

V

Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 4 April 2019	
TITLE:	Application to Vary the Premises Licence for Homewood Park Hotel & Spa Homewood, Hinton Charterhouse, Bath BA2 7TB.	
WARD:	Bathavon South	
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	Site Plan	
Annex D	Representation from Safety & Standards Bath & North East Somerset Council	

1 THE ISSUE

1.1 An application has been received from Homewood Park Limited for the variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of Homewood Park Hotel & Spa, Homewood, Hinton Charterhouse, Bath BA2 7TB.

2 RECOMMENDATION

2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £315.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

4.3 The Licensing Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

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

5.2 The current premises licence is detailed in Annex B.

5.3 The Variation application seeks to:

- Vary the hours for the Sale of Alcohol to the public, every day, to 10:00 – 01:00 the following morning;
- Vary the hours for the provision of Late Night Refreshment, every day, to 23:00 – 01:00 the following morning;
- Remove the non-standard timings for Good Friday and Christmas Day in respect of the Sale of Alcohol and the Playing of Recorded Music;
- Add a non-standard timing for New Year's Eve in respect of the provision of Late Night Refreshment;
- Add the conditions agreed with the Police pre-application as detailed in section M of the application;
- Revise the floor plan relating to the Ground Floor ;
- Remove the non-standard timing relating to opening times; and to
- Remove the following Annex 2 condition that states:

No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar.

5.4 The "spa area" comprises of the spa pool, treatment rooms, changing rooms and outdoor pool. The "champagne area" relates to a champagne nail bar that no longer forms part of the offering at the premises.

5.5 A site plan is attached at Annex C.

5.6 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.

- 5.7 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.8 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.9 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.10 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
 - a) Paragraphs 3-6, 8-10, 13-14, 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.
- 5.11 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.12 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.

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

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

- 5.13 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.
- 5.14 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.
- 5.15 **One representation** of objection has been received from Sara Chiffers, Specialist Officer – Health, Safety & Food, BANES Council (Annex D). It expresses concern that the applicant's proposal to remove the existing Annex 2 condition will effectively allow alcohol to be sold (appropriated to the customer) within the Spa Area, and as such is likely to undermine the **Public Safety** licensing objective.
- 5.16 **No representations** have been received in relation to any of the other proposals detailed within the application.
- 5.17 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 (Director - 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, Senior Public Protection Officer (Licensing) 01225 396939



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We Homewood Park Limited

(Insert name(s) of applicant)

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

Premises licence number 18/02146/LAPRE
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Homewood Park Hotel & Spa Homewood Hinton Charterhouse			
Post town	Bath	Postcode	BA2 7TB

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

Part 2 – Applicant details

Daytime contact telephone number	01225 585015		
E-mail address (optional)	steveholmes@kaleidoscopecollection.co.uk		
Current postal address if different from premises address	Homewood Park Limited The Bird Bath 18-19 Pulteney Road Bathwick,		
Post town	Bath	Postcode	BA2 4EZ

Part 3 - Variation

Please tick as appropriate

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

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

DD	MM	YYYY

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)

- To vary the hours for the Sale of Alcohol to the public, every day, to 10:00 – 01:00 hours the following morning;
- To remove the non-standard timings for Good Friday and Christmas Day in relation to the Sale of Alcohol and the Playing of Recorded Music;
- To vary the hours for the provision of Late Night Refreshment every day to 23:00 – 01:00 the following morning;
- To add a non-standard timing for New Year's Eve in respect of Late Night Refreshment;
- To remove the Annex 2 condition that states:
 - "No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar"
- To add the measures agreed with the Police pre-application (as detailed in section M);
- To revise the floor plan relating to the Ground Floor as attached; and
- To remove the non-standard timing relating to opening times as the premises is already permitted to open 24 hours per day, every day.

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

N/A

Part 4 Operating Schedule

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

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

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

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

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

In all cases complete boxes K, L and M

A n/a

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
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 (please read guidance note 7)</u>		
Sat								
Sun								

B n/a

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

C n/a

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

D n/a

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

E n/a

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

F n/a

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

G n/a

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

H n/a

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
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)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	Y
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	23:00	01:00			
Tue	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed	23:00	01:00			
Thur	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) From 23:00 hours on New Year's Eve until 05:00 hours on New Year's Day.		
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	Y			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	10:00	01:00						
Tue	10:00	01:00						
Wed	10:00	01:00						
Thur	10:00	01:00				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)		
Fri	10:00	01:00						
Sat	10:00	01:00						
Sun	10:00	01:00						

K

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

NONE

L n/a

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			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)
Sun			

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

"No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar"

Please tick as appropriate

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

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

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

As the application is being submitted electronically via email, the premises licence shall be returned to the Licensing Authority 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)

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

b) The prevention of crime and disorder

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.

All alcohol supplied for consumption off the premises will be sold in sealed containers.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

The premises will operate a 'Challenge 21' policy and will display signs advertising this policy at all bar areas.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	Steven Holmes (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

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

Signature	Ian Taylor (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

Signature	Christa Taylor (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

Signature	Seng Loy (Director)
Date	12/02/2019
Capacity	Premises Licence Holder

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

Mr Steven Holmes

Post town		Post code	
Telephone number (if any)	01225 585015		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
steveholmes@kaleidoscopecollection.co.uk			

Notes for Guidance

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

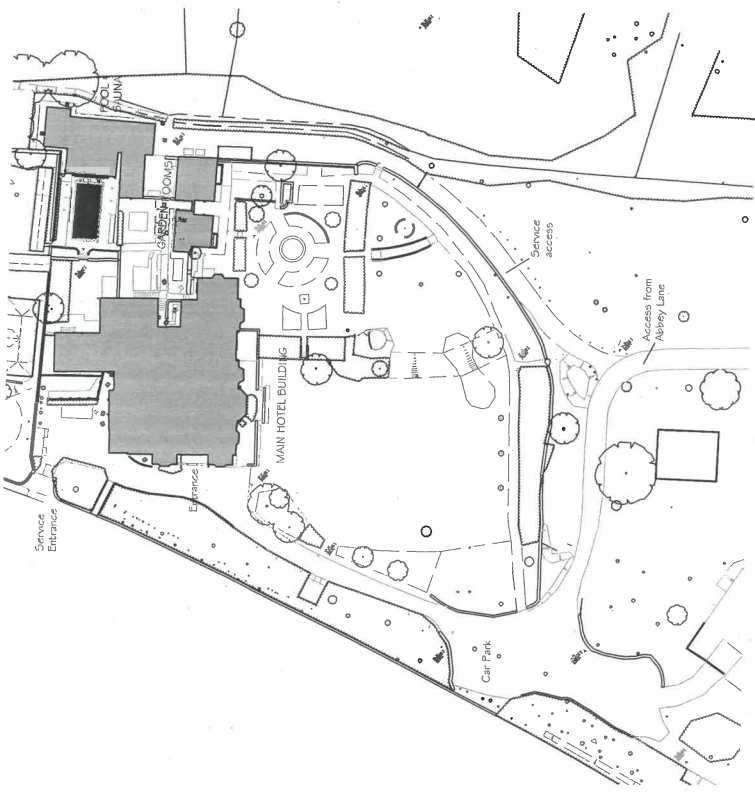
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing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

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

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

Notes

- 1 Do not scale this drawing.
- 2 All dimensions to be checked on site.
- 3 This drawing is to be read in conjunction with all relevant specifications and the architectural, structural, mechanical and electrical drawings.

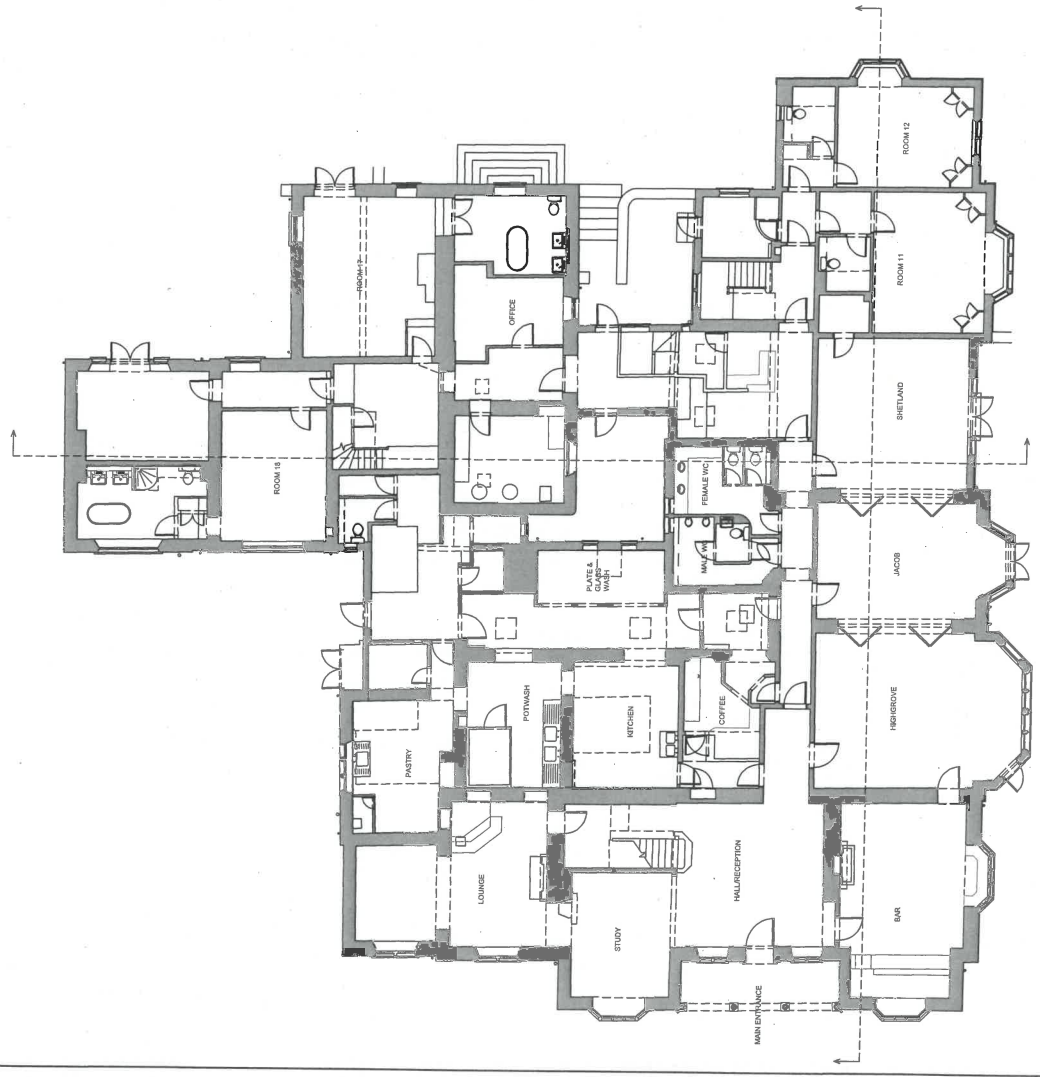


SITE PLAN - 1:500

No.	Date	Name	Status

Esmond Murray Architects
21 Van Diemens Lane, Lansdown, Bath BA1 5TW
01225-447165 www.esmondmurrayarchitects.com

Client	Kaleidoscope Collection		
Project	Homewood Park Hotel Hinton, Charterhouse BA2 7TB		
Title	GROUND FLOOR AS EXISTING		
Date drawn	10/10/2018	Status	
Project No.	M18-010	Checked	sm
Drawn by	JH	Original No.	20
Revision			



MAIN BUILDING - GROUND FLOOR PLAN 1:100

BLANK PAGE

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	18/02146/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

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

Homewood Park Hotel
Homewood
Hinton Charterhouse
BA2 7TB

Telephone number Not Available

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 23:30
Good Friday	12:00 - 23:30
Christmas Day	12:00 - 23:30

Performance of Recorded Music (indoors only)

Every Day	00:00 - 00:00
Good Friday	12:00 - 23:30
Christmas Day	12:00 - 23:30

Late Night Refreshment

Monday to Saturday	23:00 - 00:00
Sunday	23:00 - 23:30

Non Standard Timings

Sale of Alcohol: from normal activity start time on New Year's Eve until normal activity finish time on New Year's Day.

The sale/supply of alcohol to residents of the hotel and their bona fide guests shall be permitted 24 hours per day, every day.

The opening hours of the premises

Every Day 00:00 - 00:00

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 both on and off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Homewood Park Limited
County Hotel
18 - 19 Pulteney Road
Bathwick
Bath
BA2 4EZ
01225 585015
steveholmes@kaleidoscopecollection.co.uk

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

Registered Business Number - 11362518

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

Neil Raymond Glasspool
7 Teachers Way
Melksham
SN12 8FA

Bath & North East Somerset Council

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

LN/0018618

Wiltshire Council

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

Signed for and on behalf of

Bath & North East Somerset Council: *Terrill Wolyn*.....

Dated 3 October 2018

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

18/02146/LAPRE

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

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

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

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

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

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

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

Bath & North East Somerset Council

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

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

From 1 October 2014:

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a) games or other activities which require or encourage, or are designed to require or encourage individuals to i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or, ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

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

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

Annex 2 – Conditions consistent with the Operating Schedule

No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar.

All children under the age of 16 to be accompanied by an adult whilst in the spa facilities.

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

**Bath & North East
Somerset Council**

Annex 4 – Plans

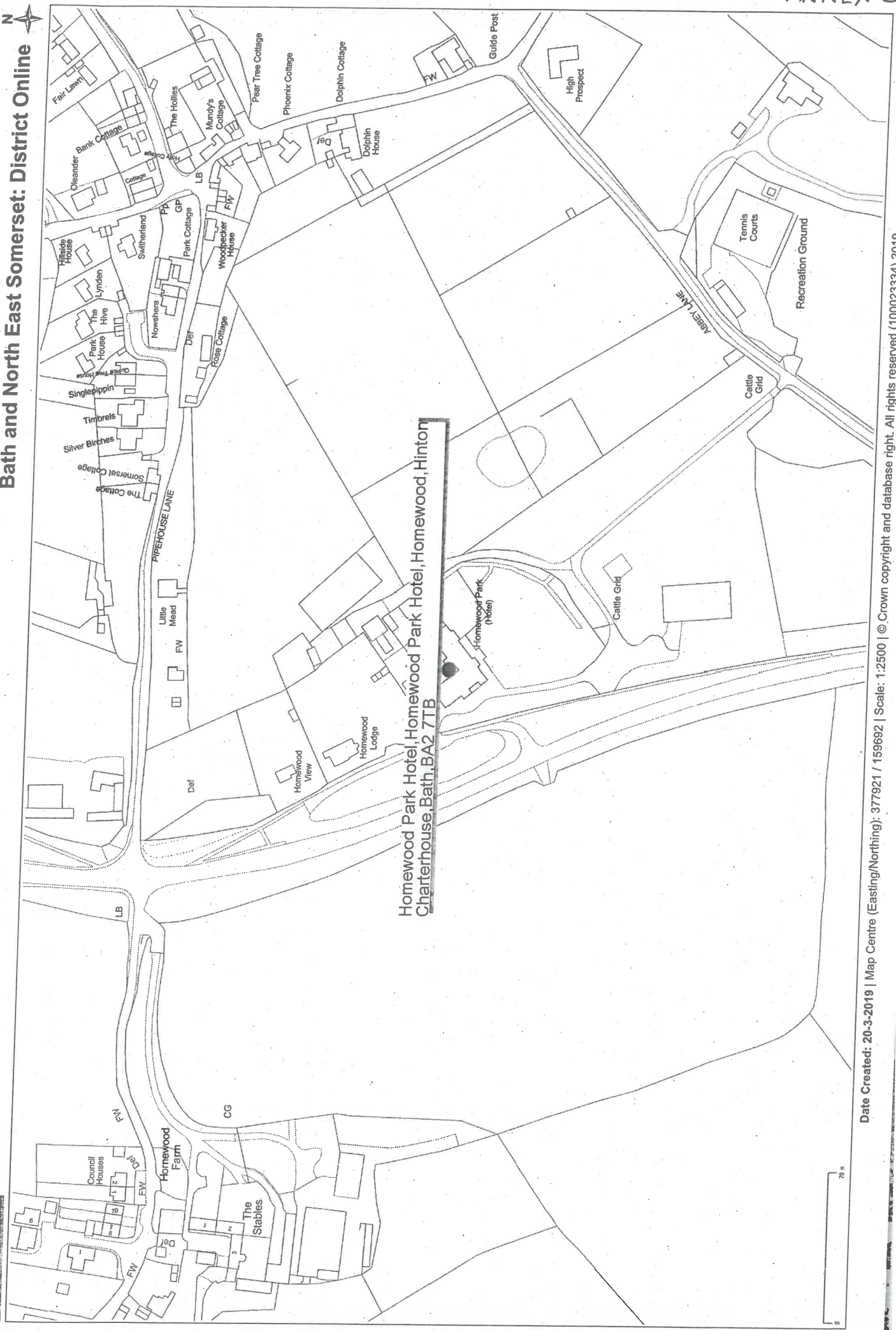
As submitted with application.



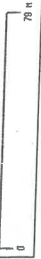
Bath and North East Somerset: District Online

Homewood Park Hotel & Spa

Bath & North East Somerset Council



Homewood Park Hotel, Homewood Park Hotel, Homewood Lodge, Charterhouse, Bath, BA2 7TB



Lewis House, Manvers Street, Bath BA1 1JG

Representation Form

Responsible Authority.

Health and Safety

Your Name	Sara Chiffers
Job Title	Specialist Officer – Health, Safety and Food
Postal and email address	Bath & North East Somerset Council Health & Safety Lewis House Manvers Street Bath BA1 1JG
Contact telephone number	01225 477560

Name of the premises you are making a representation about.	Homewood Park Hotel and Spa Variation to Licence Application 19/01065/LAPRE
Address of the premises you are making a representation about.	Homewood Park Hotel & Spa, Homewood, Hinton Charterhouse, BA2 7TB.

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
---	-----------------	--

<p>All 4 licensing objectives, namely:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • The prevention of public nuisance; • Public Safety • The protection of children from harm 	<p>No</p> <p>No</p> <p>Yes</p> <p>No</p>	<p>In its role as a Responsible Authority the Health and Safety Team has considered this application and object to the removal of the Annex 2 condition that states:</p> <p><i>“No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar”</i></p> <p>The consumption of alcohol prior to spa treatments, or the use of spa facilities such as a hot tub, hydrotherapy pool or swimming pool, is not recommended. This is well documented advice as it can increase the risk of dehydration, heat exhaustion and can impact on any underlying health related conditions. This is ultimately a safety risk.</p> <p>While it is not possible to prohibit guests from consuming alcohol prior to using the facilities or while at the pool side, it should not be encouraged.</p> <p>The current condition requires guests to have to request drinks and then hotel staff are required to appropriate it for the customer.</p> <p>Removal of this condition means that it would be possible for a bar to be installed in the spa area. For example: a ‘pop up gin bar’ positioned at the poolside during the summer.</p> <p>Having a bar positioned in direct view may encourage unsafe behaviours on behalf of the guest by increasing the consumption of alcohol more so than if it was ‘out of sight, out of mind’ as it currently is.</p> <p>In short the Annex 2 condition that states:</p> <p><i>“No sale of alcohol is to take place in the spa area, or the champagne area. All drinks for the champagne bar to be purchased from the existing hotel bar”</i></p>
---	--	---

		<p>should be retained to ensure public safety of all spa users at the hotel.</p>
--	--	--

<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>The issue has been discussed with Steve Holmes from Homewood Park on 27/02/19.</p> <p>The pool is located some distance away from the main hotel bar and staff either have to provide a waiter service or guests have to go to the main bar. It was an intention to make provision for a bar closer to the spa/pool area, however it was agreed that this could encourage the consumption of alcohol which is contrary to safety advice.</p> <p>Discussion was had about retaining the existing condition.</p>
--	---

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.



Signed:

Date: 28/02/19

Please return this form along with any additional sheets to:

Licensing Services,
Public Protection,
Lewis House,
Manvers Street,
Bath
BA1 1JG

E-mail address: licensing@bathnes.gov.uk

This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.