

# Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 12 July 2016	
TITLE:	Application to Vary the Premises Licence for the Villa Magdala Hotel, Henrietta Road, Bath, BA2 6 LX.	
WARD:	Abbey	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
<b>Annex A</b>	Application to Vary the Premises Licence	
<b>Annex B</b>	Current Premises Licence	
<b>Annex C</b>	Plans (site plan and plan of premises)	
<b>Annex D</b>	Representations received from Interested Parties	

## 1 THE ISSUE

- 1.1 An application has been received for the variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of the Villa Magdala Hotel, Henrietta Road, Bath, BA2 6LX.

## 2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

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

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

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the “convention rights”.
- 4.3 The Licensing Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.
- 4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

## 5 THE REPORT

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

5.2 The current premises licence as shown in Annex B, details the following:

1) The Sale of Alcohol (on premises only)

Every day from 00:00 to 00:00 (24 Hours)

Alcoholic drinks to be sold to hotel guests only.

2) The Opening Hours are:

Every day from 00:00 to 00:00 (24 Hours)

3) Conditions attached to the premises licence:

See the current licence attached to Annex B to this report.

5.3 The variation application seeks to:

- Approve refurbishment works to the hotel including the installation of a servery as more particularly shown on the plans submitted with this application;
- Allow the sale of alcohol for consumption on or off the premises to rectify ambiguity in the current licence, subject to a condition that all alcohol sold for consumption off the premises shall be restricted to consumption in the hotel garden areas only;
- To amend condition regarding staff training under Annex 1 in accordance with discussions with the police licensing officer;
- To remove conditions in Annex 2 of the licence specifying:
  - a) The premises will not be open to the public, except for persons who have reserved rooms and
  - b) Alcoholic drinks will be sold to hotel guests only.
- To include late night refreshment (hot food and/or hot drink) from Sunday to Thursday from 23.00 to 23.30, and on Fridays and Saturdays from 23.00 to 24.00; and
- To include the exhibition of films without restrictions as to times.
- Sales of alcohol from 08.00 to 11.00 daily shall only be made to persons attending a bona fide pre-booked event at the hotel, such as a meeting or breakfast, and shall be ancillary to food (with the exception of hotel residents/bona fide guests).

5.4 A plan of the premises is attached at Annex C.

5.5 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.

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

5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.

5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.

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

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

- a) Paragraphs 3-6, 8-10, 13-14, 15, 17-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (revised March 2015)
- c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.

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

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

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

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

- 5.12 In accordance with the requirements of the Act copies of the application were served upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Health Authority and the Local Safeguarding Children Board.
- 5.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.14 Representations have been received from local residents expressing concern that the applicant's proposals are likely to undermine the **Prevention of Public Nuisance** licensing objective by adding to the noise nuisance (Annex D).
- 5.15 This report has not been sent to the Trades Union because they would have no involvement in this application.

## **6 RATIONALE**

- 6.1 As relevant representations have been received the Licensing Sub-Committee must determine the application in accordance with the Licensing Act 2003.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## **8 CONSULTATION**

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

## 9 RISK MANAGEMENT

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

## 10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Group Manager Public Protection & Health Improvement have had the opportunity to input into this report and have cleared it for publication.

<b>Background papers</b>	Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003; Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005; and B&NES Statement of Licensing Policy.
<b>Contact person</b>	Alan Bartlett, Licensing Team Leader (01225 477536)

## Application to Vary the Premises Licence

Bath and North East Somerset Council

**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 Eiderdown 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> 15/01764/LAPRE
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Villa Magdala Hotel Henrietta Road Bathwick			
Post town	Bath	Postcode	BA2 6LX

Telephone number at premises (if any)	01225 466 329
Non-domestic rateable value of premises	£27250

**Part 2 – Applicant details**

Daytime contact telephone number	c/o 0121 222 3230		
E-mail address (optional)	c/o nicola.smith@squirepb.com		
Current postal address if different from premises address	Abbey Hotel North Parade		
Post town	Bath	Postcode	BA1 1LF

C:\Users\nsmith\Desktop\Villa Magdala Variation.doc

## Application to Vary the Premises Licence

**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
±	±	±
±	±	±
±	±	±

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

This application is for variation of the premises licence to:

1. Approve refurbishment works to the hotel including the installation of a servery as more particularly shown on the plans submitted with this application;
2. Allow the sale of alcohol for consumption on or off the premises to rectify ambiguity in current licence, subject to a condition that all alcohol sold for consumption off the premises shall be restricted to consumption in the hotel garden areas only;
3. To amend condition regarding staff training under Annex 1 in accordance with discussions with the police licensing officer;
4. To remove conditions in annex 2 of the licence specifying:
  - a. The premises will not be open to the public, except for persons who have reserved rooms; and
  - b. Alcoholic drinks will be sold to hotel guests only.
5. To include late night refreshment (hot food and/or hot drink) Sunday to Thursday from 23.00 to 23.30 and on Fridays and Saturdays from 23.00 to 24.00; and
6. To include the exhibition of films without restrictions as to times.

These changes are to allow the hotel more flexibility of operation, including to serve alcohol and late night refreshment (hot food/ hot drink) to non-residents from time to time, subject to restricted hours of operation as detailed below. The use of the garden area will also continue to be subject to restricted hours of operation, in line with the current permitted times for consumption outside, as detailed on the licence and below. The hotel will continue to be managed by the licence holder, which is part of a group of experienced hotel operators in Bath, as a boutique small, luxury hotel. The provision of licensable activities will remain an ancillary part of this operation.

The hotel is located outside of the Cumulative Impact Policy Area, although it is located within a residential area of Bath. It is the applicant's position that the grant of this Licence will promote the licensing objectives for a number of reasons, including the following:

- The proposed hours for the sale of alcohol (other than to hotel residents and their bona fide guests) will be restricted and will be within the times operated by other licensed premises in the vicinity. We have detailed the proposed times for non-residents in part J of this application for clarity, although the licensing authority should note that the hotel is already authorised from the sale of alcohol to hotel residents currently, without restrictions as to times.
- The premises will continue to operate as a hotel with ancillary facilities. It is not a standalone bar or restaurant.
- As a hotel, the premises will not be a high-volume vertical drinking establishment and we have included a condition within the Operating Schedule requiring that waiter/ waitress service shall be available at all times.
- Sales of alcohol from 08.00 to 11.00 daily shall only be made to persons attending a bona fide

## Application to Vary the Premises Licence

pre-booked event at the hotel, such as a meeting or breakfast, and shall be ancillary to food (with the exception of hotel residents/ bona fide guests).

- The permission for off sales is to clarify a current ambiguity on the licence in relation to the garden area (the consumption of alcohol in these areas is already permitted between midday and 21.30 under a condition of the licence but as the garden is not part of the premises the licence should allow off sales in this respect). The garden area may be used for table service and consumption of alcohol.
- This application does not include regulated entertainment, with the exception of films.
- There is no proposed change to the other conditions attached to the licence, which include Challenge 21, no consumption of alcohol in the car park at any time and no alcohol to be consumed in the garden between 21.30 and 12.00 midday on any day.

The hotel will continue to be operated in accordance with the group's standards dealing with various aspects of the operation, as well as in accordance with legislative requirements, the Mandatory Conditions and the Operating Schedule below.

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:



## Application to Vary the Premises Licence

**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 tick all that apply**

- |  |                                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input checked="" 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)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

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

**Sale by retail of alcohol** (if ticking yes, fill in box J)

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

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## B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)  The exhibition of films may take place in hotel bedrooms and in general circulation areas from time to time.		
Mon	00.00	24.00			
Tue	00.00	24.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed	00.00	24.00			
Thur	00.00	24.00	<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 5) N/A		
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			

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I

Late night refreshment Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	23.00	23.30	<b><u>Please give further details here</u></b> (please read guidance note 3) The supply of hot food and/ or hot drink for consumption on the premises only.		
Tue	23.00	23.30			
Wed	23.00	23.30	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23.00	23.30			
Fri	23.00	24.00	<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 5) From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day annually.  Hotel residents and their bonafide guests may be supplied with late night refreshment 24 hours daily (as per exemption in paragraph 3 of schedule 2 to the Licensing Act 2003).		
Sat	23.00	24.00			
Sun	23.00	23.30			

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J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	08.00	22.30			
Tue	08.00	22.30			
Wed	08.00	22.30			
Thur	08.00	22.30			
Fri	08.00	23.00			
Sat	08.00	23.00			
Sun	08.00	22.30	<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 5)		
			The garden area may only be used for table service and consumption of alcohol between 12.00 midday and 21.30 daily (as existing).		
			The sale and supply of alcohol to hotel residents and bona fide guests shall be permitted without restriction (as existing).		
			From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day annually.		
			Sales of alcohol from 08.00 to 11.00 daily shall only be made to persons attending a bona fide pre-booked event and shall be ancillary to food (with the exception of hotel residents and bona fide guests as above).		

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 8).</p> <p>Restricted age films may be shown in hotel bedrooms and bedrooms may contain mini bars. However, only over 18s will be permitted to check into a bedroom.</p>
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## Application to Vary the Premises Licence

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	24.00	<p><b>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</b> (please read guidance note 5)</p> <p>As a hotel, the premises will be open 24 hours.</p>
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

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.

Annex 1:

- Staff at the premises will be trained in the responsible sale of alcohol and be aware of their legal and social responsibilities when doing so (to be replaced by condition agreed with police regarding training as set out in Operating Schedule below).

Annex 2 – the first two conditions as follows:

- The premises will not be open to the general public, except for persons who have reserved rooms.
- Alcoholic drinks will be sold to hotel guests only.

## Application to Vary the Premises Licence

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.  
The original premises licence cannot be located by the hotel, unfortunately they only have a copy on site as discussed with Lauren Latta at Bath and North East Somerset Council.

## Application to Vary the Premises Licence

**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 9)**

The applicant is already required to comply with existing and future legislation to include (but not limited to) legislation on health and safety, environmental issues, fire safety, planning, building regulations, disability, discrimination, trading standards, weights and measures, crime and disorder and security industry legislation. The applicant is also required to comply with the provisions in the Licensing Act 2003. The measures covered by legislation should not be duplicated in the Premises Licence in accordance with the Guidance issued under section 182 of the Act.

With the exception of the two conditions being removed as part of this application, all other conditions will remain attached to the licence, which include Challenge 21, no consumption of alcohol in the car park at any time and no alcohol to be consumed in the garden between 21.30 and 12.00 midday on any day.

Except for hotel residents and bona fide guests, to whom the sale of alcohol shall be permitted without restriction, sales of alcohol from 08.00 to 11.00 daily shall only be made to persons attending a bona fide pre-booked event at the hotel and shall be ancillary to food.

The licence holder shall ensure that waiter/ waitress service shall be available at all times.

All alcohol sold for consumption off the premises shall be restricted to consumption in the hotel garden areas only. The garden area may only be used for table service and consumption of alcohol between 12.00 midday and 21.30 daily.

All Food and Beverage Staff will undergo internal training on induction as to the requirements under the Licensing Act 2003 including underage sales and the hotel's proof of age policy and will receive refresher training every 6 months.

The licensee shall ensure that all such training and the related checks carried out around the age restrictions applicable to the retail supply of alcohol shall be documented and made available to the police or other responsible authority on request.

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

As set out above, the hotel is already required to comply with existing legislation including the Licensing Act, mandatory conditions and the remaining conditions already annexed to the licence.

Except for the conditions set out in part (a) of the operating schedule, it is deemed that no additional steps are required for the promotion of this objective as a result of the variation.

**c) Public safety**

As set out above, the hotel is already required to comply with existing legislation including the Licensing Act, mandatory conditions and the remaining conditions already annexed to the licence.

Except for the conditions set out in part (a) of the operating schedule, it is deemed that no additional steps are required for the promotion of this objective as a result of the variation.

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**d) The prevention of public nuisance**

As set out above, the hotel is already required to comply with existing legislation including the Licensing Act, mandatory conditions and the remaining conditions already annexed to the licence.

Except for the conditions set out in part (a) of the operating schedule, it is deemed that no additional steps are required for the promotion of this objective as a result of the variation.

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

As set out above, the hotel is already required to comply with existing legislation including the Licensing Act, mandatory conditions and the remaining conditions already annexed to the licence.

Except for the conditions set out in part (a) of the operating schedule, it is deemed that no additional steps are required for the promotion of this objective as a result of the variation.

## Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Squie Patton Boggs</i>
Date	24 / 5 / 16
Capacity	Solicitors and authorised agent 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 12). **If signing on behalf of the applicant, please state in what capacity.**



## Application to Vary the Premises Licence

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 13) Nicola Smith Squire Patton Boggs (UK) LLP Rutland House 148 Edmund Street			
<b>Post town</b>	<b>Birmingham</b>	<b>Post code</b>	<b>B3 2JR</b>
<b>Telephone number (if any)</b>	<b>0121 222 3230</b>		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> <b>nicola.smith@squirepb.com</b>			

Current Premises Licence

**Schedule 12  
Part A**

Regulation 33, 34

**Premises Licence**

<b>Premises Licence Number</b>	16/01606/LAPRE
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**Part 1 – Premises Details**

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

Villa Magdala Hotel  
Henrietta Road  
Bathwick  
Bath  
BA2 6LX

**Telephone number** Not available

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

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

**Sale of Alcohol**

Every Day 00:00 - 00:00

**The opening hours of the premises**

Every Day 00:00 - 00:00

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

Alcohol is supplied for consumption on the premises

**Part 2**

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

Eiderdown Ltd  
Abbey Hotel  
North Parade  
Bath  
BA1 1LF  
office@villamagdala.co.uk

## Current Premises Licence

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

Registered Business Number - 07245759

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

Mr Ian Morrison Taylor  
1 Lansdown Terrace  
Cheltenham  
GL50 2JT

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

05/00755/PERC  
Cotswold District Council

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

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

Dated 16 May 2016



## Current Premises Licence

**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

## Current Premises Licence

(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

## Current Premises Licence

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.

## Current Premises Licence

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 premises will not be open to the public, except for persons who have reserved rooms.

Alcoholic drinks will be sold to hotel guests only.

The small quantity of stock will be stored in the kitchen area of the premises.

Staff at the premises will be trained in the responsible sale of alcohol and be aware of their legal and social responsibilities when doing so.

The premises will operate a Challenge 21 age verification policy.

Children staying as guests of the hotel have to be accompanied by an adult.

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

There shall be no consumption of alcohol in the car park at any time.

No alcohol shall be consumed in the garden between 9.30 pm and midday on any day.

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Current Premises Licence

**Annex 4 – Plans**

As submitted with application.

Current Premises Licence

**Part B****Premises Licence Summary****Premises Licence Number**

16/01606/LAPRE

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

Villa Magdala Hotel  
 Henrietta Road  
 Bathwick  
 Bath BA2 6LX

**Telephone number** Not available**Where the licence is time limited the dates** Not applicable**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities****Sale of Alcohol**

Every Day 00:00 - 00:00

**The opening hours of the premises**

Every Day 00:00 - 00:00

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

Alcohol is supplied for consumption on the premises

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

Eiderdown Ltd, Abbey Hotel, North Parade, Bath BA1 1LF

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

Registered Business Number - 07245759

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

Mr Ian Morrison Taylor

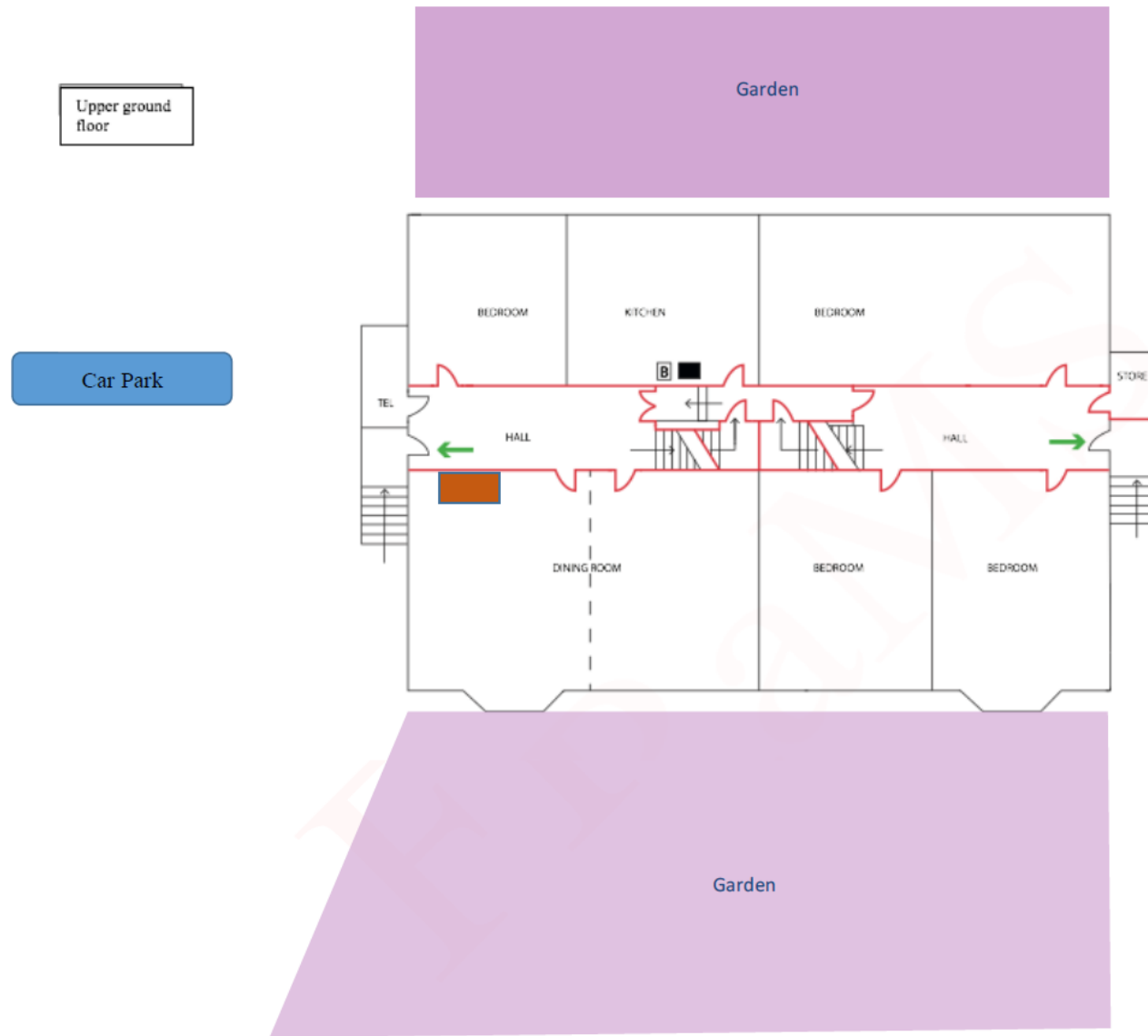
**State whether access to the premises by children is restricted or prohibited**

As per Operating Schedule at Annex 2.

Plans (site plan and plan of premises)



Plans (site plan and plan of premises)



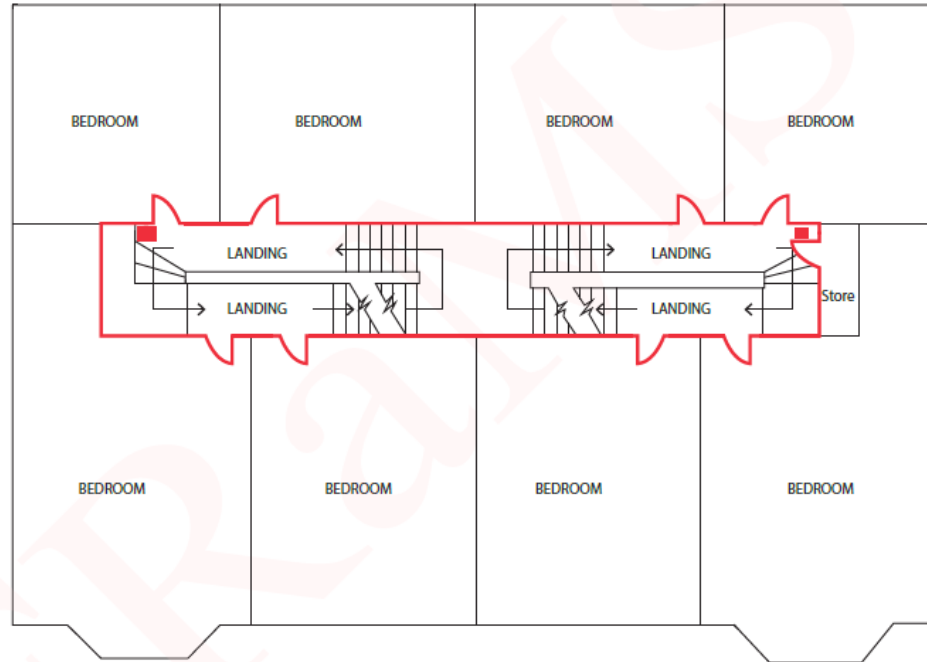
Licensing plans – Villa Magdala, Henrietta Street, Bath

Dated 23<sup>rd</sup> May 2016



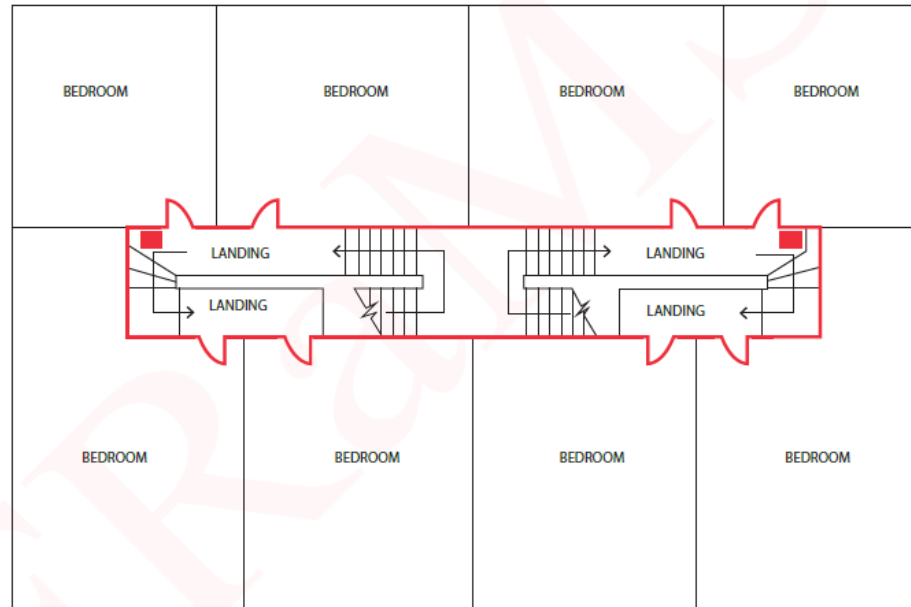
Plans (site plan and plan of premises)

FIRST FLOOR



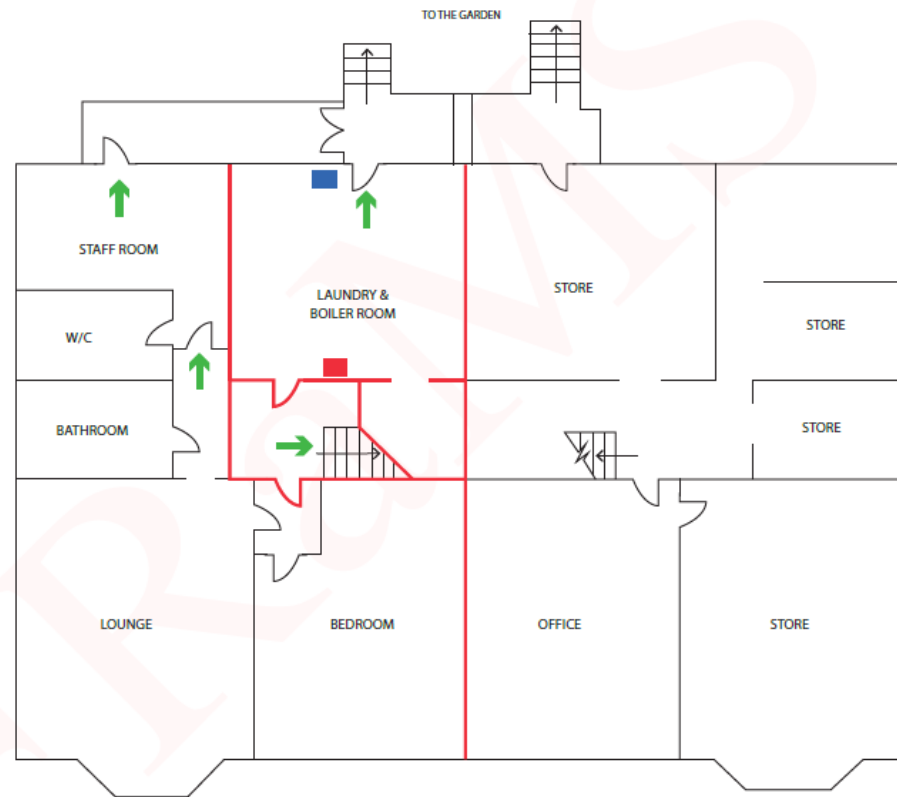
Plans (site plan and plan of premises)

SECOND FLOOR














Plans (site plan and plan of premises)

LOWER GROUND FLOOR



## Plans (site plan and plan of premises)

## Legend

	DRY POWDER EXTINGUISHER		NORMAL DOOR AND WALL
	Co2 EXTINGUISHER		FIRE DOOR AND WALL
	WATER EXTINGUISHER		FIRE ALARM PANEL
	FOAM EXTINGUISHER	<b>FAP</b>	FIRE ALARM PANEL
	BLANKET	<b>HRJ</b>	HOSE REEL
	WET CHEMICAL	<b>DG</b>	DOOR HELD OPEN DEVICE
	SAND BUCKET	<b>FRG</b>	FIRE RESISTING GLAZING
			FIRE EXIT

	Garden Area – Consumption of Alcohol/ Table Service only
	Bar counter

## Representations received from Interested Parties

**From:** Ceris Humphreys <cerishumphreys@ymail.com>  
**Sent:** 20 June 2016 23:24  
**To:** Licensing  
**Subject:** Licensing (Variation) application 16/01898 LAPRE  
**Attachments:** HPRA reps Villa Magdala 20 June 2016.pdf; VM 1982 decision of City Council.pdf; 16-01898-LAPRE - Witness statement of Pauline Glyde.pdf; Appendix 1 - Documents submitted re Cotswold House.pdf; VM Representations Form.pdf

Dear Madam,

I am attaching representations made by Henrietta Park Residents' Association in respect of the above licensing application made up of the following documents:

- Interested Party Representation Form including hearing attendance form
- Continuation pages of Objections box on page 2 of Representations Form (Details of objections)
- Copy of grant of change of use including conditions dtd 6 July 1982
- Witness statement of Mrs Pauline Glyde
- Appendix 1 (supporting evidence of past record of DPS)

I would be very grateful if you would confirm safe receipt of these representations.

Kind regards,

Ceris Humphreys  
Chair - Henrietta Park Residents' Association

## Representations received from Interested Parties

## LICENSING ACT 2003

## INTERESTED PARTY REPRESENTATION

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

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

Application number:	<b>16/01898/LAPRE</b>
Applicant's name:	<b>Eiderdown Ltd</b>
Premises name and address:	<b>Villa Magdala, Henrietta Road, Bathwick, Bath, BA2 6LX</b>
Application for a:	<b>Variation of Premises Licence</b>

**Objector Details:**

Objector's Name:	<b>Ceris Humphreys and Ian Herve as officers of Henrietta Park Residents' Association</b>
Objector's Address:	<b>c/o 3 Henrietta Villas Bath BA2 6LX</b>
Organisation name if applicable:	<b>Henrietta Park Residents' Association</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

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

## Representations received from Interested Parties

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

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

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

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

Please see the attached documents as follows:

- Objections on behalf of Henrietta Park Residents' Association
- Change of Use decision of Bath City Council
- Witness statement of Mrs Pauline Glyde
- Appendix 1 - Supporting evidence of the track record of the Designated Premises Supervisor and Owner of the premises in the management of noise nuisance and observance of licence conditions at another premises managed by him at the relevant time.

**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

\Ceris Humphreys\ \Ian Herve\  
for Henrietta Park Residents Association

Date

20 June 2016

## Representations received from Interested Parties

Contact telephone number(s) 07970 706159  
 (This is essential as we may need to contact you at short notice) 01225 787864 (daytime only)

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

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

Name Ceris Humphreys - Chair of Henrietta Park Residents' Association

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

I will be represented at the hearing by Depending on the date of the hearing Ian Herve - Secretary - or another member to be nominated will represent the Association

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>
Mrs Pauline Glyde	We reserve the right to call Mrs Glyde as witness. However, Mrs Glyde is full-time carer for her husband and for reasons set out in her attached witness statement it is extremely difficult for her to leave her home. For details of Mrs Glyde's evidence see the attached witness statement.

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



## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

### **Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala**

#### **Representations by Henrietta Park Residents' Association**

#### **Continuation of Objections Box (page 2 of Interested Party Representation Form)**

These representations are submitted by Henrietta Park Residents' Association (HPRA).

HPRA is a Residents' Association with members mainly in the area extending from the northern extremity of Henrietta Street along Henrietta Road and along Henrietta Gardens, including a number of households along the lane between Bathwick Villas and Villa Magdala leading to Grove Street (on which lane are located Providence Villas, Fairfield Villas and Victoria School House). The number of member households is currently 38, which covers a large proportion of the households within the area. HPRA is a constituted Residents' Association which is a member of the Federation of Bath Residents' Association.

The applicant is Eiderdown Limited. The principal officer of Eiderdown is Mr Ian Taylor – Director of Eiderdown, joint owner of Villa Magdala since June 2015 and, according to BANES Licensing website, the Designated Premises Supervisor (DPS) of Villa Magdala.

The applicant is seeking major changes to the Premises Licence of Villa Magdala. The changes include allowing sale of alcohol to the general public (currently sales are only to hotel guests). They wish to also be permitted to sell alcohol to non-residents who are attending "events" at the hotel from 8am in the morning. In practice, therefore, they are seeking a licence which will permit them to operate as an all-day drinking establishment open to the general public, with a large prominent and public all-day drinking area outside from midday to 9.30pm.

#### **SUMMARY OF KEY POINTS**

- The Premises is located in a quiet residential area which is a Conservation Area.
- Varying the licence to allow sales to non-residents would be totally incompatible with the character of the area. It would also unlawfully be detrimental to the Conservation Area status of the area.
- Varying the licence in the manner requested would so dramatically affect the noisescapes in the area that many residents in addition to the most vulnerable neighbours would be deprived of their right to quiet enjoyment of their property to such an extent that it would be contrary to the Human Rights Act 1998, First Protocol, Article 1, with there being no public interest reason to override this.
- Furthermore, and especially worryingly, varying the licence to allow sales of alcohol to the general public is likely to be contrary to the Equality Act 2010 with respect to at least one immediately adjacent disabled neighbour, probably with respect to a second immediately adjacent neighbour who is likely to qualify as disabled under the provisions of the Equality Act 2010, and possibly more than two if there are affected residents of Minerva Court who would qualify as disabled under the Act.
- Regrettably, publicly available documents demonstrate that Ian Taylor (the principally active owner of Villa Magdala and the DPS) has a previous history of causing public noise nuisance to neighbouring residents both in terms of excessive noise in the garden, excessive noise

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

from “indoor” events and non-observance of permitted hours in a hotel located in a residential area.

- In the event the Committee is minded to allow variation to allow sales to the public, it is clear that new conditions are essential to mitigate the effects on the character of the area and especially the noise nuisance. At the very least the conditions should include a condition that “there must be no audible noise in the nearest noise-sensitive premises” (which it is suggested would be 1 Henrietta Villas).

### BACKGROUND

The area covered by HPRA is a residential area which is particularly characterised by its quiet residential character and the presence of Henrietta Park, which is a proposed Designated Green Space in the Placemaking Plan. The area is distinguished from the adjacent Henrietta Street by the structurally significant transition from large, long terraces of properties which in Henrietta Street are typically divided into multiple flats predominantly occupied by young professionals, students or other adults, into a much less densely populated and less urban environment of primarily semi-detached or detached houses with individual gardens. The nature of housing in Henrietta Road, Henrietta Gardens, Providence Villas, Fairfield Villas and Victoria School house (and indeed properties in the vicinity of Villa Magdala along the rear in St John’s Road) is such that they are particularly suitable as “family houses” and there is a strong predominance of long-standing occupation. For example, of the first six properties from Villa Magdala along Henrietta Road, four have been in the same ownership, or within the same family, for decades. It is a family-friendly area in which owners tend to stay for a long time because of the good quality of life, especially the peace and tranquillity which have been carefully preserved. A number of the houses in the immediate vicinity of Villa Magdala are occupied by families with children or have grandchildren frequently staying. It is also a significant characteristic of the area that there is a high proportion of elderly and/or vulnerable people, some being long-term residents. Neighbours on either side of Villa Magdala are vulnerable, in one case having a severely disabled household member and in the other having a household member with a long term and debilitating illness, who for long periods is confined to his home and often to bed.

Minerva Court, a Curo-run facility with flats for elderly residents, is closely located to Villa Magdala at the rear, and thus also contains vulnerable people who, in the case of the various flats closest to the Villa Magdala grounds, will potentially be significantly affected by noise.

### HISTORY

Villa Magdala was formerly two private houses which were converted into a Bed & Breakfast establishment. The building still retains the appearance of a large semi-detached pair of houses. That is no coincidence. The right-hand house, Avondale, in fact, was permitted change of use from a private dwelling explicitly subject to the condition of “only being used for additional bedroom accommodation or private residential use in conjunction with Villa Magdala”. The reason for this condition was:

- “To safeguard the appearance of the premises and the amenities of residents in the area”;
- “To safeguard the appearance of the premises and the locality”;
- “To safeguard the amenities of adjoining residents”.

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

[see the decision of Bath City Council dated 5 October 1982 – copy attached.]



Plan showing Avondale in pink [Source – Land Registry]

The above decision on change of use was reached following consideration of the representations of local residents – a number of whom themselves or their family members, are still resident in the same houses. Nothing relevant has changed with regard to the nature of this area or the need to safeguard the amenities of residents in the area, the appearance of the locality and the amenities of adjoining residents or, in current terminology, the need to protect of local residents from public nuisance from noise at this location.

The Licensing Committee may think that the condition restricting the use of Avondale is not very relevant to the matters they have to consider. However, it is **very** relevant as evidence of the character of the area and of the measures that have rightly and properly been taken by local residents and the Council in order to protect that character.

The area is also a Conservation Area – (definition: “*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*”). As explained on the B&NES website, “*Conservation areas give broader protection than listing individual buildings: all the features within a conservation area, listed or otherwise, are recognised as part of its character, as are the range of uses to which land and buildings are put.*”

Eiderdown Limited first applied for a Premises Licence in 2012. Villa Magdala had not previously held a Premises Licence. Reflecting the character of the area, alcohol sales were permitted only to hotel guests and the hours in which the hotel guests could drink in the garden were limited. Drinking in the car park area was prohibited to avoid nuisance to a specific neighbouring premises. Because the current licence is limited to sales to hotel guests the current situation is that, on some days, there may be a small number of hotel guests seated at one or two tables in the garden. It is unusual for there to be more than three or four people using the garden. The current limitation to sales to hotel guests has been reasonably successful in controlling the public nuisance of noise disturbance to local residents.

HPRA submits that the granting of a Premises licence allowing sale of alcohol to the general public at Villa Magdala is completely inappropriate in this area and will inevitably cause public nuisance.

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

### WHETHER THE LICENSING OBJECTIVES ARE MET

It is abundantly clear that the Licensing objectives cannot be met on the grounds principally of the public nuisance that will arise from noise from the garden and from pedestrian/vehicle traffic onto and off the hotel grounds inevitably generated by the proposed increased activities, including the noise of late night dispersal. The following points are relevant:

1. The current prevailing soundscape in the vicinity of Villa Magdala is extremely quiet. During the day the park is used by residents, dog walkers, and tourists but this is predominantly very quiet. The night-time noisecape is effectively silence. Residents in the vicinity of Villa Magdala currently enjoy being able to hear the sound of nocturnal animals such as owls and badgers against the prevailing night-time silence. The peaceful residential nature of this area is used as a selling point by villa Magdala (***“What makes us special: Situated in a quiet residential road that leads onto the famous Great Pulteney Street we enjoy a peaceful setting”*** – Villa Magdala website as at 12 June 2016). The changes sought by the applicant would be devastating for this area. The creation of a large all-day outdoor drinking area open to the public to 9.30pm with an indoor bar serving alcohol to the public to 10.30pm or 11pm will not be a mere incremental increase in noise nuisance – the noise of such a public drinking area will totally overwhelm and dominate the local noisecape with the noise of large numbers of people drinking outdoors until 9.30pm and the noise of dispersal later at night destroying the currently virtually silent night-time noisecape for residents around Villa Magdala from the immediate neighbours to the elderly residents a few metres from the back garden at Minerva Court, as well as residents a little further away along much of Henrietta Road who in addition to the noise of outside drinking will be subjected to the noise of people leaving the premises on foot, by taxi and starting their cars. The day-time drinking noise will affect those who are at home all week who will be exposed to noise nuisance permanently, and those who work during the week who will be subjected to the busiest “beer garden” noise all day on the only days they don’t work.
2. Assessed against the background of the current character of the area, the major impact on quality of life of residents that will be caused by a public all-day outdoor drinking venue in this quiet residential location would clearly amount to depriving many local residents (Minerva Court residents overlooking the hotel garden, vulnerable neighbours adjoining Villa Magdala grounds, and other nearby neighbours) of their right to quiet enjoyment under the Human Rights Act 1998, First Protocol, Art. 1 without there being any counter-argument of public interest – indeed the public interest would clearly suffer for reasons given elsewhere in these representations.
3. The proposed public outdoor drinking area at the front is also immediately opposite the King George V Memorial Garden, an area of Henrietta Park which is now planted as a sensory garden and locally known by many as “the Blind garden” because it is specifically intended to be enjoyed by blind and partially sighted residents (see e.g. the entry for Henrietta Park on the VisitBath website). The sensory garden is an especially tranquil part of Henrietta Park which is particularly valued by many elderly and less mobile local residents, being enclosed so that visitors are not troubled by children or young people playing ball games and requiring any dogs to be on a lead. A large public drinking area immediately opposite the Memorial Garden with its attendant noise of drinkers will clearly destroy the special and

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

peaceful setting of the Memorial Garden and spoil the enjoyment for those elderly residents and blind residents/visitors who currently love its tranquillity.

4. The creation of a large outdoor drinking area open to the public fronting onto the park will create additional problems of encouraging increased drinking on the park, which BANES staff and local police officers have worked hard to keep free of drinking. As stated in the application the premises as defined in the Premises Licence is confined to the building, and none of the outside grounds of the Villa Magdala are part of the Licensed Premises. The applicant is asking for a licence for “off sales” for selling of alcohol. It is mooted in the application that there could be a new condition “that all alcohol sold for consumption off the premises shall be restricted to consumption in the hotel garden areas only”. That condition would be clearly unenforceable. The applicant provides no reasonable proposal as to how the condition could possibly be implemented effectively if sales are extended to the general public. The existing condition of limiting sales to hotel guests has proved adequate only because the persons to whom sales are made are resident in the hotel and thus inherently very small in number.. The condition suggested could be enforced only if all entrances to the Villa Magdala grounds were provided with permanently manned checkpoints during the hours of midday to 21.30 where the staff are SIA licensed staff who will check that all non-residents leaving the hotel ground are not taking alcohol with them.
5. It of course follows that, without the provision of such SIA licensed staff to prevent alcohol being taken out of the garden by non-resident customers, non-resident customers will inevitably start to take alcoholic drinks with them into the attractive park across the road, exacerbated by the “honeypot” effect of the front drinking area prominently visible from the park which will draw people from the park who wish to take drinks away to drink on the park. That will promote crime since the act of drinking alcohol in the park is itself illegal. Thus, in addition to causing public nuisance, allowing sales to the general public will be contrary to the Licensing Objective of preventing crime and disorder.
6. I attach a witness statement of Mrs Pauline Glyde who lives next to Villa Magdala at Henrietta Lodge. As set out in Mrs Glyde’s statement, Mrs Glyde’s husband is profoundly disabled and is confined for large parts of every day to a room which is very close to and overlooks the grounds of Villa Magdala – Henrietta Lodge is indicated below by the red box:



Mr Glyde is effectively unable to leave the house. Mrs Glyde’s witness statement includes much very relevant content, but attention is particularly drawn to the following aspects of Mrs Glyde’s statement:

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

- Peace and quiet are important for Mr Glyde's physical and mental health – Mr and Mrs Glyde moved to Henrietta Lodge in 2007 in large part because of the peace and quiet of the location which it has always been their entirely reasonable expectation will be preserved in view of its Conservation Area status.
- There have already been occasions under the current licence arrangements where noise has been extremely disturbing for Mrs Glyde and her husband, and on occasion has resulted in their having to close their patio doors and windows in order to reduce the noise nuisance – a particular burden given that, because of his seriously impaired mobility, Mr Glyde's only access to fresh air is through their patio doors and windows and he is unable to retreat to any area where the noise is not problematical.
- Mrs Glyde and her husband are already subjected to unreasonable noise from the waste bottle container, with loud noise being generated several times each day.
- Mrs Glyde is extremely distressed and worried at the prospect that sales of alcohol to the general public will be allowed because of the inevitable nuisance that will be caused by the significantly increased number of outside drinkers, the night-time noise of dispersal and the increased nuisance from the glass waste container.
- Mr Glyde is really too ill to have the insight to reach a view himself, but Mrs Glyde explains that the increase in noise will be detrimental to her husband's physical and mental health.

Whilst Mrs Glyde, as her husband's 24 hour carer, is focused on the disastrous effect that increased noise nuisance would have on her vulnerable husband, it goes without saying that the increase in intrusive noise will also seriously impact on her own quality of life.

7. The household in the neighbouring house on the other side at 1 Henrietta Villas also includes a vulnerable member with a long term illness. Mr and Mrs Tucker have lived in their house for 39 years. Mr David Tucker has suffered for over twenty years from ME, having as a result had to take early retirement in his early 50s. ME is a chronic illness which manifests itself in frequent and recurring periods of illness, often several weeks long, which are totally debilitating. During the frequent and extended periods of illness Mr Tucker is barely able to walk and suffers from constant muscle pain all over his body; he is frequently forced to spend large periods of the day in bed. Mr and Mrs Tucker's bedroom overlooks the garden that Eiderdown wish to make into a public all-day drinking area (see the window highlighted by the red box in the view below). This is the room to which he is confined for large parts of the day or all day during his frequent periods of illness. Distress and disturbance affect detrimentally Mr Tucker's physical and mental health. It is inevitable that distress and disturbance will be caused to Mr Tucker by the intrusion into the room in which he is often confined to bed of the noise of people drinking and eating just a few feet from the window. The proximity of Mr and Mrs Tucker's living accommodation to the part of the hotel known on legal documents as "Avondale" is of course one of the reasons why Avondale was made subject to a change of use condition that it be used only as bedroom accommodation or as residential accommodation, as mentioned above under "History". Mr and Mrs Tucker have noted an increase in large and noisy groups using the garden since ownership of the hotel changed in June 2015, and those are presumably limited to hotel guests (and their bona fide guests). They are extremely distressed at the prospect of extension of sales of alcohol to the

## Representations received from Interested Parties

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general public because of the noise impact they will experience from the garden, as well as the increased use of the pedestrian gate adjacent to their boundary wall and the noise of cars, taxis and pedestrians leaving the hotel until 11pm at night or later.



8. Mr Taylor has stated to committee members of HPRA that he would not wish to do anything that would cause noise disturbance to his guests. Villa Magdala's guests are invariably mobile, relatively fit people who are visiting Bath in order to spend most of their days out sight-seeing and are free to go into Bath for meals and evening entertainment etc. Demonstrably they will not be disturbed by the noise of the dramatically increased number of outside drinkers or by the noise of people smoking outside the building, or by the noise of people leaving the premises, since they are mobile and can choose to endure minimal periods of noise. Villa Magdala's vulnerable and disabled neighbour Mr Glyde, on the contrary, is confined to his home in Henrietta Lodge and effectively his sole enjoyment of the outdoors in summer is to be able to sit with their windows and/or French doors open. Mr Glyde and his wife, who is his full-time carer, will have no choice but to endure the noise of increased outdoor drinking. The same applies to Mr Tucker at 1 Henrietta Villas during his recurring periods of illness. Against that background, Mr Taylor's assertion that nothing he wants to do will disturb his guests illustrates the potentially discriminatory effect of allowing the extensions to the licence that Eiderdown are requesting. It is impossible to see how extending alcohol sales to the general public could be managed without a substantial increase in noise disturbance. Eiderdown have not proposed any effective measures to mitigate the additional noise during most parts of the day (all they have suggested is limited retention of measures that were designed with only sales to hotel guests in mind and which will clearly be incapable of restraining the noise of much larger numbers of people in the garden) but hotel guests will not be affected because they are out. It is submitted that, based on Eiderdown's submissions to date, extending the licence to sales to the general public may well be discriminatory under Section 15 of the Equality Act 2010.
9. If the Committee is minded to allow extension of the licence to allow sales to the general public, it must ensure that its decision is not discriminatory under the provisions of the Equality Act 2010. The Committee is not in a position to make such a decision based on the current submissions by Eiderdown, and Eiderdown must be required to indicate how it will

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

avoid unfairly discriminating against their disabled neighbour(s) if it wishes to pursue such an extension.

### EVIDENCE OF THE TRACK RECORD OF THE OWNER AND DPS (Mr Taylor)

10. The applicant states in the application that the premises will continue to operate as a “hotel with ancillary facilities”, apparently trying to imply that sales of alcohol are, and will continue to be, rather minor. Whilst operation of Villa Magdala under the current licence has for most of the period since 2012 caused relatively few problems, there was a noticeable change towards greater alcohol consumption and noise when the current owners took over the Villa Magdala in June 2015. For example, since that date the Chair of HPRA, Ceris Humphreys, has had to complain to Villa Magdala that alcohol was being flagrantly served in an area where it is prohibited under a current condition. Although this complaint was made at the time alcohol was actually being served in contravention of the condition, there was nobody on the premises who was aware of the licence provisions and specifically of the condition regarding the prohibition on serving alcohol in the area of the car park.
  
11. Local residents have also been concerned to hear reports of noise disturbance at another premises owned and run by Mr Taylor in Bath – the Abbey hotel. It appears that outdoor drinking has caused considerable noise nuisance to nearby residents, particularly during the six week period when he has operated a “Chalet” at Abbey Hotel during November, December and January in recent years. Having received reports of this nuisance in another local premises, HPRA has investigated whether there have been problems at other premises that Mr Taylor has been involved with, and was concerned to note records relating to an application by Mr Taylor for variation of a licence at the Cotswold House Hotel, a premises that at the time was run by him. Submitted herewith as Appendix 1 is evidence in the form of representations that were submitted by the local town council and by neighbours of Cotswold House Hotel in Chipping Campden. It is apparent from a reference in Appendix 1 to the Cotswold House Hotel that the premises had some points in common with Villa Magdala, including that a part was previously a private residence, and the proximity of other private residences. Comments made by the local town council and by neighbours of Mr Taylor’s previous hotel in the context of an application by him for extended license provisions include:
  - *“Undertakings” to operate in a way that “did not cause nuisance or annoyance to neighbours” were “breached on many occasions”* (representations made by Chipping Campden Town Council).
  - Chipping Camden Town Council also stated that *“We do not believe that these hotels have kept to their existing permitted licensing hours.”*
  - *“constant noise nuisance from the functions there despite assurances from Mr Taylor re use of the garden and his ability to moderate the noise”* ; licensing hours *“frequently ignored and over run”*; and *“the activities at the hotel frequently cause daytime and late night noise of music and rowdiness”* (representations of Mr Peter Edge)
  - Applicant *“has shown no willingness to abide by the terms of his existing licence”* and instructions issued about noise levels have *“never been complied with”* (representations of Mr and Mrs Ellis).



## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

- *“abuse of the current licence and the complete lack of consideration shown by Mr Taylor to us and our neighbours in this residential area”*; and noise *“during and beyond the licensing hours is excessive”*; *“seldom is the licence holder there on the premises”* when neighbours phone to complain about noise (representations of Mr and Mrs Fenwick).
  - *“frequent disturbance due to the hours of operation, noise and closed doors not being complied with”*; and *“far too much noise from people drinking in the garden”* (representations of Mrs Thomson).
12. The above history of another premises at which the DPS/owner was the licence holder is extremely pertinent. Although Villa Magdala was taken over only in summer 2015 the pattern of behaviour is already showing disturbing trends including:
- Emerging problem of noise in the Villa Magdala grounds,
  - Apparent disregard or ignorance of conditions
  - The rarity of the DPS’s presence in the hotel (or anyone else in authority and knowledge of the licence conditions) carrying out his day-to-day responsibility for the premises.

### SERIOUS DEFECTS IN THE APPLICATION

13. The applicant presents the requested change to allow sales of alcohol to the general public as a minor variation. The applicant states in their application that *“The proposed hours for the sale of alcohol (other than to hotel residents and their bona fide guests) will be restricted and will be within the times operated by other licensed premises in the vicinity”*. The latter statement is misleading as there is no comparable licensed premises in this area. It is difficult to know which licenses premises the applicant thinks it is referring to. There are two hotels on Henrietta Street. The Chair of HPRA has visited both the Kennard Hotel and the Redcar Hotel. The arrangements at those hotels are nothing like those now sought by Eiderdown. Henrietta Street has a different and “busier” street environment, a lower proportion of family homes, and an entirely different style of property so might be thought more “urban”. However, of the two hotels there neither has a bar which is visible to people passing on Henrietta Street. In fact the Kennard has no bar at all, is accessible only on ringing a door bell, and serves alcohol only to hotel residents. The Redcar also has no outside drinking area, and when asked if the bar was open to non-residents the receptionist said that it is not. The bar of the Redcar is well hidden from passing pedestrians on Henrietta Street at the back of the building, and does not overlook the park. In other words “other licensed premises in the vicinity” provide no basis whatsoever for the assertion made by the applicant.
14. Eiderdown Limited state that the change to allow sales to the general public is “to rectify ambiguity in current licence”. There is no ambiguity in the relevant respect. The current licence was sought in 2012 by the applicant who explicitly stated that, as one of the steps they intended to take to promote the four licensing objectives “Alcoholic drinks will be sold to hotel guests only”. It is unclear whether, in suggesting there is ambiguity in this respect, Eiderdown Limited are being disingenuous in disregarding their previous statement, or whether the suggestion is made in oversight.
15. The Licensing Committee may recall that, in fact, the slightly anomalous definition of the premises resulted from an error on the applicant’s part in its 2012 application – the

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

Licensing Committee bent over backwards to find a way of allowing the application without requiring the applicant to re-apply with a corrected application. It is abundantly clear that the intention was to permit sales only to hotel guests, and that those are the people who are intended to be able to consume alcohol in the garden. The current form was the only way that the 2012 application could be allowed to proceed with the applicant's defective definition of the Premises. The applicant now seeks to exploit the anomaly (that arose from their own error) and take advantage of the Licensing Committee's generosity in the manner in which it allowed the 2012 application to proceed. Rather than actually proposing removal of the anomaly to arrive at a Licence which is framed more clearly in the terms which in 2012 both the applicant and everyone else understood were intended, the applicant is proposing a drastic re-interpretation in the licence conditions that was never contemplated. It cannot be open to the applicant to exploit their own previous error to suggest to the Committee as "rectifying an ambiguity" a radical new arrangement that had never been contemplated.

### CONDITIONS THAT ARE ESSENTIAL IF A PREMISES LICENCE IS TO BE GRANTED ALLOWING SALES TO NON-RESIDENTS

16. If a licence is granted allowing sales of alcohol to the general public, in view of the proximity of 1 Henrietta Villas and Henrietta Lodge, it is clear that the protection of existing legislation and byelaws will be insufficient to protect the households from the increased noise. Therefore additional and specific conditions controlling noise disturbance in nearby noise-sensitive premises would be essential if sales to the general public are to be allowed. It is submitted that the following condition would be essential:
 

"that there must be no audible noise in the nearest noise-sensitive premises"  
(the nearest noise-sensitive premises for this purpose being designated as 1 Henrietta Villas).
17. A licence allowing sales to the general public would also need to be reflected in new conditions relating to consumption of alcohol in the garden in the form of reduced hours, e.g. from midday to 2pm and 5pm to 7.30pm and limiting to table service only. (The applicant suggests merely that table service would be "available".) These are essential to preserve the character of the area where the presence of large numbers of people in a front garden drinking, or people standing and drinking, is wholly contrary to the character of the area.
18. It seems that the DPS is rarely on the premises (unsurprising as he lives in Cheltenham and also runs a number of other hotels) and that the premises has not always complied with all the conditions of its licence, even whilst the sale of alcohol is strictly limited to hotel guests. Without considerably stronger conditions with regard to the presence of the DPS on site or his availability for telephone contact at all hours when alcohol is on sale, the applicant cannot be considered to meet the licensing objectives. At the very least there needs to be a condition requiring that the DPS be available on a contact number shared with nearby residents at all times at which alcohol is permitted to be sold to non-residents.
19. A public bar in an attractive location close to the city centre will inevitably attract drinkers from the city centre. If the licence is to be extended to allow sales to the general public it will be essential for the Premises to have an SIA –licensed person at all hours where sales to the general public are permitted, in order to ensure that all noise in the garden is managed

## Representations received from Interested Parties

Premises Licence application (variation) 16/01898/LAPRE – Villa Magdala

and that late-night dispersal is kept to noise levels that are appropriate to the quiet residential area in which the Premises is located. As already submitted above, if drinking continues to be permitted in the grounds between midday and 21.30pm under a licence extended to sales to the general public, then it will be essential to provide an SIA licensed person on all entrances to the hotel grounds in order to police the applicant's proposed condition that alcohol cannot be taken from the garden, which otherwise would be meaningless.

20. The glass bin is currently located near Henrietta Lodge within a few yards of the boundary of Villa Magdala and the glass bin is a hard plastic bin with no noise reduction accessories. Currently glass waste is tipped into the bin several times a day causing loud and disturbing noise within yards of a neighbouring property. Glass collections are currently carried out by a firm which has advised that it has no glass noise reduction features on its glass collection vehicles. The amount of glass waste generated from extension of the licence to allow serving of alcohol to the general public would obviously vastly increase the usage of the waste glass container and generate more frequent and/or louder glass disposal noise. This will cause unbearable noise in Henrietta Lodge unless strict conditions are imposed to limit the amount of noise both from multiple daytime emptying of glass by staff into the glass bin and controlling the noise from the glass waste collection. Conditions should at least require the Licence holder both (1) to prevent noise nuisance from emptying of glasses into the bin (for example, as necessary to use a noise-reduced collection bin, and/or to house the bin in an acoustically isolated housing or inside the building, and (2) to ensure that all collections from the hotel are carried out by a vehicle having noise-reduction technology to minimise the sound of transfer of the glass into the vehicle, and between the hours of 9am and 6pm. The purpose of those conditions is to ensure that remaining glass noise cannot be heard in neighbouring residential homes.


### CLOSING REMARKS

21. In summary, it is believed that these representations incontrovertibly show that the grant of a licence permitting sale of alcohol to the general public is totally inappropriate in this area because of the immense public nuisance that will ensue in the form of noise. Such a licence, insofar as it allows drinking in the garden which will drive drinking on the park, will also contravene the licensing objective of preventing crime and disorder.
22. If the Committee is, notwithstanding the above submissions, minded to allow a licence permitting sale to non-residents, It is absolutely essential that conditions must be imposed that will reflect the major change and mitigate the effects of the consequential increase in noise in a manner commensurate with the special, quiet and peaceful residential area.

On behalf of Henrietta Park Residents' Association  
Ceri Humphreys – Chair  
Ian Herve - Secretary

## Representations received from Interested Parties

Bath City Council



**Town and Country Planning Act 1971**  
**Town and Country Planning General Development Orders 1977-1981**

Application No. 12568  
Date received 6.7.82  
Land to which the application relates  
Avondale, Henrietta Road

Mr. L.D. Willis,  
Villa Magdala Hotel,  
Henrietta Road,  
BATH BA2 6LX

on behalf of

Description of proposed development  
Change of use from a dwelling to  
an hotel

The Bath City Council as Local Planning Authority, in pursuance of their powers under the above-mentioned Act and Order, hereby give you notice that permission to carry out development detailed above in accordance with the application, plans and drawings submitted by you is GRANTED subject to the following conditions:-

1. the development being begun not later than the expiration of five years beginning with the date of this permission.
2. notwithstanding the provisions of the Town and Country Planning (General Development Orders) 1977 to 1981 no alterations or additions being made to the exterior of the property or to any boundary walls or fences in connection with the proposed use;
3. notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1969, no sign relating to the proposed use being displayed on the outside, or in the windows, of the property;
4. the property only being used for additional bedroom accommodation or private residential use in conjunction with Villa Magdala.

The Council have granted permission subject to these conditions for the following reasons:-

1. to comply with the requirements of section 41 of the Town and Country Planning Act 1971.
2. to safeguard the appearance of the premises and the amenities of residents in the area;
3. to safeguard the appearance of the premises and the locality;
4. to safeguard the amenities of adjoining residents.

Dated 5th October 1982

*Sparks*

DIRECTOR OF ENVIRONMENTAL SERVICES

Abbey Chambers, Bath, BA1 1NT.

**IMPORTANT - Please read the notes on the reverse of this form.**

Form - P3

## Representations received from Interested Parties

Licence Application 16/01898/LAPRE Villa Magdala

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**Witness statement – Mrs Pauline Glyde**

I, Pauline Glyde, reside at Henrietta Lodge, Henrietta Road, Bath.

I understand that Villa Magdala is applying for its premises licence to be extended to include sales to non-Residents and additional activities. I live in Henrietta Lodge with my husband, David Glyde. Henrietta Lodge is located within a few feet of the perimeter of Villa Magdala's boundary. The outlook from our bedroom and our living room is towards the Villa Magdala. Both our living room and our bedroom have large floor-length windows and patio doors which look out over Villa Magdala and are very close to the boundary. Currently the part of Villa Magdala's grounds closest to our patio doors is occupied by a strip of grass beyond which is the Villa Magdala car park and the main entrance steps to Villa Magdala. Set back from the car park (to the left in our view) is a building containing garages. Villa Magdala has a glass waste container located by the garage building.

My husband David has progressive multiple sclerosis - he is now severely disabled and has seriously impaired mobility. He is effectively confined to our house 24 hours a day. Henrietta Lodge contains many adaptations to accommodate David's limited mobility, but nonetheless he is not able to be moved from room to room without assistance from carers. David now needs care visits four times a day, with two carers on each visit, simply to attend to his daily needs. The morning care visit is usually at about 7am, when he is assisted with getting up and dressing. The carers usually position his wheelchair in our living room close to the patio doors so that he is able to look out through full-length windows onto our garden. We like to have our patio doors open in warm weather and our windows are opened as necessary and particularly in the summer. As I have mentioned, our patio doors (and our full-length windows) overlook Villa Magdala and are extremely close to their boundary.

David has a medical requirement to spend the afternoon in bed daily from 13.00 to 17.00pm, and also from 19.00pm to 07.00 am the following day. When David is in bed in the afternoon, I often leave the windows in the bedroom open and in the summer I also leave the patio doors open in the bedroom. The last care visit is at about 7pm when he is assisted with going to bed. We go to bed early as the day is exhausting for us both as a result of David's disability. Since David requires assistance 24 hours a day, I am myself unable to leave him alone at home - I am only able to leave the house when a carer is present to look after David.

David is thus confined to the house all day. At the moment the exception is three hours a week when a specialist care worker can take him out if the weather is nice, mainly to give me three hours respite each week. The rooms in which he spends his day are, as I have mentioned above, very close to the perimeter of the Villa Magdala grounds.

The area in which we live is extremely quiet at all times, and especially in the evenings and at night. With David's condition, the peace and quiet is particularly important and precious, both during the day and night, because we have to spend so much time here and because it is essential for David's health and wellbeing.

**My experience to date**

When we moved to Henrietta Lodge in 2007 having somewhere that was quiet was essential because of David's condition. We chose Henrietta Lodge because it was so peaceful and our solicitor noted in his advice that we could be reassured by the fact that it is a Conservation Area that it would not change in this respect. From 2007 when we moved into Henrietta Lodge until 2012 I do not recollect any noise problems

## Representations received from Interested Parties

Licence Application 16/01898/LAPRE Villa Magdala

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from Villa Magdala that were sufficiently serious for me to complain about. In 2012 a premises licence was first applied for. The licence as granted allowed alcohol to be sold to hotel guests only and included a condition that was intended to prevent alcohol being served in the part of the grounds close to our house to ensure that our peace and quiet was not disturbed.

When the licence was granted we did not initially experience problems of noise that was so intrusive that I felt it essential to complain (it will be apparent from what I have said above that it is difficult for me to leave the house, so going to Villa Magdala to complain is not something I can do easily – at the very least I have to wait until the next care visit). There were rarely more than one or two couples seated at tables in the front garden at any one time.

In the last year or so, however, things have changed. There have been a number of occasions when we have been disturbed by noise from the Villa Magdala grounds. I went to Villa Magdala to complain on two occasions:

- On one occasion, a significant number of people were outside the building. The noise was extremely intrusive and included loud talking and raucous laughter. I was distressed and upset by the noise but I had already gone to bed and was unable to leave our house at the time of the incident so went to Villa Magdala the next day to complain. I spoke with the person who seemed to be in charge. I was simply told that the group “had spilled outside because it was hot”.
- On the second occasion, we were subjected to prolonged noise of a boisterous female party group. We had our patio doors open because it was warm – David’s immobility means that the only way he can enjoy fresh air is normally by opening our windows and doors. The group’s conversation was lively (as one might imagine) and the content was of a nature that we really did not feel comfortable sharing. We had no alternative but to close our patio doors and windows. I felt very angry and upset – we felt like prisoners in our own home. As I wasn’t able to leave David on his own, I had to wait for a care visit before I went to Villa Magdala to complain. Whilst the person who seemed to be in charge was apologetic, I am not sure that they were aware of the condition limiting where alcohol is served outside or understand how disturbing the noise is for David.

We are also subjected to really upsetting sudden and loud bursts of noise from the glass waste container. The waste containers are located very close to the perimeter of the Villa Magdala grounds opposite our house. I think it is placed there so that it minimises noise for hotel guests – but this location maximises the noise for us. Currently glass bottles are emptied into the glass waste container several times a day. When this is done the noise is so loud that visitors to our house who are not aware of this problem are caused to jump and exclaim with concern at what is causing the noise. I am obviously very concerned at the prospect that the noise of glass disposal will increase and probably occur more frequently and over a longer period of the day if a licence is granted covering sale of alcohol to non-residents.

Having already experienced intrusive noise nuisance from Villa Magdala with the current Premises Licence, which is restricted to serving of alcohol to hotel guests and their bona fide guests, David and I are extremely concerned at the prospect that Villa Magdala might be allowed to extend alcohol sales to non-residents. It is abundantly clear that extending alcohol sales will hugely increase the number of people drinking in the grounds during the day. Just as worryingly, it will introduce the problem of noise of people leaving at closing time, noise of cars starting, and taxis arriving and sitting with engines running, and it will obviously dramatically increase the number of smokers who leave the building to smoke. Much of this disturbance will inevitably happen opposite our living room and my bedroom, which face on to the main

## Representations received from Interested Parties

Licence Application 16/01898/LAPRE Villa Magdala

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entrance steps to the hotel and the area of car park at the bottom of the steps. I understand that, if the application is allowed, sales to non-residents would be allowed from 8am to 10.30pm (Sunday to Thursday or 11pm (Friday and Saturday), and that moreover there will be additional activities permitted after those hours which will potentially extend the hours at which there will be traffic onto and off the premises and noise associated with people leaving until midnight.

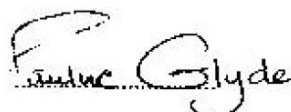
Any increase in noise will severely impact on our quality of life, and it is inconceivable that the licence could be extended to sales to non-residents without causing a substantial increase in noise.

I am also concerned at the inevitable erosion of the condition relating to drinking in the garden. The extension to non-residents will already greatly erode the protection against noise and disturbance that was intended to be given by the condition.

It is often the case that able-bodied people under-estimate the problems that face the disabled. I cannot stress enough how much more noise disturbance impacts on a disabled person. A disabled person confined to one room all day is unable to escape from noise disturbance. David is not in a position even simply to walk into another room in our house that is less subject to noise from Villa Magdala – significant numbers of people drinking outside the Villa Magdala building from midday to 9.30 pm would result in significant noise impact on David for almost all of the time he is up during the day. Even the morning would be put at risk because a licence is being requested for alcohol sales to non-residents from 8am for certain types of activity which will increase traffic into the hotel from 8am. So in totality, the extended activities will impact negatively on David for all his waking hours.

I have stressed a lot above the effect that extension of the licence to non-residents will have on my husband, because my husband is very ill and has such limited possibilities for enjoyment of life. I am sure that it goes without saying that, in our circumstances, allowing extension of sales to non-residents bring with it much increased outdoor drinking during the day and increased night-time noise will be very distressing for me as well.

Signed:



Pauline Glyde

Date: 19 June 2016

Representations received from Interested Parties

## APPENDIX 'E'

**Part 2****LICENSING ACT 2003****REPRESENTATION FORM**

On completion this form and any additional sheets or other accompanying documentation should be posted to; *The Licensing Section, Cotswold District Council, Council Offices, Trinity Road, Cirencester, Glos, GL7 1PX.*

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Contact details (of person completing form)**

Name:	PAULINE CLARKE
Name of the organisation/body/person you represent (if appropriate)	CHIPPING CAMPDEN TOWN COUNCIL
Your full Postal Address or that of the organisation or body you represent	OLD POLICE STATION HIGH STREET CHIPPING CAMPDEN
Post Code	GL55 6AB
Daytime contact telephone number	01386 841298
Email address - If you would prefer to correspond via email, please enter your email address. (optional). <i>townclerk@chippingcampdentowncouncil.org</i>	

**Details of person/body making representation (if different from above)**

Name of the person/organisation/body (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	



Representations received from Interested Parties

Part 2 Continued

**Premises/Club Details**

Name of premises/club you are making representation about:	COTSHOLD HOUSE HOTEL
Name of Applicant for Licence (if known)	-
Postal Address:	THE SQUARE CHIPPING CAMPDEN
Post Code:	SL55 6AT

**What are you making a representation about?**

Please indicate which part of the licence/certificate application you are making a representation about (i.e. crime, disorder, noise, disturbance)
NOISE

**Which of the Licensing Objectives does your representation refer to?**

(Note: Your representation must relate to one or more of the four Licensing Objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder		Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at [www.culture.gov.uk](http://www.culture.gov.uk).

Please indicate the distance (in metres) between your address and the premises subject of your representation:	
--	--

Representations received from Interested Parties

Part 2 continued

**What are your concerns?**

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.  
*(Please continue on a separate sheet if necessary)*

SEE ATTACHED

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the Committee could add to the licence (if granted) that would remedy your concern.  
*(Please continue on a separate sheet if necessary)*

Signature: P. Clark

Capacity: TOWN CLERK

Date: 18/10/06

## Representations received from Interested Parties

RWM/JCH

18<sup>th</sup> October, 2006.

**OBJECTION**

The planning committee has discussed the request by the Cotswold House and Noel Arms Hotels for an extension to their existing licence and we would like to object on the following grounds:-

1. We believe that undertakings given by the Cotswold House in particular, with regard to operating their new banqueting suite in a way that did not cause nuisance or annoyance to neighbours, has been breached on many occasions and we are concerned that if they are allowed to open even later hours the nuisance and annoyance will be worse particularly the noise factor which is extremely upsetting for the nearby residential properties.
2. We do not believe that these hotels have kept to their existing permitted licensing hours. That therefore leads us to believe that if they were granted further extension they would again breach the conditions.

Representations received from Interested Parties

Walnut Cottage  
High St  
Chipping Campden  
Glos GL55 6AG  
01386 840556

22/10/2006

Licensing & Registration Manager,  
C.D.C,  
Council Offices,  
Trinity Rd,  
CIRENCESTER,  
GL7 1PX.

22/10/06

Dear Sir/Madam,

**Re: Licensing Act 2003- Ian Morrison Taylor, Cotswold House Hotel, The Square, Chipping Campden, Glos GL55 6AN.**

I wish to object to the proposed variation in the licence for dancing, entertainment and the serving of alcohol.

I live within 30 metres of the Cotswold House complex. Ever since the expansion of this Hotel there has been a constant noise nuisance from the functions there despite assurances from Mr. Taylor re use of the garden and his ability to moderate the noise of the Disco used at many of the functions. I believe the present licence is effective until 11.00 hrs through the week. This is frequently ignored and over run , sometimes past midnight.

All in all the activities at the hotel frequently cause daytime and late night noise of music and rowdiness.

I have no faith in the ability of hotel staff to identify "bona fide" guests or of the hotel to comply with the limitations of the present licence let alone an extension.

No extension please and at least an enforcement of the present licence conditions..

Yours Sincerely,

Peter Edge.

COTSWOLD DISTRICT COUNCIL HEALTH		
24 OCT 2006		
ATTN OF	NUMBER	DATE REC.
NOX DATE	24/10	INITIALS DW

Representations received from Interested Parties

**St. Anne's  
High Street  
Chipping Campden  
Glos, GL55 6AL.  
Tel: 01386 841253  
Fax: 01386 840170  
E.mail: [ellis.consultant@virgin.net](mailto:ellis.consultant@virgin.net)**

Licensing & Registration Manager,  
Cotswold District Council  
Council Offices  
Trinity Road  
CIRENCESTER,  
Glos, GL7 1PX.

Cotswold District Council - Post Room		
Attn Of	Initials	Date Recd
		23 OCT 2006
		20 October, 2006.
File No		
Reply Date		
File Ref		

Dear Sir,

**Re: Licensing Act 2003 – Ian Morrison Taylor, Cotswold House Hotel, The Square Chipping Campden, Gloucestershire, GL55 6AN**

We wish to object to the proposed variation to the current licence.

We live in the house next door to the applicant's premises and approximately 6 metres from their Function Room. We have been frequently disturbed by the noise from the applicant's premises, and attach a list of instances and complaints occurring since the applicant acquired what was previously a residential house and garden next door to us and which is now part of the hotel.

The applicant has shown no willingness to abide by the terms of his existing licence and there can be no confidence that he will comply with an extended licence. The extension will create serious noise intrusion to us and the other neighbouring properties. Gavin Probert gave the hotel instructions to keep doors and windows shut in the Function room and also told them the level of amplification bands and discos were to use. This has never been complied with.

The proposed 24 hour drinks and refreshments licence is also likely to be abused, without any control by the applicant, by residents and "non-bona fide" guests drinking and making noise in the gardens next door to us.

A licence until 23.00 is quite late enough for an establishment in such close proximity to residential properties and there should not be any extension in time.

Yours faithfully,

*Jean & John Ellis*  
Jean & John Ellis

Enc:

COTSWOLD DISTRICT COUNCIL		
ATTN OF	INITIALS	DATE REC
		23 OCT 2006
REC DATE	23/10	INITIALS <i>aw</i>

## Representations received from Interested Parties

**COTSWOLD HOUSE HOTEL – MONTROSE SUITE (FUNCTION ROOM)****Compilation of notes kept by neighbours (Mrs & Mrs J Ellis, Mr & Mrs G Fenwick, Mr & Mrs P Edge and Mrs P Thomson) of noise emanating from Function Room of Cotswold House Hotel**

- 12.06.05** Guests making a great deal of noise in Montrose garden in the afternoon – shouting, Raucous laughter getting ever louder with the alcohol being drunk.
- 02.07.05** 3.45 p.m. Party in Cotswold House Garden with jazz band playing out of doors. All neighbours could hear it inside their homes with doors and windows closed. Could also hear it in the front of the house. Drinking and loud noise  
Rang police (logging no. 700). They did not get the noise stopped nor did they come to any of the neighbours houses to listen to the noise. Noise also started at 11.00 p.m. outside in the front of the hotel until midnight with guests shouting.
- 03.07.05** Wedding at Cotswold House Hotel with a harpist playing in the Garden and guests shouting and laughing. Windows and doors left open in the Function Room. Could hear clearly all the speeches from inside our houses. Loud music could be heard above our own television sets. Music still going after 11.30 p.m.
- 09.07.05.** Wedding in Function room. Music (quartet) playing in garden of Montrose.
- 17.07.05.** Wedding in Function room. 20.00 Guests milling around Montrose garden shouting very loudly. 21.30 Guests go into Function room with doors and windows left open. We can hear speeches using microphones, clapping, laughter and music. All very loud and continues until 1.00 a.m.
- 23.07.05.** In the afternoon there is a large party in Montrose garden making a great deal of noise.
- 24.07.05** Loud noise coming from Function room with guests laughing and some screaming. Windows and doors of Function room left open. Live band starts up at 9.00 p.m. The noise was absolutely intolerable. Jean Ellis rang hotel. They apologised but said it was booked until midnight, but that they would close windows and doors. ~~They did not.~~ Music continued until 12.10 a.m. Sent email to Gavin Probert.
- 30.07.05** Neighbour, Pat Thomson had a group of noisy guests directly outside her sitting room. One woman was very drunk. She asked the group to be quiet and they told her she was being rude. Mrs Thomson rang the proprietor, Ian Taylor and complained. She also asked him to log her call.
- 14.10.05.** Noisy function in the Function room. Could hear every word of the speeches and then very loud disco or live band. Could hear the music inside our own houses with doors and windows shut. Could not see whether Function room had their windows open.
- 20.10.05** A function taking place in Cotswold House Hotel in the afternoon which spilled out into the gardens. Many screaming children. Very noisy.
- 10.02.06.** Guests staying at St. Anne's could not get to sleep because of the noise from a live jazz band playing in the Function Room of Cotswold House Hotel. It went on until midnight.
- 03.03.06.** Noise coming from Function room with a live band. ~~Still going at 11.00 p.m.~~

## Representations received from Interested Parties

Cotswold District Council - Post Room		
Attn Of	Initials	Date Recd
31 OCT 2006		
Ack Date		
Reply Date		
File Ref		

London House,  
High Street,  
Chipping Campden,  
Glos. GL55 6AG

28 October 2006

Licensing and Registration Manager,  
Cotswold District Council,  
Council Offices,  
Trinity Road,  
Cirencester,  
Glos. GL7 1PX

Dear Sir or Madam,

**Application for a Premises License - Ian Morrison Taylor, Cotswold House Hotel, The Square, Chipping Campden, Gloucestershire, GL55 6AN**

We wish to object most strongly to this application to extend the license at The Cotswold House Hotel.

Our family home is two doors away from this premises and our enjoyment of our home and garden has been severely affected by the abuse of the current licence and the complete lack of consideration shown by Mr Taylor to us and our neighbours in this residential area.

The noise of music and shouting drunken voices during and beyond the licensed hours is excessive and has led to numerous complaints from us and other neighbours - to our knowledge on 12/6/05, 2/7/05, 3/7/05, 9/7/05, 17/7/05, 23/7/05, 24/7/05, 30/7/05, 14/10/05, 20/10/05, 10/02/06, 3/3/06, 4/3/06, 5/3/06, 11/3/06, 5/5/06, 16/6/06, 19/6/06, 22/6/06, 24/6/06, 1/7/06, 16/7/06, 17/7/06, 21/7/06, 2/9/06. Of course there may be other instances of which we are not aware.

For the following reasons, we believe that Mr Taylor is not an appropriate person to hold a licence at all. When we have telephoned the hotel to complain about the noise, seldom is the licence holder there on the premises late at night. The hotel often does not answer the telephone at all. When we have managed to speak to somebody 'in charge', they are perfectly pleasant but are unable or unwilling to reduce the noise

COTSWOLD DISTRICT COUNCIL		
Attn Of	Initials	Date Recd
31 OCT 2006		
Ack Date		
Reply Date		
File Ref		

## Representations received from Interested Parties

emanating from the Cotswold House. They appear to be unsupervised and it is normal practice for wedding parties to be booked beyond the licensed hours for music and alcohol. For example :- 3/7/05, 17/7/05, 24/7/05, 3/3/06, 11/3/06, 19/6/06, 24/6/06, 1/7/06, 16/7/06, 17/7/06, 21/7/06, 2/9/06.

To sum up - a licence holder who is cavalier in his attitude to exceeding the licensing hours, who is inconsiderate to his residential neighbours, and who does not supervise his premises properly, should not be rewarded with longer licensing hours.

Yours sincerely,



George and Jane Fenwick

Cc. The Clerk to Chipping Campden Town Council



Representations received from Interested Parties

Licensing and Registration Manager,  
Cotswold District Council  
Council Offices  
Trinity Road  
Cirencester  
Glos, GL7 1PX.

Rhudal House  
Back Ends  
Chipping Campden  
Glos, GL55 6AU.

23 October, 2006.

Dear Sir or Madam,

Application for Variation of Premises Licence by Mr Ian Morrison Taylor of Cotswold House Hotel, The Square, Chipping Campden

I wish to object most strongly to the application to vary the current premises licence for the Cotswold House Hotel. I live in a house next door to the garden of the hotel, and the existing licence has resulted in frequent disturbance due to the hours of operation, noise limits and closed doors not being complied with.

There is already far too much noise from people drinking in the garden, and a 24 hour licence for residents and their "bona fide" guests is certain to be abused, and create greater noise nuisance.

The applicant has been negligent in compliance with his existing licence, and he should not be allowed to gain further profit from an extension which he is sure to abuse.

Yours faithfully,

Patricia Thomson (Mrs)

Cotswold District Council - Post Room		
Attn Of	Initials	Date Recd
		26 OCT 2006
For Date		
Rec'd Date		
Rec'd Tel		

COTSWOLD DISTRICT COUNCIL MPs Office		
26 OCT 2006		
ATTN OF	INITIALS	DATE REC
FOR DATE	26/10	INITIALS DW

## Representations received from Interested Parties

**From:** Ceris Humphreys <cerishumphreys@ymail.com>  
**Sent:** 21 June 2016 18:57  
**To:** Licensing  
**Subject:** 16/01898/LAPRE Villa Magdala  
**Attachments:** 16-01898-LAPRE Villa Magdala.pdf

Dear Sir,

I am attaching representations regarding the above licence application (variation). It may be helpful if I explain and confirm that these representations are submitted by me personally and independently of Henrietta Park Residents' Association on whose behalf I separately sent you representations yesterday indicating my name as the Association contact. This is simply in order to safeguard my own personal and independent right to pursue the relevant objections on my own account should that need arise for any currently unforeseen reason.

Kind regards,  
Ceris Humphreys

## Representations received from Interested Parties



## LICENSING ACT 2003

## INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

Application number:	16/01898/LAPRE
Applicant's name:	Eiderdown Ltd
Premises name and address:	Villa Magdala Henrietta Road, Bathwick, Bath, BA2 6LX
Application for a:	Variation of Premises Licence

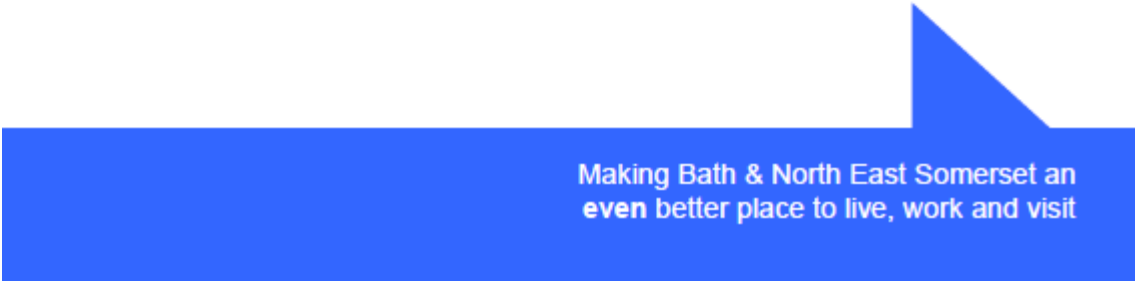
## Objector Details:

Objector's Name:	Ceris Humphreys
Objector's Address:	3 Henrietta Villas Bath BA2 6LX
Organisation name if applicable:	N/A

## 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



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

## Representations received from Interested Parties

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

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

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

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

I object primarily on grounds of failure to comply with the licensing objectives of preventing public nuisance and preventing crime and disorder for the reasons as set out in the objections submitted on 20 June 2016 by Henrietta Park Residents' Association (HPRA). The contents of HPRA's objections of 20 June 2016, and of the 1982 letter from Bath City and Appendix 1 thereto accompanying HPRA's objections are hereby incorporated herein by reference

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

\Ceris Humphreys\

Date

21 June 2016

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

07970 706159 or 01225 787864

## Representations received from Interested Parties

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

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

Name Ceris Humphreys

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

I will be represented at the hearing by \_\_\_\_\_

I will be calling the following witness(es):

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

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

Form to be returned to:

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

## Representations received from Interested Parties

**From:** Ian Herve [<mailto:ianherve1@yahoo.co.uk>]  
**Sent:** 21 June 2016 13:29  
**To:** Licensing  
**Subject:** Licensing (Variation) application 16/01898 LAPRE

Please find attached our representation regarding the above application.

- 1) The representation form for Alice and Ian Herve, 2, Henrietta Villas, Henrietta Road, Bath. BA2 6LX
- 2) Secondary document with additional comments.

The two are to be submitted together.

Could you please confirm safe receipt.

Regards  
Ian Herve  
2, Henrietta Villas,  
Henrietta Road,  
Bath.  
BA2 6LX.

## Representations received from Interested Parties

**Bath & North East  
Somerset Council**

## LICENSING ACT 2003

## INTERESTED PARTY REPRESENTATION

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

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

Application number:	16/01898/LAPRE
Applicant's name:	Eiderdown Ltd.
Premises name and address:	Villa Magdala, Henrietta Road, Bath, BA2 6LX
Application for a:	Variation of Premises Licence.

**Objector Details:**

Objector's Name:	Alice and Ian Herve
Objector's Address:	2, Henrietta Villas, Henrietta Road, BA2 6LX
Organisation name if applicable:	

**Objection Details:**

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

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

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

## Representations received from Interested Parties

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

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

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

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

We fully endorse and agree with the representation made by Henrietta Park Resident's Association. However, we wish to add comments to expand and supplement the HPRA representation. Please see attached document and photographs.

**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

Alice Herve and Ian Herve

Date

21/06/2016

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

07714210782  
01225442336



## Representations received from Interested Parties

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

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

Name \_\_\_\_\_

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

I will be represented at the hearing by \_\_\_\_\_

I will be calling the following witness(es):

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

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

Form to be returned to:

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

## Representations received from Interested Parties

Representation by Alice and Ian Herve concerning the Application for a Variation of the Premises Licence at Villa Magdala, Henrietta Road, Bath, BA2 6LX.

Application Number: 16/01898/LAPRE

Part 1.

The application is not a variation of an existing licence as stated in the applicant's document.

The change of licence will create a premises open to the public for sale and consumption of alcohol where non-exists. This to be from 08.00 to 22.30 or 23.00.

In addition, it is intended to provide this in outdoor areas from midday to 21.30.

The applicant states that this is "within the times operated by other licenced premises in the vicinity". This is not true. The one comparable business is the Pulteney Arms which is not on the park and has existed for well over 100 years.

This is also closed between 15.00 and 17.00.

Henrietta Park is referred to in B&NES documents and elsewhere as "An oasis of calm adjoining the busy city centre" (Bath city-wide character appraisal)

"A place to sit quietly, an oasis of peace, tranquillity and beauty just minutes away from the bustle of city life." (visitBath website)

"a tranquil oasis just minutes away from the bustle of city life" (visitBath website)

B&NES has accepted and is supporting in the draft Placemaking Plan the application for the park to be a Designated Green Space. The citation includes the attributes of "Tranquillity" and "Richness of Wildlife".

The tranquillity would clearly be at risk from this new drinking establishment and the wildlife, some being protected species under The Wildlife and Countryside Act 1981, such as bats and owls, will also be disturbed.

## Representations received from Interested Parties

The surrounding houses and sheltered accommodation ( Minerva House) contain vulnerable and infirm residents who will undoubtedly be disturbed by any extra noise but who are not able to make their own representations.

The Licencing Policy of B&NES in paragraph 1:2 that one of the aims of the policy is "improving the quality of life of residents".

We submit that this application cannot comply with that aim.

We therefore ask that that the committee refuse the application.

### Part 2.

Should the committee be minded to allow the application we ask that strict restrictions regarding noise and disturbance be applied to the licence to minimise any disturbance to nearby residents, park users but most especially to the several vulnerable, infirm and elderly near neighbours.

We ask that a nearest noise sensitive property be designated and that a contact telephone number for the DPS be provided. The DPS should be contactable at all times for discussion and control of disturbance. Where the DPS is not available for some reason the contact telephone number of the person to whom the DPS variation has been transferred be communicated to the residents of noise sensitive property.

This property we suggest should be 1, Henrietta Villas.

We ask that any outdoor service be between the hours of 12.30-15.00 and 17.00- 19.30 and that table service be mandatory for this. Also that noise will be constantly monitored at the perimeter of the premises and action taken to remedy any disturbance to the neighbouring properties.

This applies to any noise such as the disposal of bottles, food waste etc.

We note that the offered code of operation does not follow the Code of Best Practice for Licensed Premises provided by B&NES.

We would highlight the lack of means of enforcement of Dispersal Policy, Security and inclusion in the Bath BID's Nightwatch radio scheme, No SIA door or security staff, no reference to closing of windows and doors after the outside areas are vacated, no mention of actively supervising the customers smoking outside.

## Representations received from Interested Parties

We note in particular the lack of a Drugs Policy. This is particularly relevant due to the display in front of the Magdala Hotel of what was described as an “artwork” by Mr Taylor which glorified drug culture. This took the form of a Horse, painted in unnatural colours and overpainted with references to drugs, drug deaths and even the word “Addict” in large letters. This over the last Christmas period, 2015 and emphasised by floodlights.

Despite several complaints to Mr Taylor that this was offensive to both neighbouring residents and passers-by, no action was taken to remove, reduce the illumination or prominence of the artefact.

I attach photographs of the piece taken at its current location outside the Abbey Hotel.

