

# Licensing Sub-Committee

**Date:** Thursday, 12th November, 2020

**Time:** 10.00 am

**Venue:** Virtual Meeting - Zoom - Public Access via  
YouTube

**<https://www.youtube.com/bathnescouncil>**

**Councillors:** Manda Rigby, Michael Evans and Steve Hedges

Chief Executive and other appropriate officers  
Press and Public

**A briefing session for Members will be held at 9.30am.**



**Mark Durnford**

**Democratic Services**

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394458

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

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

## NOTES:

1. Inspection of Papers: Papers are available for inspection as follows:  
Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

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. Broadcasting at Meetings: -  
The Council will broadcast the images and sounds live via the internet  
<https://www.youtube.com/bathnescouncil>

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 clear 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. 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, 12th November, 2020**

**at 10.00 am in the Virtual Meeting - Zoom - Public Access via YouTube**  
**<https://www.youtube.com/bathnescouncil>**

**A G E N D A**

1. WELCOME & INTRODUCTIONS
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. LICENSING PROCEDURE (Pages 5 - 8)  
  
The Chair will, if required, explain the licensing procedure.
6. APPLICATION TO VARY A PREMISES LICENCE: COMMON ROOM, 2 SAVILLE ROW BATH BA1 2QP (Pages 9 - 58)

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

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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.

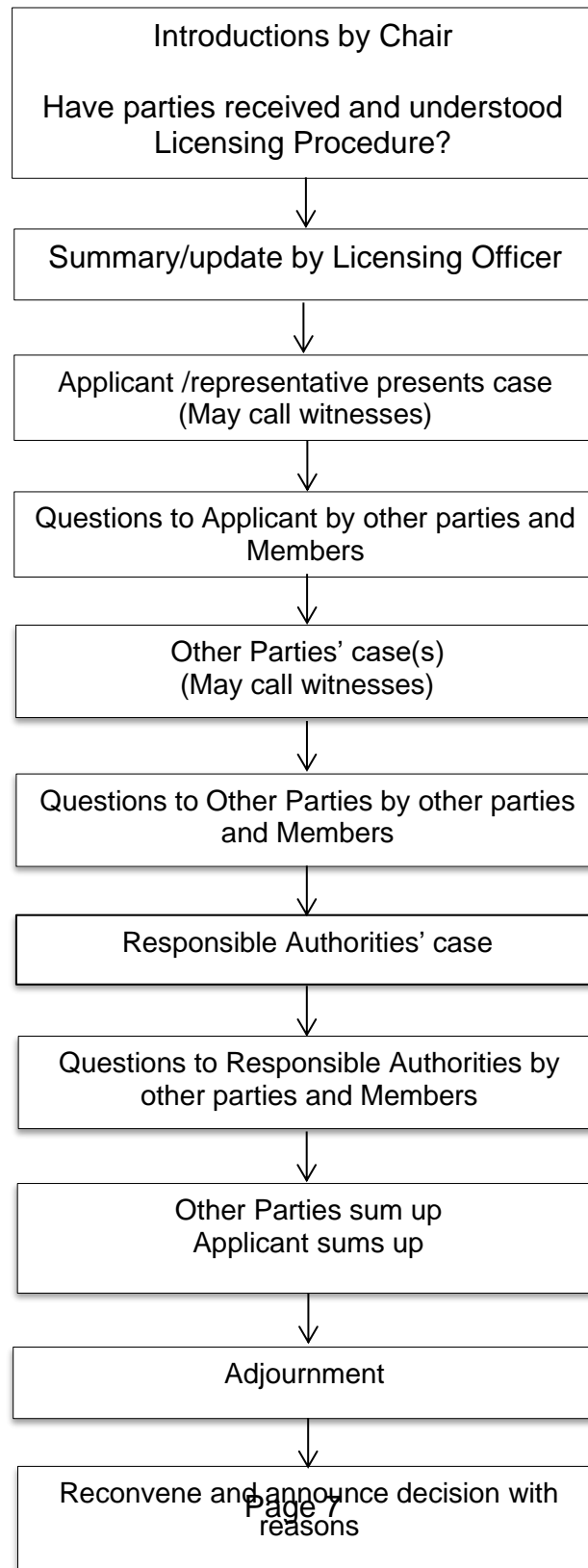
**PLEASE NOTE:**

- 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.

**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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Bath & North East Somerset Council		
MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 12 November 2020	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Common Room, 2 Saville Row Bath BA1 2QP	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b>		
<b>Annex A</b> Application to vary premises licence		
<b>Annex B</b> Current premises licence		
<b>Annex C</b> Plan of licensed premises and site plan		
<b>Annex D</b> Representations received from Other Persons		

## 1 THE ISSUE

1.1 An application has been received for the Variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of Common Room, 2 Saville Row, Bath BA1 2QP.

1.2 Relevant representations have been received within the statutory period.

## 2 RECOMMENDATION

2.1 The committee is asked to determine the application.

## 3 THE REPORT

3.1 An application has been received to vary an existing premises licence as detailed in Annex A.

3.2 The current premises licence is detailed in Annex B.

3.3 The Variation application seeks to:

- ADD the sale of alcohol for consumption off the premises:

Monday to Thursday	10:00 to 02:00 the following morning
Friday and Saturday	10:00 to 03:00 the following morning
Sunday	12:00 to 02:00 the following morning

- REMOVE the following conditions attached to Annex 1 of the current licence:

There shall be no off sales.

Sales of intoxicating liquor to be limited only to bona fide members of a club existing on the premises and their guests.

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

- Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept and made available for inspection as required by the Police or Licensing Authority;
- 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 with the exception of alcohol to be consumed within an area for which the premises has been granted a pavement licence, table and chairs permit or similar;
- Signage requesting patrons to be considerate to neighbours and to leave the premises quietly, shall be clearly displayed at the entrance/exit; and
- The premises will operate a 'Challenge 21' age verification policy and will display signs advertising this policy at the bar area.

3.5 There is no proposal within this application to increase the area from which licensable activities may currently take place. The proposal is to add the sale of alcohol for consumption **off premises** which if granted would enable the premises to operate an alcohol delivery service, provide traditional "off sales" and extend the temporary permission provided by the Business & Planning Act 2020. The latter makes provision to allow premises such as Common Room that do not have a dual licence, to be able to provide off sales at a time when the premises is also open for the sale of alcohol for consumption on premises, until a pre-cut off time of 23:00 hours, without the need to formally vary the premises licence.

3.6 A pavement licence has effect in respect of this premises until 23:00 hours Sunday to Thursday and until 00:00 hours on Friday and Saturday. The granting of this application would therefore permit alcohol to be consumed at the tables and chairs authorised by the pavement licence until midnight on Friday and Saturday; currently the temporary dispensation detailed in 3.6 lapses after 23:00 hours.

3.7 A plan of the licensed premises and site plan are attached at Annex C.

3.8 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:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm

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

3.10 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate to do so. The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.

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

3.12 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy (as revised in 2020), the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular:

- a) Paragraphs 3-6, 8-10,13-14,15,17-23, 27,33-36,38-41 and 43 of the policy
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised April 2018);
- c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.

3.13 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

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

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

3.16 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.

3.17 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.

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

3.19 Three representation of objection have been received within the statutory period from other persons. These representations express concern that the applicant's proposals are likely to undermine the Prevention of Public Nuisance licencing objective. One representation also expresses concern in relation to the removal of the two Annex 1 conditions currently attached to the premises licence.

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

5.1 The cost of processing licences is covered by the fees charged. The fee for this application is £190.00.

#### **6 RISK MANAGEMENT**

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

#### **7 CLIMATE CHANGE**

7.1 The licensing objectives do not require the applicant to specify steps to mitigate the impact of climate emergency. However, the applicant is encouraged to consider locally sourced ingredients and to reduce single use plastic in the operation of their business.

## 8 OTHER OPTIONS CONSIDERED

8.1 None.

9.1 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.

9.2 This report has not been sent to the Trades' Union as they would have no involvement.

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

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

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

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

**I/** Dorian Grey Limited  
**We** .....

*(Insert name(s) of applicant)*

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

**Premises licence number.** 15/01840/LAPRE

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
Common Room 2 Saville Row			
Post town	Bath	Postcode	BA1 2QP

Telephone number at premises (if any)	01225 425550
Non-domestic rateable value of premises	£ Band B

**Part 2 – Applicant details**

Daytime contact telephone number	07967048802
E-mail address (optional)	info@commonroombath.co.uk

Current postal address if different from premises address			
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

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

If not, from what date do you want the variation to take effect? **N/A**

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

This Variation Application is seeking:

TO ADD the sale of alcohol for consumption off premises to the premises licence in line with the hours authorised for on sales:

Monday to Thursday	10:00 - 02:00
Friday and Saturday	10:00 - 03:00
Sunday	12:00 - 02:00

TO REMOVE the following Annex 1 conditions that require:

- There shall be no off sales.
- Sales of intoxicating liquor to be limited only to bona fide members of a club existing on the premises and their guests.

TO ADD additional conditions to promote the licensing objectives.

The purpose of this application is to enable us to diversify our activities in light of further lockdowns and trade restrictions.



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

**Part 4 Operating Schedule**

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

**Provision of regulated entertainment (Please 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)

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

yes

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

A

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

## B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
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 exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

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			<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)
Fri			
Sat			
Sun			

D

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	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
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

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
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 playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					



G

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

H

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

## I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	
				Off the premises	Y
				Both	
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00			
Thur	10:00	02:00	<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)  From normal activity start time on New Year's Eve until normal activity start time on New Year's Day.		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	12:00	02:00			

K

<p><b>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</b> (please read guidance note 10).</p>
--



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	No	change	
Tue	No	change	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)
Wed	No	change	
Thur	No	change	
Fri	No	change	
Sat	No	change	
Sun	No	change	

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.

- There shall be no off sales
- Sales of intoxicating liquor to be limited only to bona fide members of a club existing on the premises and their guests.

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 this is an electronic application, the premises licence shall be returned to:

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

**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 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, with the exception of alcohol that is to be consumed within an area for which the premises has been granted a pavement licence, table and chairs permit or similar.

**c) Public safety**

As per box a) and box e)

**d) The prevention of public nuisance**

Signage requesting patrons to be considerate to neighbours and to leave the premises quietly, shall be clearly displayed at the entrance / exit.

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



The premises will operate a 'Challenge 21' age verification policy and will display signs advertising this policy at the bar area.

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

I have made or enclosed payment of the fee; or	yes
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.	n/a
I have sent copies of this application and the plan to responsible authorities and others where applicable. <b>Electronic application therefore is onus on the Licensing Authority to serve copies on the Responsible Authorities</b>	n/a
I understand that I must now advertise my application.	yes
I have enclosed the premises licence or relevant part of it or explanation.	yes
I understand that if I do not comply with the above requirements my application will be rejected.	yes

**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	Harald Bret
Date	23/09/2020
Capacity	Director Dorian Grey Ltd

**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	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15) Harry Bret			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>	07967048802		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> <a href="mailto:info@commonroombath.co.uk">info@commonroombath.co.uk</a>			

**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence**

<b>Premises Licence Number</b>	15/01840/LAPRE
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**Part 1 – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>	
Common Room 2 Saville Row Bath BA1 2QP	
<b>Telephone number</b>	01225 425550

<b>Where the licence is time limited the dates</b>	Not applicable
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<b>Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities</b>	
<b>Sale of Alcohol</b>	
Monday to Thursday	10:00 - 02:00
Friday and Saturday	10:00 - 03:00
Sunday	12:00 - 02:00
<b>Performance of Dance (Indoors only)</b>	
Friday and Saturday	09:00 - 03:00
Sunday to Thursday	09:00 - 02:00
<b>Exhibition of a Film (Indoors only)</b>	
Friday and Saturday	09:00 - 03:00
Sunday to Thursday	09:00 - 02:00
<b>Performance of Live Music (Indoors only)</b>	
Friday and Saturday	09:00 - 03:00
Sunday to Thursday	09:00 - 02:00
<b>Performance of Recorded Music (Indoors only)</b>	
Every Day	00:00 - 00:00
<b>Other Entertainment within Act (Indoors only)</b>	
Monday to Thursday	09:00 - 02:00
Friday and Saturday	09:00 - 03:00

**Late Night Refreshment (Indoors only)**

Monday to Thursday	23:00 - 02:30
Friday and Saturday	23:00 - 03:30
Sunday	23:00 - 02:30

**Non Standard Timings:**

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

**The opening hours of the premises**

Every Day	00:00 - 00:00
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**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol is supplied for consumption on the premises

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

Dorian Grey Ltd  
 2 Saville Row  
 Lansdown  
 Bath  
 BA1 2QP  
 07967 048802  
 earl\_gray@me.com

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

Registered Business Number - 07669182

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

Mr Harald Eric Bret  
 35 Belvedere  
 Bath  
 BA1 5HR

**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/06/02055/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 24 June 2015

## Annex 1 – Mandatory conditions

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

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There shall be no off sales.

Sales of intoxicating liquor to be limited only to bona fide members of a club existing on the premises and their guests.

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The maximum number of persons allowed on the premises is 52.

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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.

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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 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.

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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.

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## **Annex 2 – Conditions consistent with the Operating Schedule**

There will be no admission to the premises on Sundays past 00:00 hours

A minimum of one door supervisor to be on duty from 23:00 hours on Sundays until closure.

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

A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order and continually record when licensable activity takes place. The recordings shall be retained for 31 days and made available to the police.

A door supervisor who has been approved by the S.I.A. shall be on duty to vet customers and maintain public order at the premises on Friday and Saturday between the hours of 22.00hrs and when the premises cease to be open to the public at the end of licensable activity.

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## **Annex 4 – Plans**

As submitted with application.





## Part B

### Premises Licence Summary

**Premises Licence Number**

15/01840/LAPRE

#### Premises Details

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

Common Room  
2 Saville Row  
Bath  
BA1 2QP

**Telephone number** 01225 425550

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

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

#### **Sale of Alcohol**

Monday to Thursday	10:00 - 02:00
Friday and Saturday	10:00 - 03:00
Sunday	12:00 - 02:00

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

Friday and Saturday	09:00 - 03:00
Sunday to Thursday	09:00 - 02:00

#### **Exhibition of a Film (Indoors only)**

Friday and Saturday	09:00 - 03:00
Sunday to Thursday	09:00 - 02:00

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

Friday and Saturday	09:00 - 03:00
Sunday to Thursday	09:00 - 02:00

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

Every Day	00:00 - 00:00
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#### **Other Entertainment within Act (Indoors only)**

Monday to Thursday	09:00 - 02:00
Friday and Saturday	09:00 - 03:00

**Late Night Refreshment (Indoors only)**

Monday to Thursday 23:00 - 02:30

Friday and Saturday 23:00 - 03:30

Sunday 23:00 - 02:30

**Non-Standard Timings:**

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

**The opening hours of the premises**

Every Day 00:00 - 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

**Name, (registered) address of holder of premises licence**

Dorian Grey Ltd  
2 Saville Row  
Lansdown  
Bath  
BA1 2QP

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

Registered Business Number - 07669182

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

Mr Harald Eric Bret

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

As per Operating Schedule at Annex 2.

**Basement Plan**

Electricity & Gas meters at high level

**Ground Floor Plan**

**First Floor Plan**

**Legend**

⊙	Smoke Detector
⊗	Wet Fire Extinguisher
⊕	Powder Fire Extinguisher
⊖	Fire Staircase
⊗	Emergency Lighting
⊕	Direction Indicated Sign
⊖	Illuminated Exit Sign

**KEY**

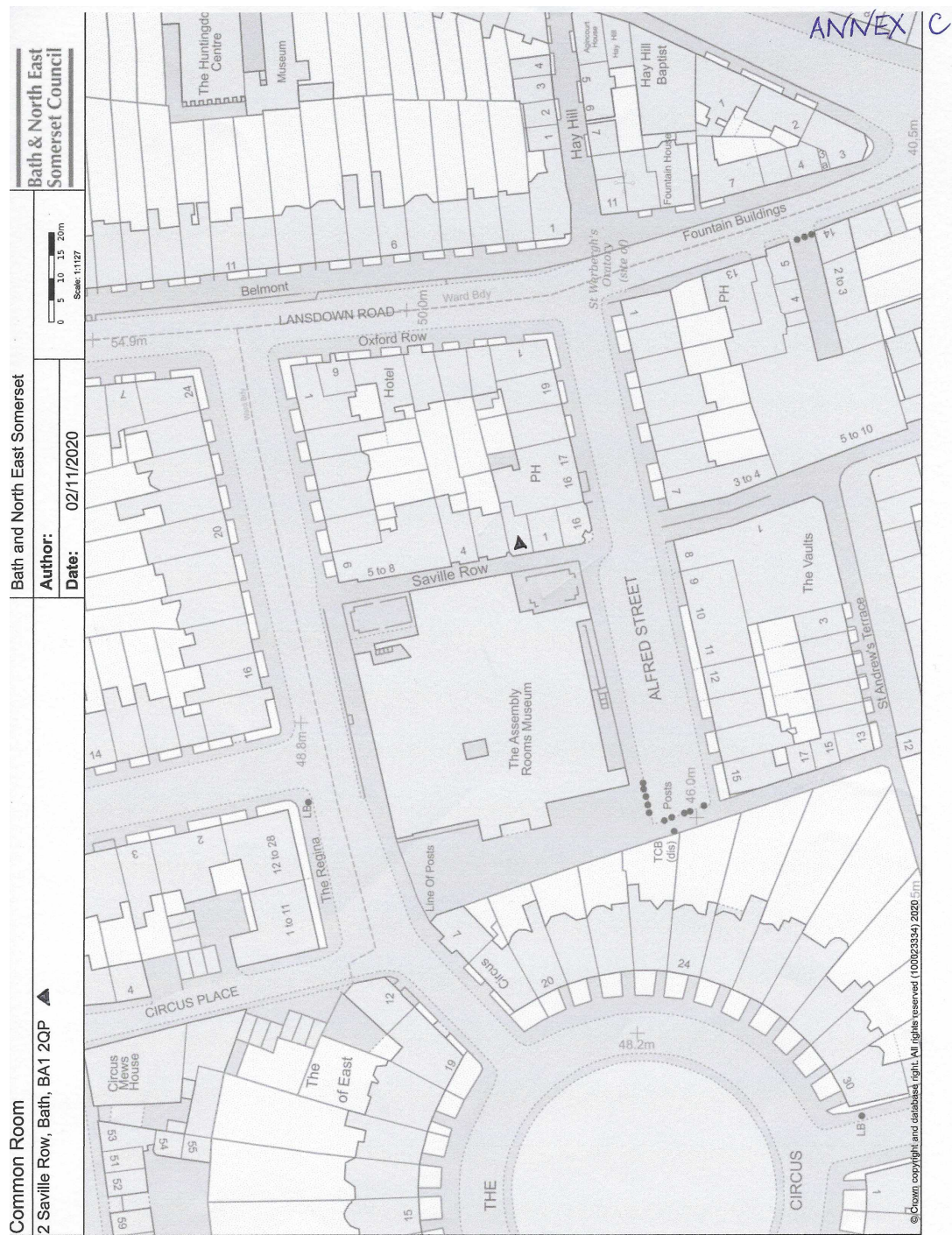
- Kitchen & Staff Areas
- Toilet Areas
- Bar Area
- Consumption of Liquor

**Door Schedule**

D1	810mm leaf
D2	810mm leaf
D3	760mm leaf
D4	760mm leaf
D5	820mm leaf
D6	440mm x 2 leaf
D7	760mm leaf
D8	800mm leaf
D9	760mm leaf

door closer

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## REPRESENTATIONS

**From:** David Daniels  
**Sent:** 22 October 2020 23:40  
**To:** Licensing <[Licensing@BATHNES.GOV.UK](mailto:Licensing@BATHNES.GOV.UK)>  
**Subject:** Licensing application: 20/01487/LAPRE

To the Licensing Committee  
Licensing application: 20/01487/LAPRE

We have read the application and would like to comment that we have concerns that this sale of alcohol on exit of the Common Room venue will lead to additional nuisance to local residents.

The late license already creates congregations of clients and considerable noise at late hours when residents are asleep. Off sales is likely to encourage groups of drinkers to buy alcohol and then stay outside the venue after closure drinking and creating nuisance noise.

In the era of COVID-19 we believe people should be encouraged to leave the area and not be encouraged to linger in groups. This application would appear contrary to COVID-19 guidelines and on this basis as well as the nuisance to residents issue mentioned should be turned down at this time.

Regards

David Daniels  
Bennett Street, Bath, BA1 2QL

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**From:** Sally Rothwell  
**Sent:** 22 October 2020 08:16  
**To:** Licensing <[Licensing@BATHNES.GOV.UK](mailto:Licensing@BATHNES.GOV.UK)>  
**Subject:** Licensing Application Reference: 20/01487/LAPRE

Attached is the Circus Area Residents' Association's objection to this application. I look forward to hearing from you in due course.

Regards

Sally Rothwell

**Licensing Application Reference: 20/01487/LAPRE**

The Circus Area Residents' Association wishes to object to the above licensing application on the grounds that it will cause additional public nuisance under the 2003 Act.

## REPRESENTATIONS

These premises already have a pavement license, and our understanding is this enables them to conduct off sales from Sunday to Thursday up until 11 o'clock, and Friday and Saturday until midnight. This will continue until September 2021, or possibly later if additional forms of lockdown persist. Varying the licence to enable them to make off sales until the hours specified in the general license (02.00 Sunday to Thursday and 03.00 Friday and Saturday) therefore has no relevance to the stated objective "to enable us to diversify our activities in light of further lockdowns and trade restrictions." As already stated they already have this ability under the terms of the pavement license in these circumstances. To vary the existing license under normal circumstances is likely to cause additional public nuisance – there is already considerable noise late at night when these premises close. If their business case is correct, they are obviously anticipating a significant number of people arriving to undertake off sales. This will potentially cause a problem as some of them will arrive by car and that will create additional noise and disturbance in the residential streets adjacent. But other customers will arrive on foot and we already know that when people congregate outside these premises it creates noise pollution for neighbouring residential premises.

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**From:** Andrew Furse (Cllr) <Andrew\_Furse@BATHNES.GOV.UK>  
**Sent:** 18 October 2020 12:59  
**To:** Terrill Wolyn <Terrill\_Wolyn@BATHNES.GOV.UK>  
**Cc:** Licensing <Licensing@BATHNES.GOV.UK>  
**Subject:** Re: Common Rooms application for off-sales

Dear licensing,

I note the following application and it raises a number of red flags.

*Common Room 2 Saville Row Bath BA1 2QP Licence No: 20/01487/LAPRE*

*Details: Variation: TO ADD the sale of alcohol for consumption off premises to the premises licence in line with the hours authorised for on sales: Monday to Thursday 10:00 - 02:00 Friday and Saturday 10:00 - 03:00 Sunday 12:00 - 02:00 TO REMOVE the following Annex 1 conditions that require: There shall be no off sales. Sales of intoxicating liquor to be limited only to bona fide members of a club existing on the premises and their guests. TO ADD additional conditions to promote the licensing objectives. The purpose of this application is to enable us to diversify our activities in light of further lockdowns and trade restrictions.*

As we are all aware the Common Rooms has had a chequered history as to how the premises has been managed, its drug dealing, additional licensing restrictions and violence spilling onto George Street.

Permitting off-sales until 2am or 3am seems contrary to controlling such activity within the premises that has brought its own challenges over the past years. How this will be policed to members only is not stated? I also understand that such premises can have casual members so the term has no context. the original use was in place for a reason and this needs to be re-visited.



## REPRESENTATIONS

I recognise this is a response to the current Covid rules. Like all similar businesses there are concerns over the current 10pm closing time and to apply for such an off-license will encourage customers to gather after 10pm and in my view is only a mechanism to undermine the current closing time law and encourage street drinking.

The premises creates a lot of noise for those living nearby the narrow high buildings create a lot of echo in vicinity. The 23:00 use of tables in this location will impact residents and needs to be earlier.

I do not believe that these off sales rules will be adhered to and have no confidence that the situation will be policed so to protect the residential amenity of local residents.

As I maintain, the original restrictions were in place for a reason and proper consideration of these is required if these are to be relaxed whether under Covid or otherwise.

**Cllr Andrew Furse CEng**

**Kingsmead Ward,**  
[andrew\\_furse@bathnes.gov.uk](mailto:andrew_furse@bathnes.gov.uk)

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