

Bath & North East Somerset Council

MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 9 July 2020	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Provenist, The Tramshed, Beehive Yard, Bath BA1 5BB	
WARD:	Kingsmead	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application to vary premises licence		
Annex B Current premises licence		
Annex C Plan of licensed premises and site plan		
Annex D Representations received from Other Persons		

1 THE ISSUE

1.1 An application has been received for the Variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of Provenist, The Tramshed, Beehive Yard, Bath BA1 5BB.

1.2 Relevant representations have been received within the statutory period.

2 RECOMMENDATION

2.1 The committee is asked to determine the application.

3 THE REPORT

3.1 An application has been received to vary an existing premises licence as detailed in Annex A.

3.2 The current premises licence is detailed in Annex B.

3.3 The Variation application seeks to:

Add the sale of alcohol for consumption off the premises:

Every Day 08:00 – 21:45

3.4 The following measures have been offered by the applicant to promote the licensing objectives:

- Any website advertising alcohol deliveries will include terms and conditions of sales, requiring an undertaking that any customer ordering alcohol must be over 18 years of age and deliveries should be accepted and signed for by a person over 18 years. Challenge 21 will be promoted on the website.
- Cash transactions will be discouraged. Any cash transactions will carry a surcharge to encourage customers to pay by card and minimise the drivers handling cash.
- On receipt of a telephone order, customers will be notified that deliveries can only be made to persons over 18 years and age verification will be required.
- Deliveries will only be made to a fixed postal address.
- Each delivery will be accompanied by an itemised bill and the vehicle will not carry any alcohol not shown as sold. The only exception will be a refused delivery.
- When alcohol is delivered, the purchaser must sign a copy of the bill for audit.
- Each delivery vehicle will carry and use when necessary, a refusal log and produce it for examination when required by an officer of the licensing authority or police officer.
- All alcohol sold for consumption off the premises will be supplied in sealed containers, with the exception of alcohol sold for consumption in the external seating areas of the premises.
- All delivery drivers must be over 18.

3.5 The current licensed premise comprises of an indoor café authorised for the retail sale of alcohol for consumption **on premises only**. All alcohol purchased in the café, must be consumed in the café.

3.6 There is no proposal within this application to increase the licensed area from which licensable activities may take place. The proposal is to add the sale of alcohol for consumption **off premises** to allow the operation of an alcohol delivery service and for customers to consume alcohol purchased in the indoor café within the external area of the premises.

3.7 A plan of the licensed premises and site plan are attached at Annex C.

3.8 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:

the prevention of crime and disorder;

public safety;

the prevention of public nuisance; and

the protection of children from harm

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

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

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

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

3.13 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 2018).

c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.

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

3.15 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.

3.16 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.

3.17 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.

3.18 Eight representations of objection have been received from residents living within proximity of the premises. The representations express concern that if customers are permitted to consume alcohol off premises within the external area of the premises as identified in Annex A, the prevention of public nuisance and the public safety licensing objectives will be undermined.

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 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The costs of processing licences are covered by the fees charged. The fee for this application is £ 450.00.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council’s decision making risk management guidance.

7 CLIMATE CHANGE

7.1 The licensing objectives do not require the applicant to specify steps to mitigate the impact of climate emergency. However, the applicant is encouraged to consider locally sourced ingredients and to reduce single use plastic in the operation of their business.

8 OTHER OPTIONS CONSIDERED

8.1 None

9 CONSULTATION

9.1 The Council's Monitoring Officer (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.

9.2 This report has not been sent to the Trades' Union as they would have no involvement.

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

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **Provenist 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 19/01124/LAPRE
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Provenist, One Tram Yard, Beehive Yard, Walcot Street			
Post town	Bath	Postcode	BA1 5BD

Telephone number at premises (if any)	01225 465301
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	07525 592207		
E-mail address (optional)	Paul.dugdale@neptune.com		
Current postal address if different from premises address	Provenist Limited Frankland Road, Blagrove		
Post town	Swindon	Postcode	SN5 8YG

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

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

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) Yes No

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

To add the Sale of Alcohol for consumption "off premises" to enable the business to add an alcohol delivery service to their offering.

To add the following condition under section M to enable alcohol purchased inside the building to be consumed in the customer seating area as identified on the plan:

'All alcohol sold for consumption off the premises will be supplied in sealed containers with the exception of alcohol sold for consumption in the external seating areas of the premises'

To add the following condition under section M to promote the licensing objectives in respect of home deliveries:

'Any website advertising alcohol deliveries will include terms and conditions of sales requiring and undertaking that any customer ordering alcohol must be over 18 years of age and deliveries should be accepted and signed for by a person over 18 years. Challenge 21 will be promoted on the website.'

'Cash transactions will be discouraged. Any cash transactions will carry a surcharge to encourage customers to pay by card and minimize the drivers handling cash.'

'On receipt of a telephone order, customers will be notified that deliveries can only be made to persons over 18 years and age verification will be required.'

'Deliveries will only be made to a fixed postal address.'

'Each delivery will be accompanied by an itemized bill and the vehicle will not carry any alcohol not shown as sold. The only exception will be a refused delivery.'

'When alcohol is delivered, the purchaser must sign a copy of the bill for audit.'

'Each delivery vehicle will carry and use when necessary, a refusal log and produce for examination when required by an officer of the licensing authority or police officer.'

'All delivery drivers must be over 18.'

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

C

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

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

E

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

F

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

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	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
				<u>Please give further details here</u> (please read guidance note 5)	
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed			<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)		
Thur					
Fri					
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	<input type="checkbox"/>
			Off the premises	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)	
Mon	08:00	21:45		
Tue	08:00	21:45		
Wed	08:00	21:45		
Thur	08:00	21:45		
Fri	08:00	21:45		
Sat	08:00	21:45		
Sun	08:00	21:45		
			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)	

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).

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			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

ANNEX A

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 – licence will be returned 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)

Any website advertising alcohol deliveries will include terms and conditions of sales requiring and undertaking that any customer ordering alcohol must be over 18 years of age and deliveries should be accepted and signed for by a person over 18 years. Challenge 21 will be promoted on the website

Cash transactions will be discouraged. Any cash transactions will carry a surcharge to encourage customers to pay by card and minimize the drivers handling cash.

On receipt of a telephone order, customers will be notified that deliveries can only be made to persons over 18 years and age verification will be required.

Deliveries will only be made to a fixed postal address.

Each delivery will be accompanied by an itemized bill and the vehicle will not carry any alcohol not shown as sold. The only exception will be a refused delivery.

When alcohol is delivered, the purchaser must sign a copy of the bill for audit.

Each delivery vehicle will carry and use when necessary, a refusal log and produce for examination when required by an officer of the licensing authority or police officer.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

All alcohol sold for consumption off the premises will be supplied in sealed containers with the exception of alcohol sold for consumption in the external seating areas of the premises.

e) The protection of children from harm

All delivery drivers must be over 18.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or N/A
- 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. The onus falls on us N/A
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

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	Provenist Limited
Date	12.05.2020
Capacity	Premises Licence Holder

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

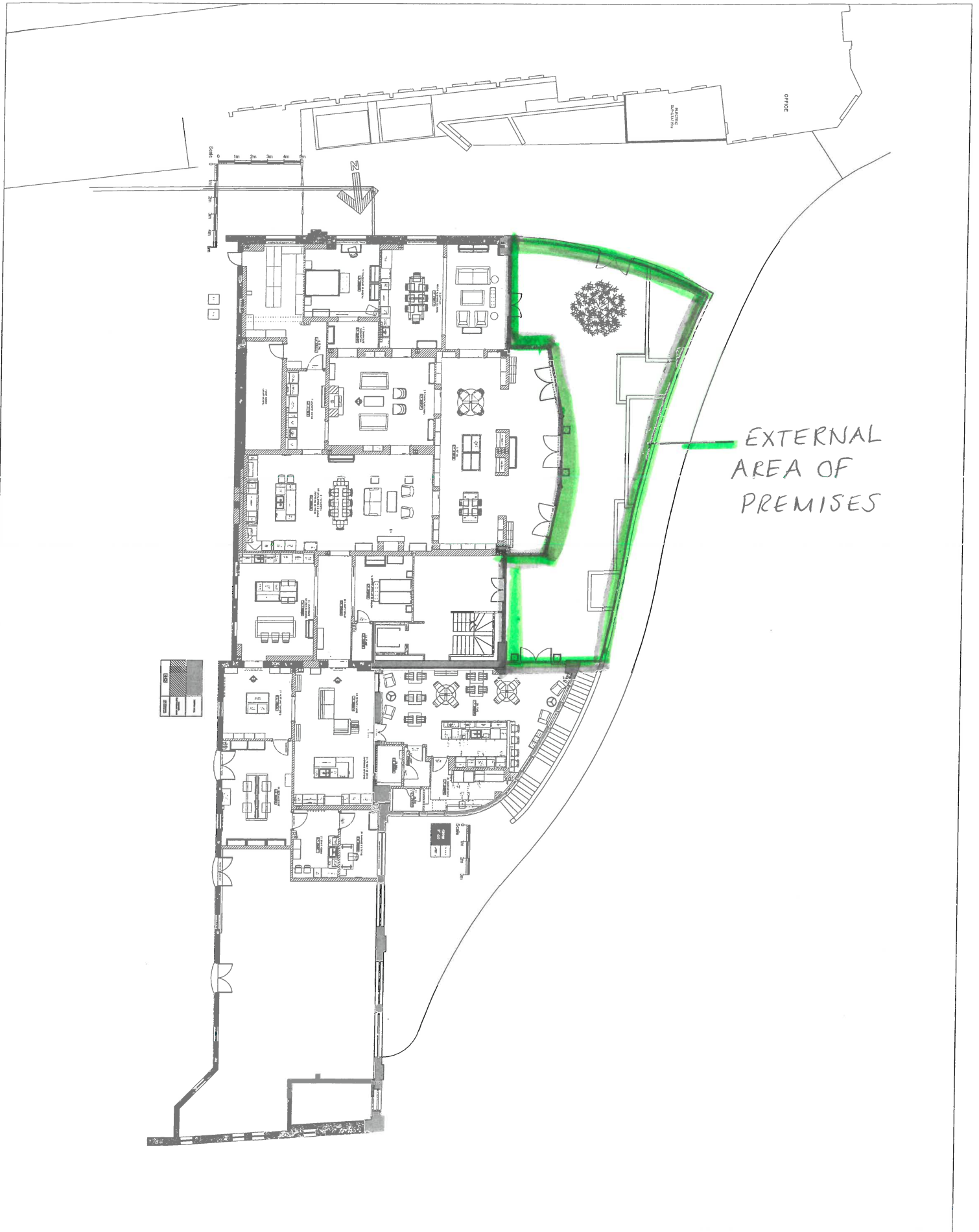
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			
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.



EXTERNAL AREA OF PREMISES

1	Office
2	Meeting Room
3	Reception
4	Break Room
5	Storage
6	WC
7	Staircase
8	Plant Room
9	Garage
10	External Area

GENERAL NOTES

1. DO NOT SCALE FROM THIS DRAWING

2. THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT.

3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING AND IS NOT TO BE HELD RESPONSIBLE FOR ANY LOSS OR DAMAGE CAUSED BY THE USE OF THIS DRAWING.

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WALL LEGEND

1. EXISTING WALL CONSTRUCTION

2. PROPOSED NEW BRICK WALL

3. PROPOSED NEW CONCRETE WALL

EXISTING & PROPOSED LAYOUT OF EXISTING AND NEW WALL CONSTRUCTION

1. EXISTING WALL CONSTRUCTION

2. PROPOSED NEW BRICK WALL

3. PROPOSED NEW CONCRETE WALL

4. EXISTING WALL CONSTRUCTION

5. PROPOSED NEW BRICK WALL

6. PROPOSED NEW CONCRETE WALL

7. EXISTING WALL CONSTRUCTION

8. PROPOSED NEW BRICK WALL

9. PROPOSED NEW CONCRETE WALL

10. EXISTING WALL CONSTRUCTION

11. PROPOSED NEW BRICK WALL

12. PROPOSED NEW CONCRETE WALL



Neptune Building
 Swindon, Wiltshire SN1 8RS
 Email: info@neptune.co.uk

Project: Neptune Bath

Address: The Transfield
 Beehive Yard
 Bath
 BA1 5BD

Scale: 1:100 @ A1

Scale Checked: SH
Date: 27.05.2020

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Part 2

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

Neptune Cafe Limited
Frankland Road
Blagrove
Swindon
SN5 8YG
07525592207
paul.dugdale@neptune.com

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

Registered Business Number - 1139528

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

Mr Paul Dugdale
32 Lyefield Road East
Cheltenham
GL53 8AY

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

19/00967/PERA
Cheltenham Borough 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 22 March 2019

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

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

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

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.

Annex 2 – Conditions consistent with the Operating Schedule

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.

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.

All alcohol to be consumed on the premises will be served to customers by waiters/waitresses.

The movement of buns and rubbish outside the premises will not occur before 6am or after 11pm.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

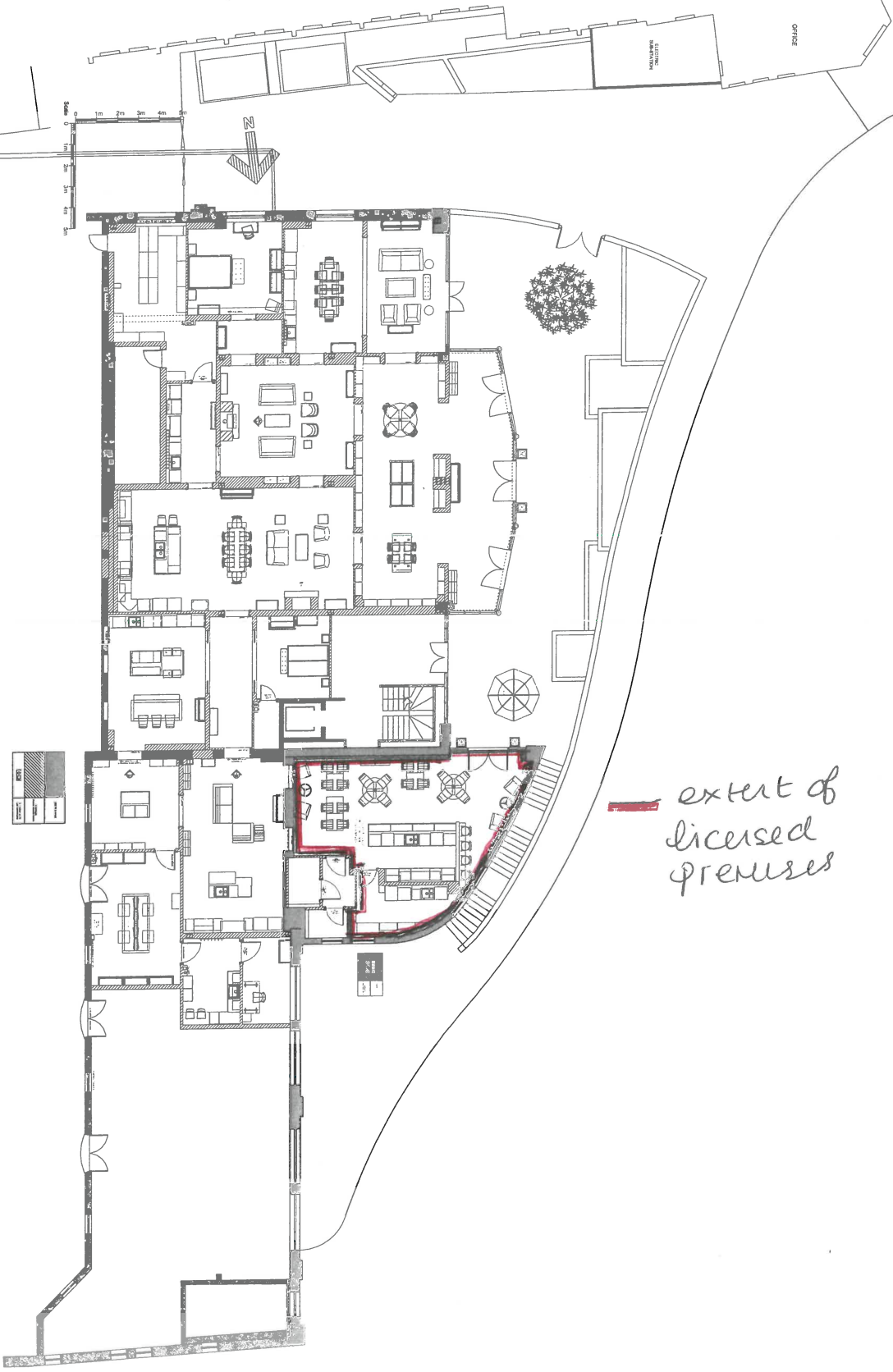
The premises will operate a 'Challenge 21' policy and will display a sign advertising this policy at the sales counter area.

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

Annex 4 – Plans

As submitted with application.

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— extent of licensed premises

Revision	Description	Date
#	#	#/##/##

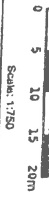
<p>NEPTUNE</p> <p>Neptune Group 1st Floor, 100 Victoria Street, Wellington Email: info@neptune.co.nz</p>	
Project:	Neptune Bath Cafe
Client:	Neptune Cafe
Address:	The Tramshed Beehive Yard Bath BA1 5BD
Net Internal Area:	70 sqm
Auxiliary Area:	10 sqm
Use:	Structural Plan
Scale:	1:100 @ A1
Drawn:	SH
Checked:	JT
Date:	14.03.2017
Project Number:	1150-0-ST-101
Revision:	A
Drawn By:	Tom Dyer
Scale:	04.02.2019

ANNEX C

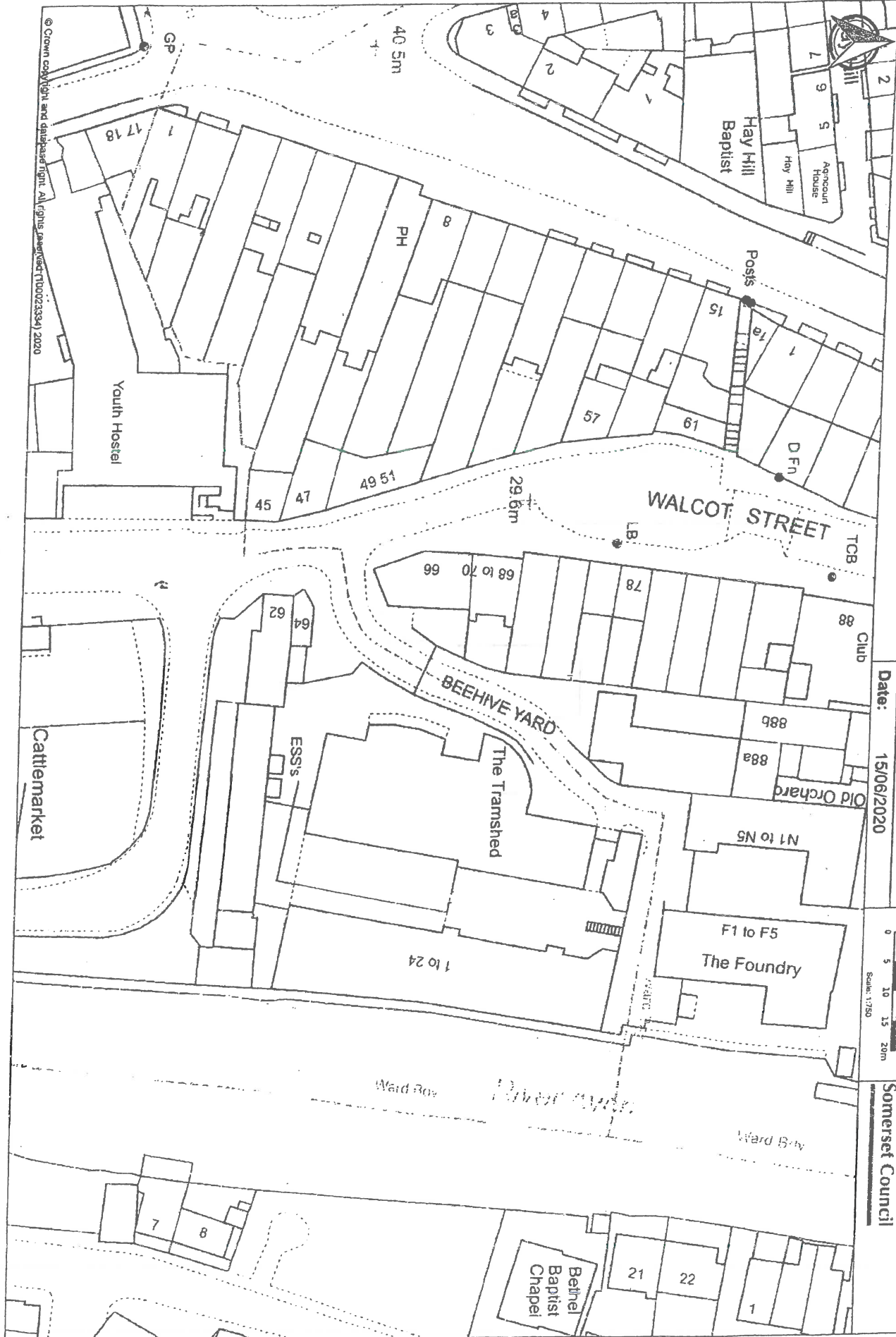
The Provenist, The Tramshed, Beehive Yard, Bath

Bath and North East Somerset

Author: 15/06/2020
Date:



Bath & North East Somerset Council



From: Jenny Sleep
Sent: 10 June 2020 12:13
To: Terrill Wolyn
Subject: PROVENIST 20/00881/LAPRE

REPRESENTATION FROM DR JENNY SLEEP

Public safety

I live in one of the new flats immediately above Neptune's store. We access our homes via the front of the Tramshed building immediately adjacent to the entrance to the Provenist café.

The forecourt garden of the property, (marked green on the attached site map), is thus the major access to the front door of the residential apartments. It is also the route to take our household rubbish for bin collection. For Neptune the forecourt provides an attractive space to display its outdoor collection, however, this furniture is bulky and heavy presenting a major obstacle course which residents have to negotiate every time they come home. The concern about public safety is further increased when the furniture is occupied, and chairs are moved backwards away from the tables thereby decreasing the space available.

The liability of an accident is further increased when carrying shopping or luggage, a problem further exacerbated for those presenting with mobility or sight problems when gaining access becomes positively dangerous. Added to which, the central location of the café makes it an attractive venue for mothers and their children often seen attempting to push their buggies around the furniture and ending up parking the pushchairs outside the café entrance adjacent to the resident's entrance door so obstructing access.

The potential for introducing and expanding public use of this space therefore presents substantial, important, safety and access issues for the residents every time they return home.

Public Nuisance.

The Provenist currently holds a license which allows the consumption of alcohol on the premises only, and the premises for the purpose of this license was, and still remains, the indoor café only between the hours of 8am-9.45pm'. see site plan highlighting both the licensed and the unlicensed areas.

Currently the café closes the same time as the Neptune store i.e. approximately, 6pm Mon – Saturday , 4pm on Sunday. If this variation were granted the Provenist could allow customers to sip their alcohol in the outdoor areas where voices travel more readily thereby greatly increasing the noise disturbance for local residents along Beehive Yard. On a personal level, my apartment windows are on the first floor immediately overlooking the front the store so if people are sitting outside, trust me, I can hear every word. Within the current license, the Provenist would also be at liberty to extend their opening hours as late as 9.45pm, thus serving well into the evening/night when the volume of voices would severely impinge upon those living in the vicinity. All the more so in good weather when residents' windows immediately

overlooking the area will be open. Horror! Then there is the added dread of people smoking cigarettes as they relax with their drinks.

The current manager of the Provenist has recently acknowledged that in 2019 alcohol had been served in the garden in direct contravention of their current license limitation. They claim that residents had not objected at that time. This is not surprising as only 1 out of the 6 flats was occupied until late summer/autumn and as the café had only opened in the May, there would have been relatively few customers. A very different scenario.

This application is totally at odds and a breach of the landlord's covenant in our Lease which promises 'that the tenant shall have quiet enjoyment of the property without any interruption by the Landlord'. Schedule 6 1.1. p32. This variation request is clearly a violation of that trust.

Jennifer Sleep. 10/06/2020

From: Valerie Lockley
Sent: 11 June 2020 10:30
To: Licensing <Licensing@BATHNES.GOV.UK>
Subject: The Provenist Cafe 20/00881/LAPRE

INTERESTED PARTY REPRESENTATION

I object to the following application: Application number: 20/00881/LAPRE

Applicant's name: Provenist Ltd.

Premises: The Provenist, The Tramshed, Beehive Yard, BATH BA1 5BB

Application for variation of a premises license

Objector's name: Mrs Valerie Lockley

Objector's address: The Tramshed, Beehive Yard, BATH BA1 5BB

Objection details: My representation is relevant to the licensing objectives of

1) Prevention of public nuisance and 2) Public safety

I have no objection to the sale of alcohol off-premises providing it is restricted to home delivery only. I do wish to object in the strongest possible terms to that part of the application relating to consumption of alcohol in the external seating area of the premises.

Public nuisance. My only home is an apartment above the Neptune store and my reasons for moving here were easy access and level living for my disabled husband. At the time of exchanging contracts to purchase in October 2018 we had absolutely no idea that Neptune intended opening a cafe, The Provenist within their

store or that it would be licensed to serve alcohol between 8am - 9.45pm otherwise we would never have bought. My husband died suddenly in January 2019 and four weeks later I had to complete and move house. Our lease includes a Covenant from Neptune Ltd promising "...the Tenant shall have quiet enjoyment of the Property without any interruption by the Landlord or any person claiming under the Landlord..."

Though small, in time The Provenist proved fairly popular and last year, in warm weather, some customers took food and drink out onto the terrace where display tables and chairs were available. This proved noisy and did cause me a nuisance. Upto August I was the sole occupant of the Neptune apartments and I was already at odds with Neptune over promises not being fulfilled. I was also devastated by the loss of my husband and had no energy or appetite for further conflict at that time and as such I left the nuisance unreported. However it did not mean that I accepted the situation. The prospect now of any variation permitting alcohol to be consumed outside on the terrace from 8am to 9.45pm and the inevitable increase in noise and temptation for customers to linger is unacceptable to me and will I believe break the Covenant in our leases and constitute a public nuisance.

Additionally, given the awful problem of seagulls here in the City centre close to the river, I am concerned that food, including finger food served with alcohol, would encourage seagulls and other vermin into our residential space, thereby exacerbating a public nuisance.

Public safety. Our residents' entrance is adjacent to the Provenist cafe entrance and we have a right of unobstructed access across the terrace to come and go from our apartments. At it's narrowest stretch, not including planted beds, the terrace is 3.6m deep and I am concerned that Neptune guests consuming alcohol, sitting among chairs, sofas and tables will make access unsafe.

Neptune's display of their range of garden furniture means that the way out is not an entirely direct walk. We residents also have to take our refuse and recycling out via the terrace and I personally like to do this in daylight hours. The terrace is an area of access for both residents and their visitors and Neptune/Provenist customers and is not in any way a safe space for additional Provenist entertaining. Undoubtedly customers, we know not how many, consuming alcohol on the terrace, could cause problems or accidents to residents and their visitors and in particular to those who are disabled.

During the purchasing process here, before exchange of contracts, Neptune had promised that the car park level entrance to lift-only access would be fully functional before my husband and I moved in. Now I am told that the entrance will be available from Summer 2021. This entrance is essential for anyone disabled but is no substitute for our main entrance which I use daily. Neptune has already shown scant regard for the disabled.

So far without complaint we have coped with children's buggies and scooters parked outside of our communal entrance door because there's insufficient space in the small cafe. If Provenist Ltd wants to increase customer numbers and revenue they have the option of applying to increase the cafe's internal size. The proposal to turn

current access to our homes for ourselves and our visitors, some of whom are disabled and/or elderly, into a noisy, alien obstacle course shows a cavalier and disrespectful attitude to the residents and is unfair and unsafe.

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 and dated: V I Lockley 11/6/20

I wish to attend the hearing.

From: Tasmin Patel

Sent: 15 June 2020 20:21

To: Terrill Wolyn

Subject: Provenist café 20/00881/LAPRE - REPRESENTATION

I object to the following application : **Application number: 20/00881/LAPRE**

Applicant's name: Provenist Ltd.

Premises: The Provenist, The Tramshed, Beehive Yard, BATH BA1 5BB

Application for variation of a premises license

Objector's name: Miss Tasmin Patel

Objector's address: The Tramshed, Beehive Yard, BATH BA1 5BB

Objection details: My representation is relevant to the licensing objectives of 1) Prevention of public nuisance and 2) Public safety

Prevention of Public nuisance: As per the site plan highlighting licensed and unlicensed areas for the consumption of alcohol (previously cited by another resident) there is a clear breach of the landlord's covenant in our Lease which promises 'the tenant shall have quiet enjoyment of the property without any interruption by the landlord or any person claiming under the landlord' (Schedule 6 1.1.p32).

1. **Public Safety:** Access to our homes is currently achieved by a front door adjacent to the Provenist Café. It is an area that requires 24/7 access just like all homes in order to enter/leave the property/take out rubbish/receive deliveries. Should the forecourt have additional furniture/customers sitting directly outside and obstructing this entrance, there is an inevitable knock-on effect to the detriment of residents trying to access their homes (particularly those requiring disabled access). Furthermore, with increasing activity outside the entrance to the Tramshed, it compromises the security of our current electronic access system.

Signed and dated: Tasmin Patel 15/6/20

From: Mr & Mrs G Belli
Sent: 16 June 2020 15:37
To: Terrill Wolyn <Terrill_Wolyn@BATHNES.GOV.UK>
Subject: RE: Provenist Bath - 20/00881/LAPRE

Flat
Walcot St
BATH
BA1 5BN
Tel:

RE: Application to vary existing premises licence 20/00881/LAPRE

Dear Sirs,

We would like to put on record our objection to the above application.

We live directly opposite the premises object of the above application. We understand that this application is for a licence to sell alcohol OFF the premises and allow drinking in the outdoor area until late evening.

Our flat is situated opposite these premises, on the other side of the road. Our bedroom windows look directly onto the proposed outside seating area.

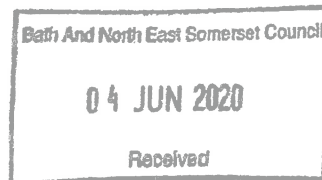
Another establishment with outdoor drinking in this area will add to the noise pollution and public nuisance and further disrupt the quiet enjoyment of our property.

We fully support local businesses and appreciate the Council's wish to promote and sustain the local economy but not to the detriment of local residents. There are many people living on and around Walcot Street and we hope that the Council find a balance between business needs and those of its residents.

We would ask the Council to reject this application.

Yours faithfully,
Mr and Mrs G. Belli

ANNEX D



The Tramshed
Beehive Yard
Bath BA1 5BB

3rd June 2020

Ref no: Licence NO: 20/00881

Dear Sir/Madam.

As a resident of the Tramshed, I strongly object to the application to allow the consumption of alcohol on the patio area of:

Neptune. One Tram Yard Bath BA1 5BB

Historically when the Neptune premises were indeed a bar and restaurant, this posed no threat of noise or public nuisance to any persons as all the other areas of the said building were office spaces and not residential.

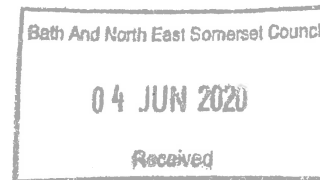
I believe this application is a public nuisance in that it would hamper residents accessing their property, plus the noise of customers eating and drinking directly below their apartments is unacceptable.

I believe the permission for the variation of licence should be robustly refused.

Yours faithfully

SALLY LAW

The Tramshed
Beehive Yard
Walcot Street
Bath, BA1 5BB



Dear Sir/Madam

With reference to the Application for the Variation of a Premises Licence No. 20/00881, applying for a licence to sell alcohol at Neptune, One Tram Yard, Beehive Yard, Bath, BA1 5BD.

This Application for the consumption of alcohol in the front of Neptune should be refused for the following reasons.

1. The flats above Neptune were highly priced and at the time of the sale there was no mention of the area being used for the consumption of food and drink, which would undoubtedly have had a significant effect on potential buyers and the price.
2. The entrance to the flats is next to the Provenist Café and the residents would have to weave their way through tables, people and serving staff which is not very pleasant.
3. Another problem of the close proximity of the residents entrance to the café is when residents want to take their rubbish to the recycling bins, they will have to pass people and tables which would be most embarrassing.

It should be noted that when the Tramshed bar was operating there were only offices above and their entrance was where the Provenist café is now.

I feel strongly that this application is a public nuisance, will affect the residents right of way and should be refused.

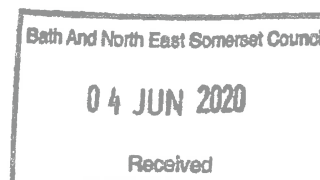
Yours faithfully

Ms. G Small

The Tramshed
Beehive Yard
Walcot Street
Bath BA1 5BB

2 June 2020

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



Dear Sir/Madam

This representation refers to the Variation of Licence No 20/00881 applying for the sale of alcohol for consumption off premises from Neptune, One Tram Yard, Beehive Yard, Bath BA1 5BD.

As residents of the Tramshed we strongly object to the application for consumption of alcohol in the front of Neptune in Beehive Yard for the following reasons:

1. The flats above Neptune were sold at a high price but at the time of selling the purchasers were given no warning that the space outside the store would be used for no other purpose than a display area for Neptune's garden furniture. If known that this area was to be used for outdoor eating and drinking it would undoubtedly have had a significant effect on potential buyers and the price.

2. The entrance to the flats is at right angles and adjacent to the entrance to the Provenist Cafe. If the area is opened up for the consumption of food and alcohol the residents will have to run a gauntlet of tables to gain access to their property. This problem would be exacerbated close to the respective entrances, in particular in the case of a reception or if customers are kept waiting for a table. It would be embarrassing if for instance the residents wish to take their rubbish to the outside recycling bins and they could be subjected to comment or perhaps even abuse from those dining.

We believe this application is a public nuisance in that it would severely affect the right of way of the residents accessing their property and the application should be refused.

Yours faithfully

Mr and Mrs P Dalrymple-Smith

LICENSING ACT

INTERESTED PARTY REPRESENTATION
ref: 20/00881/LAPRE

Applicant's name: Neptune/ Provenist Ltd

Premises name and address:

The Provenist café, The Tramshed, Beehive Yard, Bath BA1 5BB

Application for a:

Variation of Premises Licence

Objector details: David & Jeanette Carr The Tramshed, Beehive Yard, BA15BB

Relevant objection details:

Prevention of public nuisance

Public safety

Public Safety

This application seeks to allow off-licence sales of alcohol for consumption on a forecourt which forms the entrance to a large furniture store and six new apartments, including our own.

When we bought the apartment last year this entrance area was only used to display garden furniture from the applicant's store. In order to reach the communal entrance of our flat we had to negotiate the full 20m length of the forecourt, around the garden furniture which was quite awkward when carrying luggage or shopping - especially for myself since I am registered blind.

Most of the length of the forecourt is restricted in width to between 3.6m and 4.0m and the larger items of furniture, including a larger table with 8 chairs left very little room to pass.

The attached photographs show the narrow forecourt, with the garden furniture and planting in place, which we have to negotiate as the only street-level entrance to our apartment.

Later last summer, the applicant started serving food and drink, including alcohol, from their adjacent café to people seated at their garden furniture. This made access to our entrance much more difficult since the café clients spread themselves and their possessions out, often including child buggies, dogs etc, occupying far more space than the unoccupied furniture. At times, when carrying shopping or wheeling luggage - we had to ask restaurant diners to move their chairs so that we could pass through to our entrance.

We believe this entrance forecourt has no current planning permission for food or drink service and no licence for the service of alcohol. The applicant apparently wishes to circumvent this by selling food and drink, including alcohol from the adjacent café - to be consumed on the forecourt. In this application the applicant describes our entrance forecourt as "the external seating area of the premises" but this is simply untrue. It is true that, years ago, the whole commercial premises were a bar & restaurant - but the applicant gave up this use when they applied for change of use from restaurant to retail in order to redevelop the building into the

furniture store & residential flats. They also reduced the area available by landscaping the forecourt to provide an attractive but narrow entrance to the store and our flats - but one which is totally unsuitable for use as an outdoor restaurant.

In short we do not believe we have a safe access-way to our home - either for ourselves or visitors and the available space certainly does not meet minimum disability access requirement of 2m unobstructed width. Our fear is that, when café uses are allowed to consume alcohol on the forecourt, they will inevitably become more relaxed and careless and the chances of an accident as we have to push our way through this narrow congested space will be greatly increased.

Prevention of Public Nuisance

We have a particular problem on the second floor of this development which we are currently raising with the developers - who are also the applicants in this case.

Due to the unusual design of the old tramshed, with its large glazing areas, the building gets extremely hot in summer weather. When it was used as offices it was extensively air conditioned - but the developers appear to have removed this facility without thought for the consequences. As a result, temperatures rapidly rise to unbearable levels in the second floor flats - requiring the windows to be permanently wide open in summer - to maintain temperatures of less than 30degC.

This means that, at the time of year when outside café service is in progress - the noise rises directly through out open windows.

The availability of alcohol on the forecourt will naturally result in higher noise levels - which we have no way of excluding.

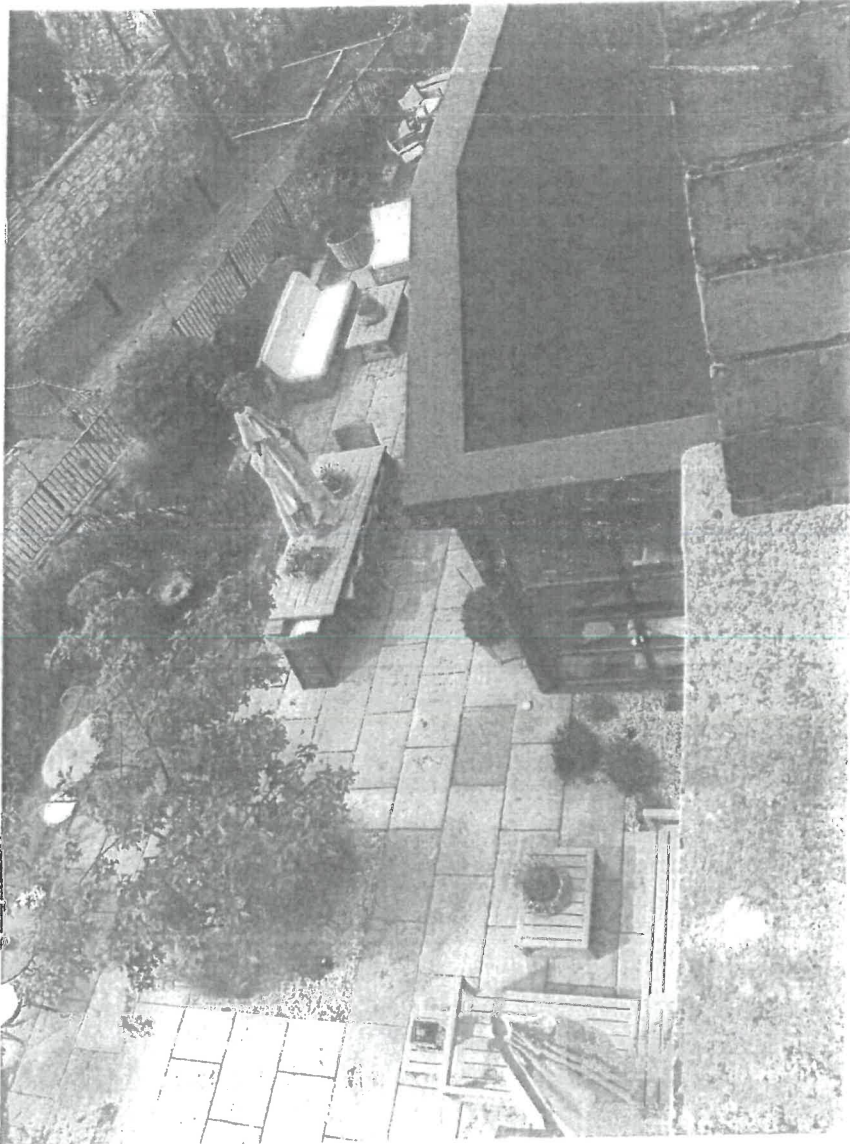


Photo 1. Southern end of entrance forecourt



Photo 2. Entrance gate

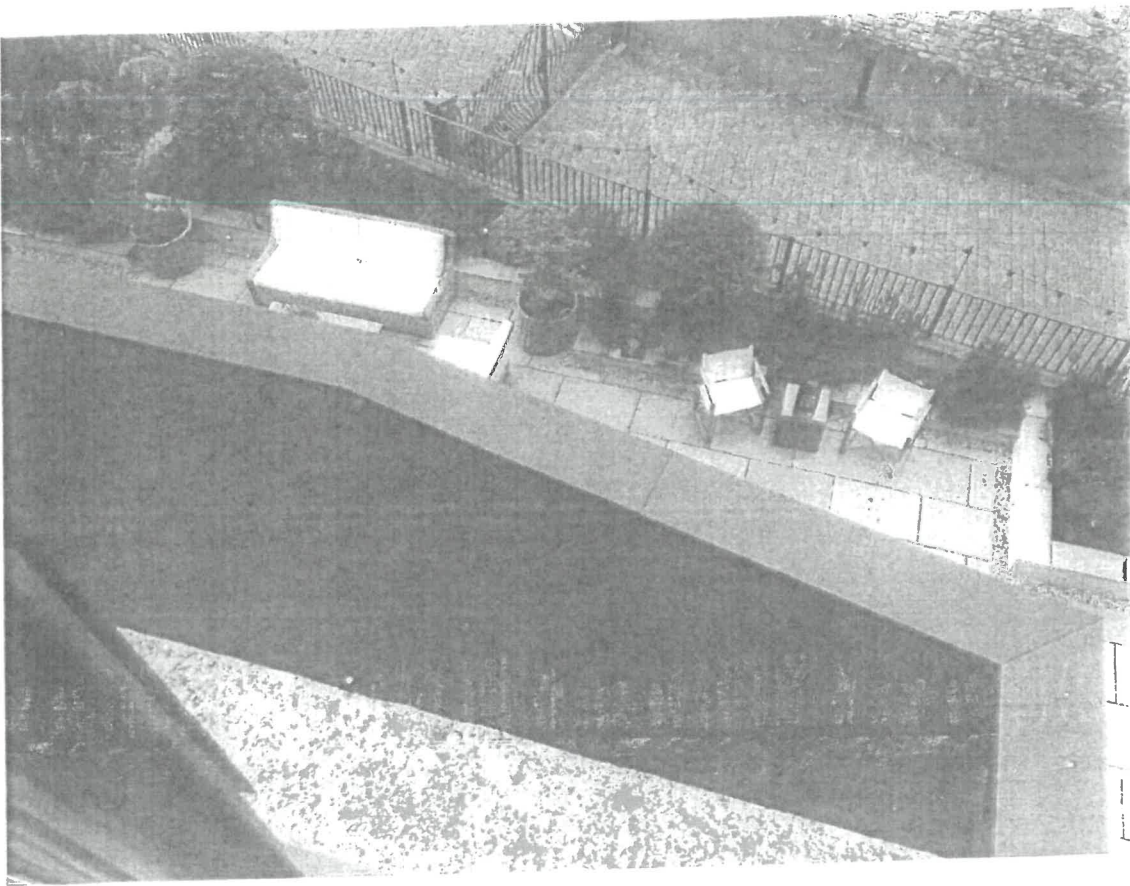


Photo 3. Central narrow section of forecourt

Dimensioned plan of forecourt

