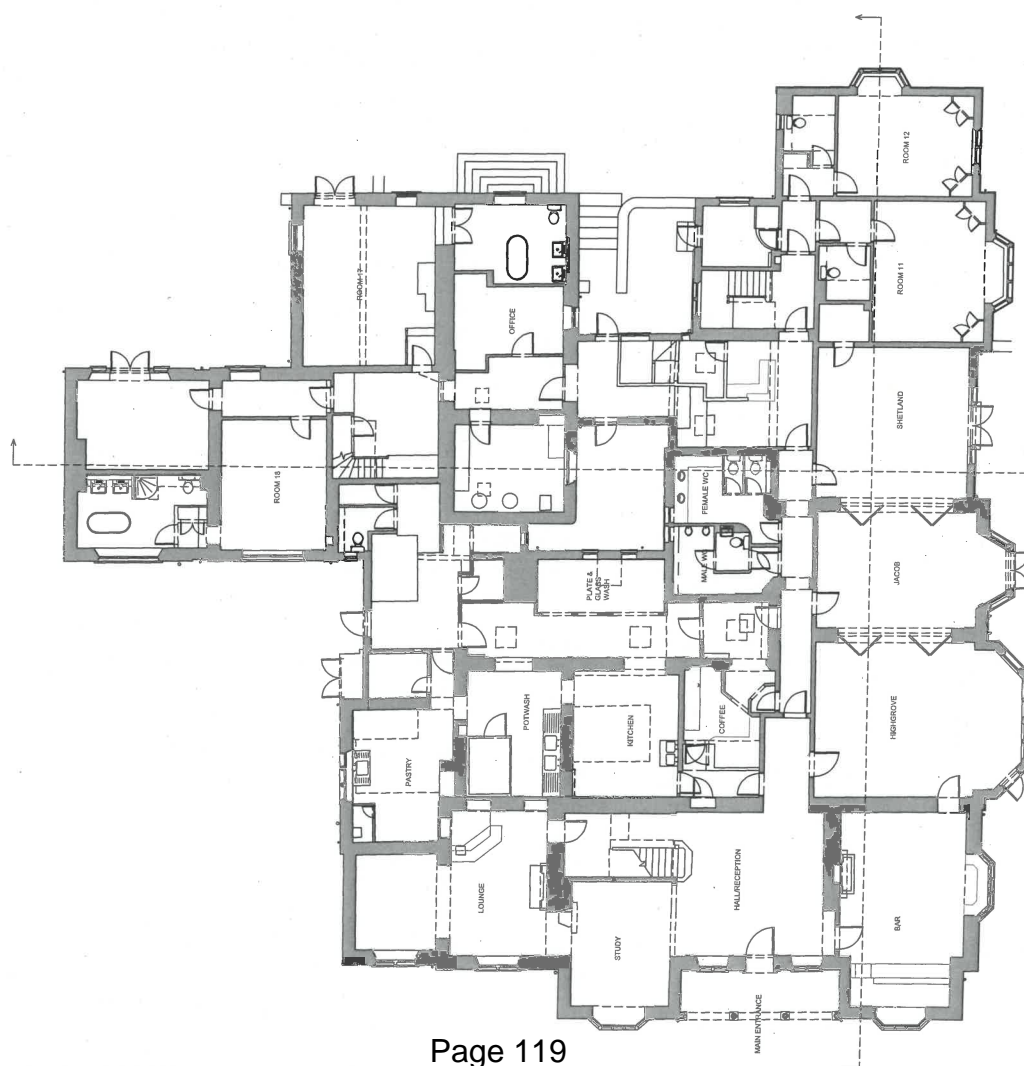
Esmond Murray Architects
 21 Van Diemens Lane, Lansdown, Bath BA1 5TW
 01225-447165 www.esmondmurrayarchitects.com

Client **Kaleidoscope Collection**

Project **Homewood Park Hotel
Hinton Charterhouse BA2 7TB**

Title **GROUND FLOOR AS EXISTING**

Date drawn	10/10/2018	Drawn	am	Checked	am	Scale @ A3 CS SHOWN	Revision
Project No.	M18-010	Original	JK	Drawing No.	20		



MAIN BUILDING - GROUND FLOOR PLAN 1:100

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Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	18/02146/LAPRE
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Part 1 – Premises Details

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

Homewood Park Hotel
Homewood
Hinton Charterhouse
BA2 7TB

Telephone number Not Available

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 23:30
Good Friday	12:00 - 23:30
Christmas Day	12:00 - 23:30

Performance of Recorded Music (indoors only)

Every Day	00:00 - 00:00
Good Friday	12:00 - 23:30
Christmas Day	12:00 - 23:30

Late Night Refreshment

Monday to Saturday	23:00 - 00:00
Sunday	23:00 - 23:30

Non Standard Timings

Sale of Alcohol: from normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

The sale/supply of alcohol to residents of the hotel and their bona fide guests shall be permitted 24 hours per day, every day.

The opening hours of the premises

Every Day 00:00 - 00:00

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

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

Alcohol is supplied for consumption both on and off the premises

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

Homewood Park Limited
County Hotel
18 - 19 Pulteney Road
Bathwick
Bath
BA2 4EZ
01225 585015
steveholmes@kaleidoscopecollection.co.uk

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

Registered Business Number - 11362518

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

Neil Raymond Glasspool
7 Teachers Way
Melksham
SN12 8FA

Bath & North East Somerset Council

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

LN/0018618
Wiltshire Council

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

Signed for and on behalf of

Bath & North East Somerset Council: *Terrill Wolyn*

Dated 3 October 2018

Bath & North East Somerset Council

Annex 1 – Mandatory conditions

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

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

where:

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

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

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

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

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

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

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

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

Bath & North East Somerset Council

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

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

From 1 October 2014:

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a) games or other activities which require or encourage, or are designed to require or encourage individuals to i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or, ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

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

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

Annex 2 – Conditions consistent with the Operating Schedule

No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar.

All children under the age of 16 to be accompanied by an adult whilst in the spa facilities.

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

Annex 4 – Plans

As submitted with application.



Homewood Park Hotel, Homewood Park Hotel, Homewood, Hinton
Charterhouse, Bath, BA2 7TB

Lewis House, Manvers Street, Bath BA1 1JG

Representation Form

Responsible Authority.

Health and Safety

Your Name	Sara Chiffers
Job Title	Specialist Officer – Health, Safety and Food
Postal and email address	Bath & North East Somerset Council Health & Safety Lewis House Manvers Street Bath BA1 1JG
Contact telephone number	01225 477560

Name of the premises you are making a representation about.	Homewood Park Hotel and Spa Variation to Licence Application 19/01065/LAPRE
Address of the premises you are making a representation about.	Homewood Park Hotel & Spa, Homewood, Hinton Charterhouse, BA2 7TB.

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.
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All 4 licensing objectives, namely:	No	In its role as a Responsible Authority the Health and Safety Team has considered this application and object to the removal of the Annex 2 condition that states:
• The prevention of crime and disorder;	No	<i>"No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar"</i>
• The prevention of public nuisance;	Yes	The consumption of alcohol prior to spa treatments, or the use of spa facilities such as a hot tub, hydrotherapy pool or swimming pool, is not recommended. This is well documented advice as it can increase the risk of dehydration, heat exhaustion and can impact on any underlying health related conditions. This is ultimately a safety risk.
• Public Safety	No	While it is not possible to prohibit guests from consuming alcohol prior to using the facilities or while at the pool side, it should not be encouraged.
• The protection of children from harm		The current condition requires guests to have to request drinks and then hotel staff are required to appropriate it for the customer.
		Removal of this condition means that it would be possible for a bar to be installed in the spa area. For example: a 'pop up gin bar' positioned at the poolside during the summer.
		Having a bar positioned in direct view may encourage unsafe behaviours on behalf of the guest by increasing the consumption of alcohol more so than if it was 'out of sight, out of mind' as it currently is.
		In short the Annex 2 condition that states:
		<i>"No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar"</i>

		should be retained to ensure public safety of all spa users at the hotel.
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<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>The issue has been discussed with Steve Holmes from Homewood Park on 27/02/19.</p> <p>The pool is located some distance away from the main hotel bar and staff either have to provide a waiter service or guests have to go to the main bar. It was an intention to make provision for a bar closer to the spa/pool area, however it was agreed that this could encourage the consumption of alcohol which is contrary to safety advice.</p> <p>Discussion was had about retaining the existing condition.</p>
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N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.



Signed:

Date: 28/02/19

Please return this form along with any additional sheets to:

Licensing Services,
Public Protection,
Lewis House,
Manvers Street,
Bath
BA1 1JG

E-mail address: licensing@bathnes.gov.uk

This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.