

Licensing Sub-Committee

Date: Thursday, 10th December, 2020

Time: 10.00 am

Venue: Virtual Meeting - Zoom - Public Access via
YouTube

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

Councillors: Manda Rigby, Steve Hedges and Karen Warrington

Chief Executive and other appropriate officers
Press and Public

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



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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>

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

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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.

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, 10th December, 2020

at 10.00 am in the Virtual Meeting - Zoom - Public Access via YouTube
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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. MINUTES OF PREVIOUS MEETINGS: 29TH OCTOBER 2020 AND 12TH NOVEMBER 2020 (Pages 7 - 22)
6. LICENSING PROCEDURE (Pages 23 - 30)

The Chair will, if required, explain the licensing procedure.
7. NEW PREMISES LICENCE APPLICATION: KETTLESMITH BREWING COMPANY LIMITED, 15 NEW BOND STREET, BATH. BA1 1BA (Pages 31 - 68)

8. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

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

9. CONSIDERATION OF FIT AND PROPER - 16/03431/PHOP (Pages 69 - 94)

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

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 29th October, 2020

Present:- Councillor Manda Rigby (Chair), Councillor Steve Hedges and Councillor Sally Davis

Also in attendance: Carrie-Ann Evans (Deputy Team Leader, Legal Services) and John Dowding (Lead Licensing Officer)

30 WELCOME & INTRODUCTIONS

The Chair welcomed everyone to the meeting and introduced the other members of the Sub-Committee and the officers who were present.

31 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

32 DECLARATIONS OF INTEREST

Councillor Steve Hedges said that he recognised the name of one of the driver's representatives and said that there had been no predetermination and the matter would be dealt with on its merits.

Councillor Manda Rigby said that she too recognised the name of one of the driver's representatives and said that there had been no predetermination and the matter would be dealt with on its merits.

33 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

34 MINUTES OF PREVIOUS MEETING - 15TH OCTOBER 2020

The Sub-Committee approved the minutes of 15th October 2020 as a correct record.

35 TAXI PROCEDURE

The Chair explained the procedure for the meeting.

36 EXCLUSION OF THE PUBLIC

The members of the Sub-Committee agreed that they were satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972. They **RESOLVED** that the public should be excluded from the meeting for the following item(s) of business and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

37 CONSIDERATION OF FIT AND PROPER - 1900924TAXI

The Lead Licensing Officer presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether the driver before them remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence issued by the authority.

He stated that the Sub-Committee is asked to consider the matter, determine the issue and take any action it may consider suitable after hearing any representation from the driver or any representative acting on his behalf.

He explained that the driver had failed on three consecutive occasions to comply with the following condition attached to the grant of Hackney Carriage Proprietors Licence which states;

“The proprietor shall produce to the Licensing Section a new insurance certificate or cover note within seven working days of the expiry of the current certificate or cover note.”

The driver stated that he had not received a written warning in May 2018 regarding the first breach of this condition. He said that he recalled being issued with penalty points in 2019 and that this year he had not been able to access the Licensing offices due to Covid-19 and that nobody had answered his phone calls. He apologised for the incidents in 2018 / 19.

The driver's representative addressed the Sub-Committee. He said that the driver was normally diligent, had acknowledged his mistakes and had tried to visit the offices on three separate occasions.

He said that the driver was not confident to send the required documents in via email and that no complaints had ever been made against him by the public.

Councillor Steve Hedges commented that he had seen in the agenda pack the letter referred to from May 2018 and asked if the letter had been sent but not received.

The Lead Licensing Officer replied that the procedure is to print off the letter and hand it to the driver along with a verbal warning. He added that this took place in both 2018 and 2019. He said, referring to this year, that the insurance renewal date was prior to the national lockdown being in place and therefore the driver had enough time to present his documents.

The Chair said that there was no accusation of the driver's vehicle not being insured and asked if he was aware of the need to comply with the rules so that the Council and the Sub-Committee were satisfied that the residents of B&NES could travel safely in his vehicle.

The driver replied that he was.

In his closing statement the driver's representative stated that he had known the driver for ten years and that he was great with the public, but not so great with his

admin. He said that he felt sure that this would not happen again and would encourage the driver to ask someone to email his documents to the Council on his behalf.

The driver said that he would not let an incident of this nature happen again.

The Lead Licensing Officer acknowledged that no complaints from members of the public had been made against the driver and asked that should he retain his licence he listens to the instructions from officers in the future.

Following an adjournment, the Sub-Committee **RESOLVED** that they are satisfied that he remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence but issue a formal warning that his conduct has not been acceptable.

Reasons

Members have had to consider whether a Licensee remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members reminded themselves that each case is considered on its own merits. They had regard to the licensee's oral representations, the representations of his representative and balanced these against the report before them.

Members heard from the licensee who indicated that in relation to the first year he did not receive any written warning, on the second occasion he was notified by Mr Byron (Public Protection Officer) when he was leaving the office and in relation to this latest incident he had tried to provide the information but had not been able to get into the office and nobody had answered the phone.

The Licensee's representative indicated that the licensee apologises in relation to the first two incidents but has really tried in relation to the latest incident. He has tried to make contact by phone or in person as he is not confident in sending documents by e-mail. He has genuinely shown remorse and is good with the public. He has had to be educated how to do what is required but he has really tried this year.

The Lead Officer, Licensing Team (Development) indicated to Members that both the first and second letter were printed off and handed to the Licensee in the licensing office but he had been dismissive and brushed them off. The latest breach of condition related to insurance which expired on 21.02.20 and failure to provide a copy was nothing to do with lockdown. The Licensee indicated that he went to the licensing office in March and couple of times of April.

The Licensee apologised to members and said this will not happen again. Members noted that compliance with the condition relating to insurance is vital so that the Council can be assured that the safety of the public when travelling in a BANES licensed vehicle is not compromised.

Members did not find the explanation given by the Licensee regarding not receiving the first letter credible and did not find it credible that he could not get the documents

in to the licensing office in time. His conduct with his administrative responsibilities is poor and these responsibilities are of great importance. The Licensee holds a position of great responsibility concerning public safety and compliance with these conditions is mandatory not discretionary with the onus on the Licensee to comply with them. Any request from the licensing authority for information in relation to a licence condition should be met with a swift and polite response from the Licensee.

Members were satisfied however, that notwithstanding his failure to comply with this condition repeatedly, the Licensee had maintained appropriate insurance throughout the relevant period. He is good public facing taxi driver with no complaints against his record from members of the public since first licensed by BANES in 2009.

On this occasion, Members are satisfied that he remains fit and proper but issue a formal warning that his conduct has not been acceptable, and they do not expect to see it repeated. He needs to ensure he complies with conditions notwithstanding his capabilities with technology and should seek support where required. If he appears before the LSC again for conduct issues, against this background, the outcome may not be the same.

38 CONSIDERATION OF FIT AND PROPER - 19/01848/TAXI

The Lead Licensing Officer presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether the driver before them remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence issued by the authority.

He stated that the Sub-Committee is asked to consider the matter, determine the issue and take any action it may consider suitable after hearing any representation from the driver or any representative acting on his behalf.

The Licensing Sub-Committee is asked to consider two complaints of inappropriate contact with females and 3 complaints of inappropriate comments of a racist nature.

One of the complainants addressed the Sub-Committee. She said that it was difficult to hear that her incident was not the first time the driver had been alleged to have been racist. She described her incident as really abhorrent and that it had had a huge impact on her.

She stated that she was shocked that he was able to use 'that word' so comfortably and that she retained her composure until leaving the car. She said that she felt that this action alone should be enough for the driver to have his licence taken away.

She said that neither she nor her partner had been aggressive or confrontational in any way towards the driver.

She commented that she was unsure of what would have happened if she had been travelling alone and that she was worried about the driver's future conduct.

The other complainant confirmed that it had been a difficult journey and that he was not surprised to hear that other complaints had been made against the driver.

He agreed that he also was worried about the driver's future conduct and said that it was dreadful to think that he is allowed carry out this role to the public.

Councillor Steve Hedges asked the complainant how vulnerable, on a scale of 1-10, she would have felt if she was travelling alone.

The complainant replied that she thought it would be around an 8.

The Chair asked who instigated the conversation on the journey and at what point did she become uncomfortable.

The complainant replied that she and her partner were quite quiet in the car and that the conversation was started by the driver. She said that it began when he referred to the pulling down of the Colston statue. The complainant stated that she had been at the protests but was not near the statue when it came down.

The complainant said that the conversation then became more personal when the driver asked if she had ever experienced racism. She said that she replied that she had lived in the West Country for three years and had experienced a number of racist incidents.

The driver said that he had not directly been racist towards the complainant and apologised as his use of that word was not meant in that way. He added that he had no questions for the complainants.

The driver addressed the Sub-Committee. He said that he remembered the journey with the complainants and asking them if they had had a good weekend. He said that the subject of the protests came up in the conversation and that the complainant asked if he agreed with it. He said that he replied that he did not.

The driver stated that at this point in the journey the female complainant began swearing at him and lost it completely. He said that he decided against stopping his vehicle as he was worried that this would have resulted in a complaint against him.

He said that he had now not been an Uber driver for six months and only carries out Hackney Carriage work in Midsomer Norton and Keynsham alongside some school runs. He added that he tries to do the job to the best of his ability.

He stated that he was sorry to have upset the complainant and would accept being put on probation for a period of time. He said that due to Covid-19 he had been on edge the past five months and that if he were to lose his licence that would impact on his livelihood and could lose everything. He added that he was determined to act a lot better in the future.

Councillor Sally Davis asked if there was a reason for the run of recent reports against him over the past two years.

The driver replied that he felt that this was down to Uber customers trying to get free rides.

Councillor Davis asked if he felt that it would be better practice to make non-committal comments on journeys.

The driver agreed.

Councillor Steve Hedges asked how vulnerable he thought a lone female would feel on a journey.

The driver replied that they were likely to feel uneasy.

The Chair asked the driver if he had used an unacceptable word during the journey with the complainants.

The driver replied that he did say it once at the end of the journey.

The Chair asked the driver if he would like to address the Sub-Committee on any of the other complaints made against him.

Referring to the incident in February 2020 when a mobile phone was left in his vehicle, he said that he had taken the phone to the passenger's place of work and that the passenger was very welcome to have it returned. The driver said that he had told the passenger that he had sent her a friend request on Facebook and then he recalls receiving a complaint and told to hand any further items into the Police if they are left in his vehicle.

The driver apologised for the oversights in failing to return a required DBS certificate in 2015 and failing to report a speeding offence in 2016.

Referring the incident in January 2019 he said that it was possible that he had said something like "English drivers are better..." but that he recalls that the two male passengers were drunk.

Referring to the incident in March 2020 he said that four male Chinese passengers had travelled in his vehicle and that they appeared to be drunk. He recalls that a conversation did take place about Covid-19 but he did not say that the virus began because "They eat bats".

The driver stated that he had made improvements to his life since June and that he was not working for Uber anymore and that he found this a lot less stressful. He added that he now worked primarily in Midsomer Norton & Keynsham.

He said that driving was how he made a living and that his home and business would be at risk if he were to lose his licence.

He said that he loved working with people and had learnt from his mistakes and that he had felt under pressure because of recent events e.g. Covid-19.

He explained that he was prepared to work further with the Licensing team if required.

The Lead Licensing Officer informed the Sub-Committee that Uber had carried out a review of the driver and had removed him from the company.

The Deputy Team Leader, Legal Services explained to those present the options for action that the Sub-Committee could take in reaching their decision. She said that the Sub-Committee could either:

- i) Take no action
- ii) Issue a formal warning
- iii) Suspend the driver for a period of time
- iv) Revoke the licence of the driver

She reminded the Sub-Committee that in case law, in reaching their decision, a person's livelihood was not a material consideration.

The complainants said that they had no questions to put to the driver.

The Lead Licensing Officer said that he had nothing further to add.

In their closing statement the complainant asked for the Sub-Committee to think about all the complaints that had been received, not just hers and urged them to be taken seriously.

The driver, in his closing statement, said that he needed to keep his licence and couldn't afford not to work. He said he would be willing to drive under probation for six months or a period of time of the Sub-Committee's discretion. He added that he was willing to put everything right.

Following an adjournment, the Sub-Committee **RESOLVED** that the combined Hackney Carriage/Private Hire Drivers licence of the driver concerned be revoked on the basis that he is no longer fit and proper.

Reasons

Members have had to consider whether a Licensee remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence in the light of a number of complaints that had been made against him and his conduct as a BANES licensed driver. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members reminded themselves that each case is considered on its own merits. They had regard to the Licensee's oral representations and written representations and balanced these against the report before them together with the first-hand account of a complainant and her witness.

The complainant in relation to the June 2020 incident indicated to members that she was not aggressive in any way and it is difficult to hear that this is not the first time that the Licensee has been challenged about racist comments. What he did was really abhorrent and impacted her, particularly for him to use that word so comfortably and demean her experiences as a woman of colour. She explained though, that she really retained her composure until she got out of the car. She

explained to Members that using the word that he did should be enough to make a person lose their licence in her opinion. She explained that she does not even use that word even though technically she could. The complainant described getting out of the car shaking and was only comfortable arguing her piece because her partner was there. She expressed the view to Members that the knowledge that other women have made accusations is really worrying, as there are people who could get in his car that are much more vulnerable. When questioned by members the complainant said she felt 8 out of 10 in terms of vulnerability, 10 being the most.

The complainant's witness echoed the comments of his partner and supported her account.

In addressing Members, the Licensee described some of what the complainant had said as lies and claimed he was not racist towards her whatsoever. He did say however that he was really sorry for what had happened that day. His account was that the complainant had lost it with him and started swearing after he said he disagreed with the protests. He accepted referring to the incident in Barbados and saying that word once. He indicated to Members that he had not been driving for Uber for 6 months now, he had really changed things and was doing his job to the best of his ability. He informed Members of a role he had been appointed to recently, in the context of describing how he had made positive changes in his life.

The Licensee was invited to address members on the other complaints against him. Notably, in doing so he indicated to Members that in the second complaint of a racist nature the passengers were Chinese. He claimed that both sets of passengers in relation to the first and second racist incident were drunk.

Members noted that they have to be satisfied on the balance of probabilities that the Licensee continues to be a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

Members found that the Licensee's failure to return a DBS certificate to the licensing authority in 2015 and failure to report a speeding offence in 2016, for which he received 4 penalty points on his BANES Driver's Licence, are relevant matters on his record to weigh in the balance against the Licensee being fit and proper. Members expect BANES licensed drivers to comply with the conditions and requirements of their licence as these requirements help to assure the Council of the safety of the travelling public in relation to a driver.

Members were concerned to note two complaints against the Licensee in relation to his conduct with female passengers; the first complaint was received in July 2016 and the second in February 2019. In relation to the 2016 complaint members found that the Licensee had made inappropriate contact with the prospective female passenger via Facebook Messenger and mobile telephone. It was evident from the messages that Members had seen, and which were not disputed by the Licensee in his interview with the licensing authority, that the Licensee's conduct had strayed beyond professional into personal namely, asking to be friends, suggesting they meet and when she said she did not think this was a good idea and stopped responding, the contact via messages and phone calls became more persistent.

In the Licensee's interview with the licensing authority in relation to this incident, Members noted that he sought to minimise the incident saying initially it was "*only [a] friendly meet up request*" he eventually conceded that he was "*feeling down and looking for something more than friendship*" and having initially denied calling the female "*I did not call blank at any time, no number taken at all*" he eventually went on to concede "*two calls at most*". The Licensee received a formal written warning from the licensing authority for this incident in August 2016 and was given clear advice as follows: "*I would take this opportunity to advise you that you do everything in your power to avoid any further complaints or allegations being made against you. Especially such as the allegation as discussed on the 17th August 2016.*"

Members found that notwithstanding this clear advice, there was a further incident in February 2019 where the Licensee's conduct strayed beyond the professional into the personal again. A female passenger left her mobile telephone in the vehicle and rather than taking it to the police in accordance with his licensing condition, or taking it to the lost property at Uber's local office, he decided to examine the bank cards contained in the phone case and search on Facebook to try and identify the person. He tracked down their place of work and took the phone there the following day. On his own account he refused to leave the phone with a member of staff as he wanted to hand it back personally. Upon doing so he asked the female to be his friend on Facebook which she said in her complaint to Uber was "*inappropriate, just a bit creepy*" and she said that she "*no longer wants rides with him from now on*". The Members noted that the Licensee had not learnt from the warning he received in 2016 and this was inappropriate and unprofessional conduct that they would not expect from a BANES licensed driver.

Members found that there had been three incidents of a racist nature concerning the Licensee. The first took place in September 2019, the second March 2020 and the third in June 2020. In relation to the September 2019 incident the Licensee had made a comment about "*English drivers*" and the passenger who reported the incident to Uber explained that they "*were concerned that [the Licensee] appeared subconsciously racist*". In his own explanation of the incident to the licensing authority, the Licensee denied any recollection of such an incident initially but admitted that he "*may have said something jokingly but not meaning it... We just joke about English drivers being better and things, that's all, there's no malice in it... I know we have to be careful about what we say with the way things are going now. Well you have to be careful what you say to customers as they might not find it funny as you don't you who you're picking up so you have to be careful.*" The complaint also related to the Licensee not following the Sat Nav and taking a more costly route. The Licensee accepted he does not follow the Uber Sat Nav all the times as it is often wrong.

In relation to the March 2020 complaint, the passenger reported to Uber that the Licensee made inappropriate and racist comments regarding Coronavirus namely he said that the Chinese were to blame "*because they eat bats*". The passenger described the Licensee's conduct in their complaint as "*completely misinformed and blatantly ignorant comments*" and that they were appalled and offended. In written response to this complaint the Licensee recalled the journey but his account was that "*I said I had seen in the paper that day that the case was thought to be someone eating bats in China – but who would know?*" He denied saying as alleged and had

no recollection of the passengers being upset. In oral submissions before the LSC the Licensee indicated that the passengers in question were Chinese.

Members found the complaint from June 2020 to be particularly concerning. They read the account of the complainant supported by her witness. They have had the benefit of hearing their oral account today via Zoom as well.

The complainant is a person of colour to whom the Licensee said that the Black Lives Matter protests were irrelevant and would not change anything and that violence was not the answer. He also claimed the UK is not racist and so there is no point protesting. The complainant tried to explain to the Licensee that the BLM protests were peaceful and tried to provide the Licensee with statistics on UK racism. The complainant reports that the Licensee said that those who were subject to racism in the UK deserved it to which the complainant provided examples of her lived experiences of racism. At the end of the journey the Licensee signalled the passengers to stay in the car and he recounted a story to them from when he visited Barbados. This culminated in him explaining to his passengers how a waitress had used that word in a phrased to his Dad, he then went on to repeat the sentence with that word to the passengers again.

Members have intentionally decided not to include the complete word in their reasons as they do want to perpetuate its use and do not condone its use in any way. There is no dispute between the complainant and Licensee as to the word used. Members find it deeply troubling that the Licensee used this word in front of his passengers not once but twice and they prefer the complainants account about the number of times it was said.

Whilst the Licensee has been licensed for over 25 years Members consider that for the last 5 years since the complaint relating to failure to return the DBS Certificate, the Licensee has displayed a course of conduct which has escalated in terms of seriousness and frequency. He has not learnt from warnings and does not seem to be capable of acknowledging his inappropriate behaviour or addressing it. Members prefer the accounts of the complainant and her witness who they found to be clear, credible and compelling. They find the complainants' accounts in relation to all incidents to be more credible. The Licensee, they have not found to be credible as his accounts are not consistent and he seeks to minimise his conduct and apports blame to others.

Members had regard to what the licensee had said about making changes but found that the Licensee's remorse seems to relate principally to the prospect of losing his licence and livelihood rather than genuine remorse or understanding of what he has done. At no time did he ask the complainants if there was anything he could do to make it better. Members noted that their principal consideration is whether or not he is fit and proper as opposed to the impact on his livelihood.

Members have asked themselves if they would allow their friends, loved ones and indeed all members of the community to travel alone in a vehicle driven by this person and on the balance of the probability, Members' answer to this question is 'no'.

The Licensee asked members to consider a probationary period of 6 months where they could assess his conduct. This is not an option that is open to them in law, but

they would not consider this appropriate and proportionate in all the circumstances in any event.

Members did not consider a suspension to be appropriate and proportionate as they did not believe a suspension would serve to change his behaviour which was part of his character.

Members do not take a decision to revoke a driver's licence lightly but in all the circumstances and for the reasons expressed herein Members find the Licensee not to be a fit and proper person to continue to hold a Combined Hackney Carriage/Private Hire Driver's Licence and accordingly members determine that the Licensee's licence should be revoked in accordance with section 61 (2A) Local Government (Miscellaneous Provisions) Act 1976.

Authority is delegated to the Public Protection Officer to issue the notice accordingly.

The meeting ended at 1.33 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 12th November, 2020

Present:- Councillors Manda Rigby (Chair), Michael Evans and Steve Hedges

Also in attendance: Terrill Wolyn (Senior Licensing Officer) and Shaine Lewis (Team Leader, Legal Services)

39 WELCOME & INTRODUCTIONS

The Chair welcomed those present to the meeting and introduced the other members of the Sub-Committee and the officers in attendance.

40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

41 DECLARATIONS OF INTEREST

The Chair informed those present that from being a previous Ward Councillor for the area she knew Sally Rothwell, Chair of CARA but she had not discussed the application with her. The Chair indicated that she had an open mind in relation to the application and would not make her mind up until she had considered the report, all relevant factors contained within it and heard all points of view at the hearing.

42 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

43 LICENSING PROCEDURE

The Chair explained the procedure for the meeting to all parties who were present.

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

44 APPLICATION TO VARY A PREMISES LICENCE: COMMON ROOM, 2 SAVILLE ROW BATH BA1 2QP

The Senior Licensing Officer outlined the application to the Sub-Committee. She explained that it was for a variation of a Premises Licence for Common Room, 2 Saville Row Bath BA1 2QP.

She explained that 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.

She informed the Sub-Committee that three representations of objection had been received from interested parties within the statutory period, all expressing concern that the applicant's proposals are likely to have a detrimental effect on the Prevention of Public Nuisance licensing objective

She confirmed that none of the Responsible Authorities had made any representations relating to the application.

Harry Bret stated the case for the applicant and was questioned by Members and the interested parties present.

He explained that the premises were more a cocktail bar than a club and that it had been trying to adapt in a number of ways during the pandemic, including serving teas and coffees and opening earlier in the day.

He stated that the variation would offer the option to sell take away cocktails to customers who were present on the premises and be able to deliver cocktails to homes when ordered. He added that he anticipated that the delivery option would probably only be a couple of times a week during the early evening.

He said that there was no charge to becoming a member of the premises and that contact details of all customers were taken on arrival. He added that regular ID checks were carried out.

Sally Rothwell, CARA (Circus Area Residents Association) stated her case as one of the interested parties and was questioned by the Members. She said that an important aspect to be considered was that, if granted, the licence would be in place for any future businesses that use the premises. She asked the Sub-Committee to consider restricting off sales to cease at 11.00pm.

Thomas Dimitroff was present as a witness on behalf of CARA. He said that he had witnessed noise and anti-social behaviour that could be traced to the Common Room and had on a number of occasions visited the premises to ask for them to be quiet.

David Daniels stated his case as one of the interested parties and was questioned by the Members. He said that of the four premises in the area he considered the Common Room to be the most disruptive.

He added that he was concerned that the premises could become the off sales venue to go to if the idea was developed in the future.

Councillor Andrew Furse stated his case as one of the interested parties. He said that as the residents have made clear, noise is a concern for the area and that he felt that the addition of off sales from the premises would only add to this.

He added that in his opinion no reason had been given for the removal of the existing conditions on the licence

Decision and reasons

Members have determined an application to vary a Premises Licence at Common Room, Bath. 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 that the Licensing Act is a permissive regime, they must be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate to promote the licensing objectives on the information before them. Members also reminded themselves that each application must be considered on its own merits, Cumulative Impact does not apply to off sales and this hearing is a variation to not a review of the licence.

The applicant stated this is a small venue trading more as a cocktail bar and is seeking to adapt its trading model. The application is primarily to give them flexibility to provide a delivery and carry out service of pre-made cocktails enabling the business to diversify in the current lockdown restrictions. It was envisaged that this would be low key given the costs involved. The application offered a number of measures designed to promote the Licensing Objectives. For example, staff training, maintaining an incident and refusal log, erection of signage, Challenge 21 and where consumption was not within the Pavement Licence area all off sales must be sold in sealed containers.

The Interested Parties raised the Prevention of Public Nuisance objective. For example. It was feared that off sales would add to the noise nuisance already experienced, encourage groups to congregate outside the premises after closing and cause further nuisance including increased vehicular traffic. Further they were disappointed that the applicant appeared unwilling to take responsibility for any nuisance associated with his premises.

Members noted the application was to remove the conditions restricting off sales and limiting alcohol sales to bona fide members of the club. Further, that the application sought to add off sales to align with the current authorisation.

In determining this application Members were careful to take account of relevant written and oral representations and balance their competing interests. Members also reminded themselves that the application must be considered on its merits and they must not speculate on past issues or future uses.

Whilst noting the content of the Interested Parties' representations, and being mindful of other statutory regimes, Members were careful not to duplicate other regimes and disregarded issues not directly attributable to the activity under

consideration namely off sales. For example, allegations of crime and antisocial behaviour within the premises, the business case, need, community benefit and traffic were disregarded.

In terms of the interplay between off sales and Pavement Licences Members reminded themselves that off sales associated with a Pavement Licence are limited to consumption only at the tables and chairs and not off sales in the traditional sense.

With regard to nuisance Members further reminded themselves that it is a matter for Licensing and Responsible Authorities to consider what constitutes public nuisance and noted that neither the Police nor Environmental Protection had made a representation.

In terms of the removal of the conditions Members noted the Interested Parties accepted that the membership condition was of little if any effect and accordingly Members believed this could reasonably be removed without detrimental effect. Whilst empathising with the Interested Parties' legitimate and genuine concerns Members noted there was little evidence, or information, presented upon which to base a reasonable belief that aligning off sales would have a detrimental effect on the Licensing Objectives. In all the circumstances it was considered that the addition and alignment of off sales as requested, and the removal of the off sales restriction condition, was reasonable and appropriate. Accordingly, Members grant the application as applied for and delegate authority to the licensing officer to issue the licence with conditions consistent with the operating schedule.

The meeting ended at 11.32 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**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.

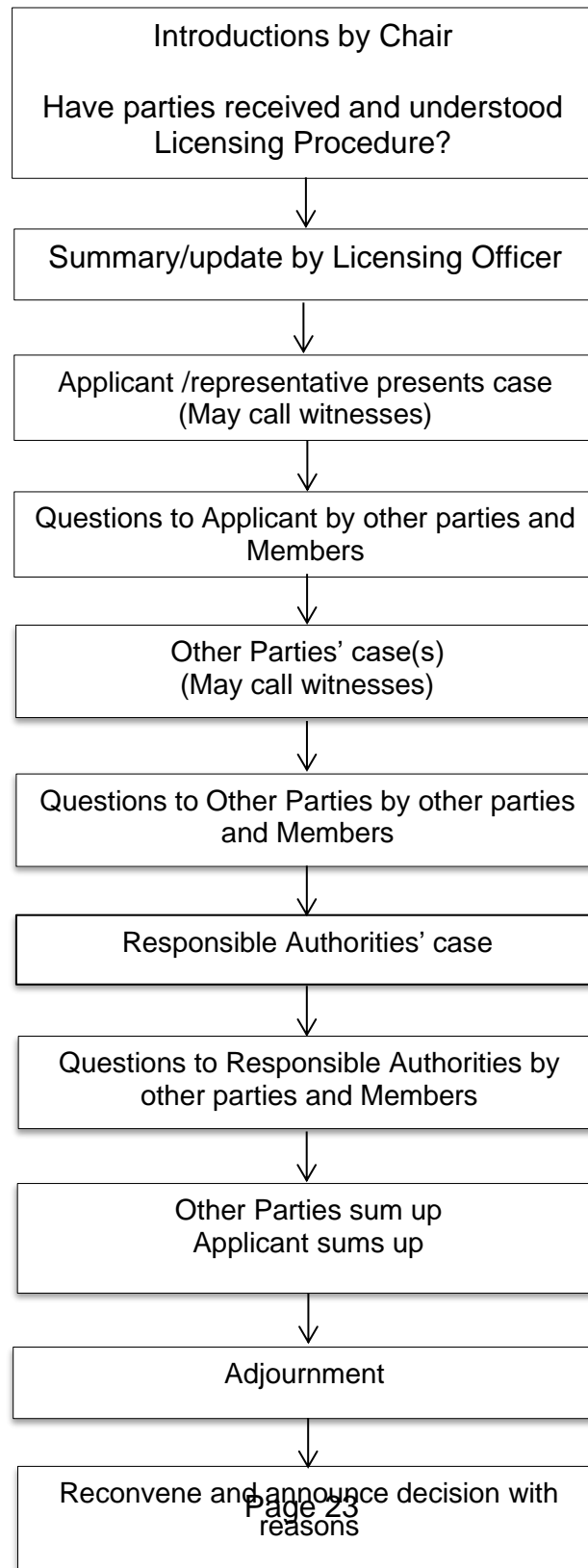
PLEASE NOTE:

- 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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**Licensing Sub Committee
Hackney Carriage and Private Hire Drivers
Complaint Hearing Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Complainant presents their case, may call witnesses and may be questioned by the Committee and other parties. Where a written complaint has been made the complaint will be read by the Committee. The procedure will be repeated should there be more than one complainant.
4. The Licensee presents their case, may call witnesses and may be questioned by the Committee and other parties.
5. The Chair will ask the Licensing Officers present whether they wish to comment. An Officer making comment may be asked questions.
6. The Complainant is invited to make a closing statement
7. The Licensee is invited to make a closing statement.
8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
9. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
10. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

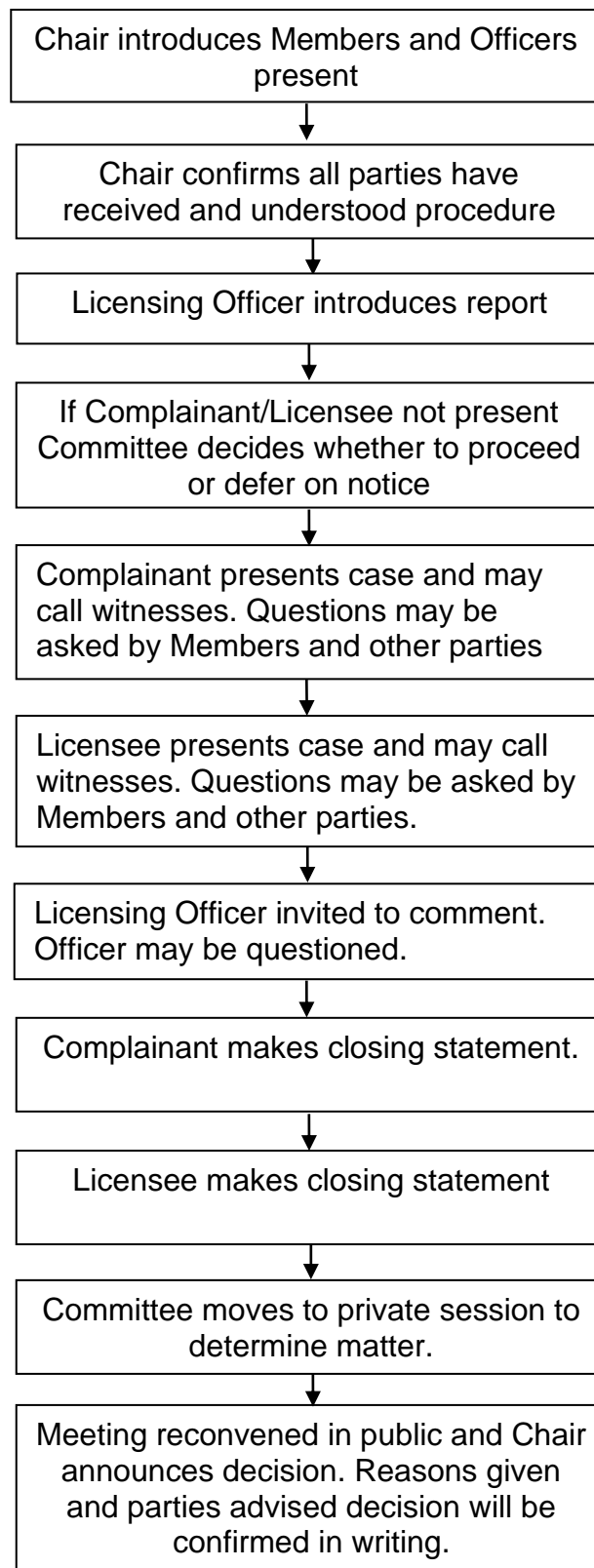
PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES COMPLAINT PROCEDURE**



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Bath & North East Somerset Council		
MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 10 December 2020	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	15 New Bond Street, Bath BA1 1BA	
WARD:	Kingsmead	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new premises licence		
Annex B Original floor plans submitted with application		
Annex C Representation received from Avon Fire & Rescue Service		
Annex D Revised floor plans and site plan provided by the applicant		
Annex E Additional information provided by the applicant		
Annex F Measures agreed between Applicant & Avon Fire & Rescue Service		

1 THE ISSUE

- 1.1 An application has been made under s.17 Licensing Act 2003 by Kettlesmith Brewing Company Limited in respect of a premises licence for 15 New Bond Street, Bath BA1 1BA.
- 1.2 A relevant representation has 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 for a new Premises Licence (Annex A).
- 3.2 The application proposes the following licensable activity:

The Sale of Alcohol for consumption on and off the premises

Monday to Saturday 09:00 – 22:30

Sunday 10:00 – 21:30

3.3 The application proposes the following opening times:

Monday to Saturday 09:00 – 23:00

Sunday 10:00 – 22:00

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

- All staff will be trained on issues regarding the Licensing Act 2003 and in the prevention of under-age sales to a level commensurate with their duties. The training will be clearly documented and signed and dated by both the trainer and the member of staff receiving the training. The documentation in the form of training register shall be available for inspection on request by an authorised officer of the licensing authority or police.
- Special attention shall be paid to the prevention of crime and public nuisance by refusing alcohol to people in an inebriated state and/or those exhibiting aggressive behaviour towards others. We will keep a record of individuals denied alcohol at the premises.
- Children will be protected by refusing to sell alcohol to those under 18 years of age and to refuse alcohol to individuals who may be purchasing on their behalf.
- The premises licence holder shall require the Designated Premises Supervisor or in his/her absence other responsible person to keep an incident/refusal logbook in a bound book in which full details of incidents are recorded. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the police or licensing authority when requested.
- All alcohol supplied for consumption off the premises will be sold in sealed containers.
- Alcohol sold inside the café will only be to customers who are seated.
- Apart from any counter-top display, all stocks of alcohol will be stored in a safe storage area which will be inaccessible to the public.
- We will liaise with the Police and share information about any suspect or problem behaviour.
- We understand the hours may need to be restricted to meet further guidance and legislation and the Government in respect of the Covid-19 pandemic. This is our utmost priority for customers and staff. Strict social distancing will be enforced and staff and customers alike will need to wear protective face coverings.

We will further protect the public by:

- Ensuring adequate lighting in all areas of the store;
- Adhering to all health and safety regulation and inspections and documenting these in a logbook;
- Maintaining the fabric of the shop and ensuring the sound working order of all equipment, especially that which is electrical
- Supervising and guiding visitors to the shop and café all times.
- We will refuse to sell alcohol to people who are displaying signs of inebriation or who are aggressive in any way towards customers and staff.
- Signage will be displayed at the exit asking our customers to leave quietly and to respect our neighbours.
- There will be adequate provision of receptacles for all rubbish generated by events and dispose of this immediately to prevent litter.
- We will work and co-operate with local authorities, police and other shop holders in the vicinity to reduce and prevent public nuisance.
- A Challenge 25 proof of age scheme shall be adopted, implemented and advertised at the premises. An accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age.
- Publicity materials notifying customers of the operation of Challenge 25 scheme shall be displayed at the premises including a Challenge 25 sign of at least A4 size at the entrance to the premises and where practicable at each point of sale.

3.5 The original floor plans and site plan submitted with the application are attached at Annex B.

3.6 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:

the prevention of crime and disorder;

public safety;

the prevention of public nuisance; and

the protection of children from harm

3.7 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.

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

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

Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2020 policy;

Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised April 2018;

Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act

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

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

3.12 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.

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

3.14 A representation of objection was received within the statutory period from Fire Safety Officer John Brown on behalf of Avon Fire & Rescue Service (Annex C). It relates to the Public Safety licensing objective.

3.15 In response to the representation the applicant submitted revised floor plans and site plan as detailed in Annex D of the report.

3.16 Additional information in respect of the proposed use of the premises was also provided by the applicant in response to the representation, to further the Public Safety licensing objective (Annex E).

3.17 In consideration of the additional information, measures were subsequently offered by the Applicant, **and agreed by Avon Fire & Rescue Service** to mitigate their original concerns. This agreement is attached at Annex F and makes the following proposals:

1. That the revised plan replaces the original plan submitted;
2. That the following additional conditions are added to the premises licence:
 - There will be no public access to the first, second or third floors
 - There will be no sale of alcohol for consumption on the premises

- There shall be no café within the premises
3. That all reference made to a café within the application be removed, by removing the following measures offered within the operating schedule of the application:
- Alcohol sold inside the café will be only to customers who are seated; and
 - Supervising and guiding visitors to the shop and café, at all times.

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

4 STATUTORY CONSIDERATIONS

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 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The cost of processing licences is covered by the fees charged. The fee for this application is £315.00.

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 CONSULTATION

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 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 it would have no involvement.

Contact person	Terrill Wolyn, Senior Public Protection Officer (Licensing) 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
Please contact the report author if you need to access this report in an alternative format	

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Kettlesmith Brewing Company Limited

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
15 New Bond Street			
Post town	Bath	Postcode	BA1 1BA

Telephone number at premises (if any)	None at present – empty unit
Non-domestic rateable value of premises	£ 80,000

Part 2 - Applicant details

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

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

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

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

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
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	Kettlesmith Brewing Company Limited
Address	26 Palairret Close Bradford-on-Avon Wiltshire BA15 1US
Registered number (where applicable)	09573225
Description of applicant (for example, partnership, company, unincorporated association etc.)	Manufacturer and retailer of beer

Telephone number (if any)
01225 864 839
E-mail address (optional)
sales@kettlesmithbrewing.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
1	6	1	1	2	0	2	0

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

DD		MM		YYYY			

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

A1 retail unit in Bath town centre in a row of similar terraced units.

The premises is comprised of a basement, ground floor, first floor and second floor which are all sales areas.

This application is seeking to license the entire indoor space for the sale of alcohol both to drink in and take away.

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

Not applicable

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

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

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	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

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	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
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 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

E

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

F

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri					
Sat			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) From normal opening time on New Year's Eve to normal opening time on New Year's Day.		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
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 6)		
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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
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 5)		
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 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	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<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 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	X
Mon	09:00	22:30	State any seasonal variations for the supply of alcohol (please read guidance note 5) None		
Tue	09:00	22:30			
Wed	09:00	22:30			
Thur	09:00	22:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	09:00	22:30	From normal opening time on New Year's Eve to normal opening time on New Year's Day.		
Sat	09:00	22:30			
Sun	10:00	21:30			

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

Name	Antony Field
Date of birth	27/10/1972
Address	26 Palairret Close Bradford-on-Avon Wiltshire
Postcode	BA15 1US
Personal licence number (if known)	LN/0010461

Issuing licensing authority (if known)
Wiltshire 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	09:00 0	23:00 0	
Tue	09:00 0	23:00 0	
Wed	09:00 0	23:00 0	
Thur	09:00 0	23:00 0	
Fri	09:00 0	23:00 0	
			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)
			From normal opening time on New Year's Eve to normal opening time on New Year's Day.

Sat	09:00	23:00	
Sun	10:00	22:00	

M

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

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

All staff will be trained on issues regarding the Licensing Act 2003 and in the prevention of underage sales to a level commensurate with their duties. The training will be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation in the form of training register shall be available for inspection on request by an authorised officer of the licensing authority or police

Special attention will be paid to the prevention of crime and public nuisance by refusing alcohol to people in an inebriated state and/or those exhibiting aggressive behaviour towards others. We will keep a record of individuals denied alcohol at the premises.

Children shall be protected by refusing to sell alcohol to those under 18 years of age and to refuse the sale of alcohol to individuals who may be purchasing on their behalf.

b) The prevention of crime and disorder

The Premises Licence Holder shall require the Designated Premises Supervisor or in his/her absence other responsible person to keep an incident/refusal logbook in a bound book in which full details of incidents are recorded. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the police or licensing authority when requested.

All alcohol supplied for consumption off the premises will be sold in sealed containers. Alcohol sold inside the café will only be to customers who are seated.

Apart from any counter-top display, all stocks of alcohol will be stored in a safe storage area which will be inaccessible to the public.

We will liaise with the local police and share information about any suspect or problem behaviour.

c) Public safety

We understand the hours may need to be restricted to meet further guidance and legislation and the government in respect of the Covid-19 pandemic. This is our utmost priority for customers and staff. Strict social distancing guidelines will be enforced and staff and customers alike will need to wear protective face coverings.

We will further protect the public by:

- Ensuring adequate lighting in all areas of the stall
- Adhering to all health and safety regulation and inspections and documenting these in a log book
- Maintaining the fabric of the shop and ensuring the sound working order of all equipment, especially that which is electrical
- Supervising and guiding visitors to the shop and café all times

d) The prevention of public nuisance

We will refuse to sell alcohol to people who are displaying signs of inebriation or who are aggressive in any way towards customers and staff.

Signage will be displayed at the exit asking our customers to leave the premises quietly and to respect our neighbours.

There will be adequate provision of receptacles for all rubbish generated by events and dispose of this immediately to prevent litter.

We will work and cooperate with local authorities, the police and other shopholders in the vicinity to reduce and prevent public nuisance.

e) The protection of children from harm

A Challenge 25 proof of age scheme shall be adopted, implemented and advertised at the premises. An accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age.

Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo card driving licence and passport.

Publicity materials notifying customers of the operation of Challenge 25 scheme shall be displayed at the premises including a Challenge 25 sign of at least A4 size at the entrance to the premises and where practicable at each point of sale.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.

- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

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

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 15). • 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	EJ Metz
Date	20 October 2020

Capacity	Sales Director
----------	----------------

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.

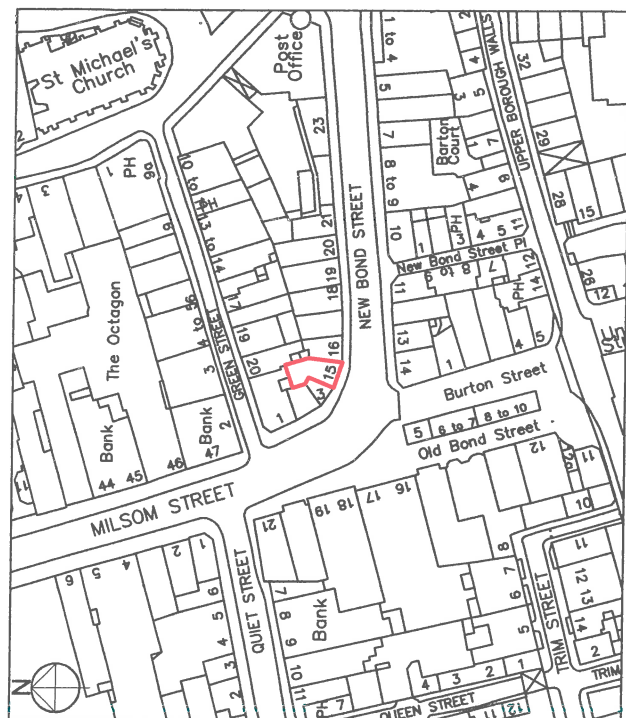
Signature	
Date	
Capacity	

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

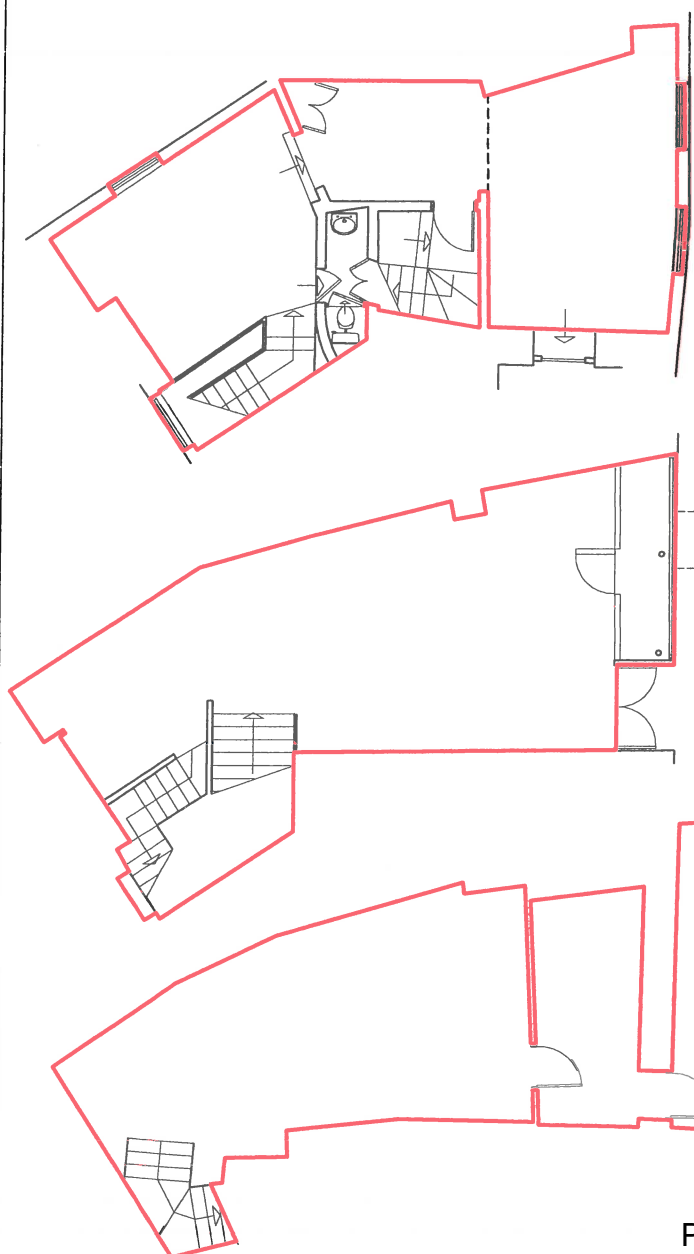
**Evan J Metz
Unit 16
Treenwood Industrial Estate**

Post town	Bradford-on-Avon	Postcode	BA15 2AU
Telephone number (if any)	07500 908 651		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) sales@kettlesmithbrewing.com			

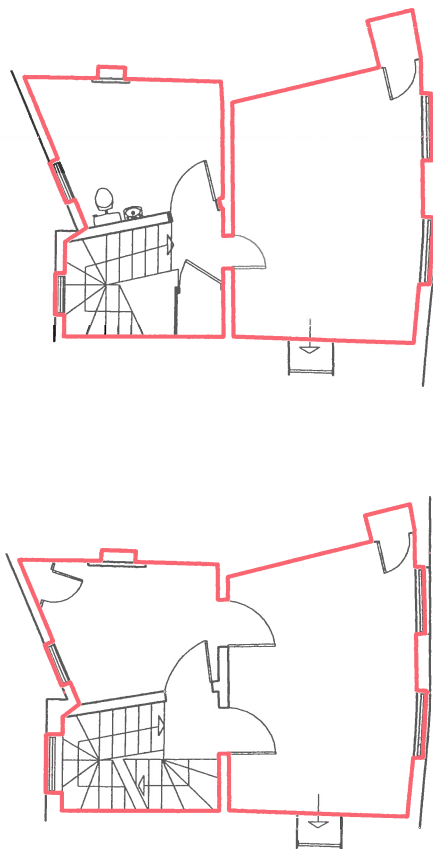
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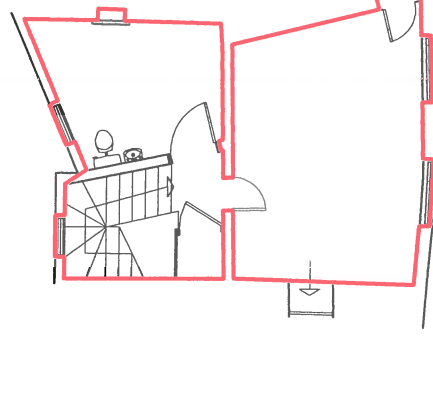
Location Plan
Scale 1:1250



GROUND FLOOR



SECOND FLOOR



THIRD FLOOR

FIRST FLOOR

BASEMENT

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**Bath & North East
Somerset Council**
Property and Project Delivery
Lewis House
Manvers Street
Bath BA1 1JG

PROPERTY
15 NEW BOND STREET
BATH
BA1 1BA

DRAWING TITLE
LEASE PLAN

PSR No

Site No

Drawn KT/TC

Date August 2017

Scale 1:100 @ A3

Rev

Drawing No

6573/VL/03

Representation Form

Responsible Authority. (Please delete as applicable.)

Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures /
Planning Authority / Marine Agency.

Your Name	John Brown
Job Title	Technical Fire Safety Officer
Postal and email address	Fire Safety, Bath Fire Station, Cleveland Bridge, Bath BA2 6PU John.brown@avonfire.gov.uk
Contact telephone number	0117 9262061 EXT 461

Name of the premises you are making a representation about.	Kettlesmith Brewing Company Limited
Address of the premises you are making a representation about.	15 New Bond Street Bath BA1 1BA

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.
To prevent crime and disorder		
Public safety		Insufficient details on plans to assess Part M under Public Safety.
To prevent public nuisance		
The prevention of harm to children		

<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>Provide sufficient details via plans as to internal layout of shop and the use of each floor.</p>
--	--

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

Signed:

Date:

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.



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From: John Brown

Sent: 04 November 2020 07:44

To: Terrill Wolyn; 'Kettlesmith Brewery'

Subject: RE: Kettlesmith Brewery 15 New Bond St - advice following receipt of representation

Good morning all.

Following my telephone conversation with Evan, yesterday it was explained to him the requirements of the Regulatory Reform (Fire Safety) Order 2005 and his duties under it. I have also explained to Evan that the purpose of the representation was that I could not make a decision around the area of public safety as per the requirements of the Licensing Act 2003 due to the lack of detail provided within the submitted plan.

I have asked Evan to submit plans that show:

- 1/ Internal layout on each floor.
- 2/ Activities on each floor.
- 3/ Escape routes.
- 4/ Any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
- 5/ The location and type of any fire safety and any other safety equipment.
- 6/ The location of any kitchen on the premises.

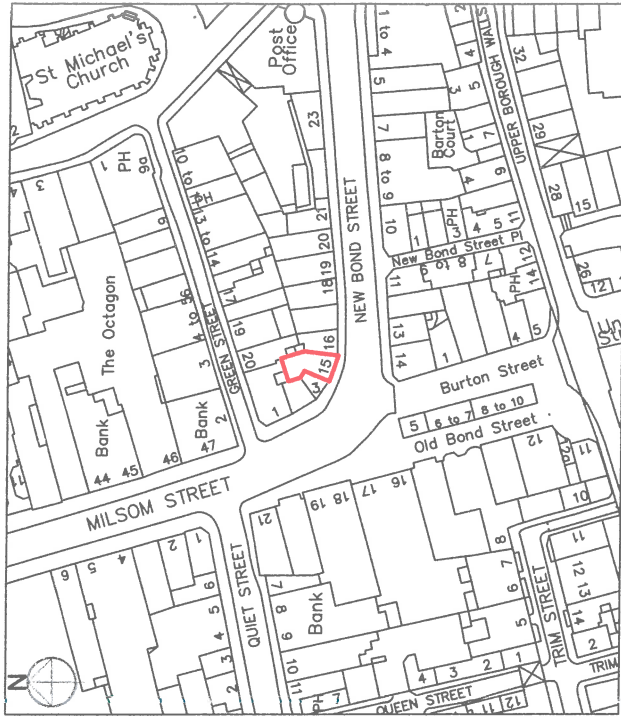
Any issues under the RR(FS)O 2005 will be dealt with on the day of opening as this legislation only comes into effect once the premises is in use and relevant persons are on site.

I hope the advice above is helpful and await receipt of the revised plans.

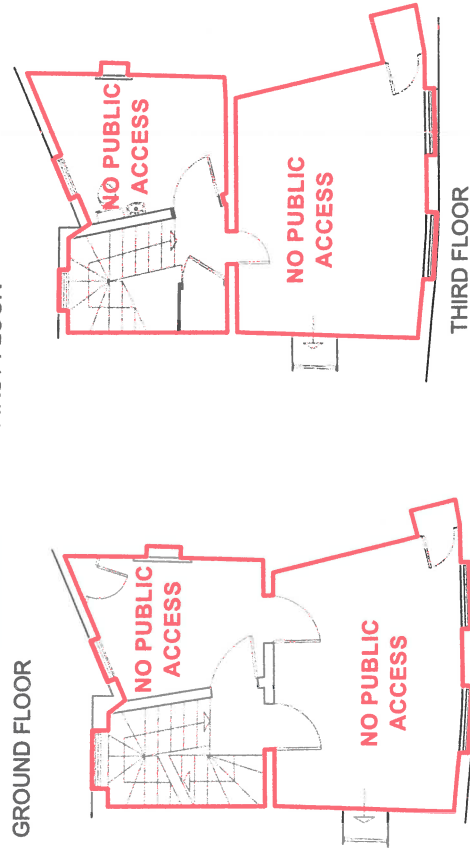
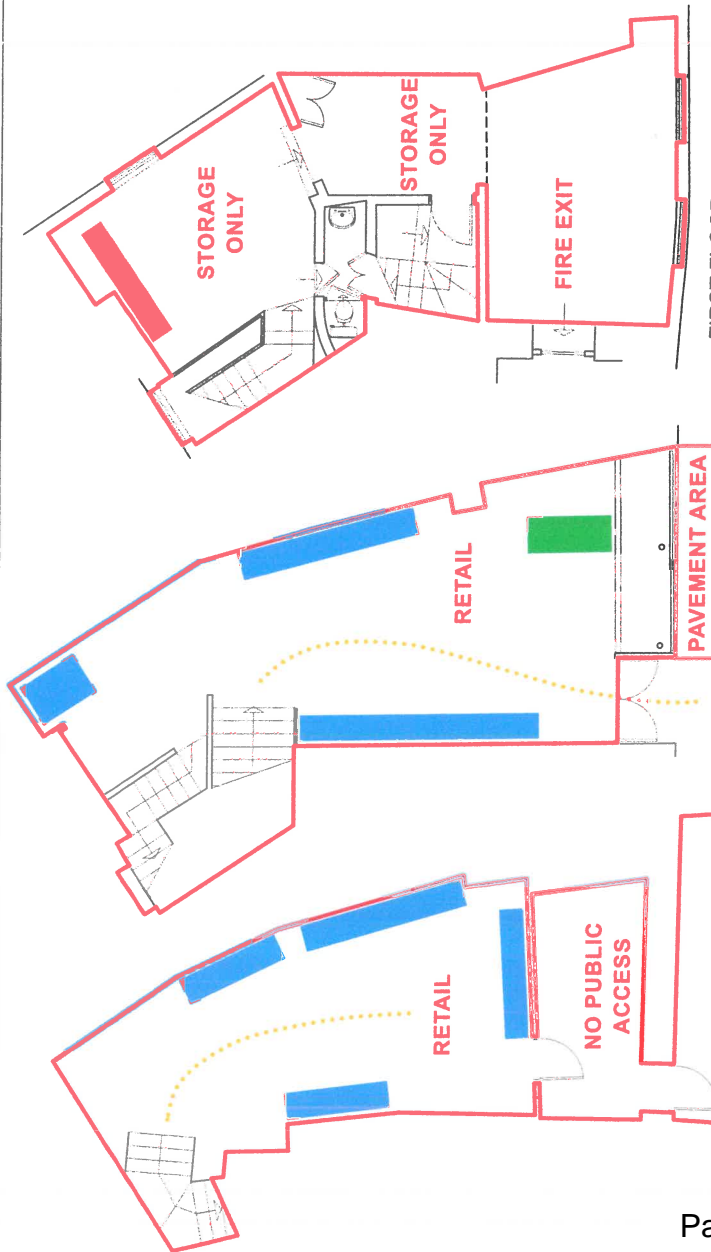
Kind regards

John

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Location Plan
Scale 1:1250



BASEMENT

- STORAGE SHELVES
- DISPLAY SHELVES
- CHECKOUT COUNTER
- ESCAPE ROUTES

PROPERTY 15 NEW BOND STREET BATH BA1 1BA		PSR No	Site No
DRAWING TITLE LEASE PLAN		Drawn KT/TC	Date August 2017
		Scale 1:100 @ A3	Rev
		Drawing No	6573NVL/03

Bath & North East Somerset Council

Property and Project Delivery
Lewis House
Manvers Street
Bath BA1 1JG

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From: Kettlesmith Brewery <sales@kettlesmithbrewing.com>
Sent: 05 November 2020 14:36
To: John Brown <john.brown@avonfire.gov.uk>
Cc: Terrill Wolyn <Terrill_Wolyn@BATHNES.GOV.UK>
Subject: RE: Kettlesmith Brewery 15 New Bond St - advice following receipt of representation

Hi John,

Please find attached answers to the issues you raised in our telephone conversation.

I have tried to explain more clearly how we will use the space and have also prepared a more detailed plan of the internal layout of the pop up shop.

Please let me know if this information answers your queries or whether you require more details.

All the best,

Evan Metz
Sales Director
Kettlesmith Brewing Co
01225 864 839
07500 908 651

15 New Bond Street

Further information on safety measures

Internal layout on each floor

Attached is a full plan showing the areas which we are seeking to license. It is important to note that we are only allowing public access on the Ground and Basement Floors. The Upper Floors are accessed via a narrow stairway and we think that it is best from a public safety standpoint not to allow the public in these areas.

You will note that the plan does show a Storage Area on the First floor. Stock for the shop will be held in and retrieved from this area. There is a fire safety door on the First floor which leads to the next door property. Staff will exit the First Floor via this route in an emergency rather than using the stairs. They will have to travel a maximum of 12.5 meters to exit the property on the First Floor from the furthest point.

Our plan shows the proposed layout of the internal space for each floor. Again we intend to use only the Ground Floor and Basement. Display shelving (blue bars) will be against the perimeter walls on these floors, leaving a wide reservation in the middle for the public to circulate. There is a central pay point which is a sales counter (green bar).

We plan to regulate the number of people to no more than 15 at any one time. This will allow for the safe flow of people into and from the shop and also provide adequate space for social distancing measures under the new Covid guidelines.

Access and exit from the shop are through the main double doors at the front of the building on the Ground Floor. Dotted lines on the map show how the public will exit the building. We have done measurements to assess the required travel distance to leave the shop. Exiting from the furthest public access point on the Ground Floor is 11.6 meters while the furthest travel distance from the Basement level is 16.3 meters.

The First floor is for storage only with the area at the front of the property being kept open as there is a Fire Safety door here. Goods will be stored against the walls on racking (pink bar) so that a central area is left free to move about.

The Second and Third Floors will not be used for the pop up shop and there will be no public access to the upper floors.

Activities on each floor

The Ground Floor and Basement will be used for the display and sale of goods.

Part of the first floor is to be used as a storage area. This is the area immediately at the top of the stairs. There is also a toilet on this level which will be used by staff.

The Upper Floors (Second and Third) will not be used at all during the period of the lease and will have no public access.

Escape routes

Exit from the Ground and Basement floors is via the main double door at the front of the building. The doors let out immediately onto the main pedestrian pavement.

Escape on the first floor is via the Fire Safety door which leads into the next door commercial property next door (3 New Bond Street).

There are similar fire safety exits on the Second and Third floors which lead into the next door property, although these floors are not going to be used.

Steps, lifts and elevators

There are two stair cases in the building. A central staircase towards the rear of the building which leads to all upper floors. It is 0.8m wide.

There is a second, wider staircase that leads to the basement area. This is 1.8m wide and has a handrail to aide people with mobility issues.

This is a period property and so there are no elevators or escalators in the premises.

Any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts

Fire safety equipment

There is a fire alarm system in the property which has been recently inspected in March 2019.

Other fire equipment includes ceiling smoke detectors on all floors, fire safety doors on the stairs on floors two and three.

In addition, there is a fire safety door and a fire exit on the first floor which leads to the next door commercial property (3 New Bond Street).

We will also provide two fire extinguishers – one on the Ground floor and the second in the basement.

Kitchen facilities

There are no cooking facilities on site. We will not be using any equipment that requires bottled gas or electricity.

Possible hazards: Lighting and heating

Please note that, in terms of electrical equipment, we will only have decorative fairy lights. The Council has recently had the property inspected by an electrician and has carried out some remedial works on the spot lights.

There are no other possible hazards relating to our operation. Heating of the property is done by gas boiler and this has also been inspected prior to tenancy.

AGREEMENT REACHED BETWEEN APPLICANT & AVON FIRE & RESCUE SERVICE

From: John Brown <john.brown@avonfire.gov.uk>
Sent: 25 November 2020 07:37
To: Terrill Wolyn <Terrill_Wolyn@BATHNES.GOV.UK>
Cc: Kettlesmith Brewery <sales@kettlesmithbrewing.com>
Subject: RE: 15 New Bond Street - alcohol premises license

Dear Terrill.

Please see the email below received from Evan this morning.

For yours and the Sub-Committees information AFRS are now satisfied the measures proposed along with the revised plan meet the Public Safety objective. Subsequently AFRS would be happy for the application to be granted subject to the additional measures, the removal of any reference to the Café and the revised plans provided.

May I thank you for your assistance in this matter.

Yours sincerely.

John

John Brown *MIFireE*
Technical Fire Safety Officer, Technical Fire Safety Bath
Avon Fire & Rescue Service
Telephone: 0117 926 2061 Extension: 464

From: Kettlesmith Brewery [<mailto:sales@kettlesmithbrewing.com>]
Sent: 25 November 2020 6:56 AM
To: John Brown
Cc: Terrill Wolyn
Subject: 15 New Bond Street - alcohol premises license

Dear John,

Thank you for your advice on our application for an alcohol premises license for 15 New Bond Street.

I have taken onboard your concerns in respect of our application and so have amended the plan accordingly – specifying that the pop up shop will operate only on the ground and basement floors.

I agree, moreover, to the following measures being added to the premises license to mitigate your concerns:

1. There will be no public access to the first, second or third floors
2. There will be no sale of alcohol for consumption on the premises
3. There shall be no café within the premises

In light of these additional measures, I propose that we remove the following items from section M of the application, specifically:

- o "Alcohol sold inside the café will be only to customers who are seated"
- o "Supervising and guiding visitors to the shop and café at all times"

As agreed with Avon Fire & Rescue Service, there will not be a café at the premises so the above changes will make this point clearer.

I hope that you find these changes satisfactory and look forward to your reply.

Yours sincerely,

Evan Metz
Sales Director
Kettlesmith Brewing Co
01225 864 839
07500 908 651

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1400/20

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 10 th December 2020

Author: John Dowding

Exempt Report Title: Consideration of Fit and Proper

Exempt Appendix Title(s):

Exempt Annex A- Current Licence
--

Exempt Annex B – Minutes and Resolution of LSC 29th October 2020
--

Exempt Annex C – Current Policy On Hackney Carriage and Private Hire Licensing Standards for Drivers ,Vehicles & Operators

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this

information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

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

Document is Restricted

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