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Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 17 January 2019	
TITLE:	Application to Vary the Premises Licence for The Courtyard Café 3 Lilliput Court, Bath BA1 1ND	
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 Plan of Licensed Premises		
Annex D Site Plan		
Annex E Representations 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 The Courtyard Café 3 Lilliput Court, Bath BA1 1ND.

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 is detailed at Annex B and authorises the sale of alcohol for consumption on premises only from 11:00 to 19:00 hours every day, with the premises closing 30 minutes thereafter.

5.3 The Variation application seeks later opening hours to be able to accommodate pre-booked events, or functions such as Secret Dinner Clubs and Tasting Events and as such proposes to:

- **Increase** the hours for the sale of alcohol to:

11:00 to 23:00 Every Day

- **Add** the following non-standard timing in relation to the sale of alcohol:

“From normal activity start time on New Year’s Eve until normal activity finish time on New Year’s Day”.

- **Increase** opening hours to:

08:00 – 23:30 Monday to Saturday

09:00 – 23:30 Sunday

- **Add** the following non-standard opening time:

“From opening time on New Year’s Eve until normal closing time on New Year’s Day”.

5.4 The following **additional conditions** have been offered by the applicant within the operating schedule to promote the licensing objectives:

- There will be no bar at the premises at which person may consume alcohol;
- A record of all pre-booked events/functions held at the premises after 19:00 hours shall be maintained, kept at the premises and produced at the request of a police or licensing officer;
- The premises shall maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request;

- Signage requesting patrons to be considerate to neighbours and leave the premises quietly shall be conspicuously displayed at the entrances/exits;

5.5 A plan detailing the café and the external courtyard as the licensed premises is attached at Annex C.

5.6 A site plan is 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 Safeguarding Children and Young Persons Team.
- 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 **Nine representations** of objection were received from local residents, local businesses and the Abbey Residents' Association (Annex E). Some express concern that the applicant's proposals are likely to increase the nuisance already experienced when the café trades during the day, whilst many highlight the impact the applicant's proposals will have on the levels of noise and cigarette smoke currently experienced when the adjacent premises trades and utilises the courtyard until 23:30. They are concerned that the proposals within this application will have a detrimental effect on the following licensing objectives:

- The prevention of public nuisance; and
- Public safety

The Abbey Resident's Association reports that the applicant has failed to address sound proofing and sound transmission issues, or demonstrate proper management practices.

- 5.17 **No representations** were submitted by the Responsible Authorities.
- 5.18 The premise is situated within Bath's Cumulative Impact Area. As relevant representations have been received, BANES Council's Cumulative Impact Policy has been engaged, creating a rebuttable presumption that the application will be refused unless the applicant can demonstrate that the

proposals are not likely to add to the cumulative impact already experienced.

- 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 a relevant representation has 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 (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.

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, Public Protection Officer (Licensing) 01225 39693

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/ The Lilliput Court Café Limited
We

(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 16/01816/LAPRE
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Courtyard Café 3 Lilliput Court, North Parade Passage			
Post town	Bath	Postcode	BA1 1ND

Telephone number at premises (if any)	01225 462 413
Non-domestic rateable value of premises	£ 14500

Part 2 – Applicant details

Daytime contact telephone number	+44 7967 048802		
E-mail address (optional)	info@courtyardbath.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

DD MM YYYY

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

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

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

Later opening hours to be able to accommodate pre-booked events or functions such as:

- Secret Dinner Clubs
- Tasting events

Increase in hours permitted to sell alcohol till 23:00.

No more than 25 persons expected per event.

There will not be a bar at the premises at which persons may consume alcohol

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

Part 4 Operating Schedule

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

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

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

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

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

X

In all cases complete boxes K, L and M

A

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

C

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

D

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

F

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

G

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

H

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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			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 (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day				Outdoors	
Start	Finish			Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
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	X
				Off the premises	
Day	Start	Finish		Both	
Mon	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) From normal Activity start time on New Year's EVE until normal activity finish time on New Year's Day.		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

K

<p>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).</p>
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L

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	8:00	23:30	
Tue	8:00	23:30	
Wed	8:00	23:30	
Thur	8:00	23:30	
Fri	8:00	23:30	
Sat	8:00	23:30	
Sun	9:00	23:30	
			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)
			From opening time on New Year's Eve until normal activity closing time on New Year's Day.

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.

Please tick as appropriate

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

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

Electronic application - to be returned to Licencing under separate cover

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)

There will be no bar at the premises at which persons may consume alcohol

A record of all pre-booked events/functions held at the premises any time after 19:00 hours, shall be maintained, kept at the premises and produced at the request of a police or licensing officer

The premises will maintain an incident and refusals register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request.

Signage requesting patrons to be considerate to neighbours and leave the premises quietly shall be conspicuously displayed at entrances/exits

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I understand that I must now advertise my application.

I have enclosed the premises licence or relevant part of it or explanation.

I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	Harald Eric Bret
Date	21/11/2018
Capacity	Director

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)			

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

Notes for Guidance

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

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

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	16/01816/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

Courtyard Cafe
3 Lilliput Court
Bath
BA1 1ND

Telephone number 01225 462413

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 11:00 - 19:00

The opening hours of the premises

Monday to Saturday 08:00 - 19:30

Sunday 09:00 - 19:30

From normal opening time on New Year's Eve until normal opening time on 1 January.

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**

The Lilliput Court Cafe Ltd
 2 Saville Row
 Bath
 BA1 2QP

info@commonroombath.co.uk

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

Registered Business Number - 09975728

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

Mr Harald Eric Bret
 35 Belvedere
 Bath
 BA1 5HR

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

06/02055/LAPER
 Bath & North East Somerset 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 3 June 2016

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

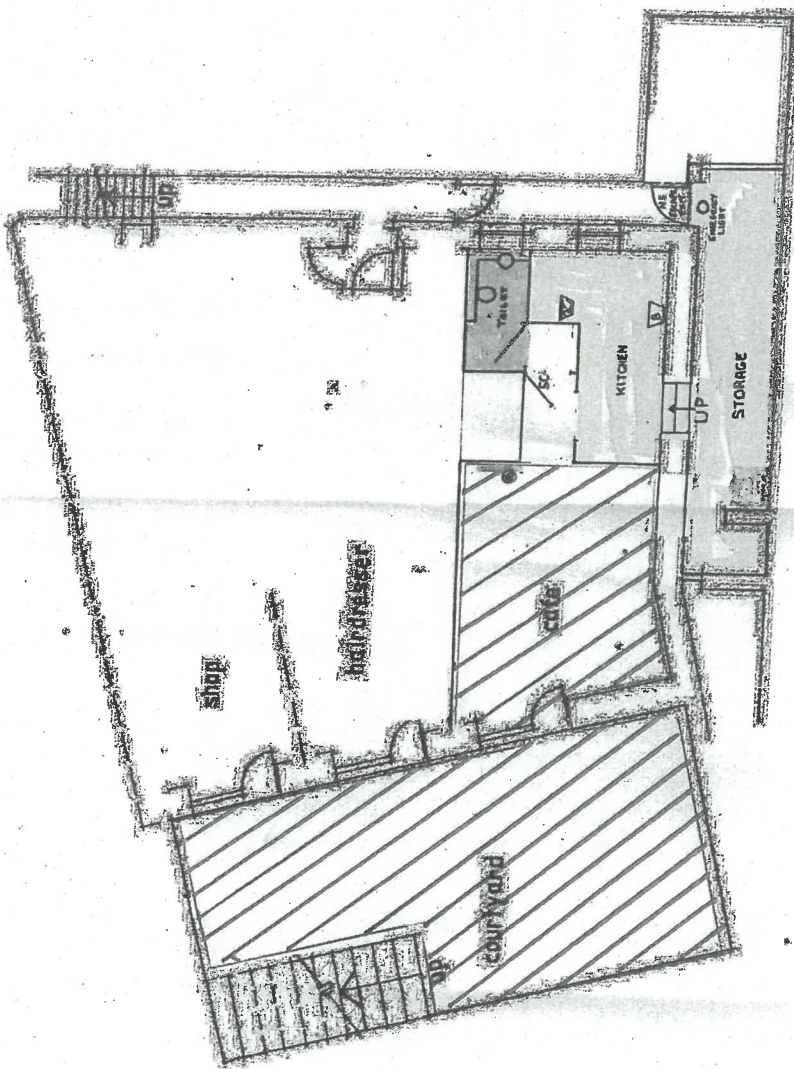
1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar 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.

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

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.



S. HARRIS & ASSOCIATES
 Chartered Building Surveyors
 Midland House, 20 James Street, West, Leeds, West Yorkshire LS1 2BT
 Tel: 0113 244 3333 Fax: 0113 244 3333 Email: s.harris@sharrisa.co.uk

21/10/2008
 1/10/2008
 1/10/2008

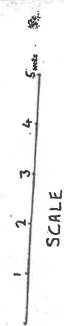
REVISIONS
 NO. DESCRIPTION
 1. AS SHOWN

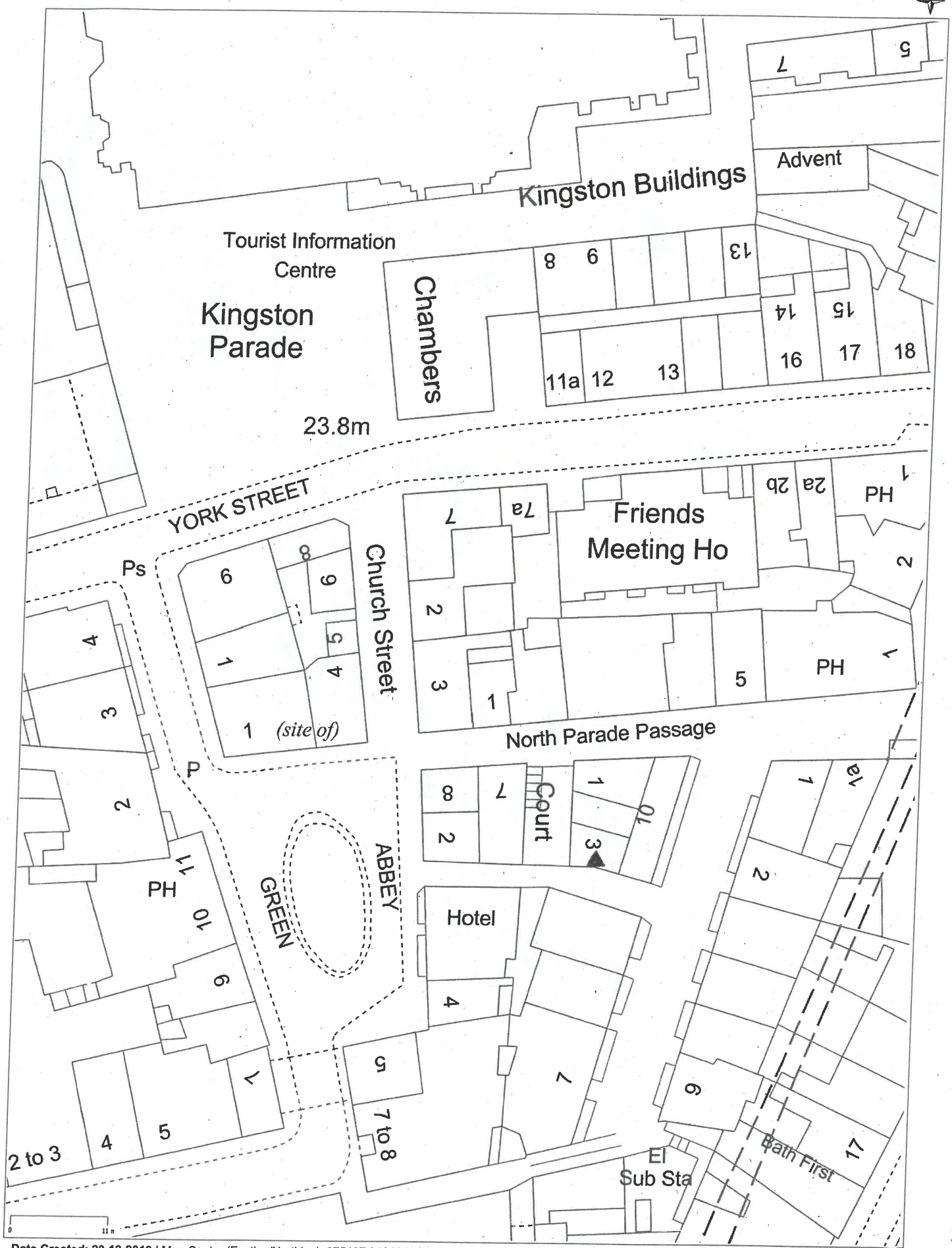
DATE
 1/10/2008

BY
 S. HARRIS

CHECKED BY
 M. HARRIS

APPROVED BY
 S. HARRIS





LICENSING ACT 2003

05 DEC 2018

INTERESTED PARTY REPRESENTATION

Received

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

I/We object to the following application:

Application number:	18/03302/LAPRE
Applicant's name:	HARRY BRET
Premises name and address:	3 Lilliput COURT NORTH PARADE PASSAGE BATH BA1 1ND (NS)?
Application for a:	VARIATION OF PREMISES LICENCE

Objector Details:

Objector's Name:	CAROL HOLLIS
Objector's Address:	Horseshoe walk BATH BA2 6DE
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

Environmental Services
05 DEC 2018
Receipt No.
CH / CA / DC / CC - £

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 refer to attached letter

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

Signed

Date

[Redacted] 2/12/2018

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

CAROL HOLLIS. HORSESHOE WALK. BATH. BA2 6DE. 01225

Email.

Owner of flat Hamilton House. 10 North Parade Buildings Bath. BA1 1NS.

To - BATH & North East Somerset Council.

Licensing services, (copies to health and safety, planning and environmental health)

Lewis House,
Manvers Street
Bath,
BA1 1JG

26th November 2018

Ref Notice of Application for Variation of a PREMISES LICENCE.

Address. 3 Lilliput Court, North Parade Passage Bath BA1 1ND (NS)?

With regard to Supply of Alcohol from 11:00 to 23:00 Monday to Sunday.

My objections and concerns are as follows:

Public Safety.

Is it sensible to increase the drinking time into the evenings in a location where the access is far from ideal. The only entrance will be via a flight of concrete steps into a basement courtyard, there is no wheelchair access and an incident involving a customer to the adjacent Hideout Whiskey Bar shows the risks.

It is my understanding that the licence is to include both inside and outside consumption of alcohol. What is the extent of the outside area intended for use as there is no demarcation between the café and the Hideout Whiskey bar?

This could well lead to excessive numbers of customers using a confined space with only one entrance.

Change of use.

As it stands, the café has the facilities to make and serve light lunches but does not have a kitchen large enough to produce evening meals. Therefore is the café to change its status to that of a bar? If this is the intention will it need planning for change of use?

Noise.

It should be pointed out that the nature of this building is such that the distance from the basement, both Hideout Whiskey Bar and the café ceilings and the floor above which is residential accommodations, is a matter of inches with no adequate sound proofing between ceiling and floor. Which means the sound generated is substantial enough to prevent residents from sleeping until after midnight seven nights a week. The nature of the enclosed courtyard, which is a stone, concrete bowl, means that the noise from people using the courtyard carries up the building and effects not only the ground floor but the entire house coupled with the excessive cigarette smoke generated outside makes it impossible to open those windows directly overlooking the courtyard.

This is a grade two listed building and therefore there is no possibility of double glazing being allowed. And the windows we do have means that smoke infiltrates which forces all residents including children, to become passive smokers.

Whereas cooking smells are acceptable during the day coupled with the smoke at night it will become untenable.

Flat 1 has been run as a holiday let business for the past eight years and until the licensing of the Hideout Whiskey Bar was very successful. However since then, it has been harder to find customers other than those who come for two night stays wishing to partake in the Bath night life.

Our letting agent refused to carry on letting the property for us as they said it would not be good for their business due to the ongoing noise and disturbance from the Hideout Whiskey bar. We have now had to handle the letting ourselves which we did not want to do.

Our letting brings in a lot of tourists to Bath boosting the local economy but we now feel our business is in jeopardy. We continue to try and find a replacement holiday letting agent but so far this has not been possible.

If the noise level and disturbance escalates, which it most certainly will should there be a further alcohol licensed establishment in the basement, we feel that it will become unbearable.

One guest recently wrote in their review:

"As prepared as we thought we could be for the noise of the bar below, we were not."

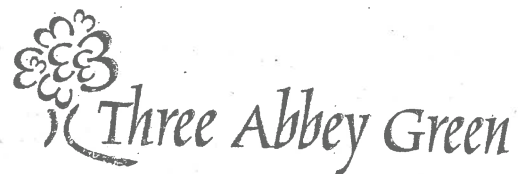
I must say that the Landlord of the bar has been very considerate and does reduce the music when asked and has made a good attempt at soundproofing. Unfortunately however it is not possible to prevent music and general noise as well as vibration from the speakers, penetrating into the premises by way of the stairwell from the bar, due to there being only a thin wall partition in place which dates back to the 1970s when the building was sectioned off into apartments for residential use.

When purchasing our apartments, each of us signed our lease which stated that no alcohol must be served or sold on the premises. It is a mystery to me how we now see that this would seem to have no standing.

I look forward to your reply,

Kind regards,

Carol Hollis.



Three Abbey Green
Bath BA1 1NW

Tel +44 (0)1225 428558
Fax +44 (0)1225 316669

stay@threeabbeygreen.com
www.threeabbeygreen.com

Bath And North East
Somerset Council

06 DEC 2018

Received

05 December 2018

To whomever it may concern,

Re: Licensing Application 18/03302/LAPRE

We own Three Abbey Green, a B&B which has been trading for 15 years. We are very concerned about the application for an extended licence, seven days a week in the café. One of our rooms overlooks Lilliput Court. Sound travels easily within the confines of these Georgian houses. We offer high quality accommodation and expect to be able to ensure that noise is kept to minimum, so our guests can sleep well.

We believe a late licence in the vicinity of our business will have a negative effect on the overlooking room, but also on the entire guest house. People will be leaving late from the premise, are likely to have imbibed and will be noisy. If they loiter, they may well disturb all our guests, especially if they pass through Abbey Green on their way home.

There are already two pubs, several restaurants and a drinking establishment in this small area, which fortunately are managed well, most of the time. The area is fairly residential, so any potential addition to the noise levels would not be welcome, either to our guests or the local residents.

I hope that you will not grant this license and leave this establishment as it is, currently an asset to the area, as a daytime food venue.

Yours sincerely,

Nici and Alan Jones

Proprietors of Three Abbey Green

The Garden Apartment

Abbey Street

Bath

BA1 1NN

Bath And North East
Somerset Council

06 DEC 2018

05 December 2018

Received

To whomever it may concern,

Re: Licensing Application 18/03302/LAPRE

We live just off Abbey Green. Sound travels easily within the confines of these Georgian houses. We believe a late licence in the vicinity of our home will have a negative effect on our quality of life, particularly sleep. People will be leaving late from the premise, are likely to have imbibed and will be noisy. If they loiter, they may well disturb us, especially if they pass through Abbey Green on their way home.

There are already two pubs, several restaurants and a drinking establishment in this small area, which fortunately are managed well, most of the time. The area is fairly residential, so any potential addition to the noise levels (which can be quite intrusive) would not be welcome.

I hope that you will not grant this license and leave this establishment as it is, currently an asset to the area, as a daytime food venue. We are concerned that if a late license is granted, it might enable the future possibility of a late night, club type, venue in Lilliput Court, something which would have major implications for the surrounding residents and businesses.

Yours sincerely,



Nici and Alan Jones

LICENSING ACT 2003

10 DEC 2018

INTERESTED PARTY REPRESENTATION

Received

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

I/We object to the following application:

Application number:	16/01816 / LAPRE
Applicant's name:	Lilliput Court Cafe Limited
Premises name and address:	3 Lilliput Court Bath BA1 1ND
Application for a:	Supply of alcohol from 11:00 to 23:00 Monday to Sunday. Premises to close at 11:30 each day

Objector Details:

Objector's Name:	CATHERINE BOOTH
Objector's Address:	Flat HAMILTON HSC. 10 Nth. PARADE BLDG. BATH BA1 1NS
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

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

1. BEDROOM NOISE
- I own and live with my husband in the two roomed flat directly above The Lilliput cafe. I am already deeply concerned about the noise coming up through the cafe ceiling during daytime opening hours. There is a repetitive bass vibration & drumming sound.
- I have asked staff to turn down the volume. They replied that it is a business and that they need music to attract customers. There is no concern for the people living above the cafe - The sound continues to vibrate through their ceiling / my floor on a daily basis.
- If their application to extend the licence to 11:00 / 11:30 pm is granted, this distressing noise will continue after 7:00 pm the present closing time until well after my bed time.
- I am in my 70's and go to bed between 10:00 - 10:30 pm. It will mean lying awake until 11:30 pm, powerless to do anything about the loud music vibrations in my bedroom.
- No 2. →

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

Signed

Date

7th December 2018

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

2 Courtyard Noise

The noise from the courtyard is a nightly occurrence. It begins as conversation noise. I accept this as part of living in a city centre. However, noise that begins as conversation increases with numbers and the amount of alcohol consumed. It is distressing for me as there is no possibility of sleep until after 11:30 pm.

I lay in bed last night at 10:30 pm and even though it was a cold damp night, December 6th 2018, the noise from the courtyard was very loud. This will be repeated tonight and every night. Worst of all are summer nights.

I am deeply concerned as opening The Lilliput Cafe (part of the same business as the Whiskey Bar) directly below my flat after 7:00 pm, continuing to 11:30 pm will significantly increase the numbers

drinking alcohol in the courtyard and so the noise generated. The outside under canopy electric ficos will encourage and prolong this.

The courtyard, surrounded by stone walls is a sound box. Allowing this application to pass will greatly add to the noise generated on a nightly basis. It is already hard to bear.

4

the noise from the courtyard as customers will continue drinking in the Whiskey Bar and its courtyard (same business), it would at least stop the music vibrating into my bedroom after 10:30 pm

5. I ask for a further restriction to 10:00 pm be imposed in the cafe for the use of music systems.

Yours Sincerely

I ask you to reject the application in its totality.

If you are minded to grant it, I would ask you to consider these conditions which would mitigate the impact of the noise.

1. That the noise should not be audible in the noise sensitive areas of my flat, the bedroom.
2. That music be turned down to an acceptable level.
That the bass level be turned down.
3. That ^{Acoustic} good quality effective noise insulation be put in place in 3 Lilliput Court immediately.
4. That you consider an earlier cut off point 10:00 - 10:30 pm
Even though this will not mitigate

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:	16/01816/LAPRE
Applicant's name:	The Lilliput Court Café Limited
Premises name and address:	The Courtyard Café 3 Lilliput Court North Parade Passage BATH BA1 1ND
Application for a:	To vary a premises licence

Objector Details:

Objector's Name:	Mr & Mrs M Snowden
Objector's Address:	Flat Hamilton House 10 North Parade Buildings Bath BA1 1NS
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

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

1. My wife and I have owned Flat Hamilton House since Dec 2004. Flat is on the 3rd floor of Hamilton House; the Courtyard Café is located in the lower ground floor of Hamilton House and opens onto Lilliput Court (the courtyard, which is situated at the rear of Hamilton House. Our bedroom window overlooks Lilliput Court.

2. We object to the extension of the licensing hours for the Courtyard Cafe with regard to the prevention of nuisance and public safety and request that the application is rejected to protect the amenity of the residents of Hamilton House. It should also be noted that I have not been able to find any evidence to show that the Courtyard Café has planning permission to operate until 23.30 hrs or for 36 hours as requested for New Year.

3. All the issues raised in this objection are not specific to the application by the Courtyard Café. These issues would have been raised against the licensing requests made by the Hideout bar, which is also located in the lower ground floor, but due to shortcomings with the notification of the applications by the Hideout, we did not have the opportunity to raise them at the time.

PREVENTION OF PUBLIC NUISANCE

4. **PROTECT AMENITY OF RESIDENTS - NOISE** We and our neighbours are extremely concerned about the noise that will be generated by the extended licensing hours and the impact it will have on the amenity of the residents on all floors of Hamilton House. This is noise generated both inside the premises and outside on the courtyard. The following factors must be considered:

a. Outside noise during the evening – The conversations of customers outside on the courtyard will be heard in the bedrooms of the flats that are adjacent to the courtyard. A very significant issue on warm evenings when windows are open and people use the outside space, due to the intimate nature of the inside of premises. Still an issue during the winter although customers would be expected to be inside, experience with the Hideout has shown that people still spend time outside and generate noise. This is exacerbated by the use of the courtyard as a smoking area. Conversation on courtyard clearly heard 23.03 hrs 09/09/2017.

b. Outside noise at and after closing time - Here the noise generated by customers will have a significant impact as all customers have to leave by the courtyard steps. Again experience from the Hideout has shown that 23.30 hrs is the time customers start to leave,

not the time by which all customers have left the premises. Customers were observed standing talking on the courtyard at 23.38 hrs on 04/05/18, at 23.56 hrs on 10/08/17. Use of the courtyard continued until 23.57 hrs on 22/9/17.

c. Outside surroundings – Lilliput Courtyard is a concrete/stone bowl which retains the noise generated by conversations and projects it upwards. I have been able to hear conversations whilst in the bathroom on the top floor which does not directly overlook the courtyard. Unlike noise generated by pedestrians on North Parade passage which is transient in nature, customers will remain outside in the courtyard for significant periods of time producing a constant noise. It is understood that people find it hard to understand how noise from the basement can be a nuisance to people on the 3rd floor. The loud nature of some conversations between people drinking certainly can be clearly heard on the third floor at the rear of Hamilton House due to the sound box acoustics of the courtyard.

5. The application plays lip service to the issue of outside noise contrary to the requirements of the BANES Licensing Policy 16.17.5 as it only considers the noise generated by patrons leaving the premises. This would be fine if the application were only for inside the café however, as stated earlier, it is our understanding that the application also covers the use of the courtyard and there is no mitigation proposed to control noise in this area. It would also appear that the application has not taken account of the issue of noise generated inside the café affecting the flats directly above.

6. **PROTECT AMENITY OF RESIDENTS - AIR QUALITY** Air quality concerns fall into 2 categories, the smells generated by cooking and passive smoking risks:

a. **Passive Smoking** - As smoking will not be permitted inside the café any smoking has to take place in the courtyard, this is directly underneath the bedroom windows for the flats above. If the windows are open, even a small amount the impact of passive smoking in the bedrooms is significant. Even with the windows closed smoke can still enter the flats as, due to the Grade II listing of Hamilton House, it is not possible to fit modern airtight windows.

b. **Cooking Smells** – The cooking smells generated by day by the café are noticeable but considered acceptable however if they were to continue late into the evening they would again significantly impact the amenity of the residents above.

PUBLIC SAFETY

7. It is not clear from the application, but it is understood, that the licence is to include consumption of alcohol both inside the café and outside on Lilliput Court. There is no obvious demarcation on the courtyard between the cafe and whiskey bar. This has not been an issue to date as the main opening times for both have been different but, with extended hours for the café, both establishments will be using the courtyard at the same time possibly leading to excessive numbers using a confined space with only one entrance. The application states that no more than 25 people are expected per event but sets no limit. An increase in people using the courtyard increases the risk and people have been seen sitting on the steps drinking, further increasing the risk of accident. Picture of people sitting on steps.

8. It is not sensible to increase the drinking time into the evening in a location where the access is far from ideal. The entrance to the courtyard is via a flight of concrete steps.

An incident earlier this year on the steps, involving a customer to the adjacent Hideout, required attendance by the Ambulance services indicating this is a real risk.

9. If candles are used to enhance the ambiance of the establishment without proper precautions there is a possible fire risk. Fire prevention and alarm systems are installed however use of naked flames, if not properly managed, will significantly increase the fire risk, to both the basement and the whole of Hamilton House. There already has been an issue with inappropriate use of candles at the Hideout.

10. Section M of the application does nothing to address these issues to promote public safety.

CONCLUSION

11. Another bar/club in the courtyard is very intense use of a small area for very similar activity and will significantly increase the noise signature of the courtyard. We ask that the licence extension is not granted. If however the committee is minded to grant the extension then a restriction on the use of the courtyard for outside drinking after 22.00 hrs should be imposed. This will help reduce nuisance noise when residents are trying to sleep.

12. Our comments are not based on supposition of what might happen, they are based on experience from the Hideout which is run by the same company that run the Courtyard Café.

13. I will present a collection of images and video to support the claims on noise, hours of use and sitting on steps at the committee hearing.

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

M Snowden

Date

10/12/2018

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

- NOT TO BE DISCLOSED

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 M Snowden

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

WEST of ENGLAND
 ESTATE MANAGEMENT COMPANY LIMITED
 Incorporating West of England Residential Lettings



Our Ref: M075.010

Your Ref:

Date: 11 December 2018

Licensing Team
 Public Protection & Health Improvement Service
 Lewis House
 Manvers Street
 BATH BA1 1JG

Bath And North East
 Somerset Council

13 DEC 2018

Dear Sirs

Received

**Re: Farbridge Properties (Bath) Limited
 16/01816/LAPRE**

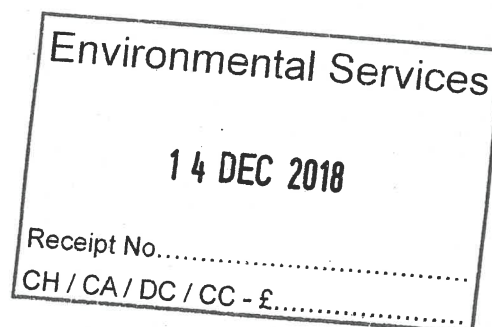
On behalf of our above client Company we hereby submit an Interested Party Representation form with additional sheet showing graphics.

Yours faithfully

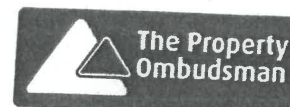
Martin Perry FIRPM
 Director

Enc

cc: M Snowden



Director: P. M. Perry MA (Cantab) FIRPM
 Registered in England No. 150 1973 VAT No. 501 6356 79
 E-mail: management@westofenglandestates.co.uk
 Tel: (01225) 485910
 1Belmont, Bath, BA1 5DZ



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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:	16/01816/LAPRE
Applicant's name:	The Lilliput Court Café Limited
Premises name and address:	The Courtyard Café 3 Lilliput Court North Parade Passage BATH BA1 1ND
Application for a:	To vary a premises licence

Objector Details:

Objector's Name:	Farbridge Properties (Bath) Limited
Objector's Address:	C/O West Of England Estate Management Co Ltd 1 Belmont Bath BA1 5DZ
Organisation name if applicable:	Farbridge Properties (Bath) Limited

Objection Details:

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

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

Please detail your objection(s) as fully as possible in the box below. 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

1. The Courtyard Café is located in the basement of Hamilton House and opens onto Lilliput Court (the courtyard) which is situated at the rear of Hamilton House. (See attached graphic for locations). Hamilton House contains 9 flats with over 25 residents and interested parties, who could be adversely affected on a nightly basis by the activities of the commercial premises.

2. We are most grateful to the Licensing Department for ensuring that the notice for this application was moved to a prominent position. Hitherto it had been placed in a courtyard (basement) window with a sheet of paper partially covering it. Previous applications for the other premises in the courtyard, run by the same operatives, were placed in similar, non-prominent positions, explaining why we were totally oblivious to the applications and did not raise any objections at the time. This is thus the first opportunity we have had to raise our objections to the proposed type of activity in the courtyard, but now our comments are based on the reality of the situation not on the fear of what might happen.

3. These facts need to be borne in mind when this latest application is considered and the Management Company request that the application is rejected to protect the amenity of the residents of Hamilton House.

PREVENTION OF PUBLIC NUISANCE

4. **PROTECT AMENITY OF RESIDENTS - NOISE** We are extremely concerned about the noise that will be generated by the extended licensing hours and the impact it will have on the amenity of the residents on all floors of Hamilton House. This is noise generated both inside the premises and outside on the courtyard and the following factors must be considered:

a. Outside noise during the evening – The conversations of customers outside on the courtyard will be heard in the bedrooms of the flats that look out onto the courtyard. A very significant issue on warm evenings when windows are open and people use the outside space due to the intimate nature of the inside of premises. Still an issue during the winter although customers would be expected to be inside. Experience with the Hideout has shown that people still spend time outside and generate noise. This is exacerbated by the use of the courtyard as a smoking area contrary to the requirements of the BANES Licensing Policy 16.17.10. See objections from individual flat owners for evidence.

b. Outside noise at closing time - Here the noise generated by customers will have a significant impact as all customers have to leave by the courtyard steps. Again experience from the Hideout has shown that 23.30 is the time customers start to leave, not the time by which all customers have left the premises. See objections from individual flat owners for evidence.

c. Noise after closing - We are also concerned about the management of noise after closing time. Experience has shown that, as noted above, the noise does not cease at 23.30. plus there is also the noise generated by the staff as they tidy up.

d. Outside surroundings - Lilliput Courtyard is a concrete/stone bowl which retains the noise generated by conversations and projects it upwards. Unlike noise generated by pedestrians on North Parade Passage which is transient in nature, customers will remain outside in the courtyard for significant periods of time producing a constant noise.

e. Inside Noise - When the basement of Hamilton House was developed as retail units their use as bars or cafes was not considered, as there appears to be little if any mitigation provided to prevent noise affecting the residential properties directly above. Experience has shown that conversations and the sound and low frequency base vibration from music systems in the café and bar impact the amenity of the residents directly above. The owners of the 2 ground floor flats have had to ask the staff in the premises below to reduce the volume or find different locations for the speakers but the issue has not gone away.

5. The application does not address most of the items listed in paragraph 16.17 of the Licensing Policy particularly point 5 - Outside areas to be cleared at a reasonable time (time to be stated) and point 10 - Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises. Both of these items have proved to be significant issues with the Hideout located adjacent to the café and the addition of more customers on Lilliput Court will only make matters significantly worse.

6. **PROTECT AMENITY OF RESIDENTS - AIR QUALITY** Air quality concerns fall into 2 categories, the smells generated by cooking and passive smoking risks:

a. Passive Smoking - As smoking will not be permitted inside the café any smoking has to take place in the courtyard, this is directly underneath the bedroom windows for the flats above. If the windows are open, even a small amount, the impact of passive smoking in the bedrooms is significant. Even with the windows closed smoke can still enter the flats as, due to the Grade II listing of Hamilton House, it is not possible to fit modern airtight windows.

b. Cooking Smells - The cooking smells generated by day by the café are noticeable but considered acceptable however if they were to continue late into the evening they would again significantly impact the amenity of the residents above.

7. Section M of the application does nothing to address the issue of passive smoking. By providing outside seating it is encouraging smoking outside creating the passive smoking environment by enticing smokers to drink there.

8. **PROTECT AMENITY OF BUSINESS** - Flat 1, located on the ground floor of Hamilton House directly above the Hideout bar and adjacent to the cafe, is a holiday rental and negative comment has been posted due to both internal and external noise from the

Hideout. This has undoubtedly led to business being lost and the owner had to change letting agent as her preferred agent would not accept the property due to the negative noise feedback. The owner also has grave concerns about the use of the flat as domestic accommodation due to the serious issues of noise, smoke, disruption etc directly into that flat. Additional noise from the café late in the evenings will only make this situation worse.

PUBLIC SAFETY

9. It is not clear from the application, but it is understood, that the licence is to include consumption of alcohol both inside the café and outside on Lilliput Court. There is no obvious demarcation on the courtyard between the cafe and whiskey bar. This has not been an issue to date as the main opening times for both have been different but, with extended hours for the café, both establishments will be using the courtyard leading to excessive numbers using a confined space with only one entrance. The application states that no more than 25 people are expected per event but sets no limit. How will this limit be managed by the 2 establishments?

10. The inclusion of a request for a licence from 11.00 on 31 Dec to 23.00 on 1 Jan (36 hours) is very alarming. The thought of all night drinking rings serious alarm bells and if allowed by the planning approval for the café surely must be contrary to the B&NES Alcohol Harm Reduction Strategy.

11. The Hideout uses candles to enhance the ambience of the establishment during the hours of darkness; if this is copied by the café the fire risk will increase. Fire prevention and alarm systems are installed however use of naked flames, if not properly managed, will significantly increase this risk, to both the basement but also the whole of Hamilton House. Robust fire prevention precautions and management must be put in place.

12. An increase to the numbers and opening hours into the evening in a location where the access is far from ideal has risks. The entrance to the Courtyard Cafe is via a flight of concrete steps down to the courtyard, there is no level access. An incident on the steps involving a customer to the adjacent Hideout required attendance by the Ambulance services and shows the risks. Increasing the numbers using the courtyard could lead to the consumption of alcohol on the stairs increasing the risk highlighted above.

13. Section M does nothing to address these issues to promote public safety.

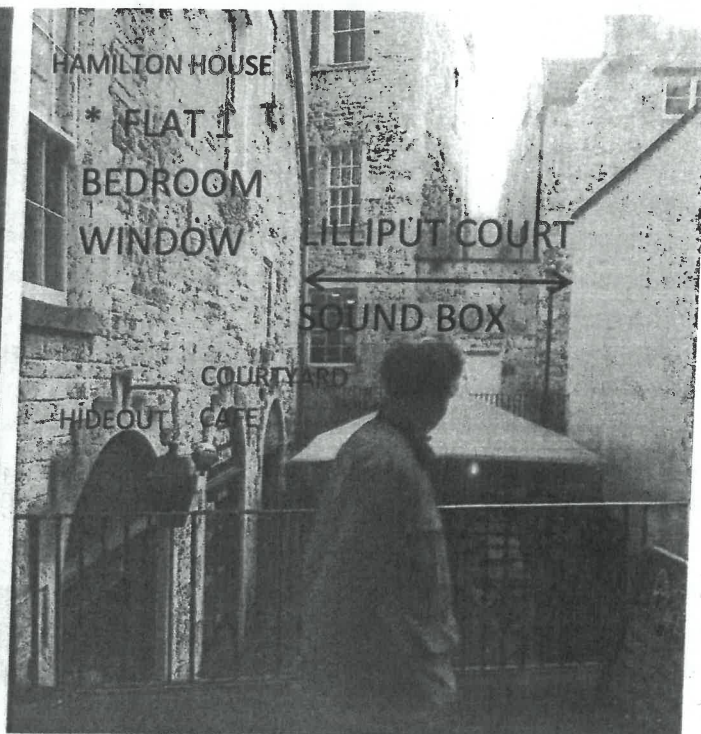
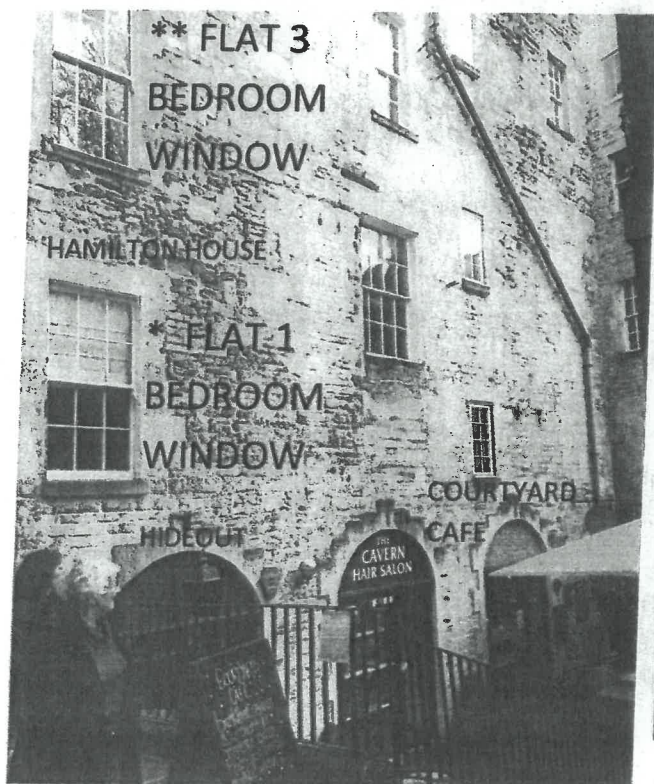
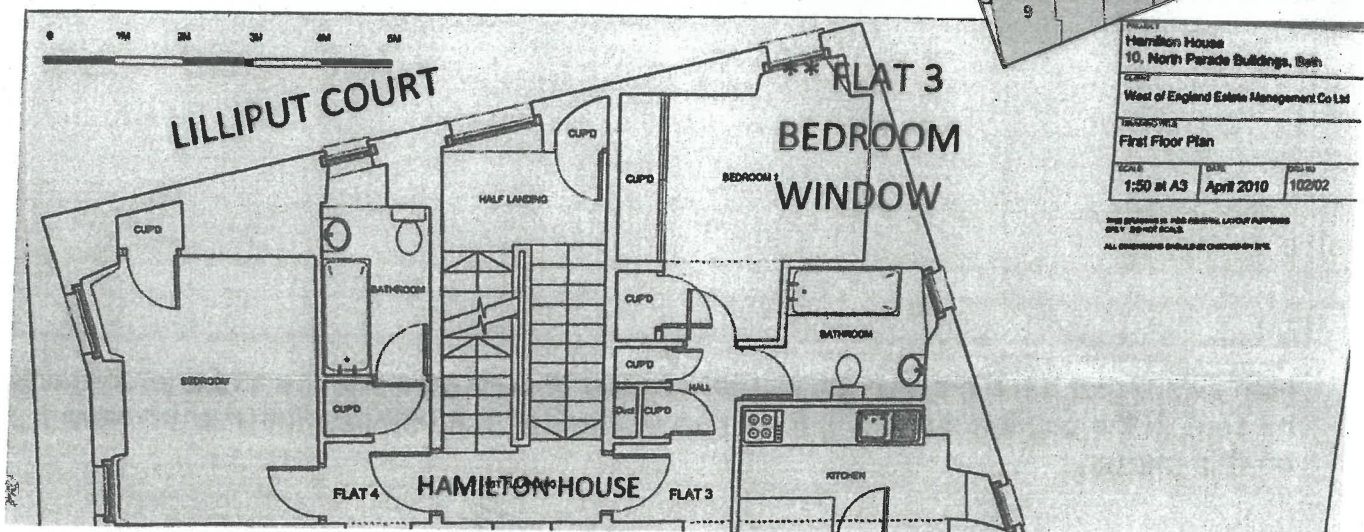
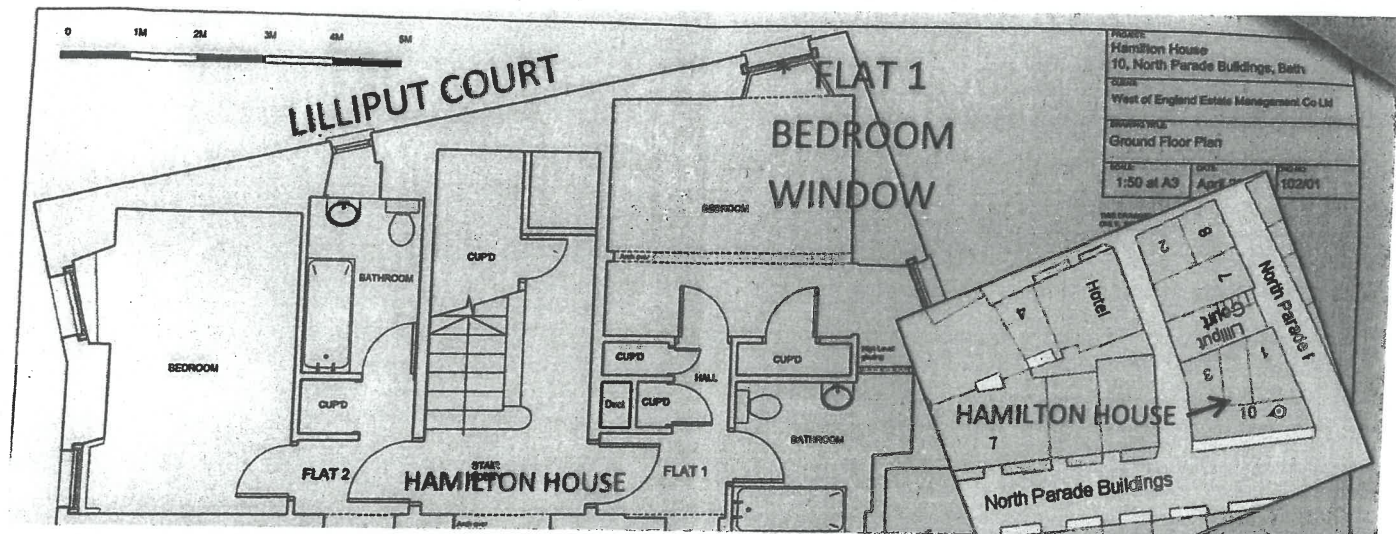
CONCLUSION

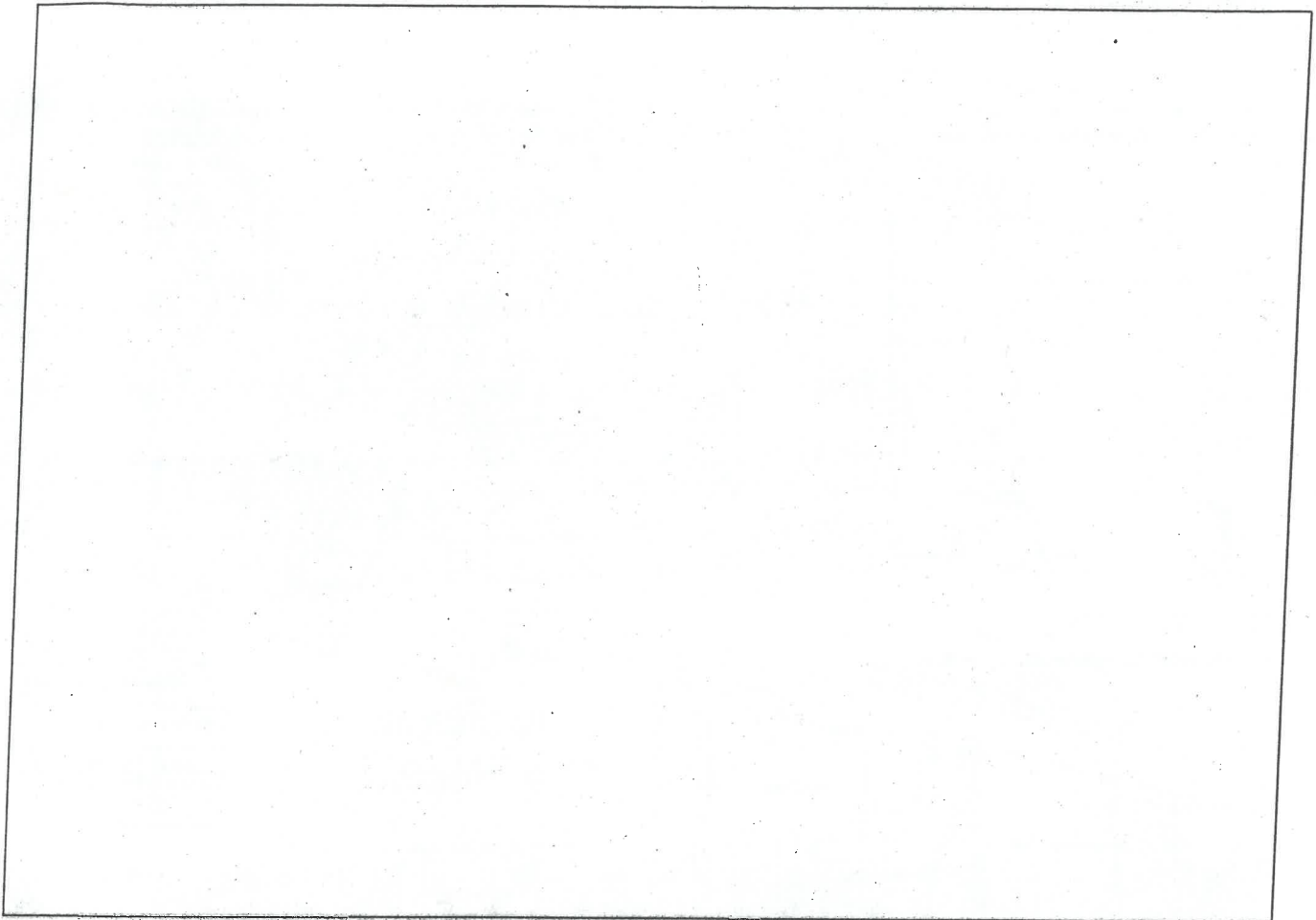
14. The management company of Hamilton House is not against the use and development of the retail outlets in Lilliput Court, but having suffered for 2 years with the existing problems we ask that the licence application be rejected in light of our experience and objections to protect public safety and the amenity of the residents of Hamilton House. We will be seeking a review of the Hideout licence in light of our experience to date.

15. Another establishment serving alcohol in the evening in Lilliput Court is very intense use of a small area for very similar activity and not in line with the cumulative impact policy.

16. The issues raised in this response are not things that might happen, they are based on the experience we already have from the impact of the operation of the Hideout bar.

20181210 Graphic for Farbridge Properties Bath Ltd - Representations interested party 601816LAPR





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

M Snowden Director
Farbridge Properties (Bath) Limited

Date

10/12/2018

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

NOT TO BE DISCLOSED

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.

From: Philip Bouchard
Sent: 19 December 2018 00:02
To: Licensing
Subject: Re: Licensing Application No: 16/01816/LAPRE

Application number: 16/01816/LAPRE
Applicant's name: The Lilliput Court Café Limited
Premises name and address:
The Courtyard Café 3 Lilliput Court North Parade Passage BATH
BA1 1ND
Application for a: To vary a premises licence

Objector Details:

Objector's Name: Mr and Mrs P Dahan-Bouchard
Objector's Address: Flat Hamilton House, 10 North Parade Buildings, Bath, BA11NS

Objection Details:

Prevention of public nuisance
Public Safety

1. My wife and I have owned Flat Hamilton since January 2000. We live on the First floor of the building and our bedroom overlooks the courtyard which houses the Courtyard Café and the Hideaway. Our window is approximately fifteen to twenty feet above the courtyard and directly over the entrance to the Hideaway.
2. We object to the extension of the licensing hours for the Courtyard Cafe with regard to the prevention of nuisance and public safety and request that the application is rejected.
3. Lilliput Court has always been a quiet place at night-time. During the daytime, the ambient noise of the city means that the sharper sounds of individuals talking in the courtyard is not particularly noticeable. However since the Hideaway bar opened, the nature of our experience has completely changed as at night-time there is no background noise and the sounds of individual conversations, laughter, arguments and the sounds of empty bottles being cleared away has echoed in what otherwise would be a very quiet environment. One of the residents, in his letter of objection, refers to the courtyard as a 'concrete/stone bowl which retains the noise generated by conversations and projects it upwards'. This is very much the case. As mentioned in paragraph 1 our bedroom overlooks the courtyard and this has meant that it has been difficult to get sleep until all noise has ceased.
4. We wonder also whether it might be the case that the night time conversations themselves are often much louder because of the

alcohol. There seems to be a real difference in the nature of daytime conversations when, on the one hand, people are having a quiet lunch or tea outside in the courtyard and then night time conversations when people are going out to have a good time and they are drinking alcohol. Somehow this seems to affect the volume at which they speak. It is difficult to explain and quantify but, living above it, it really is very noticeable and it is affecting our quality of life and that of other residents in the building.

5. As a result of our concerns, we recorded the noise on a number of occasions over a 30 day period during September and October last year. These were sent to the council and are a good example of the kind of noise generated by even a small group of people: 8th September 23:43hrs, 9th September 23:24hrs, 30th September 23:20hrs, 1st October 21:47hrs, 2nd October 23:35, 7th October 22:20hrs.
6. With these recordings it is evident that the Courtyard Café, with a greater volume of clients, would produce an even greater amount of echoing noise and exacerbate the problem even further.
7. We are also concerned about the problem with music being played too loudly in the premises. The building was built in 1742 and obviously was not designed for modern amplified music. The noise and vibrations from the music can travel up through the fabric of the building. Interestingly, there are times when the music might not even be played 'too loudly' and when, in fact, it might be virtually inaudible to the human ear and yet the intensity of the vibration can still be felt in the flats above. This is obviously something which is virtually impossible to monitor or quantify but there are times when it can be a very real problem. The difficulty is that this building was designed as a residential building in the Eighteenth Century for a single family (although there are now nine flats in the building, all of which are occupied) and these late night licences change the nature of what it means to be a resident in this beautiful old building. We feel we are now becoming hostage to commercial priorities in the form of noisy night time businesses in what has otherwise always been a very quiet residential area. This does impact on us negatively and at times can affect our quality of life. This is our first opportunity to state the case.

Philip Dahan-Bouchard and Belinda Dahan-Bouchard

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:	16/01816/LAPRE
Applicant's name:	The Lilliput Court Café Limited
Premises name and address:	The Courtyard Café 3 Lilliput Court North Parade Passage BATH BA1 1ND
Application for a:	To vary a premises licence

Objector Details:

Objector's Name:	M C Mackenzie
Objector's Address:	Hamilton House North Parade Buildings Bath
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

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

1. The Courtyard Café is located in the basement of Hamilton House and opens onto Lilliput Court (the courtyard) which is situated at the rear of Hamilton House. (See attached graphic for locations). My family own 2 flats, lived in them for many years and a family member lives in one flat so we know the building very well and the bedrooms of the flats are at the back overlooking the premises and adversely affected on a nightly basis by the activities of the commercial premises.

2. We are most grateful to the Licensing Department for ensuring that the notice for this application was moved to a prominent position. Hitherto it had been placed in a courtyard (basement) window with a sheet of paper partially covering it. Previous applications for the other premises in the courtyard, run by the same operatives, were placed in similar, non-prominent positions, explaining why we were totally oblivious to the applications and did not raise any objections at the time. This is thus the first opportunity we have had to raise our objections to the proposed type of activity in the courtyard, but now our comments are based on the reality of the situation not on the fear of what might happen.

3. These facts need to be borne in mind when this latest application is considered and we want the application to be rejected to protect the amenity of the residents of Hamilton House.

PREVENTION OF PUBLIC NUISANCE

4. **PROTECT AMENITY OF RESIDENTS - NOISE** We are extremely concerned about the noise that will be generated by the extended licensing hours and the impact it will have on the amenity of the residents on all floors of Hamilton House. This is noise generated both inside the premises and outside on the courtyard and the following factors must be considered:

a. Outside noise during the evening – The conversations of customers outside on the courtyard will be heard in the bedrooms of the flats that look out onto the courtyard. A very significant issue on warm evenings when windows are open and people use the outside space due to the intimate nature of the inside of premises. Still an issue during the winter although customers would be expected to be inside. Experience with the Hideout has shown that people still spend time outside and generate noise. This is exacerbated by the use of the courtyard as a smoking area contrary to the requirements of the BANES Licensing Policy 16.17.10. See objections from individual flat owners for evidence.

- b. Outside noise at closing time - Here the noise generated by customers will have a significant impact as all customers have to leave by the courtyard steps. Again experience from the Hideout has shown that 23.30 is the time customers start to leave, not the time by which all customers have left the premises. See objections from individual flat owners for evidence.
- c. Noise after closing - We are also concerned about the management of noise after closing time. Experience has shown that, as noted above, the noise does not cease at 23.30. plus there is also the noise generated by the staff as they tidy up.
- d. Outside surroundings - Lilliput Courtyard is a concrete/stone bowl which retains the noise generated by conversations and projects it upwards. Unlike noise generated by pedestrians on North Parade Passage which is transient in nature, customers will remain outside in the courtyard for significant periods of time producing a constant noise.
- e. Inside Noise - When the basement of Hamilton House was developed as retail units their use as bars or cafes was not considered, as there appears to be little if any mitigation provided to prevent noise affecting the residential properties directly above. Experience has shown that conversations and the sound and low frequency base vibration from music systems in the café and bar impact the amenity of the residents directly above. The owners of the 2 ground floor flats have had to ask the staff in the premises below to reduce the volume or find different locations for the speakers but the issue has not gone away.
5. The application does not address most of the items listed in paragraph 16.17 of the Licensing Policy particularly point 5 - Outside areas to be cleared at a reasonable time (time to be stated) and point 10 - Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises. Both of these items have proved to be significant issues with the Hideout located adjacent to the café and the addition of more customers on Lilliput Court will only make matters significantly worse.
6. **PROTECT AMENITY OF RESIDENTS - AIR QUALITY** Air quality concerns fall into 2 categories, the smells generated by cooking and passive smoking risks:
- a. Passive Smoking - As smoking will not be permitted inside the café any smoking has to take place in the courtyard, this is directly underneath the bedroom windows for the flats above. If the windows are open, even a small amount, the impact of passive smoking in the bedrooms is significant. Even with the windows closed smoke can still enter the flats as, due to the Grade II listing of Hamilton House, it is not possible to fit modern airtight windows.
- b. Cooking Smells - The cooking smells generated by day by the café are noticeable but considered acceptable however if they were to continue late into the evening they would again significantly impact the amenity of the residents above.
7. Section M of the application does nothing to address the issue of passive smoking. By providing outside seating it is encouraging smoking outside creating the passive smoking environment by enticing smokers to drink there.
8. **PROTECT AMENITY OF BUSINESS** - Flat 1, located on the ground floor of Hamilton House directly above the Hideout bar and adjacent to the cafe, is a holiday rental and negative comment has been posted due to both internal and external noise from the

Page 2

Hideout. This has undoubtedly led to business being lost and the owner had to change letting agent as her preferred agent would not accept the property due to the negative noise feedback. The owner also has grave concerns about the use of the flat as domestic accommodation due to the serious issues of noise, smoke, disruption etc directly into that flat. Additional noise from the café late in the evenings will only make this situation worse.

PUBLIC SAFETY

9. It is not clear from the application, but it is understood, that the licence is to include consumption of alcohol both inside the café and outside on Lilliput Court. There is no obvious demarcation on the courtyard between the cafe and whiskey bar. This has not been an issue to date as the main opening times for both have been different but, with extended hours for the café, both establishments will be using the courtyard leading to excessive numbers using a confined space with only one entrance. The application states that no more than 25 people are expected per event but sets no limit. How will this limit be managed by the 2 establishments?

10. The inclusion of a request for a licence from 11.00 on 31 Dec to 23.00 on 1 Jan (36 hours) is very alarming. The thought of all night drinking rings serious alarm bells and if allowed by the planning approval for the café surely must be contrary to the B&NES Alcohol Harm Reduction Strategy.

11. The Hideout uses candles to enhance the ambience of the establishment during the hours of darkness; if this is copied by the café the fire risk will increase. Fire prevention and alarm systems are installed however use of naked flames, if not properly managed, will significantly increase this risk, to both the basement but also the whole of Hamilton House. Robust fire prevention precautions and management must be put in place.

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13. Section M does nothing to address these issues to promote public safety.

CONCLUSION

14. The management company of Hamilton House is not against the use and development of the retail outlets in Lilliput Court, but having suffered for 2 years with the existing problems we ask that the licence application be rejected in light of our experience and objections to protect public safety and the amenity of the residents of Hamilton House. We will be seeking a review of the Hideout licence in light of our experience to date.

15. Another establishment serving alcohol in the evening in Lilliput Court is very intense use of a small area for very similar activity and not in line with the cumulative impact policy.

16. The issues raised in this response are not things that might happen, they are based on the experience we already have from the impact of the operation of the Hideout bar.

Page 3

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

Signed

Date

Sigbed Marion Caryn Mackenzie on her o

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

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 MArion Caryn Mackenzie

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

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

I/We object to the following application:

Application number:	18/03302/LAPRE
Applicant's name:	The Lilliput Court Cafe Ltd
Premises name and address:	Courtyard Cafe 3 Lilliput Court, Bath, BA1 1ND
Application for a:	Variation

Objector Details:

Objector's Name:	The Abbey Residents Association Ian Perkins
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	George Street Bath BA1 1LA
Organisation name if applicable:	

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will form part of a public document prior to any hearing of this matter.

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

I/We object to this application being granted at all



I/We object to the application being granted in its current form*



* If you choose this option please tell us below what changes you would like to see.

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 also state if you consider a hearing to be unnecessary.

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.*

Founded in 2000, the Abbey Residents Association has about three hundred members including a number in area surrounding these premises and seeks to improve conditions for those living in the city centre.

We note that these premises are in the cumulative impact zone.

The premises are in a old building with all the sound proofing and sound transmission issues are created by Georgian building construction standards and techniques. Residents regularly report that the applicants have failed to address this challenge either through proper sound proofing or through proper management practices designed to reduce noise nuisance. Consequently all residents but particularly those directly above them, frequently report unacceptable noise in their premises.

These premises are very close to residential premises particularly the courtyard which is a source of both noise and smoke. One resident has windows less than 20 metres from the door from the courtyard to the interior. The design and construction of Lilliput Courtyard retains the noise generated by conversations and projects it upwards.

The proposed extension to hours in this application would considerably increase the already unsatisfactory levels of noise nuisance to which residents are currently subjected in an area which has already been impacted by a failure to meet the spirit if not the letter of the cumulative impact policy.

We therefore call on the committee to reject this application.

However, if the committee is minded to grant the application we would ask for additional conditions to be imposed as follows.

- All outdoor areas to be cleared within 15 minutes of closing
- No noise generated from the premises to be audible at the nearest noise sensitive premises
- Noise limiters to be fitted to all amplification systems set to levels agreed with

environmental health.

Signed

Ian Perkins

Date

18.12.18

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

I will 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>