

V
Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 9 November 2017	
TITLE:	Application to Vary the Premises Licence for Walcot House , 90B Walcot Street, Bath, BA1 5BG	
WARD:	Abbey	

AN OPEN PUBLIC ITEM

List of attachments to this report:

- Annex A** Application to Vary the Premises Licence
- Annex B** Current Premises Licence
- Annex C** Plans of premises
- Annex D** Site Plans
- Annex E** Representations received from "other persons"

1 THE ISSUE

- 1.1 An application has been received for the variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of Walcot House, 90B Walcot Street, Bath BA1 5BG.

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 £315.00.

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 is detailed in Annex B.

- 5.3 The Variation application seeks to:

Vary the current timings for the Sale of Alcohol to:

Monday to Saturday 11:00 – 03:00 the following morning
Sunday 11:00 – 22:30

Extend the terminal hour for the performance of Dance, Live and Recorded Music on Monday to Thursday to 03:00 hours the following morning;

Add the Exhibition of Film indoors only:

Monday to Saturday 10:00 - midnight
Sunday 14:00 – 22:30

Add the provision of Late Night Refreshment indoors only:

Monday to Saturday 23:00 – 03:00 the following morning

Remove the Annex 2 condition relating to “Challenge 21” (following consultation with the Police) and replace with condition proposing that “Challenge 25” shall be in operation;

Remove the licensable activity “**Other Entertainment within the Act**” as this relates to the licensing of “facilities” (abolished by the Live Music Act 2012);

Attach the revised floor plans to the premises licence, detailing the internal/design changes that have been made within the footprint of the existing licenced premises.

Remove all the non-standard timings relating to Christmas Day in respect of the Sale of Alcohol, the performance of Dance, Live and Recorded Music and Other Entertainment within the Act.

Remove the Annex 1 condition relating to the old PEL conditions.

- 5.4 The following additional conditions have been offered by the applicant :

Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority

CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording.

An "Incident and Refusals" register shall be maintained and kept at the premises. It shall be made available to the police or licensing authority upon request.

There will be a minimum of 5 SIA registered security staff on duty at the premises from 22:00 hours when the downstairs dance floor is opened up as a nightclub and will remain on duty until the premises closes. At least 2 SIA registered door-staff will remain on duty until 20 minutes after closing time to assist with the safe dispersal of patrons, and to minimise disorder and anti – social behaviour.

A minimum of 2 SIA registered security staff will be positioned at the entrance / exit to the premises during the times the premises operate as a nightclub.

A register will be maintained at the premises, and made available to the Police and/or the licensing authority of any event where all or part of the premises is hired to any persons. The name and address will be recorded in that register with the nature of the event.

During the times when the premises is operating as a nightclub, drinking vessels supplied for the use of customers will be made of toughened glass or polycarbonate material.

Signage requesting patrons to be considerate to neighbours when leaving the premises shall be prominently displayed at the main entrances/exit.

All windows and doors of the premises will be closed after 22:00 hours except to allow access and egress.

The premises will have a written Dispersal Policy as agreed with the police. The policy will be made available to the police or Licensing Authority upon request.

The premises will operate a 'Challenge 25' policy and will display signs advertising this policy at bar areas. The DPS will ensure that all staff are trained in implementing 'Challenge 25'.

5.5 Plans of the premises are attached at Annex C.

5.6 Site plans area attached at Annex D.

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

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

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.

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

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

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

5.11 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 (as revised April 2017).
- c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.

5.12 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.

5.13 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.

- 5.14 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.
- 5.15 The applicant was required to place a notice at the premises for a period of 28 days starting the day after the application was made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.16 Two representations have been received from other persons residing near the premises. They express concern that the applicant's proposals are likely to undermine the following licensing objectives:
- **Prevention of Public Nuisance**
 - **Prevention of Crime and Disorder**
- 5.17 No representations were received from the Responsible Authorities.
- 5.18 The premises is situated within Bath's Cumulative Impact Area.
- 5.19 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, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application 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 (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Divisional Director-Business Support) and the Group Manager (Public Protection & Health Improvement) have had the opportunity to input to this report and have cleared it for publication.

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

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

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

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

We **RED HOUSE (BATH) LIMITED**

(Insert name(s) of applicant)

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

Premises licence number 17/01901/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
WALCOT HOUSE			
90B WALCOT STREET			
Post town	BATH	Postcode	BA1 5BG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	07974 568 090		
E-mail address (optional)	martin.still@walcothousebath.com		
Current postal address if different from premises address	Slades Farm Top Lane Whitley		
Post town	Melksham	Postcode	SN12 8RA

Part 3 - Variation

Please tick as appropriate

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

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

The variation proposes:

To vary the current timings for the Sale of Alcohol to:

Monday to Saturday 11:00 – 03:00 the following morning
 Sunday 11:00 – 22:30

To extend the terminal hour for the performance of Dance, Live and Recorded Music on Monday to Thursday to 03:00 hours the following morning;

To add the Exhibition of Film;

To add the provision of Late Night Refreshment;

To remove the Annex 1 condition relating to the old PEL conditions;

To remove the Annex 2 condition relating to "Challenge 21" (following consultation with the Police) and replace with condition proposing that " Challenge 25" shall be in operation;

To remove the licensable activity **"Other Entertainment within the Act"** as this relates to the licensing of "facilities" (abolished by the Live Music Act 2012);

To attach the revised floor plans to the premises licence, detailing the internal/design changes that have been made within the footprint of the existing licenced premises.

To remove all the non-standard timings relating to Christmas Day in respect of the Sale of Alcohol, the performance of Dance, Live and Recorded Music and Other Entertainment within the Act.

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

N/A

Part 4 Operating Schedule

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

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

- | | |
|-------------------------------------------------------------------------------------------------------------|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | Y |
| 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) | Y |
| f) recorded music (if ticking yes, fill in box F) | Y |
| g) performances of dance (if ticking yes, fill in box G) | Y |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	Y
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<u>Supply of alcohol</u> (if ticking yes, fill in box J)	Y
-----------------------------------------------------------------	---

In all cases complete boxes K, L and M

A – N/A

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

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	Y
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon	10:00				
		00:00			
Tue	10:00		<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
		00:00			
Wed	10:00		<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 (please read guidance note 7)</u>		
		00:00			
Thur	10:00				
		00:00			
Fri	10:00				
		00:00			
Sat	10:00				
		00:00			
Sun	14:00				
		22:30			

C N/A

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

D N/A

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

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	Y
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) To clarify, 11:00 – 03:00 the following morning		
Mon	11:00	03:00			
Tue	11:00	03:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed	11:00	03:00			
Thur	11:00	03:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	Y <input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) To clarify, 11:00 – 03:00 the following morning		
Mon	11:00				
		03:00			
Tue	11:00				
		03:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	11:00				
		03:00			
Thur	11:00				
		03:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	Y
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) To clarify: 11:00 – 03:00 the following morning		
Mon	11:00				
		03:00			
Tue	11:00				
		03:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed	11:00				
		03:00			
Thur	11:00				
		03:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H – N/A

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

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	Y
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) To clarify: 23:00 – 03:00 the following morning		
Mon	23:00	03:00			
Tue	23:00	03:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed	23:00	03:00			
Thur	23:00	03:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	23:00	03:00			
Sat	23:00	03:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	Y
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	11:00	03:00			
Tue	11:00	03:00			
Wed	11:00	03:00			
Thur	11:00	03:00			
Fri	11:00	03:00			
Sat	11:00	03:00			
Sun	11:00	22:30			

K

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

In respect of the Exhibition of Film we shall comply with the mandatory condition relating to Film Classification at all times.

L – No change proposed to the existing hours

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

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.

- “Subject to the standard terms and conditions attached to the public entertainment licence issued prior to the second appointed day” (Annex 1)
- “The premises shall operate a ‘Challenge 21’ policy i.e. any person that appears under the age of 21 years will be asked to provide proof of their age”; (Annex 2)
- “Other Entertainment within the Act” and the associated non-standard timing for Christmas Day;
- All non-standard activity times relating to Christmas Day in respect of the Sale of Alcohol, the performance of Dance, Live and Recorded Music

Please tick as appropriate

- | | |
|-------------------------------------------------------------|---|
| • I have enclosed the premises licence | Y |
| • I have enclosed the relevant part of the premises licence | Y |

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 current premises licence shall be returned to Licensing Services under separate cover as the application is being submitted electronically.

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

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

Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.

b) The prevention of crime and disorder

CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording.

An "Incident and Refusals" register shall be maintained and kept at the premises. It shall be made available to the police or licensing authority upon request.

There will be a minimum of 5 SIA registered security staff on duty at the premises from 22:00 hours when the downstairs dance floor is opened up as a nightclub and will remain on duty until the premises closes. At least 2 SIA registered door-staff will remain on duty until 20 minutes after closing time to assist with the safe dispersal of patrons, and to minimise disorder and anti – social behaviour.

A minimum of 2 SIA registered security staff will be positioned at the entrance / exit to the premises during the times the premises operate as a nightclub.

A register will be maintained at the premises, and made available to the Police and/or the licensing authority of any event where all or part of the premises is hired to any persons. The name and address will be recorded in that register with the nature of the event.

c) Public safety

During the times when the premises is operating as a nightclub, drinking vessels supplied for the use of customers will be made of toughened glass or polycarbonate material.

d) The prevention of public nuisance

Signage requesting patrons to be considerate to neighbors when leaving the premises shall be prominently displayed at the main entrances/exit.

All windows and doors of the premises will be closed after 22:00 hours except to allow access and egress.

The premises will have a written Dispersal Policy as agreed with the police. The policy will be made available to the police or Licensing Authority upon request.

e) The protection of children from harm

The premises will operate a 'Challenge 25' policy and will display signs advertising this policy at bar areas. The DPS will ensure that all staff are trained in implementing 'Challenge 25'

Checklist:**Please tick to indicate agreement**

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	Martin Still (Director)
Date	25/09/2017
Capacity	Premises Licence Holder

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)	07974 568 090		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) martin.still@walcothousebath.com			

Notes for Guidance

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

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

Bath & North East Somerset Council

Schedule 12 Part A Premises Licence

Regulation 33, 34

Premises Licence Number	17/01901/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 Walcot House 90B Walcot Street Bath BA1 5BG	
Telephone number	01225 700383

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Saturday	10:00 - 02:00
Sunday	10:00 - 22:30

Performance of Dance

Monday to Thursday	11:00 - 02:00
Friday	11:00 - 00:00
Saturday	00:01 - 00:00
Sunday	00:01 - 11:00
Sunday	19:00 - 22:30

Performance of Live Music (Indoors only)

Monday to Thursday	11:00 - 02:00
Friday	11:00 - 00:00
Saturday	00:01 - 00:00
Sunday	00:01 - 11:00
Sunday	19:00 - 22:30

Performance of Recorded Music

Monday to Thursday	11:00 - 02:00
Friday	11:00 - 00:00
Saturday	00:01 - 00:00

Sunday	00:01 - 11:00
Sunday	19:00 - 22:30

Other Entertainment within Act

Monday to Thursday	11:00 - 02:00
Friday	11:00 - 00:00
Saturday	00:01 - 00:00
Sunday	00:01 - 11:00
Sunday	19:00 - 22:30

Non Standard Timings

Christmas Day: 12.00 to 15.00 and 19.00 to 22.30 hours.

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

Other entertainment includes public music, singing and dancing, plus the provision of facilities for making music and dancing.

The opening hours of the premises

Monday	00:00 - 00:00
Tuesday	00:00 - 00:00
Wednesday	00:00 - 00:00
Thursday	00:00 - 00:00
Friday	00:00 - 00:00
Saturday	00:00 - 00:00
Sunday	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

Bath & North East Somerset Council

Part 2

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

Red House (Bath) Ltd
Slades Farm
Top Lane
Whitley
Wiltshire
SN12 8RA
01225 700383
debbie@motherandwild.com

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

Registered Business Number - 10753390

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

Mr Martin William John Still
Slades Farm
Top Lane
Whitley
Wiltshire
SN12 8RA

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

LN/16101
Wiltshire 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: *Terrill Walyn*

Dated 9 August 2017

ANNEX B

Bath & North East Somerset Council

Annex 1 – Mandatory conditions

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

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)*;
- (b) "permitted price" is the price found by applying the formula:

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

where:

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
 - (i) the holder of the premises licence,

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

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

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

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

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

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

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

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

Bath & North East Somerset Council

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

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

From 1 October 2014:

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

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

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

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

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

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

The maximum number of persons allowed on the premises is as follows:

Lower Ground Floor - 430, Ground Floor - 230.

The licensee should ensure that nothing should take place on the premises that is unlawful.

An emergency contact number is to be available for complaints, and to be manned during the hours when regulated entertainment is in operation.

Subject to the standard terms and conditions attached to the public entertainment licence issued prior to the second appointed day.

There shall be no off sales

Annex 2 – Conditions consistent with the Operating Schedule

The premises shall operate a 'Challenge 21' policy i.e. any person that appears under the age of 21 years will be asked to provide proof of their age.

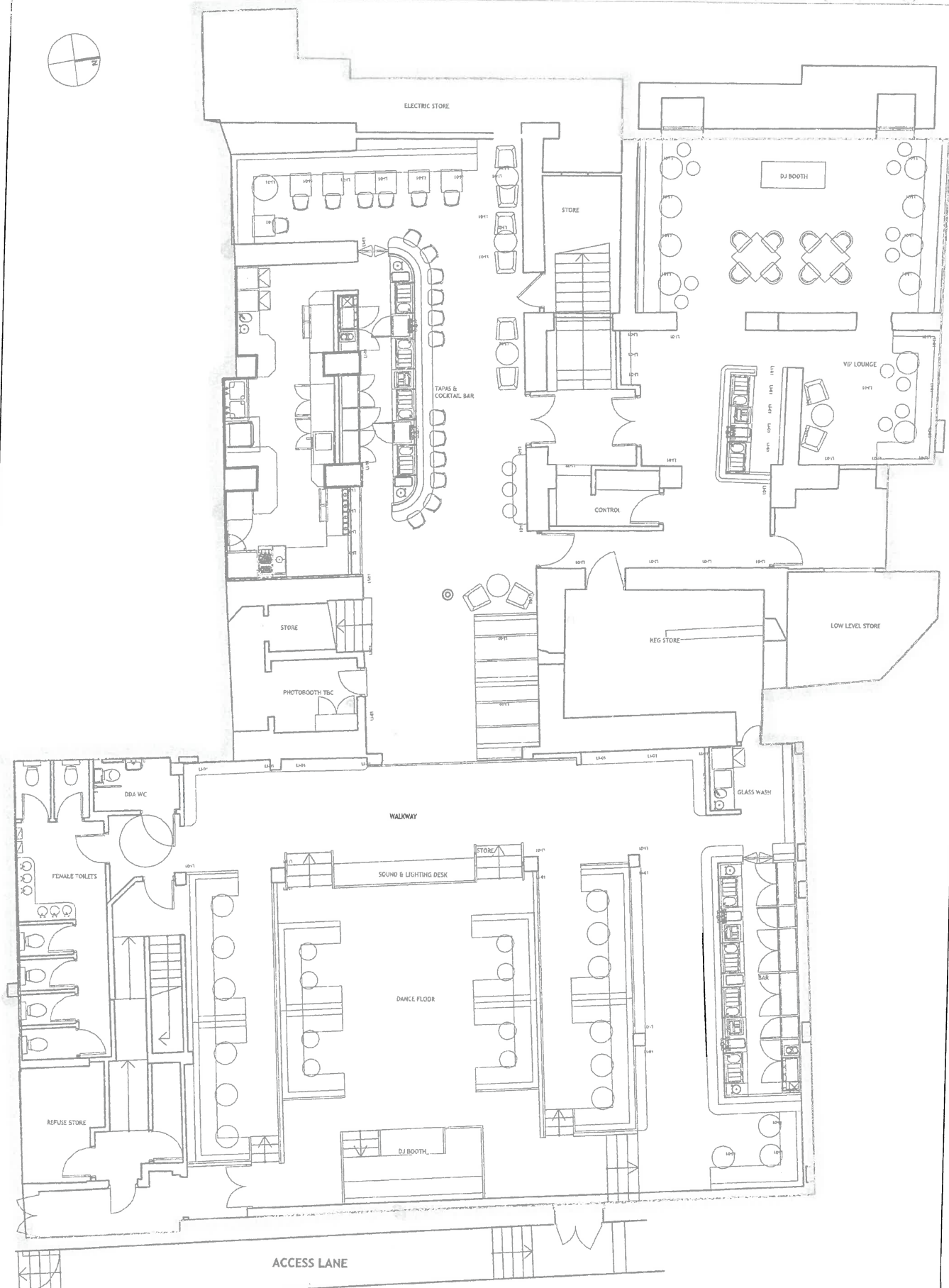
Bath & North East
Somerset Council

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

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.



OLD ORCHARD

Client: Martin Stille
Project: Walcott House

Scale: 1:50
Date: July 2017
Drawn: SC
Checked: JG

1770-A-PL-12
Drawing: Proposed Lower Ground Floor Plan

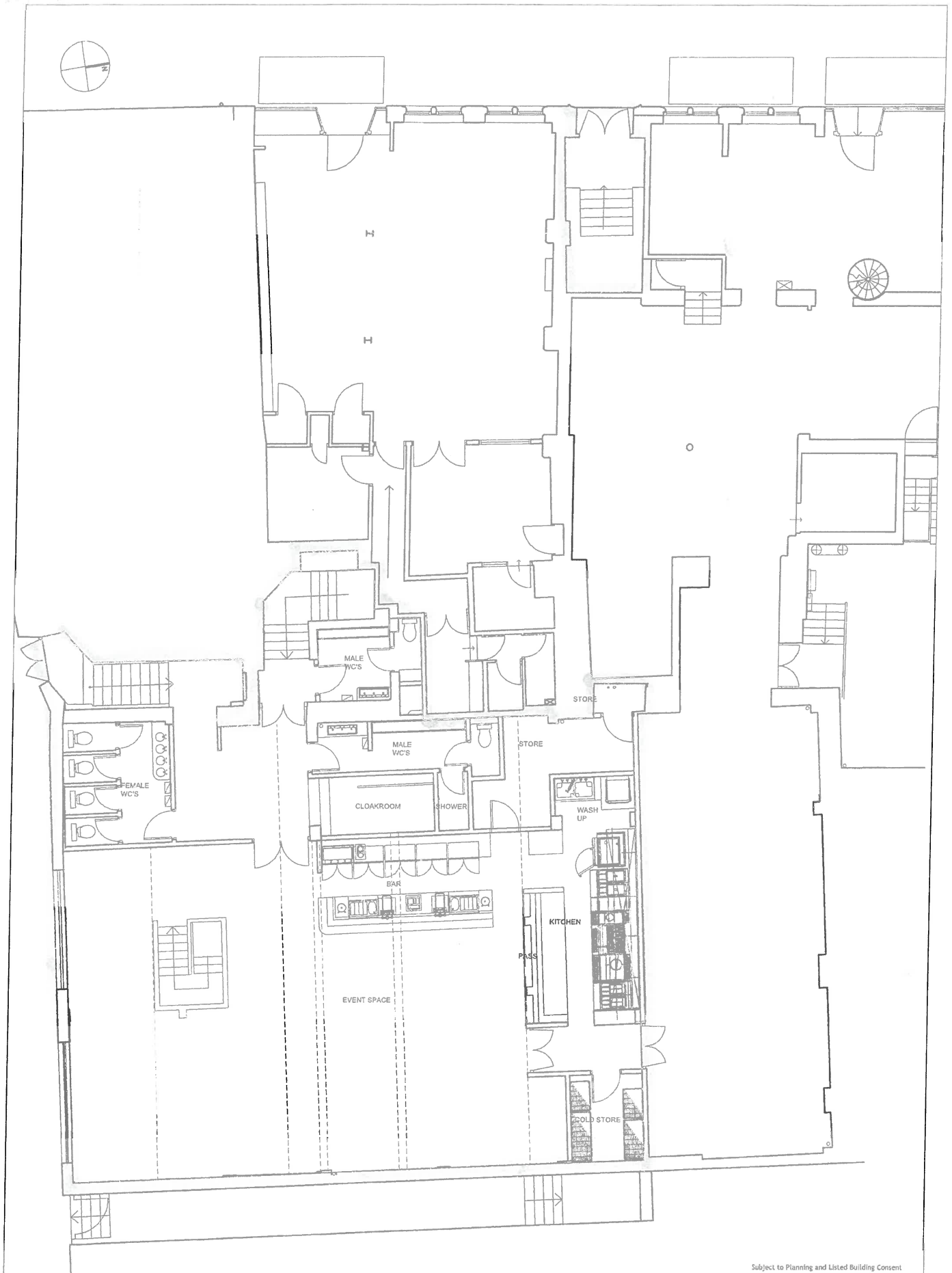
Subject to Planning and Listed Building Consent SEATING



20 Martingale
Carmarthen, Wales
SA31 3 0HL
Tel: 01249 701322
Fax: 01249 701444
mail@cms-group.co.uk

ACCESS LANE

ANNEX C



Subject to Planning and Listed Building Consent



Rev: Date: Desc: Description:

Client: Martin Still
Project: Walcot House

Scale: 1:50 @ A1
Date: May 2017
Drawn: EC
Checked: JS

Copyright: CMS, all documents are law.
This drawing is only to be used for the use for which designed.

1770-A-DR-13

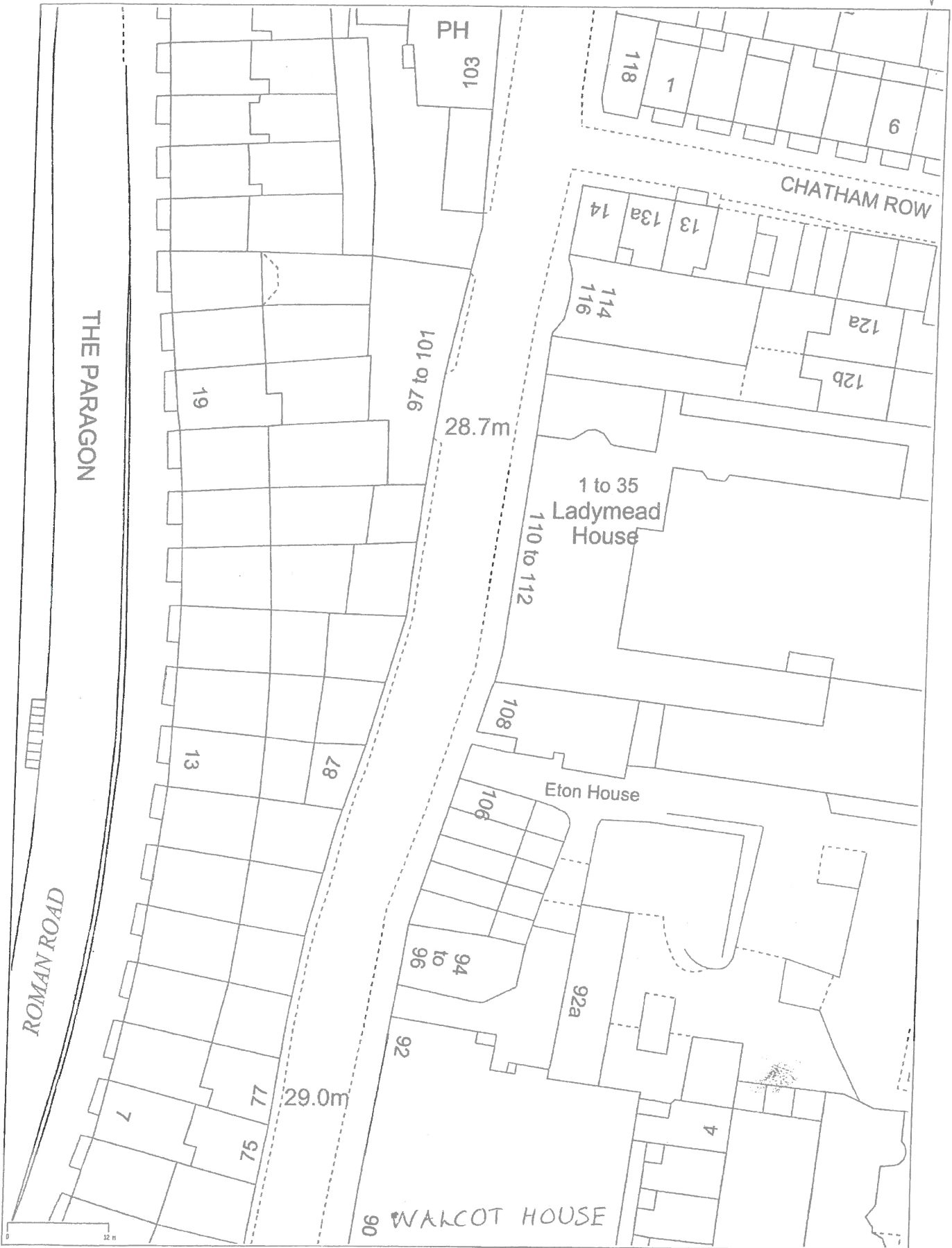
Drawing: Ground Floor Plan

35 Martingale
Condon, Walsby
BN13 0PL

Tel: 01246 701333
Fax: 01246 701444
mail@cms-group.co.uk



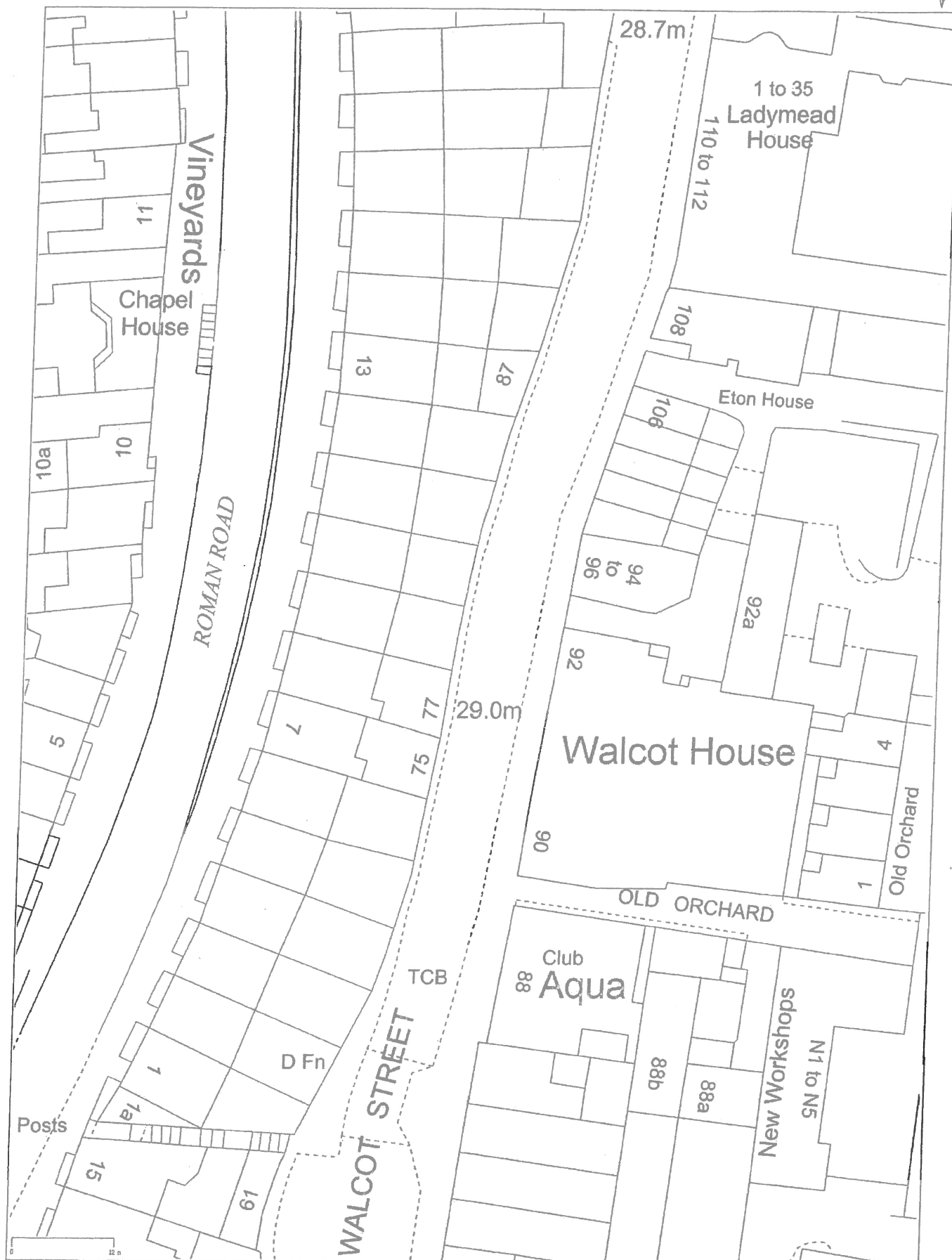
CMS
Architects



ANNEX D

Bath & North East
Somerset Council

Walcot Street 2 Bath and North East Somerset: District Online



REPRESENTATIONS

From Eric Howard

From: Eric Howard
Sent: 23 October 2017 16:35
To: Terrill Wolyn
Cc: Lynda Whiting; Coral White
Subject: Re: WALCOT HOUSE

Dear Terrill,

We wish strongly to object "to any extension of the existing licensing hours" on the grounds of :-

- **Late Night Nuisance**
- **Noise**
- **Taxis, Cars slamming doors**
- **People causing disturbance after leaving this late night drinking club. Possible fights or shouting.**
- **Peeing or being sick in doorways**
- **Causing a dangerous area for young woman (within the last 18 months a young girl was rapped after leaving the XL club whilst going up the old stairway to the Paragon)**

Walcot street has a large residential community with many young children. And we have a right to get a good nights sleep before work or school.

Yours sincerely

Mr Eric Howard (spokes person for Ladymead House leaseholders - 34 residential apartments).

From Arron Whan

From: Arron Whan
Sent: 23 October 2017 18:49
To: Terrill Wolyn
Subject: Walcot House Bath, Objection to licence variation

Dear Terrill

I wish to object to Sale of alcohol being being extended to 3am Monday to Saturday. Also the extension in the terminal hour for dance, live and recorded music until 3am, and the addition of late night refreshment until 3am

I believe that by allowing this it would cause more noise and disturbance to residents, as well as as increase anti social behaviour on Walcot st, especially on weekdays.

Yours Sincerely

Arron Whan

