

# Licensing Sub-Committee

**Date: Thursday, 25th August, 2022**

**Time: 10.00 am**

**Venue: Council Chamber - Guildhall, Bath**

**Councillors:** Rob Appleyard, Michael Evans and Sally Davis

Chief Executive and other appropriate officers  
Press and Public

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



**Mark Durnford**

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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. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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

## 4. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition on behalf of a group.

**Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

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

## 5. Emergency Evacuation Procedure

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

## 6. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

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

**Licensing Sub-Committee - Thursday, 25th August, 2022**

**at 10.00 am in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETING: 11TH AUGUST 2022 (Pages 5 - 10)

6. LICENSING PROCEDURE (Pages 11 - 18)

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

7. VARIATION OF A PREMISES LICENCE - LOCH FYNE (Pages 19 - 60)

8. EXCLUSION OF THE PUBLIC

The Sub-Committee is asked to consider passing the following resolution:

“the Sub-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 – 22/00349/TAXI (Pages 61 - 96)
10. CONSIDERATION OF IMPACT OF MEDICAL DIAGNOSIS - 21/02531/TAXI (Pages 97 - 126)
11. CONSIDERATION OF FIT AND PROPER – 22/00326/TAXI (Pages 127 - 158)

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

**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Thursday 11th August 2022 10.00 am

**Councillors:** Rob Appleyard (Chair), Michael Evans and Steve Hedges

**Officers in attendance:** Carrie-Ann Evans (Team Leader, Legal Services) and John Dowding (Lead Officer, Licensing), Maddie Grigor (Licensing)

**46 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

**47 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

**48 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There was no urgent business.

**50 MINUTES OF PREVIOUS MEETING: 27TH JULY 2022**

**RESOLVED** that the minutes be confirmed as a correct record and signed by the Chair.

**51 LICENSING PROCEDURE**

The Chair outlined the procedure for the meeting.

**52 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.

**RESOLVED** that the public be excluded from the meeting for the following items 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.

**53 CONSIDERATION OF FIT AND PROPER - 2200499TAXI**

The Lead Officer - Licensing presented the report to the Sub-Committee. He advised Members to consider the matter, determine the issue and take any action they may consider suitable after hearing the representation from the licensee.

The members of the Sub-Committee, Lead Licensing Officer and Team Leader, Legal Services asked questions of the licensee regarding each of the issues raised in the report and she responded accordingly.

### Decisions and Reasons

Members considered whether or not the applicant was a fit and proper person to continue to hold her combined Hackney Carriage/Private Hire Driver's licence in the light of failures to comply with the terms of her Hackney Carriage Proprietor'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 Policy.

Members heard from the licensee in oral representations who apologised to the Licensing Sub-Committee for taking their time and for not putting her paperwork in. She explained that she now understood the importance of providing her MOT and insurance documents to ensure the safety of the travelling public. She confirmed to Members that even when she did not provide her insurance documents on time, she always had insurance in place, furthermore, she always had her MOT in place save for in March 2022 when it expired on 16<sup>th</sup> March as there was delay in the repairs due to lack of availability of a part. Her vehicle was off the road in the garage until the repairs were carried out and it passed its MOT on 25<sup>th</sup> March 2022. In relation to the failure to provide the insurance certificate in 2021 she explained that she had asked her broker to provide the certificate to the licensing department and he had failed to do so, she acknowledged however, that this was her responsibility.

The licensee explained that there were extenuating personal circumstances in 2020 and 2022 that had impacted her ability to manage her paperwork and Members accepted the details of the account that she provided in this regard.

Whilst addressing members on the matters before the Licensing Sub-Committee the licensee disclosed that she had received 3 penalty points on her DVLA licence on 14.01.22 for travelling at 24mph in a 20mph limit. The Lead Licensing Officer Mr Dowding indicated that if she had notified the Licensing Department of this, as this was her first breach of condition related to failure to notify a conviction within the requisite period, she would have received a warning.

Members noted that compliance with the conditions relating to MOT and insurance certificates and notifying convictions, 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. Indeed, compliance with all licence conditions is of the utmost importance.

Members noted however, that there had been no complaints from the public relating to the licensee's conduct and she had been licensed as a Hackney Carriage/Private Hire Driver for in the region of 25 years.

Members found that the licensee's account was credible, she expressed genuine remorse for her non-compliance with the conditions of her licence and seemed to fully appreciate now the importance of these conditions. Members have no doubt that she is a good taxi driver who otherwise conducts herself well and offers

excellent customer service but needs to improve her skills when it comes to her administrative responsibilities. With that in mind, on balance, members find that the applicant is fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a final warning that the licensee:

1. Cannot rely on her broker to submit documents to the licensing authority as it is her responsibility to comply with the conditions of her licences.
2. She must comply with the conditions on her licences as they are an important safeguard to ensure the safety of the travelling public.
3. If she comes before the Licensing Sub-Committee again, against this background, there is a strong risk of revocation of her licence.

## **54 CONSIDERATION OF FIT AND PROPER - 2200251TAXI**

The Lead Officer - Licensing presented the report to the Sub-Committee. He advised Members to consider the matter, determine the issue and take any action they may consider suitable after hearing the representation from the licensee.

The members of the Sub-Committee, Lead Licensing Officer and Team Leader, Legal Services asked questions of the licensee regarding each of the issues raised in the report and he responded accordingly.

### **Decisions and Reasons**

Members considered whether or not the applicant was fit and proper to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of failures to comply with the terms of his Hackney Carriage Proprietor's Licence, breaches of condition relating to his Combined Hackney Carriage/Private Hire Driver's Licence and driving his vehicle whilst it had failed its MOT due to a dangerous defect. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members heard from the licensee in oral representations who acknowledged the extent of the matters against him which he expressed embarrassment in relation to. He asked Members to consider how he had already been dealt with, namely, the warning letters that he had received and penalty points. He indicated that he had now set diary and phone reminders to ensure that he upholds his obligations in the timescales required.

In relation to the matter at 3.21 of the report and driving his licensed vehicle without a combined Hackney Carriage/Private Hire Driver's Licence, he acknowledged now that he was wrong but explained that at the time, he did not know that he could not drive the vehicle and was not trying to hide anything but explained it was due to a lack of knowledge on his part.

The licensee acknowledged before the Members that the most serious matter was the vehicle being driven after it failed its MOT earlier this year. His verbal account was consistent with the explanation given at Annex E of the report. He accepted on questioning that his initial account that it was at the garage for the days that it did not have a valid MOT, was not true and explained that he responded quickly to Mr Dowding's e-mail and should have given it more thought. In relation to his subsequent account that he had taken his friend on a long journey, he explained that

he had written confirmation from the friend in relation to the journey and a screenshot to prove the friend's address. Members did not request to see these documents because there was no dispute that the licensee had them and there was no dispute that he had driven the vehicle 855 miles without an MOT. The licensee accepted that his behaviour was foolish, careless and stupid and he should not have taken his friend on the journey even if he had to pay another 'cabby' to do it. He told Members that he was deeply regretful.

The licensee asked Members to take note of the fact that in the years he had been a licensed driver, on a conservative estimate, he must have taken 15000 passengers and they had all got to their destination safely, had no issues with him, his vehicle or any other aspect. That said, he accepted he should have been wiser and smarter with his taxi, but he said that he thinks he is fit and proper and he has his car serviced regularly and is not neglectful of it.

Members noted that compliance with the conditions relating to MOT and insurance certificates 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. Similarly, conditions relating to notification of cautions and convictions are an important safeguard to ensure that the Council can monitor the fit and proper status of a licensed driver.

Members noted that the licensee had a number of failures to comply with conditions in relation to both his Hackney Carriage Proprietor's Licence and his combined Hackney Carriage/Private Hire Driver's Licence, as follows:

On 13.07.17 the licensee was served with a notice under s.68 Local Government (Miscellaneous Provisions) Act 1976 which suspended his vehicle licence immediately as it had been reported that his vehicle was immobilised by the DVLA due to non-payment of the road fund licence. The licensee had been using the vehicle for public hire without a road fund licence in place. The licensee explained in writing this was due to an oversight on his part.

On 01.06.2018 he received a formal written warning for breach of condition, namely, failure to produce his new insurance certificate or cover note within 7 working days of the expiry of the current certificate or cover note ("the Insurance Condition").

On 01.05.19 he received 4 penalty points on his BANES licence for a further failure to comply with the Insurance Condition.

On 03.06.19 the licensee was seen driving a Hackney Carriage without holding a combined Hackney Carriage/Private Hire Driver's Licence. The licensee explained in an interview under caution that this was done unintentionally, through ignorance of the legislation. The licensee accepted a simple caution for the commission of this offence.

On 24.12.20 the licensee was convicted of a speeding offence. It is a condition of his licence that any convictions are declared to the Council within 7 days. There was a question relating to convictions and cautions on the licensee's application for renewal of his combined Hackney Carriage/Private Hire Driver's licence. The licensee had rightly answered 'yes' to the question whether or not he had been convicted of an offence since the grant of his last licence and he indicated 'yes' that he had declared it to the Council. The Council had no record of such information



having been provided but it was decided in that instance, that there would be no further action taken based on the explanation provided by the licensee.

On 27.05.22 the licensee was informed by e-mail that he had failed for a third time to comply with the Insurance Condition and was informed that this matter would be referred to the Licensing Sub Committee for determination. He supplied an insurance certificate to the council which showed an expiry date of 27.11.21 and a new certificate should have been supplied to the council no later than 07.12.21.

On 27.05.22 he was also issued with a formal written warning for breach of condition, namely, failure to produce a new MOT certificate within 7 working days of the expiry of the previous certificate. The previous MOT certificate expired on 27.08.21 and the new certificate should have been produced no later than 08.09.21. On 27.08.21 the licensee's vehicle had failed its MOT with a note saying "do not drive until repaired (dangerous defects): Nearside Rear Brake pad(s) less than 1.5mm thick" as well as other major defects requiring immediate repair such as inoperative lamps and there were advisories as well.

The licensee indicated in writing to the licensing authority that the garage had kept the vehicle after it has failed its MOT and until it passed again. This was not true because there was a difference of 855 miles between the mileage at the date of the failed test on 27<sup>th</sup> August and on 3<sup>rd</sup> September when it passed its MOT. In a further written response, the licensee indicated that he had in fact undertaken a very long journey to drive his friend's home, free of charge, and that he had completed the return trip in a day. He indicated in writing that he would have dropped the vehicle to the MOT centre at around 8.00am it would have taken approximately one hour and then he would have completed the trip. He also indicated that he had spoken to the DVSA and that they had allegedly said it was acceptable for him to drive the vehicle under the previous MOT. The MOT test details indicated that the test was in fact carried out at 13:37.

Members found the licensee's explanation regarding the mileage incurred when his vehicle had a dangerous defect, to be lacking in credibility given that what he initially said was untrue and the timings provided subsequently did not withstand scrutiny due to the timing of his MOT test. In any event, there was no dispute that he drove a vehicle with dangerous defects, amongst others, 855 miles and this put the safety of the travelling public in danger.

Members noted that there had been no complaints from members of the public relating to the licensee's conduct in the 7 years he had been licensed as a Hackney Carriage/Private Hire Driver however, there is a catalogue of breaches of conditions and driving his vehicle with dangerous and other defects as referred to above, and for those reasons Members are not satisfied, on balance, that he remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence and revoke his licence on notice pursuant to section 61(2A) of Local Government (Miscellaneous Provisions) Act 1976.

Authority is delegated to the Licensing Officer to revoke the licence pursuant to section 61(2A).

Members had sympathy for the licensee's personal circumstances but the question before them is whether or not he is fit and proper and for the reasons indicated, they are not satisfied that he is.

The meeting ended at 1.20 pm

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

The Sub-Committee will reconvene the meeting and the Chair will announce the Sub-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.

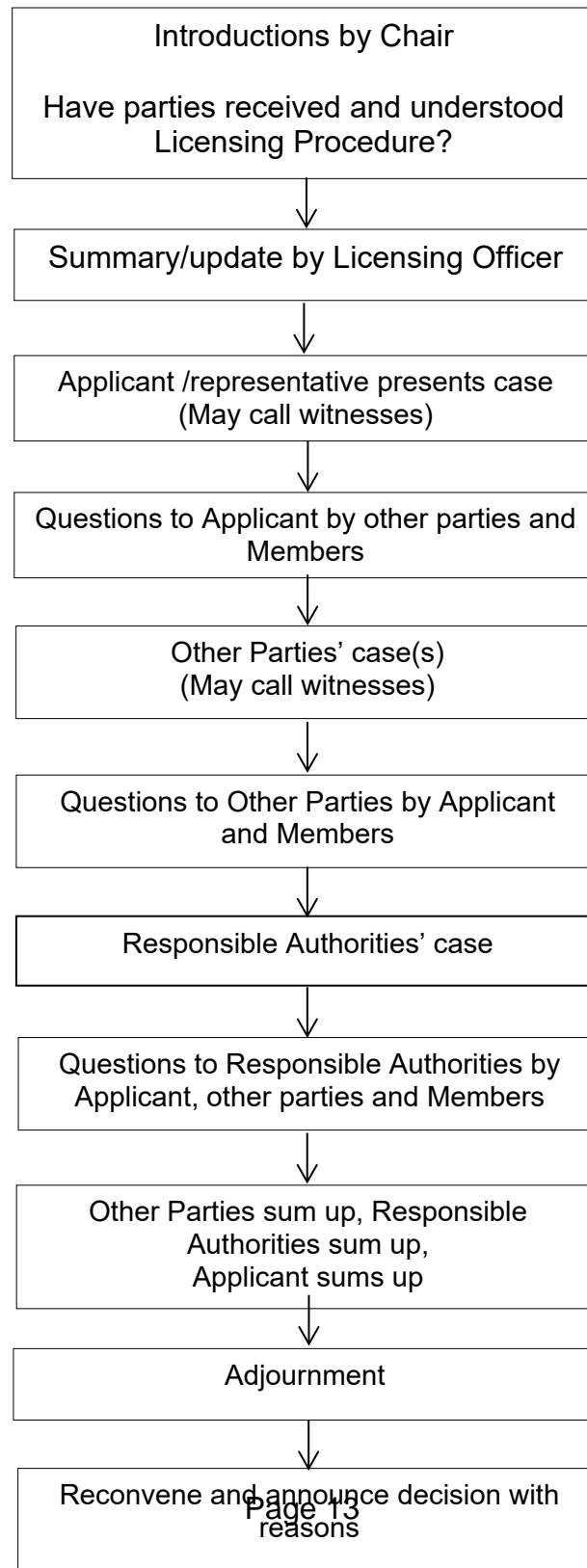
**PLEASE NOTE:**

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Sub-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 Sub-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:**

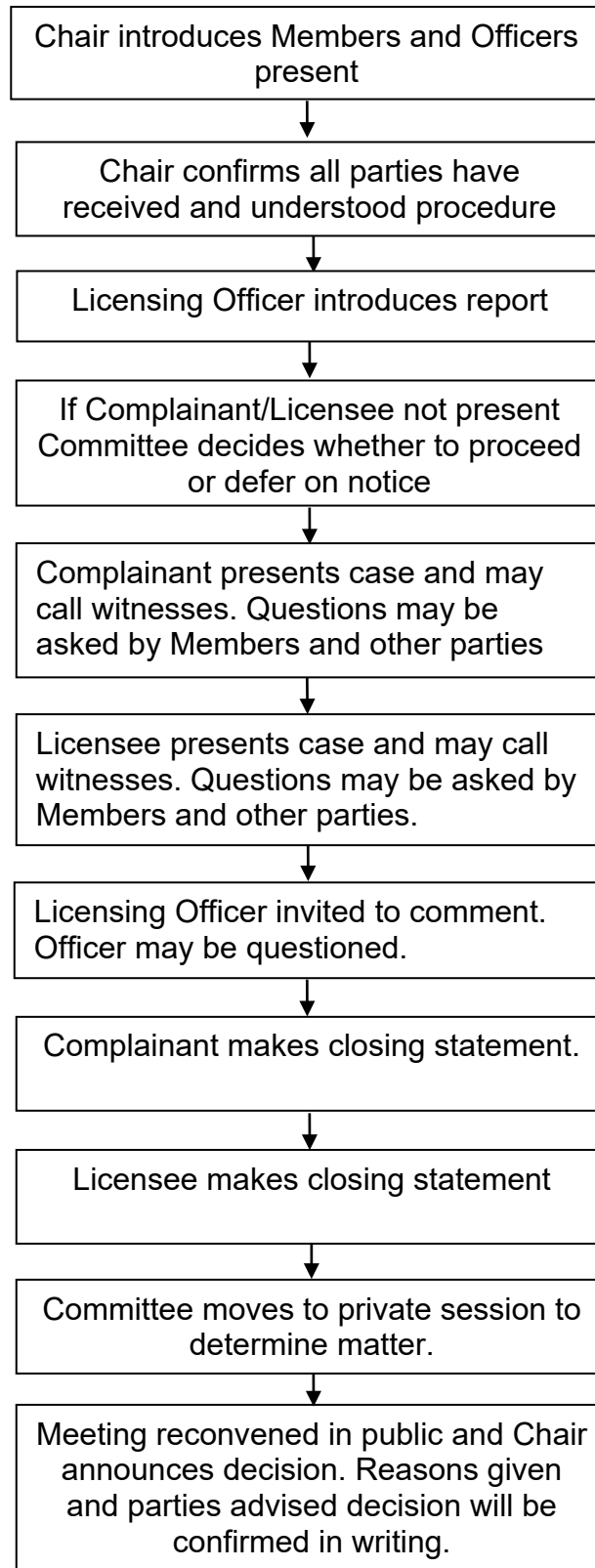
- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in 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 25 August 2022	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a Variation of a Premises Licence for:  Loch Fyne Restaurant  24 Milsom Street Bath BA1 1DG	
WARD:	KINGSMEAD	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b>  <b>Annex A</b> Application for a Variation of the Premises Licence.  <b>Annex B</b> Current Premises Licence.  <b>Annex C</b> Plan of Licensable activities area incorporating proposed changes.  <b>Annex D</b> Plan of existing Licensable activities area.  <b>Annex E</b> Representation.		

## **1 THE ISSUE**

- 1.1 An application to vary the Premises Licence for Loch Fyne Restaurant, 24 Milsom Street, Bath has been made under s.34 of the Licensing Act 2003. The premises is located within the B&NES Cumulative Impact Area and the Cumulative Impact Policy is relevant to this application.
- 1.2 A relevant representation has been received from a resident living near the premises.

## **2 RECOMMENDATION**

- 2.1 The Committee is asked to determine the application.

## **3 THE REPORT**

3.1 An application has been received from Greene King Brewing and Retailing Limited, Westgate Brewery, Bury St Edmunds, Suffolk IP33 1QT to vary the Premises licence for Loch Fyne, 24 Milsom Street, Bath. **(Annex A)**

3.2 The application proposes the following variations to the existing licence:

- To vary the licence plan to reconfigure the existing trade area including the removal of open kitchen / food preparation area and incorporate screened off back of house area into trade area.
- Relocate the existing bar server, add new areas of fixed seating and relocate the kitchen to the basement.
- Create cold cellar storage in the basement along with new cellar barrel drop in external pavement.
- Provide coverage to the external rear terrace area.
- To remove conditions relating to the use of the restaurant and archaic conditions, namely:
  - Substantial food to be available during all trading hours.
  - The licence and conditions to be displayed at the entrance to the premises (*superseded by the Licensing Act 2003 requirements*).
  - In the area delineated on the plan (Bar Area) no more than 20 customers to be in this area at any one time.
  - Save for the bar area, the supply and consumption of alcohol to be waiter / waitress service to persons seated at the tables.

There are no proposed changes to Licensable Activities or timings.

3.3 The following measures have been offered by the applicant to promote the licensing objectives in addition to existing conditions attached to the operating schedule:

None offered.

3.4 A copy of the current Premises Licence is attached **(Annex B)**

3.5 The floor plans detailing the extent of the proposed licensed premises are attached **(Annex C)**

3.6 The floor plans showing the extent of the current licensable activities areas is attached **(Annex D)**

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

- a) the prevention of crime and disorder.

- b) public safety.
  - c) the prevention of public nuisance; and
  - d) the protection of children from harm.
- 3.8 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.
- 3.9 The Licensing Authority may grant the application with or without additional conditions.
- 3.10 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:
  - a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2020 policy;
  - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised April 2018;
  - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 3.11 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 3.12 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 3.13 In accordance with the requirements of the Act, copies of the application were forwarded to the Police, the Fire Authority, the Environmental Protection Team, Development Control, Trading Standards, Health Authority and the Safeguarding Children and Young Persons Team.
- 3.14 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. The notices fixed to the premises were observed by a Licensing Officer in situ on 29 July 2022 and the applicant has confirmed the notices being in place since the start of the consultation period.
- 3.15 A representation of objection has been received within the statutory period from a resident living near the premises. They express concern that the applicant's proposals are likely to undermine the Prevention of Crime and Disorder and Prevention of Public Nuisance Licensing Objectives (**Annex E**)

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

#### **6 RISK MANAGEMENT**

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

#### **7 CLIMATE CHANGE**

- 7.1 The licensing objectives do not require the applicant to specify steps to mitigate the impact of climate emergency. However, the applicant is encouraged to consider locally sourced ingredients and reducing 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 (Head of Legal & Democratic Services and Council Solicitor), Section 151 Officer (Director of Finance) and Head of Building Control and Public Protection and Environmental Protection Team have had the opportunity to input to this report and have cleared it for publication.
- 9.2 This report has not been sent to the Trades Union because they would have no involvement.

<b>Contact person</b>	<p>Geoff Cannon</p> <p>Public Protection Officer (Licensing)</p> <p>07977 228120</p>
<b>Background papers</b>	<p>Licensing Act 2003</p> <p>Guidance issued under s.182 of the Licensing Act 2003</p> <p>Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005</p> <p>B&amp;NES Statement of Licensing Policy</p>
<p><b>Please contact the report author if you need to access this report in an alternative format</b></p>	

## Annex A

### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Greene King Brewing & Retailing Ltd

*(Insert name(s) of applicant)*

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

#### Premises licence number

21/00783/LAPRE

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description  
Loch Fyne Restaurant  
24 Milson Street

Post town

Bath

Postcode

BA1 1DG

Telephone number at premises (if any)

01225 750120

Non-domestic rateable value of premises

£69,500

#### Part 2 – Applicant details

Daytime contact  
telephone number

E-mail address (optional)

Current postal address if  
different from premises  
address

Greene King  
Westgate Brewery

Post town

Bury St Edmunds

Postcode

IP33 1QT

#### Part 3 - Variation



Please tick as appropriate

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

☒ Yes

☐  
No

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

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

To vary the licensing plan to reconfigure the existing trade area including removal of open kitchen/food prep area and incorporate screened off back of house area into the trade area. Relocate existing bar serverly, add new areas of fixed seating and relocate kitchen to the basement. Create cold cellar storage in basement along with new cellar barrel drop in external pavement. Provision of coverage to external rear terrace area.

To remove conditions relating to the use of a restaurant/archaic conditions.

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

#### Part 4 Operating Schedule

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

<b>Provision of regulated entertainment (Please see guidance note 3)</b>	<b>Please tick all that apply</b>
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

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

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

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

A

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

## B

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

# C

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

# D

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

## E

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

## F

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



## G

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

# H

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

# I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6) As per premises licence granted			
Mon						
Tue						
Wed						
Thur						<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7) As per premises licence granted
Fri						
Sat						
Sun						

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p>
--

L

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

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

- Substantial food to be available during all trading hours
- The licence and conditions to be displayed at the entrance to the premises (*this is overridden with the Licensing Act 2003 with regards to the summary being on display*)
- In the are delineated on the plan (Bar Area) no more than 20 customers to be in this area at any one time
- Save for the bar area, the supply and consumption of alcohol to be waiter/waitress service to persons seated at the tables

Please tick as appropriate

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

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

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

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

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

To remove the following:

- Substantial food to be available during all trading hours
- The licence and conditions to be displayed at the entrance to the premises (*this is overridden with the Licensing Act 2003 with regards to the summary being on display*)
- In the area delineated on the plan (Bar Area) no more than 20 customers to be in this area at any one time
- Save for the bar area, the supply and consumption of alcohol to be waiter/waitress service to persons seated at the tables

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

As per 'box a'

**c) Public safety**

As per 'box a'

**d) The prevention of public nuisance**

As per 'box a'

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

As per 'box a'

Checklist:


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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

**Part 5 – Signatures** (please read guidance note 12)

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

Signature	
Date	11 <sup>th</sup> July 2022
Capacity	Licensing Manager

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

Signature	
Date	
Capacity	



<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15) Hannah Loynds Greene King Westgate Brewery			
<b>Post town</b>	<b>Bury St Edmunds</b>	<b>Post code</b>	<b>IP33 1QT</b>
<b>Telephone number (if any)</b>		[REDACTED]	
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> [REDACTED]			

### Notes for Guidance

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

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

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Licensing Act 2003  
Premises Licence**

**Premises Licence Number**

21/00783/LAPRE

**Premises Details**

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

Loch Fyne Restaurant  
24 Milsom Street  
Bath  
BA1 1DG

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

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

**Sale of Alcohol**

Monday to Saturday 08:00 - 00:00

Sunday 08:00 - 23:30

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

Monday to Saturday 11:00 - 00:00

Sunday 12:00 - 23:30

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

Monday to Saturday 11:00 - 00:00

Sunday 12:00 - 23:30

**Facilities for Making Music (Indoors only)**

Monday to Saturday 11:00 - 00:00

Sunday 12:00 - 23:30

**Late Night Refreshment (Indoors only)**

Monday to Saturday 23:00 - 00:00

Sunday 23:00 - 23:30

**Non Standard Timings**

Sale of Alcohol and Late Night Refreshment - From normal start time on New Year's Eve until the normal finish time on New Year's Day.

**The opening hours of the premises**

Monday to Saturday 07:30 - 00:30

Sunday 08:00 - 00:00

**Non Standard Opening Times**

From normal opening time on New Year's Eve to normal closing time on New Year's Day.

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

Alcohol is supplied for consumption both on and off the premises

**Name of holder of premises licence**

Greene King Brewing & Retailing Limited

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

Registered Business Number - 3298903

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

As per Operating Schedule at Annex 2.

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

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

Dated 21 July 2021

## Annex 1 – Mandatory conditions

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

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

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

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

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From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)\*;

(b) "permitted price" is the price found by applying the formula:

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

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

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

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

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

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

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

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

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

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

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

-----

From 1 October 2014:

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

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

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

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



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

---

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

---

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

A CCTV system shall be installed in consultation with the police, which shall be maintained in working order and provided / equipped with recording facilities with tapes, recordings being retained for 31 days and available to the police for investigative and evidential purposes.

Substantial food to be available during all trading hours.

The licence and conditions to be displayed at the entrance to the premises.

In the area delineated on the plan (Bar Area) no more than 20 customers to be in this area at any one time.

The external area shall only be used between 11 am and 9 pm, and limited to 50 customers at any one time.

No amplified sound on the premises to be generated at any time.

---

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

Save for the bar area, the supply and consumption of alcohol to be by waiter/waitress service to persons seated at the tables.

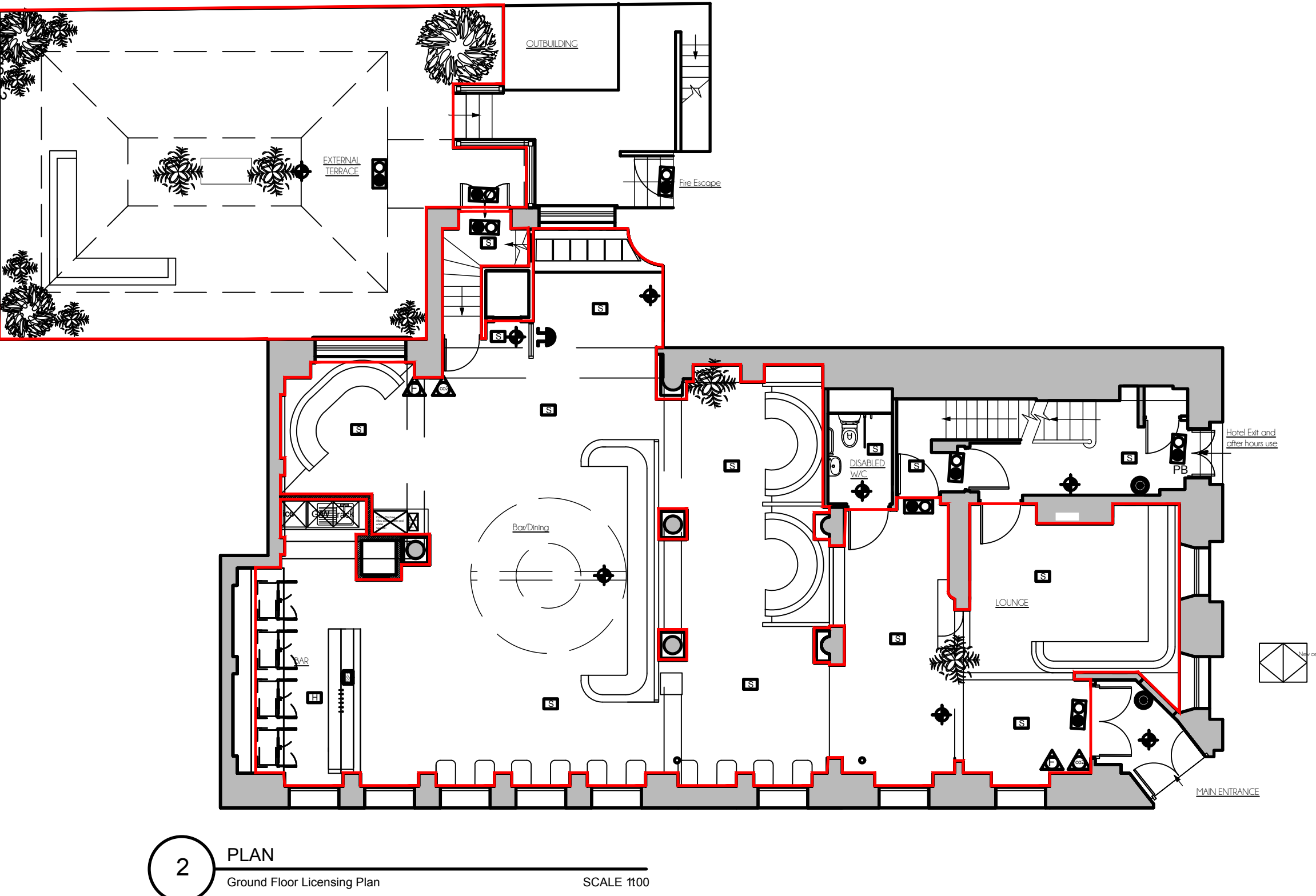
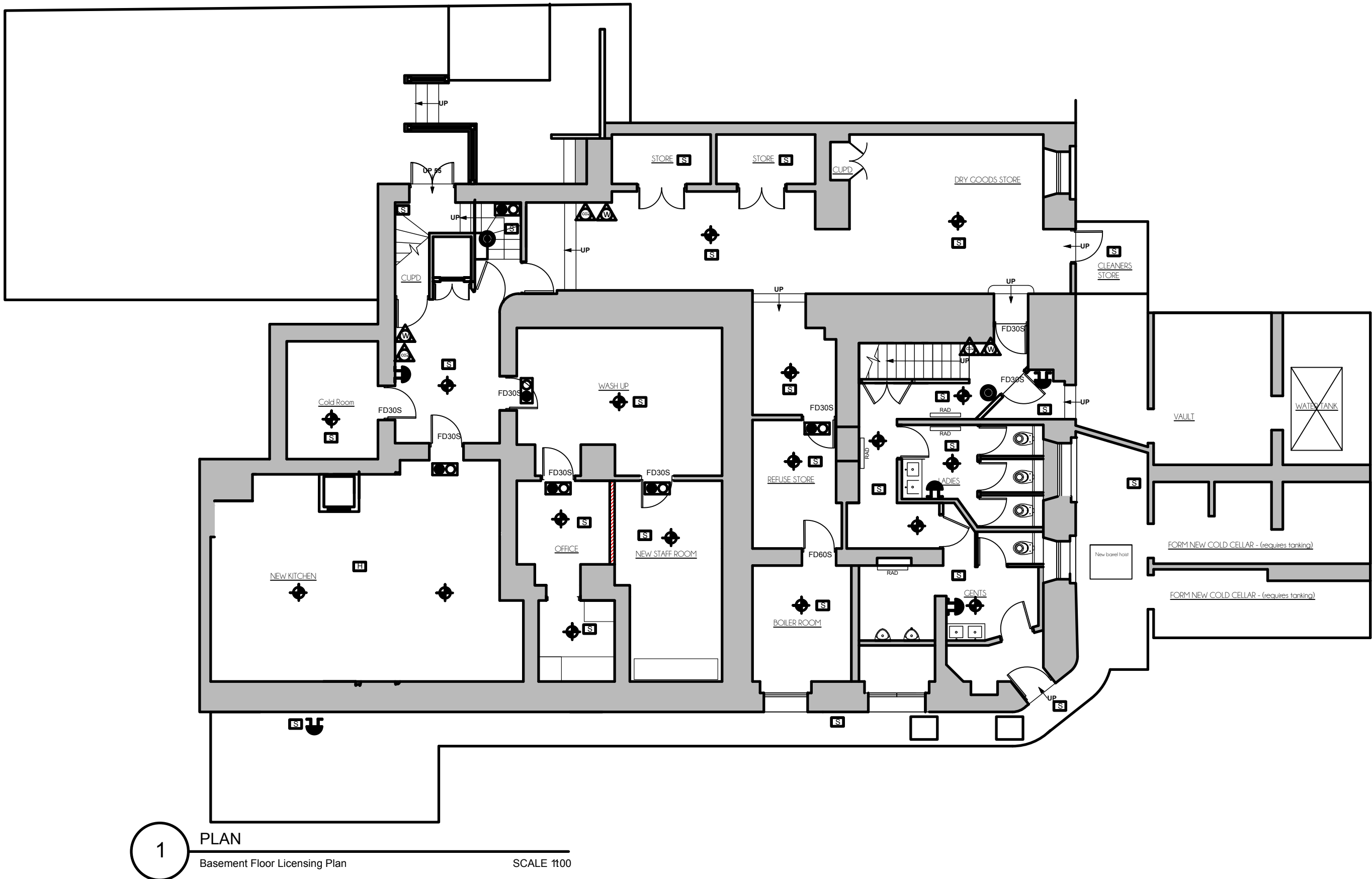
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PUBLIC REGISTER COPY

#### **Annex 4 – Plans**

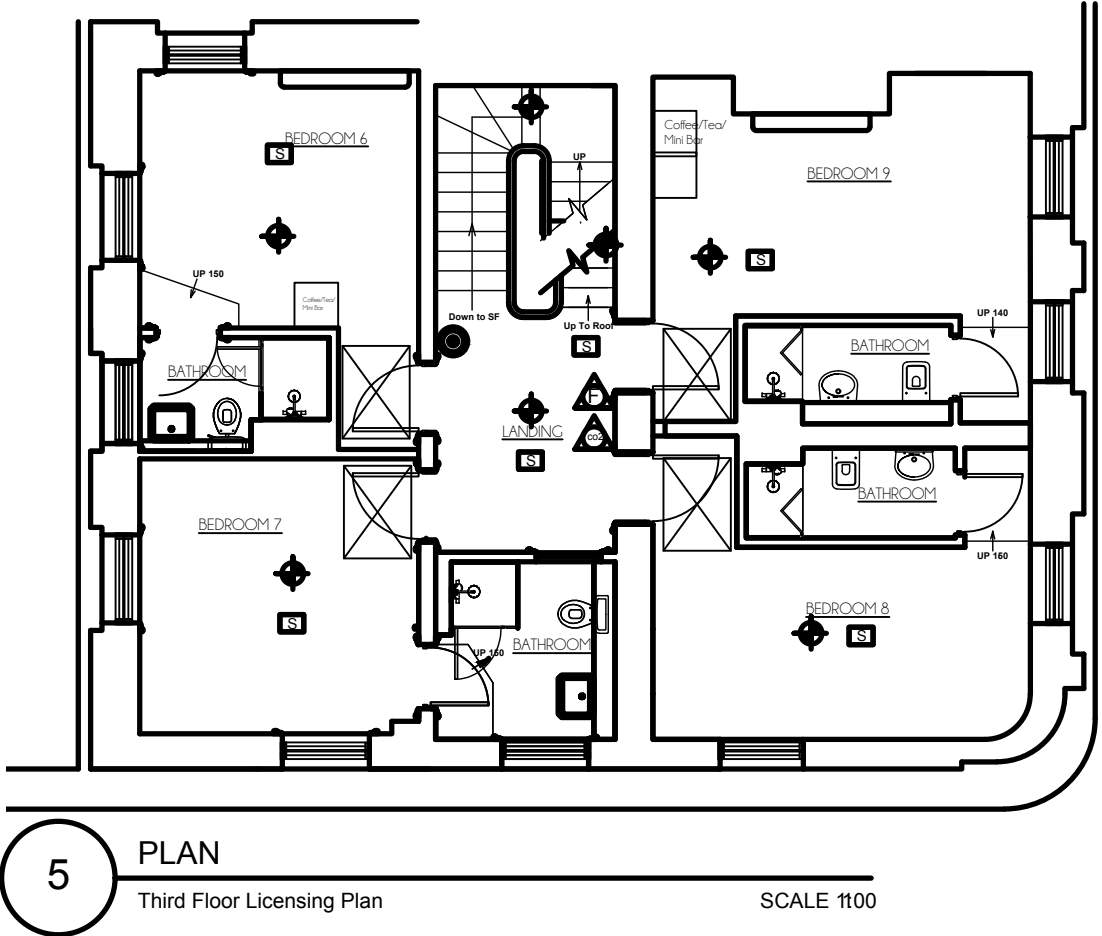
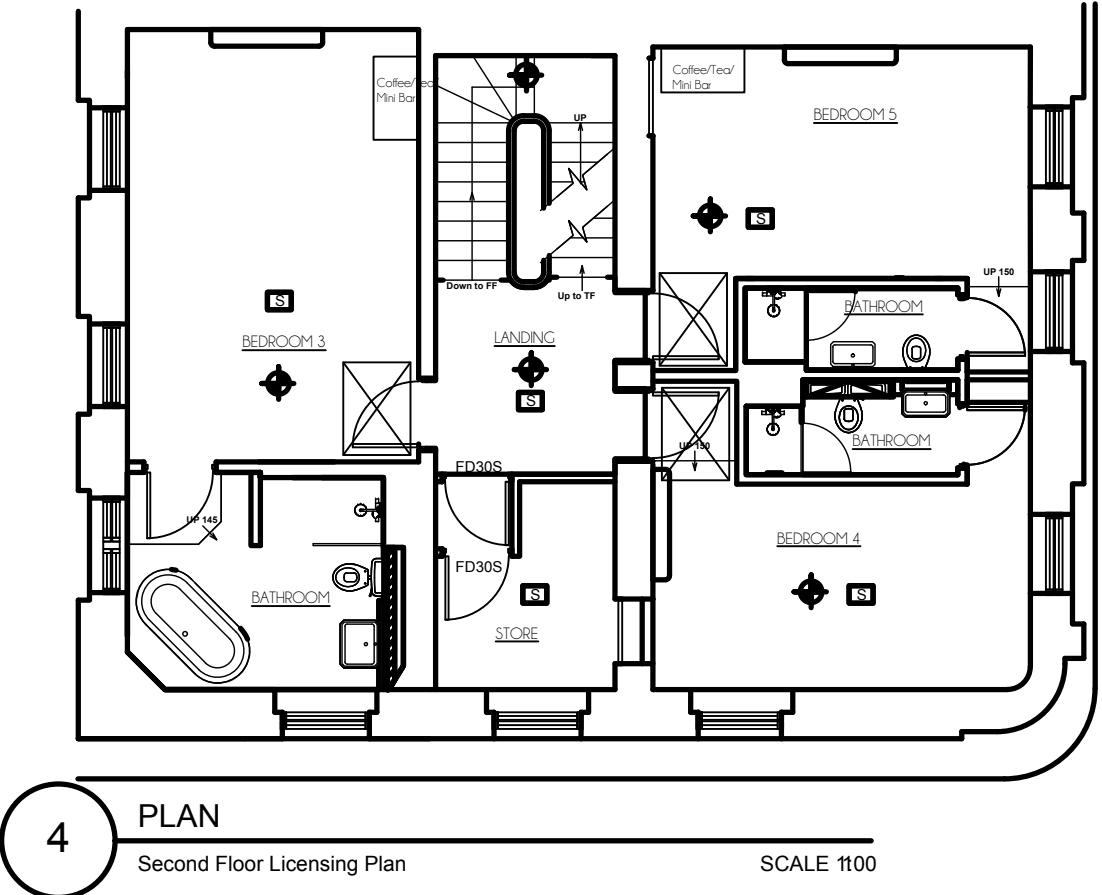
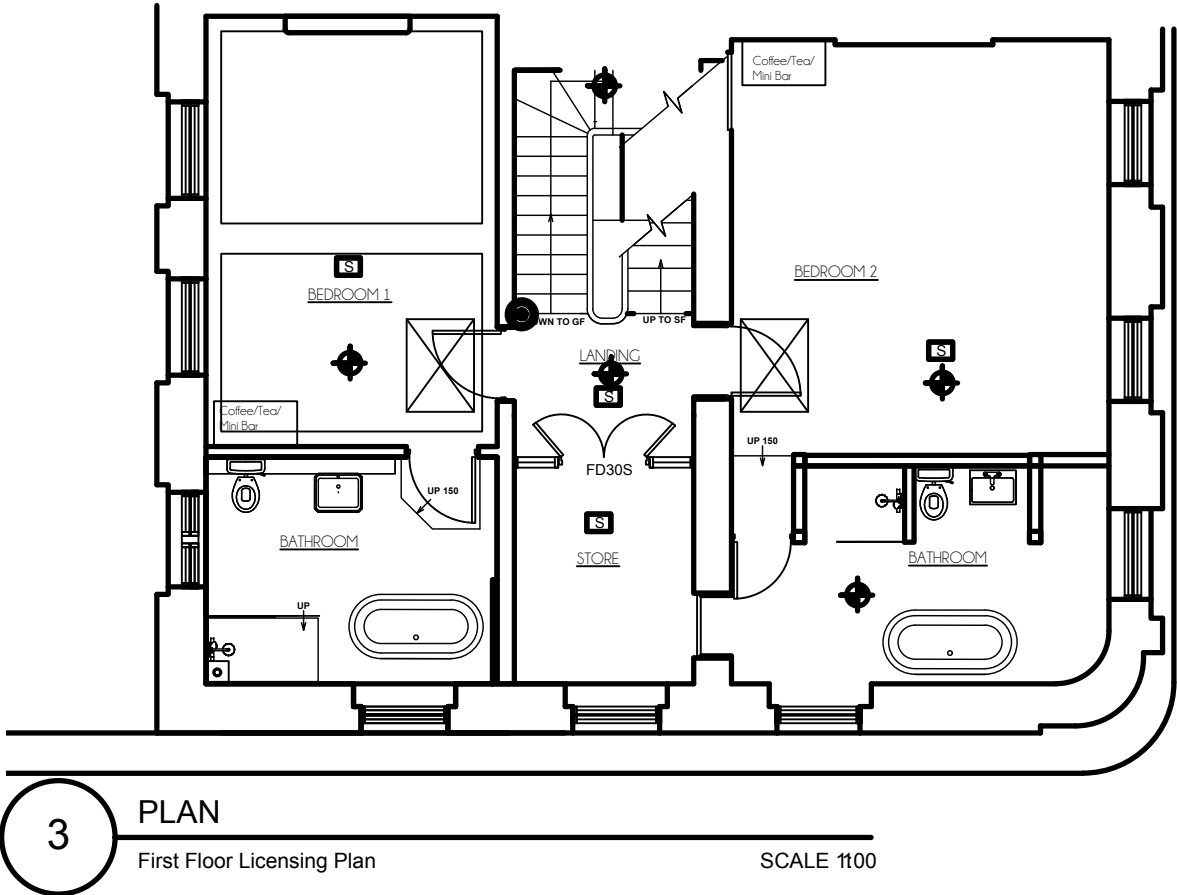
As submitted with application.

Annex C



BASE DRAWING BY OTHERS  
The AutoCAD base drawing used to prepare this drawing was provided by others, Nanu Soda cannot accept any liability for the accuracy of that information. All details and dimensions to be checked on site before commencement of any works.

Scale 1:100  
0 1 2 3 4 5 10



- GENERAL NOTES :
- Provide New Emergency Lighting installation to serve all public areas , toilets , lobbies , exit routes and private exit routes, private accommodation, cellar, kitchen, all back of house area ,including illuminated EXIT signs . Electrician to install new scheme in accordance with BS 5266 : Part 1 : 1988 to Building Control and Fire Officers approval. Note: All circulation area to be Non-Maintained. All toilets, corridors, staff areas, stores, directional exit signs & signs over exit doors to be Fully Maintained.
  - Provide New Fire Alarm System throughout , including break glass fire alarm call points ; alarm bell sounders ( to be audible in all parts of building ) ; and heat and smoke detectors to be installed in accordance with BS 5839 : Part 1 : 1988 to meet Building Control and Fire Officers approval. All sockets and power supplies to Music Systems to be linked to Fire Alarm and all power to be cut upon activation of Fire Alarm.
  - Provide AFFF type fire extinguisher and fire blanket / dry powder type fire extinguisher to commercial kitchen.
  - All upholstery fabrics / foam and curtain fabrics to be fire retardant and contractor to provide test certificates to fire officer for approval prior to completion of works. Minimum Crib '5'.
  - Wall and ceiling linings to be Class 1 generally and Class 0 to escape lobbies and stairwells.
  - Means of escape to comply with Building Control / Fire Officers requirements.
  - All doors marked FD30S to be 1/2 hour fire resistant construction and fitted with combined smoke seals and intumescent strips and self closing device . Any glazing to be to 1/2 hour resistant standard.
  - All doors marked FD60S to be 1 hour fire resistant construction and fitted with combined smoke seals and intumescent strips and self closing device . Any glazing to be to 1 hour resistant standard.
  - Provide fire signs and notices as required by Building Control / Fire Officer.
  - Check / upgrade stair soffits to 1 hour fire resisting standard.
  - Check / upgrade existing ceilings between a) basement cellar and ground floor trading areas , and b) ground floor trading areas and first floor.
  - Upgrade electrical power / lighting circuits to current IEE regulations with NICEIC certificates.
  - Wire and install New Noise Limiter - Formula Sound Century together with a Contactor linked to the Music System power supplies which will be calibrated and set at a level that if amplified music / live music exceeds the set decibel level the power supply will be automatically switched off and will only switch on if the amplifications unit noise output is reduced to under the set decibel level. An appointment will be made with Council Environment Health Officer at such a time when this unit is ready to be calibrated and the Decibel level set to ensure the level is satisfactory.
  - All Amplified Music / Amplified Live Entertainment shall only take place internally.
  - All external doors and windows in the premises will remain closed at all times and access and egress will be maintained at all times.
  - Signs will be installed externally in the following areas: Adjacent to entrance door, adjacent rear entrance door, to read "Please leave the premises quietly and respect our neighbours".
  - Final inward opening doors to be pinned open during trade hours

- VP Vision panel in door ( fire rated in doors ).
- PB Push bar type door ironmongery to emergency exit doors.
- FD Break glass fire alarm call point.
- FB Fire blanket.
- LA Licensed Area
- HD Heat Detector
- SD Smoke Detector
- FE Foam Extinguisher
- WE Water Extinguisher
- CE CO2 Extinguisher
- WC Wet Chemical
- S Sounder
- "Fire Door Keep Shut" Notice
- "Fire Door Keep Clear" Notice
- FE Fire Exit Sign
- AP Amusement with Prizes
- SK Skill with prizes

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No dimensions to be scaled from this drawing. All Contractors must visit site and be responsible for taking and checking all dimensions relative to this work. The Designer must be advised of any discrepancies in writing.

Revision:  
REV A: Licensing area removed from rooms. ACW 30.05.22

Scale: 1:100@A1	Date: MAY '22	Drawn by: ADM
Job title: The Milsom (nee Loch Fyne) 24 Milsom St Bath, BA11DG	Drawing title: Proposed Licensing Plans Basement, Ground, First, Second & Third Floors	Drawing Number: 842/L1A

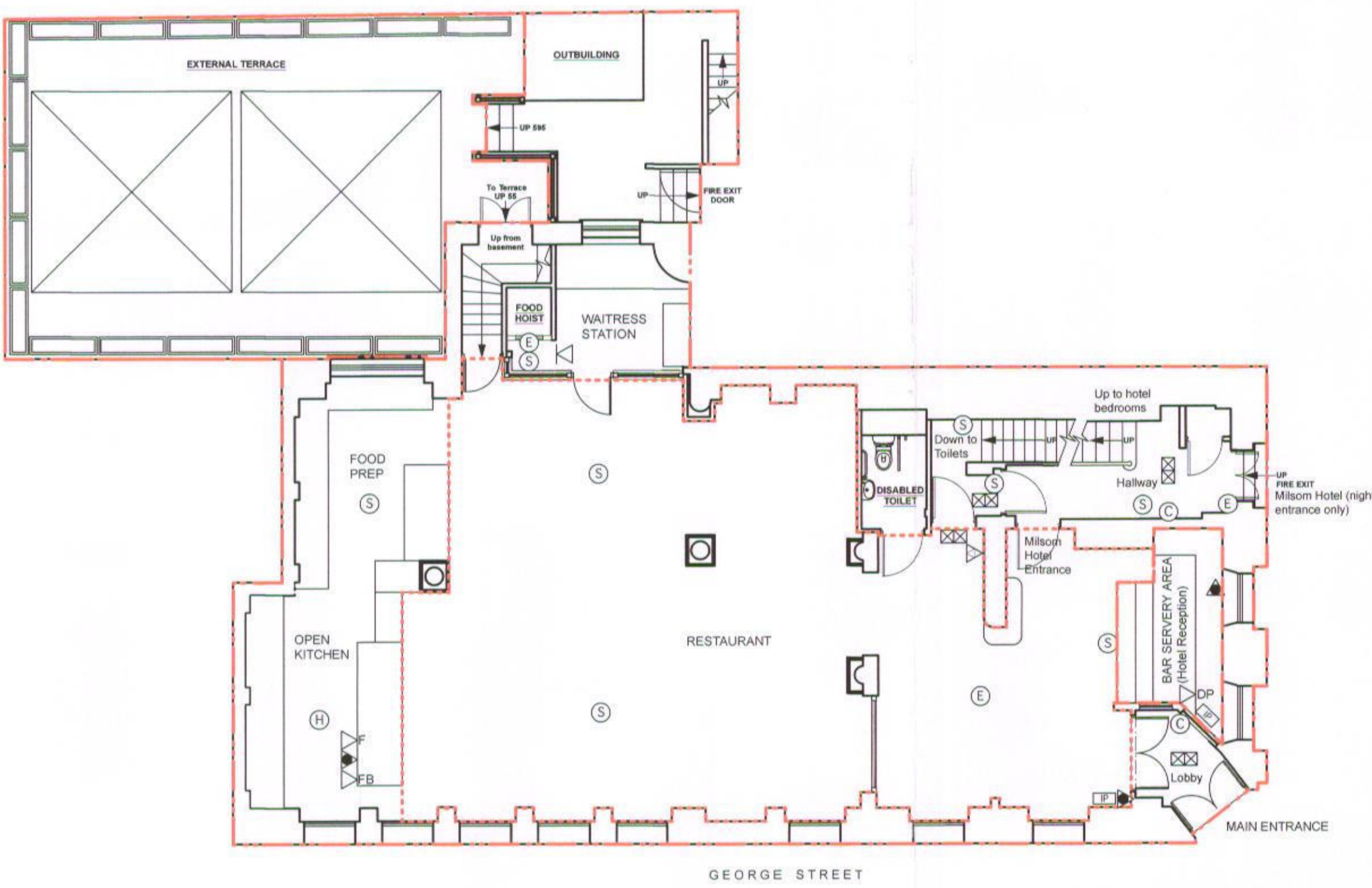
The Studio 34 Smyth Street Wakefield WF1 1ED  
01924 372654 info@nanusoda.co.uk

NANU  
SODA



Annex D

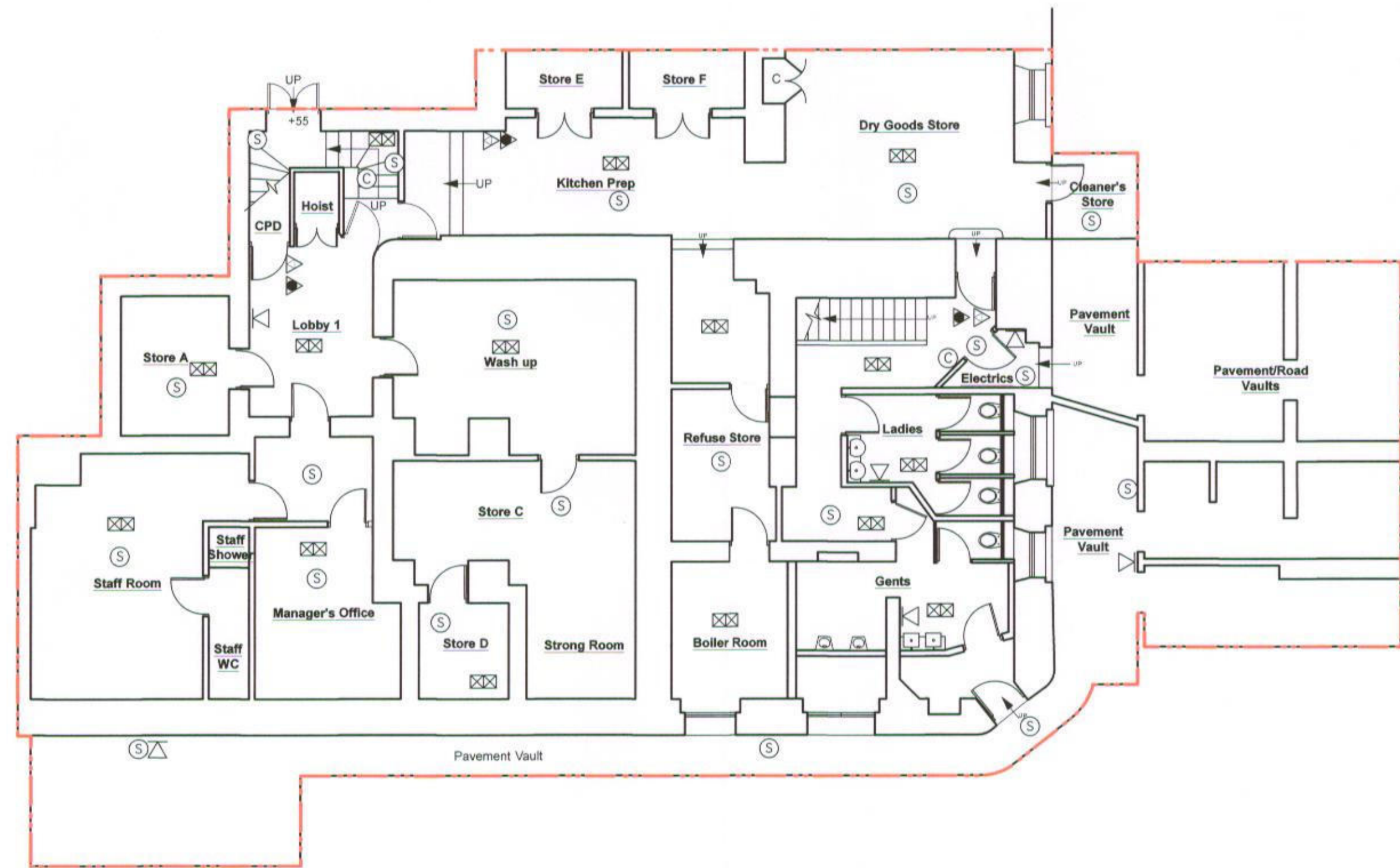
Existing plan of licensable activities areas



NOTES & REVISIONS :  
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS MUST NOT SCALE FROM THIS DRAWING UNLESS EXPRESS INSTRUCTIONS ARE GIVEN BY SAMPSON ASSOCIATES. THE COPYRIGHT OF THIS DRAWING IS RESERVED. THE DRAWING MUST NOT BE DISCLOSED WITHOUT AUTHORITY.

LICENSING PLAN  
Scale: 1:100

PROPOSED LICENSING KEY	
GROSS AREA OF LICENSED PREMISES (SQM)	363
GROSS INTERNAL LICENSED CUSTOMER AREA (SQM)	130
GROSS INTERNAL BAR SERVERY AREA (SQM)	9
GROSS EXTERNAL LICENSED CUSTOMER AREA (SQM)	83



EXISTING BASEMENT LICENSING PLAN  
Scale: 1:100

PROPOSED LICENSING KEY	
GROSS AREA OF BASEMENT TO LICENSED PREMISES (SQM)	418

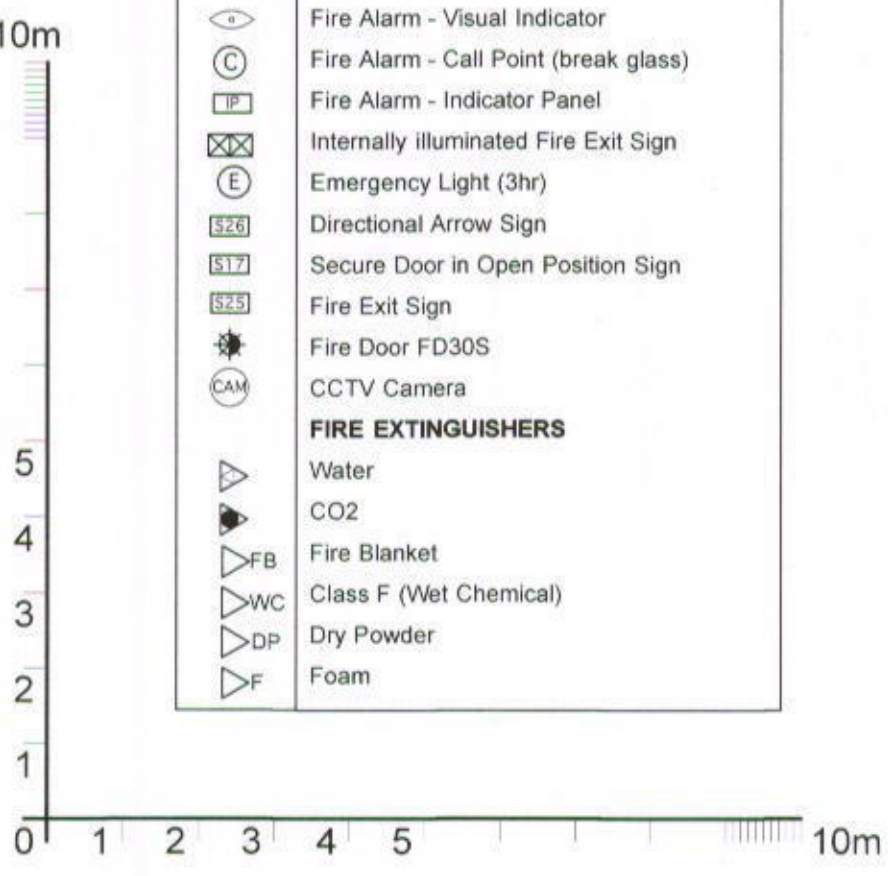
- ELECTRICAL KEY**

  - Low voltage lighting
  - Chandelier lighting
  - Staircase lighting
  - Door lighting
  - Emergency lighting
  - Fire alarm control panel
  - Fire alarm bell
  - Fire alarm horn
  - Fire alarm siren
  - Fire alarm strobe
  - Fire alarm speaker
  - Fire alarm bell
  - Fire alarm horn
  - Fire alarm siren
  - Fire alarm strobe
  - Fire alarm speaker
- FIRE KEY**

  - Fire Alarm - Smoke Detector
  - Fire Alarm - Heat Detector
  - Fire Alarm - Sounder
  - Fire Alarm - Visual Indicator
  - Fire Alarm - Call Point (break glass)
  - Fire Alarm - Indicator Panel
  - Internally illuminated Fire Exit Sign
  - Emergency Light (3hr)
  - Directional Arrow Sign
  - Secure Door in Open Position Sign
  - Fire Exit Sign
  - Fire Door FD30S
  - CCTV Camera

**FIRE EXTINGUISHERS**

  - Water
  - CO2
  - Fire Blanket
  - Class F (Wet Chemical)
  - Dry Powder
  - Foam



CLIENT:	GREENE KING PUB CO	DRAWN BY:	TC
SITE:	LOCH FYNE, BATH	SCALE @ A1:	1:100
DRAWING TITLE:	LICENSING PLANS	2599-18-00	

**SAMPSON ASSOCIATES**  
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**LICENSING ACT 2003  
REPRESENTATION FORM**

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

**I/We object to the following application:**

Application number:	
Applicant's name:	<b>Greene King Brewing &amp; Retailing Ltd</b>
Premises name and address:	<b>Loch Fyne Fish Restaurant, 24 Milsom Street, City Centre, Bath, BA1 1DG</b>
Application for a:	<b>Variation of a Premises Licence</b>

**Objector Details:**

Objector's Name:	<b>William Anthony Bedding</b>
Objector's Address:	<b>Flat 1, 5 Alfred Street, Bath, BA1 2QU</b>
Organisation name if applicable:	<b>N/A</b>

**Objection Details:**

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

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

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

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

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



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

Signed



Date

08/08/2022

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





Dear Licencing Authority at Bath and North East Somerset Council,

I write this letter as a formal representation for the application for a variation of a premises licence for the premises of Loch Fyne Fish Restaurant, 24 Milsom Street, City Centre, Bath, BA1 1DG (the Premises). The applicants are Greene King Brewing & Retailing Ltd (the Applicant).

Of the four licencing objectives, I make these representations:

The Prevention of Crime and Disorder

1. George Street has become extremely crowded with late night bars in one concentrated area.
2. Even without the Applicant's requested bar, this has caused George Street to have a high population of people drinking in excess who are not dispersing throughout town to make drunken behaviour more manageable.
3. I live one street away, and will frequently see drunken people stumble, fall and lay down in the middle of George Street. This is a danger to themselves and others.
4. While the Applicant cannot be held responsible for what happens on the street outside, these people will usually be entering a variety of establishments due to the proximity of the establishments, causing excess drinking, and leading on to a higher likelihood of disorder within any (including the Applicant's) establishment.
5. There are also frequent fights in this area, within and outside the various establishments. Shouting between multiple people can often be heard even from my home, so I am certain this is the case for other residents. To add another establishment focussing on drinking (a wet bar) would only worsen the issue and raise the likelihood of needing some form of police presence at night.

Public Safety

1. There are no representations to make for the Premises regarding Public Safety.

Prevention of Public Nuisance

1. George Street has become extremely crowded with late night bars in one concentrated area.
2. Even without the Applicant's requested bar, this has caused George Street to have a high population of people drinking in excess, who are not dispersing throughout town to make drunken behaviour more manageable.
3. I live one street away and will frequently hear heated arguments and cheering into the early hours of the morning. This likely upsets the quiet enjoyment of many residents in the area.
4. While the Applicant cannot be held responsible for what happens on the street outside, these people will usually be entering a variety of establishments due to the proximity of the establishments, causing excess drinking, and leading on to a higher

likelihood of noise and disturb for the local residents. As the Premises will also be in close proximity, the Premises will also create said noise and disturb.

5. Therefore, allowing this application would create public nuisance for local residents.

#### Protection of Children from Harm

1. There are no representations to make for the Premises regarding Protection of Children from Harm.

There is also one more representation I wish to make, though this falls outside the standard four licencing objectives. Nonetheless, it is vital this is addressed as it severely undermines the Licensing Authority's mandate to ensure the public's voice is heard regarding these sought of applications. Therefore I make this representation:

#### Procedure

1. It is statutory procedure when making an application for a variation of a premises licence to put the public on notice of said application by putting up a declaration of the application on the outside of the building for 28 consecutive days.
2. I can attest that I walk past the Premises most days on my commute to work, and that no declaration had been put on the outside of the building until Saturday the 6<sup>th</sup> August 2022.
3. That make the 8<sup>th</sup> August 2022 (the deadline to make representations toward the application) the only working day where the public are both on notice and also able to file any representation. This is not acceptable and contravenes the Licensing Act 2003.
4. In the interest of making sure proper procedure is followed, I submit that the Licencing Authority at least mandate that the Applicant must give the public a further 28 consecutive days to be on notice and permitted to make representations if they wish to do so.
5. This lack of following procedure has made it extremely difficult to make a fully actualised representation. As an anecdotal point to this, I have been unable to research statistics or gather evidence to help make my points across the four licencing objectives. It stands to reason that in order to be fair in procedure, the public be given time on notice to undertake such research.
6. While a separate application, I can also attest that the notice for Planning Permission for the same Premises has only been fixed to the outside of the Premises since Saturday the 6<sup>th</sup> August 2022. The deadline to make representation for the Planning Permission have passed, but for the above reasons I believe said application should also be mandated to be put on notice and to allow the public to make representations for 28 consecutive days.

I fully understand that these Representations will be made available to the Applicant and included in any Sub Committee's hearing papers, which will be publicly accessible documents, and any subsequent court proceedings.

Best regards,

William Bedding

08 August 2022

A handwritten signature in dark ink, appearing to read 'W Bedding', with a horizontal line drawn underneath the name.

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## **Access to Information Arrangements**

### **Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-961290

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 25<sup>th</sup> August 2022

Author: Wayne Campbell

#### **Exempt Report Title: Consideration of Fit and Proper**

Exempt Appendix Title(s):

**Exempt Annex A- Current Licence.**

**Exempt Annex B – Explanation For Failing to Produce Insurance  
Certificates within 7 days of the Previous Certificate Expiring.**

**Exempt Annex C – Minutes & Resolution of Previous LSC.**

**Exempt Annex D – Minutes & Resolution of Previous LSC.**

**Exempt Annex E – Minutes & Resolution of Previous LSC.**

**Exempt Annex F – Correspondence pertaining to serious allegation  
about Council Officer.**

**Exempt Annex F - Policy on Hackney Carriage & Private Hire Licensing  
Standards for Drivers, Vehicles and 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:

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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## **Access to Information Arrangements**

### **Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-961303

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 25<sup>th</sup> August 2022

Author: John Dowding

Exempt Report Title: Consideration of Impact of Medical Diagnosis -

Exempt Appendix Titles:

**Exempt Annex A- Current Licence**

**Exempt Annex B - DVLA Assessing Fitness to Drive requirements**

**Exempt Annex C- Email**

**Exempt Annex D – Letter**

**Exempt Annex E – Operator, Vehicle and Driver Standards Policy**

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:

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 medical condition 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, and that the report be discussed in exempt session.

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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## **Access to Information Arrangements**

### **Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-961280

Meeting / Decision: Licensing Sub-Committee

Date: 25<sup>th</sup> August 2022

Author: Wayne Campbell

#### **Exempt Report Title: Consideration of Fit and Proper**

Exempt Appendix Title(s):

**Exempt Annex A- Current Licence.**

**Exempt Annex B – Failure To Produce MOT Warnings.**

**Exempt Annex C – Explanation For Gap In MOT Cover Required.**

**Exempt Annex D – MOT History.**

**Exempt Annex E – Failure to Produce Insurance Warnings.**

**Exempt Annex F – Minutes and Resolution of a Licensing Sub  
Committee of 19th May 2022.**

**Exempt Annex G – Previous Complaint.**

**Exempt Annex H – Policy on Hackney Carriage & Private Hire Licensing  
Standards for Drivers, Vehicles and 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:

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.

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