

# Licensing Sub-Committee

**Date: Thursday, 16th November, 2023**

**Time: 10.00am**

**Venue: Brunswick Room - Guildhall, Bath**

**Councillors:** Steve Hedges, Toby Simon and Ann Morgan

Chief Executive and other appropriate officers  
Press and Public

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



**Mark Durnford**

**Democratic Services**

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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 or a deputation 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, 16th November, 2023**

**at 10.00am in the Brunswick Room - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

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

(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 4.4 Appendix 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: 19TH OCTOBER 2023 (Pages 5 - 12)

6. LICENSING PROCEDURE (Pages 13 - 20)

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

7. 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.

8. CONSIDERATION OF FIT AND PROPER STATUS - 22/00070/TAXI (Pages 21 - 102)

9. CONSIDERATION OF FIT AND PROPER STATUS - 21/02421/TAXI (Pages 103 - 180)
  
10. RETURN TO OPEN SESSION  
The Sub-Committee will return to open session.
  
11. APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR: RAINCHECK, 7 EDGAR BUILDINGS, BATH. BA1 2EE (Pages 181 - 212)

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

**BATH AND NORTH EAST SOMERSET**

**LICENSING SUB-COMMITTEE**

Thursday, 19th October, 2023

**Present:-** Councillors Steve Hedges (Chair), Ann Morgan and Shaun Hughes

**Also in attendance:** Carrie-Ann Evans (Team Leader, Legal Services) and Geoff Cannon (Public Protection Officer (Licensing))

**41 EMERGENCY EVACUATION PROCEDURE**

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

**42 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**43 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**45 MINUTES OF THE PREVIOUS MEETINGS: 24TH AUGUST 2023 & 7TH SEPTEMBER 2023**

The Sub-Committee **RESOLVED** to approve the minutes for the meetings held on 24th August 2023 and 7<sup>th</sup> September 2023 and they were duly signed by the Chair.

**46 LICENSING PROCEDURE**

The Chair referenced the procedure and stated that both parties would be given a fair amount of time to make their statements and give their evidence to the Sub-Committee.

The applicant and other parties that were present confirmed that they had received and understood the licensing procedure.

**47 APPLICATION FOR A TABLES AND CHAIRS PERMIT - FLUTE, 9 EDGAR BUILDINGS, BATH, BA1 2EE**

The Team Leader, Legal Services addressed the Sub-Committee to explain that an email from one of the objectors to the application, Mr Paul Kentish, had been received in the afternoon of 18<sup>th</sup> October. She informed the meeting that the email contained a photo that he wished to submit as evidence. She confirmed that the

photo had been shared with the applicant and that they had no objection to it being submitted. Members were content in the exercise of their discretion to admit this into evidence. A copy of the photo was handed out to all members of the Sub-Committee so that they could consider its contents.

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He stated that they were being asked to determine an application for a Tables and Chairs permit for an outside seating area in front of Flute, 9 Edgar Buildings, Bath, BA1 2EE.

He informed the meeting that the times applied for the use of the permit were 08:00 to 23:00 every day.

He stated that objections to the application had been received from B&NES Highways Team, 5 members of the public and Councillor Paul Roper (Kingsmead Ward).

He explained that during the statutory consultation period, as a result of the objection from B&NES Highways Team to the original application, the applicant submitted an amended plan showing a reduced number of tables and chairs applied for and the B&NES Highways Team withdrew their objection having considered the amended plan. A copy of the amended plan was sent to all parties who had objected to the original application.

At the request of Malcolm Baldwin, Chair of the Circus Residents Association and with the approval of the applicant, a large scale copy of the amended plan was handed out to all parties present at the meeting.

Piers Warne, solicitor for the applicant addressed the Sub-Committee. He informed them that the area applied for would now comprise of 4 tables and 10 chairs rather than the 11 chairs that were shown on the amended plan.

He said that it was their view that there is significant distance between the proposed area and the dropped kerb / pelican crossing and that the pedestrian flow would naturally turn before reaching the seating area either after or before completing the crossing of George Street.

He added that the tables and chairs would also not block the vision of those people exiting Bartlett Street.

He stated that many premises within the city now have permits for the use of tables and chairs and that these can be utilised as a window for the whole premises to show members of the public what is on offer.

He said that following the withdrawal of the objection from the B&NES Highways Team he saw no reason why the application should not be granted as applied for.

He informed the Sub-Committee that if the permit was granted, they would have to re-apply in April 2024 for a subsequent one as the process in place does not allow for it to be automatically renewed. He added that this would therefore give an opportunity to show how the area would work in practise.

Councillor Shaun Hughes asked if any calculations of footfall or pedestrian movements had been carried out as part of the application.

Piers Warne replied that issues such as this are taken into account when an application is made and said that there were rules to follow to ensure safe pedestrian access. He added though that the applicant is not required to carry out such calculations as part of the tables and chairs permit application process.

Councillor Hughes commented that he needed to be confident that if the permit was granted there would be enough space for pedestrians to manoeuvre around it safely.

Piers Warne replied that he should have confidence in this following the removal of the objection from the Highways Team. He added that he had himself stood at the proposed area this morning and said that if granted the throughway would be unblocked and that pedestrians naturally turn prior to reaching the proposed area.

Councillor Hughes asked what time they expected to serve food until.

Piers Warne replied that main dining would cease at 22.30.

Roger Payne, Chairman of Premises Licence Holding Company added that 'small plates' would then be available until 01.30.

Councillor Hughes asked for assurance that if granted, the pavement would be cleared by 23.00 every day.

Roger Payne replied that they anticipated the area would cease to be in use from 22.30 to allow time for the area to be cleared by 23.00.

The Chair commented that as shown in the photo on page 55 of the agenda pack he was aware that the area was heavily used by tourist groups visiting the city.

Piers Warne replied that this area of the pavement was a dynamic flow point and that in his view the group in the photo were not within the proposed seated area.

Roger Payne added that the pavement / street furniture already in place leads pedestrians away from the proposed area.

Malcolm Baldwin asked how the applicant believes that there will be enough space for the proposed area and peak levels of tourist groups to access the pavement safely.

Piers Warne replied that many areas within the city operate adjacent to a narrower pavement area. He added that the overall pavement width is wide and the proposed area would only use one third of it.

Malcolm Baldwin said that he would describe the area outside of the premises as a holding area.

Piers Warne said that he respectfully disagreed with that view and said that it was a dynamic area.

Malcom Baldwin asked if there was to be a further area to be used by smokers associated with the premises.

Piers Warne replied that this would be directly adjacent to the proposed area and managed appropriately by members of staff.

Paul Kentish said that in his view there were two fundamental defects with the application and that the Highways Team had only addressed one of them. He said that they had not taken into account the sloping pavement to the right hand side of the premises and asked what other issues might they have missed.

The Team Leader, Legal Services said that it was not the place for the applicant to speculate on the deliberations and decisions made by the Highways Team.

Paul Kentish asked how the 4 tables and 10 chairs would fit into the proposed area.

Roger Payne replied that they intended to use relatively small sized furniture and that barriers would be in place so that they would not be able to encroach onto other areas of the pavement.

Paul Kentish asked where the tables and chairs would be stored when not in use.

Roger Payne replied that they would be stored off street in a courtyard to the rear of the premises.

Malcolm Baldwin addressed the Sub-Committee. He said that if the applicant had carried out due diligence a different area would have been proposed for the permit.

He stated that he strongly objected to the proposal and had been contacted by a number of local residents, some of whom were disabled who also agreed that any grant of the permit would be flawed.

He said that footfall in the area was extremely busy and that Bartlett Street was also regularly used for deliveries and vehicle access to properties.

He stated that it was his view that pedestrian access would be impeded if the application was granted and that it would add to the cumulative impact of premises within the area.

He suggested that a compromise of 2 tables and 4 chairs be trialled in an area around half the size of that proposed and that the area cease being in use from 22.00 because of residents directly above the premises.

Councillor Hughes asked if the vehicle use of Bartlett Street was that high.

Malcolm Baldwin replied that it was not high, but that the residents of St Andrew's Terrace required ongoing access.



Councillor Hughes asked if given the numbers of bars, clubs and restaurants within the area already, would the grant of this application adversely affect the residents.

Malcolm Baldwin said that he would describe the area as a hospitality hub but felt that if permitted the addition would have a significant effect on the residents above the premises due to cumulative impact.

The Team Leader, Legal Services said that the matter of cumulative impact has been raised but advised the Sub-Committee that this was not for their consideration today as that was a matter to be decided upon under the Licensing Act and that this application was being determined under a separate process.

Paul Kentish addressed the Sub-Committee. He said that there were many items of fixed street furniture in place in an already busy area of the city. He said that he uses Bartlett Street on a regular basis and advises visitors to do so for access to the Assembly Rooms and Circus.

He stated that his prime concern was the depth of the area applied for and proposed that half of the area be granted. He maintained his earlier comment that the furniture would not fit into the proposed area and felt that the area would be stretched by the applicant.

The Public Protection Officer (Licensing) stated that any area granted would be formally marked out prior to its use.

The Chair asked the applicant if they would be willing to agree to the compromised proposal of 2 tables with 2 chairs in an area of half the applied for size.

Piers Warne, on behalf of the applicant replied that they would not and noted that they had already comprised and that had resulted in the amended plan that had been submitted.

The Chair asked all parties to submit a summing up statement.

Malcolm Baldwin said that he supports the concept of new businesses within the city, but had been contacted by residents over concerns about pavement access. He asked the Sub-Committee to consider the compromise that had been proposed by him and that if minded this would be the area that is used for the next six months.

Paul Kentish said that he endorsed the submission made by Malcolm Baldwin and that he did not have an issue with the venue gaining its premises licence. He added that given the area proposed he did not feel that tables and chairs would be suitable within this location.

Piers Warne stated that any trial of a smaller area would not allow the applicant to show that their proposed application would work. He said that there would be no adverse impact on the area if it were to be granted and that no other local businesses had objected to their application.

He reminded the Sub-Committee that the B&NES Highways Team had withdrawn their objection following the submission of the amended plan.

The Chair thanked all parties for their contributions to the meeting.

### Decision & Reasons

Members have had to determine an application to place tables and chairs on the highway outside of the premises at Flute, 9 Edgar Buildings, Bath, BA1. In doing so they took account of the Highways Act 1980, the Local Government (Miscellaneous Provisions) Act 1982 and the Human Rights Act 1998 and took into account the representations from the objectors, which included a BANES Councillor, Transport Development Management and the applicant.

In reaching a determination Members had to decide whether the application was likely to obstruct the free passage of pedestrians, cause a public nuisance in highway terms or be a hazard in its real sense.

Members noted that there was some late additional material submitted by Mr Paul Kentish comprising an e-mail dated 18/10/23 and associated photograph. The applicant took no issue with its admission and Members were satisfied in the exercise of their discretion for this to be admitted into evidence.

Members had regard to the application, amended plan and oral representations on behalf of the applicant made by their solicitor Piers Warne and Roger Payne, Chairman of Premises Licence Holding Company.

Mr Warne confirmed before Members that the application had been revised as per the 'Second and Final Amended Plan' at Annex B, page 40 of the agenda reports pack. He further indicated that the amended proposal was for 10 chairs not 11 and would not include the chair shown outside of the bottom right-hand corner of the proposed permit area outlined in red on that plan. In his oral submissions, Mr Warne noted that if the application as amended is granted, the permit will only run until April and the applicant would need to re-apply as there is no renewal process, this would effectively be a 6-month trial. Mr Warne further noted that in the amended proposal the permit area is modest in size, he described to Members how pedestrians would be unobstructed by the proposed permit area and how it would not block access for the residential properties, furthermore he noted that the applicant had removed the table and chair closest to Bartlett Street which should significantly remove any concerns from the objectors. Mr Warne submitted respectfully to Members that if Highways deem the amended proposal safe, after close and careful scrutiny, he suggests Members can grant the proposal.

Mr Warne indicated that Mr Payne lives in Bath City Centre and walks in the area up to 8 times a day; the applicant is not trying to do anything that would put anyone in jeopardy. It was noted that the neighbouring retail premises had not made an objection to the application. The applicant disputed that there would be any effect of the proposal on pedestrian access, noting that the street furniture was away from and slightly down the road from the proposed permit area. Mr Warne indicated to Members that the applicant's business will be managed properly, the applicant is experienced in this area and the clientele are not such that would cause a disturbance.

Members had regard to the written objections and photographs from 4 members of the public, Malcolm Baldwin as Chair of the Circus Residents Association and Councillor Paul Roper. Members also heard in oral submissions from Malcolm Baldwin and Paul Kentish who was one of the members of the public that had made a representation.

The objections identified concerns relating to congestion with reference to existing street furniture, reduced visibility coming out of Bartlett Street, reduced waiting area for the Pelican crossing over George Street, the effect on access for residents who live above the premises, the effect on businesses nearby around public nuisance and visibility of those premises, the sloped pavement which the proposal would have been partially located on, the potential impediment to disabled persons, those using mobility scooters and less mobile persons. Pedestrian safety was the concern at the heart of the objections.

In oral submissions both Mr Baldwin and Mr Kentish indicated to Members that they are not against the principle of tables and chairs but have concerns about the proposal in this specific site, as noted above. They indicated however, that they would support 2 tables and 4 chairs within a permit area of half the depth of the amended proposal.

Members noted that there had been an objection from Transport Development Management in relation to the original proposal as there were concerns that there would be obstruction of the tactile paving at the signalled crossing which would present an increased risk to those with mobility or visual impairment, but that objection was not sustained in relation to the amended plan. The Transport Development Management officer indicated in writing that the alterations to the proposal would mean that the tactile paving would be avoided, and earlier safety concerns would be overcome.

Members noted that there had been no representations from the police, Property Services, Environmental Protection Team or Development Control.

Members carefully weighed in the balance the representations both for and against the application and in the exercise of their discretion decided to grant the application based upon the amended plan at Annex B, page 40 of the agenda reports pack entitled "Second and Final Amended Plan" to include only 10 chairs as described above. They found that the application was not likely to obstruct the free passage of pedestrians, cause a public nuisance in highways terms or be a hazard in its real sense and in reaching this view they had particular regard to the fact that the Transport Development Management team had no objections to the amended proposal. Furthermore, Members noted that:

- Pedestrians and those with mobility and/or visual impairments should be able to pass and re-pass safely without obstruction alongside of the area where it is proposed to site the tables and chairs.
- The tactile paving would be avoided by the amended permit area proposal removing any safety concerns of the Transport Development Management Team.

- The amended proposal would not encroach onto the sloped part of the pavement.
- It would be a standard condition of the permit that the holder should not cause any unnecessary obstruction of the highways or danger to persons using it and should not permit persons to gather so as to cause a nuisance or annoyance or danger to any person lawfully using the highway and that any breach of such condition may be dealt with under section 115K of Highways Act 1980.
- The permit will only run to April when the applicant would have to re-apply should they wish to have another tables and chairs permit.

Authority is delegated to the licensing officer to issue the permit based upon the “Second and Final Amended Plan” referred to above, for no more than 10 chairs, with the attachment of the standard conditions.

The meeting ended at 1.12 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

### 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.

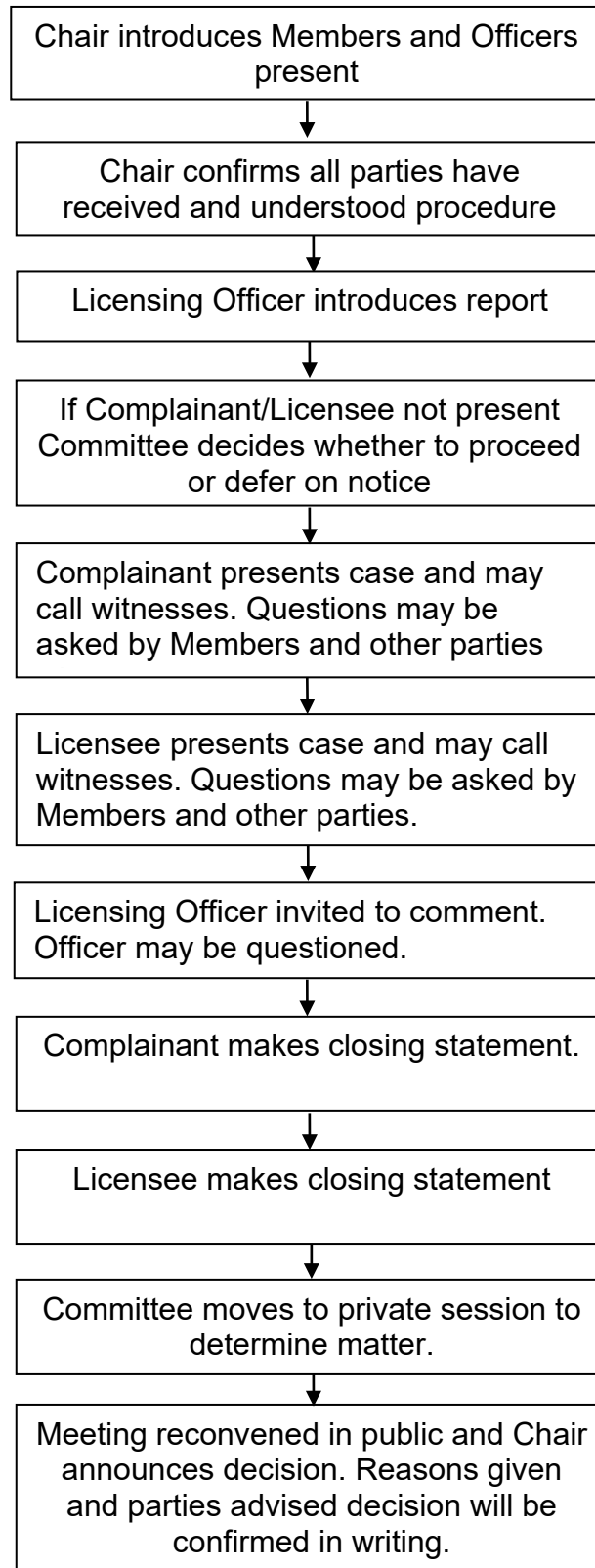
### **PLEASE NOTE:**

- 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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**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.

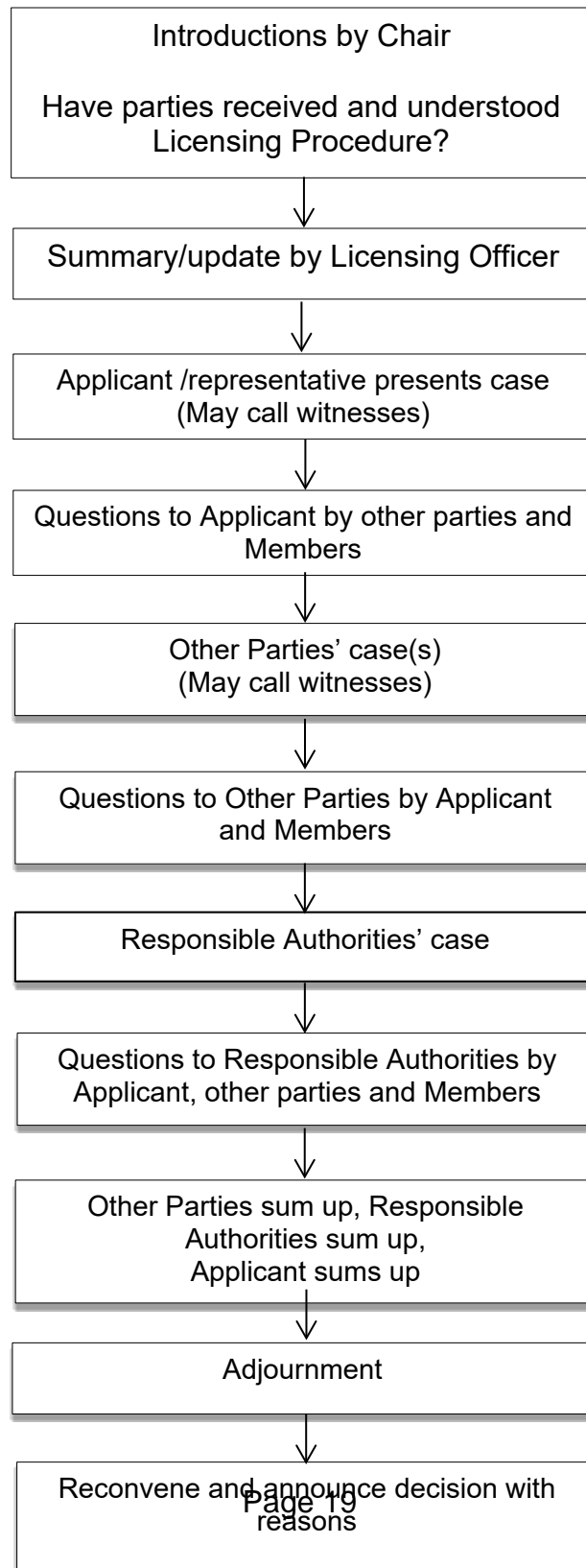
**PLEASE NOTE:**

- 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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### Access to Information Arrangements

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

Information Compliance Ref: LGA-1573545
Meeting / Decision: Licensing Sub-Committee
Date: 16 <sup>th</sup> November 2023
Author: Wayne Campbell
<p>Exempt Report Title: <b>Consideration of Fit and Proper status</b></p> <p>Exempt Appendix Title(s):</p> <p><b>Exempt Annex A- Current Licence.</b>  <b>Exempt Annex B – Email of Complaint.</b>  <b>Exempt Annex C – Section 9 Statement.</b>  <b>Exempt Annex D – LADO Email.</b>  <b>Exempt Annex E – Copy of Email from School.</b>  <b>Exempt Annex F – Safeguarding Certificate.</b>  <b>Exempt Annex G – Licensing Enforcement Letter (Penalty Points Issued).</b>  <b>Exempt Annex H – Licensing Enforcement Documents.</b>  <b>Exempt Annex I – Licensing Enforcement Documents (False Details Provided).</b>  <b>Exempt Annex J – Minutes and Resolution of Previous Licensing Sub Committee hearing.</b>  <b>Exempt Annex K – Licensing Enforcement Email Correspondence.</b>  <b>Exempt Annex L - Licensing Enforcement Email Correspondence</b>  <b>Exempt Annex M - Policy on Hackney Carriage &amp; Private Hire Licensing Standards for Drivers, Vehicles and Operators.</b></p>

The report and appendices contain 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 and its appendices:

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 and appendices 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.

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

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### Access to Information Arrangements

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

Information Compliance Ref: LGA-1573692
Meeting / Decision: Licensing Sub-Committee
Date: 16 <sup>th</sup> November 2023
Author: Wayne Campbell
<p><b>Exempt Report Title:</b> Consideration of Fit and Proper status</p> <p><b>Exempt Appendix Title(s):</b>  Exempt Annex A- Current Combined Hackney Carriage/Private Hire Drivers Licence.  Exempt Annex B- Email from Licensee.  Exempt Annex C – Email from Licensee.  Exempt Annex D – Licensee’s Version of Events.  Exempt Annex E – Medical Correspondence.  Exempt Annex F – Correspondence from Previous Incident.  Exempt Annex G – Previous Minutes &amp; Decision of Previous LSC.  Exempt Annex H – Medical Test Result &amp; D4 Medical Form.  Exempt Annex I - Policy on Hackney Carriage &amp; Private Hire Licensing Standards for Drivers, Vehicles and Operators.</p>

The report and appendices contain 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 and its appendices:

1. Information relating to any individual
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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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## Bath & North East Somerset Council

MEETING	<b>Licensing Sub Committee</b>	
MEETING DATE	<b>Thursday 16 November 2023</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a Variation of a Premises Licence for:  Raincheck  7 Edgar Buildings, Bath BA1 2EE	
WARD:	Kingsmead	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p><b>Annex A</b> Application for a Variation of the Premises Licence.</p> <p><b>Annex B</b> Current Premises Licence.</p> <p><b>Annex C</b> Plan of existing Licensable activities area.</p> <p><b>Annex D</b> Representations of objection to the application</p>		

### 1 THE ISSUE

- 1.1 An application to vary the Premises Licence for Raincheck, 7 Edgar Buildings, Bath, BA1 2EE 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 Relevant representations have been received from a local resident and the Chair of The Circus Area Residents Association.

### 2 RECOMMENDATION

- 2.1 The Committee is asked to determine the application.

### 3 THE REPORT

- 3.1 An application has been received from Adventure Café (Bath) Limited to vary the Premises licence for Raincheck, 7 Edgar Buildings, Bath, BA1 2EE (**Annex A**)

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

- Extend the terminal hour for the Sale of Alcohol (on premises) and the Provision of Late-night Refreshment by two hours on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;
- Extend Recorded Music (indoors) on Mondays, Tuesdays and Wednesdays to 02:00 hours the following morning;
- Extend closing time on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;
- Add a non-standard timing in respect of New Year's Eve.
- All other timings are to remain as per the current premises licence.

3.3 No additional measures have been offered by the applicant to promote the licensing objectives in addition to existing conditions attached to the operating schedule:

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

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

3.5 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.

3.6 Each objective is of equal importance and 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.

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

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

- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2020 policy;
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised July 2023;
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.

3.9 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that



he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.

- 3.10 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 3.11 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.
- 3.12 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 deemed valid, and to place an advert in a local newspaper within 10 working days of submitting a valid application to the licensing authority.
- 3.13 Representations of objection have been received within the statutory period from local resident Simon Merriweather and Chair of The Circus Area Residents Association, Malcolm Baldwin. 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 D**)
- 3.14 As relevant representations have 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 £180.

#### **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 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>	Geoff Cannon Public Protection Officer (Licensing) 01225 396719
<b>Background papers</b>	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## 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.

We Adventure Café (Bath) Limited

*(Insert name(s) of applicant)*

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

<b>Premises licence number</b> 23/02005/LAPRE (formerly 21/01209/LAPRE)
--

#### Part 1 – Premises Details

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

Raincheck 7 Edgar Buildings			
--------------------------------	--	--	--

Post town	Bath	Postcode	BA1 2EE
-----------	------	----------	---------

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£ Band B
---	----------

#### Part 2 – Applicant details

Daytime contact telephone number	██████████		
E-mail address (optional)	████████████████████		
Current postal address if different from premises address	Adventure Café (Bath) Limited 5 Princes Buildings George Street		
Post town	Bath	Postcode	BA1 2ED

**Part 3 - Variation**

Please tick as appropriate

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

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

DD	MM	YYYY

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

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

**This proposed variation application is seeking to:**

Extend the terminal hour for the Sale of Alcohol and the Provision of Late-night Refreshment by two hours on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;

Extend Recorded Music on Mondays, Tuesdays and Wednesdays to 02:00 hours the following morning;

Extend closing time on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;

Add a non-standard timing in respect of New Year's Eve.

Please note that all other timings are to remain as per the current premises licence.

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

N/A
-----

#### Part 4 Operating Schedule

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

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

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

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

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

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

A n/a

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

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

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			



D n/a

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

E n/a

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

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon	12:00	02:00						
Tue	12:00	02:00						
Wed	12:00	02:00				<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	No change	No change						
Fri	No change	No change				<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	No change	No change						
Sun	No change	No change	When New Year's Eve falls on a Sunday: from normal activity start time until 02:00 on New Year's Day.					

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 checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	03:00	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue	23:00	03:00			
Wed	23:00	03:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur	No change	No change			
Fri	No change	No change	<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)  When New Year's Eve falls on a Sunday: from normal activity start time until 03:00 on New Year's Day.		
Sat	No change	No change			
Sun	No change	No change			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	12:00	03:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Tue	12:00	03:00			
Wed	12:00	03:00			
Thur	No change	No change	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)  When New Year's Eve falls on a Sunday: from normal activity start time until 03:00 on New Year's Day.		
Fri	No change	No change			
Sat	No change	No change			
Sun	No change	No change			

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 (please read guidance note 10).</b></p> <p>None</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	03:00	
Tue	12:00	03:00	<p><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)</p> <p>When New Year's Eve falls on a Sunday: from normal opening time until 03:00 on New Year's Day.</p>
Wed	12:00	03:00	
Thur	No change	No change	
Fri	No change	No change	
Sat	No change	No change	
Sun	No change	No change	

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

None

Please tick as appropriate

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

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

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

As this is an electronic application the premises licence shall be returned under separate cover to:

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

## M

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

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

The existing conditions attached to the premises licence have successfully promoted the licensing objectives on the days the premises is already authorised to trade to 03:00 hours.

In consideration of this, the provision of CCTV, an incident/refusal log, signage requesting customers to be considerate to neighbours, staff training, the requirement for regulated entertainment to cease 60 minutes before the last permitted sale of alcohol and the operation of a “Challenge 25” age verification policy are all measures that shall remain to ensure the continued promotion of the licensing objectives.

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

As per current premises licence

### **c) Public safety**

As per current premises licence

### **d) The prevention of public nuisance**

As per current premises licence

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

As per current premises licence



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. n/a
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Application therefore onus on LA to serve copies RAs** n/a
- 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	25/09/2023
Capacity	Licensing Consultant for the Applicant

**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	

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

Ms Terrill Wolyn

██████████  
██████████

Post town	██████████	Post code	██████████
-----------	------------	-----------	------------

Telephone number (if any)	██████████
---------------------------	------------

**If you would prefer us to correspond with you by e-mail, your e-mail address (optional)**

██████████

**Licensing Act 2003  
Premises Licence**

**Premises Licence Number**

23/02005/LAPRE

**Premises Details**

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

Raincheck  
7 Edgar Buildings  
Bath  
BA1 2EE

**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 Wednesday	12:00 - 01:00
Thursday to Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

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

Monday to Wednesday	12:00 - 00:00
Thursday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:00

**Late Night Refreshment (Indoors and Outdoors)**

Monday to Wednesday	23:00 - 01:00
Thursday to Saturday	23:00 - 03:00
Sunday	23:00 - 00:00

**The opening hours of the premises**

Monday to Wednesday	12:00 - 01:00
Thursday to Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

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

Alcohol is supplied for consumption on the premises

**Name of holder of premises licence**

Adventure Café (Bath) Limited

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

Registered Business Number - 07451242

**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 17 October 2023

## Annex 1 – Mandatory conditions

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

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

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

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

---

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

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

where:

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

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

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From 1 October 2014:

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

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

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

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

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

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

The Licensee, shall ensure that at all times when the premises are open for licensable activity, there are sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence.

A CCTV system to be installed to the satisfaction of the police and ICO guidelines. CCTV to continuously record during trading hours and for one hour afterwards.

All recordings to be date and time stamped, retained for 28 days and handed to police for evidential purposes on request.

The system must be maintained and if the CCTV fails immediate steps will be taken to put the system back in operation.

A notice will be displayed at the entrance to the premises advising that CCTV is in operation.

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

Regulated entertainment shall cease 60 minutes before the last permitted sale of alcohol.

Signage requesting patrons to be considerate to neighbours should be conspicuously displayed inside and outside entrances/exits.

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

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

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

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

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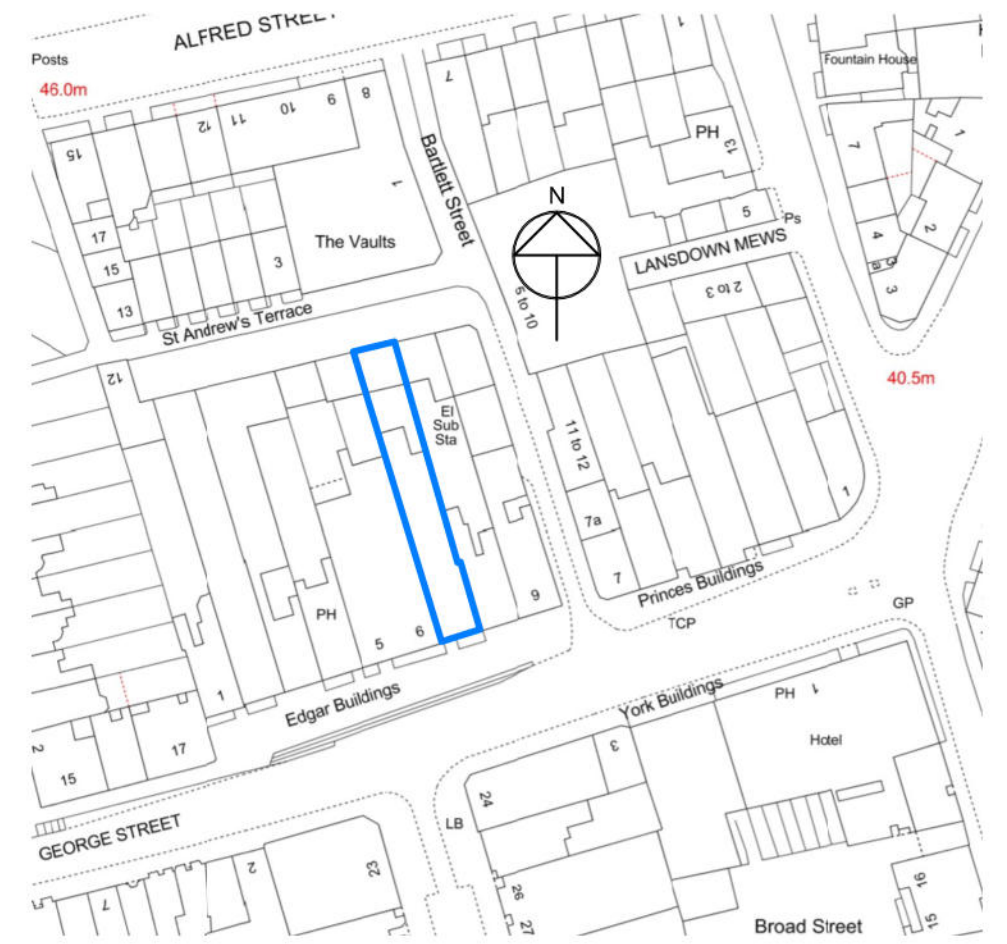
**Annex 4 – Plans**

As submitted with application.

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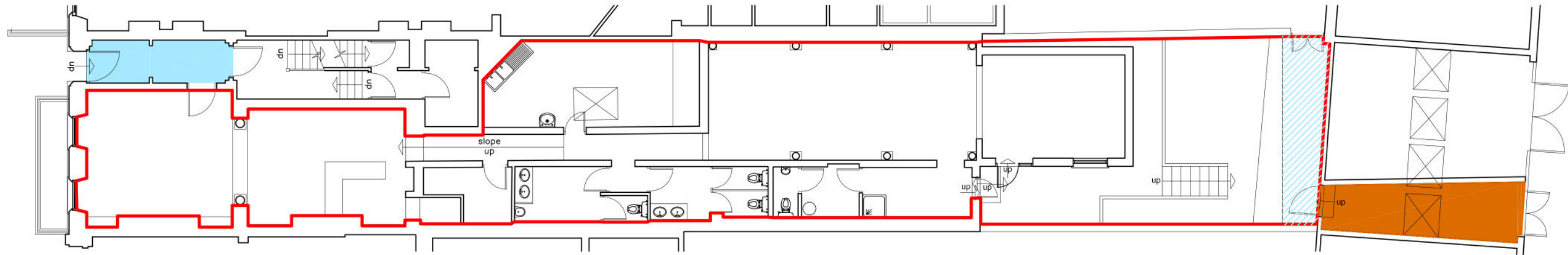
# Annex C



LOCATION PLAN - Scale 1:1250



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GROUND FLOOR

<p><b>NOTE</b> This drawing has been reproduced from an existing Source Drawing sheet</p> <p><b>DO NOT SCALE FROM THIS DRAWING</b> All dimensions to be checked on site</p> <p>© ALL RIGHTS RESERVED BATH AND NORTH EAST SOMERSET COUNCIL COPYRIGHT</p>	<p><b>Bath &amp; North East Somerset Council</b> XVaTw Property and Project Delivery Lewis House</p>	<p>PROPERTY 7 EDGAR BUILDINGS GEORGE STREET BATH BA1 2EE</p>	<p>Drawn CT/AG</p>	<p>Date 22/05/2018</p>
		<p>DRAWING TITLE LEASE PLAN GROUND FLOOR</p>	<p>Scale 1:150 @ A3</p>	<p>Rev</p>
			<p>DRAWING No 6216A/L/01</p>	

## Annex D

**From:** Malcolm Baldwin <[REDACTED]>  
**Sent:** 23 October 2023 10:20  
**To:** Licensing <[licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)>  
**Subject:** Variation of Premises Licence: Ref. 23/0218/LAPRE.

Dear Ms Pearce,

I write to you on behalf of members of the Circus Area Residents Association(CARA) and other local residents in respect of the application for a variation of licensing conditions relating to the premises "Raincheck" located on the north-side of George Street, which is part of our CARA community catchment area.

We believe that the granting of this extension to the terminal hour for the sale of alcohol and the provision of late-night refreshments by two hours on Mondays, Tuesdays and Wednesdays to 03.00 hours the following morning will cause serious and unnecessary additional disturbance to those residents living in close proximity to these premises.

At the moment such residents, living particularly in apartments immediately neighbouring the "Raincheck" premises and other local community residents are at least able to 'enjoy' relatively quieter and not extended activity from this establishment during the earlier period of the week inclusive of Mondays, Tuesdays and Wednesdays.

We believe that granting this particular license variation will add significant and unnecessary additional disruption to the family life of nearby closely located residents.....with potential impact on their entitlement to enjoy the normal conditions of family and domestic life.

We would also highlight that this area of George Street is already more than fully and appropriately serviced by late night/early morning alcohol drinking and food refreshment facilities, particularly well in excess of its needs on the days of Monday, Tuesday and Wednesday of each week.

We believe, therefore, that the further saturation of late night/early morning hospitality facilities, in this particular location within George Street, will only further aggravate the stress and potential mental health impact presently experienced by local residents in this significantly concentrated hospitality-trading location.

We would therefore ask that you please give serious consideration to our objections to the applicant's current request for this particular variation to licensing hours as defined in application ref: 23/0218/LAPRE, with the hope that you will assist in not further jeopardising the family/social environment for closely located local residents.

Yours sincerely,

Malcolm Baldwin.

Chair - Circus Area Residents Association (CARA).

Contact:

E-mail: [REDACTED]

Tel: [REDACTED]

**From:** Simon Merriweather [REDACTED]  
**Sent:** 18 October 2023 11:42  
**To:** Licensing <licensing@bathnes.gov.uk>  
**Subject:** Licence Application Ref 23/02018/LAPRE

Dear Ms Pearce

**Ref: Application for licensing hour extensions for Raincheck, 7 Edgar Buildings, Bath BA1 2EE**

I am responding to the application for proposed variation of Raincheck to extend its operating hours Monday to Wednesday from 1.00am to 3.00am.

I am commenting in the capacity of a local resident impacted by all hospitality venues operating in George St and surrounding areas.

I object to the requested extension. This is because of the extensive number of late night bars, clubs and restaurants which already operate in George St and the cumulative disruption it causes. At some point it is necessary to say that there are enough hospitality premises operating into the early hours in such density and in close proximity to residents. There are significant numbers of residents including those in George St above retail premises, in Bartlett St, Miles buildings, St Andrews Terrace and beyond. I count 10 late night premises operating in George Street in the narrow stretch from Gay St to just beyond Broad St.

Late night venues create significant noise and disruption for all local residents, in spite of attempts by those premises and their existing licensing conditions. This is particularly prevalent as late-night revellers leave the premises. As a specific example last night (Tuesday over to Wednesday 18 Oct), a group of revellers sitting on the pavement in Bartlett St with a beat box playing loudly started up at 02.15 and finished at 03.44.

The impact of being on or close to such a main street is perhaps a trade off residents have to make at the weekends. However extending this to Monday - Wednesday to 03.00 is unfair and unreasonable for residents during the week who work, whose children need to sleep ahead of school, whose older relatives are easily disturbed late in the night and have a basic human right to peaceful rest over night. I would propose that all future Sunday to Wednesday licensing are limited to 01.00 excluding public holidays.

If committee members are not sure of the extent of the noise disturbance that can perpetuate in the surrounding areas for up to 2hours after premises have closed, I suggest they spend several nights in a close location (eg the travel lodge) to experience this.

Regards

Simon

Simon Merriweather  
[REDACTED]

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