

# Bath & North East Somerset Council

MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 10 December 2020	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	15 New Bond Street, Bath BA1 1BA	
WARD:	Kingsmead	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
<b>Annex A</b> Application for a new premises licence		
<b>Annex B</b> Original floor plans submitted with application		
<b>Annex C</b> Representation received from Avon Fire & Rescue Service		
<b>Annex D</b> Revised floor plans and site plan provided by the applicant		
<b>Annex E</b> Additional information provided by the applicant		
<b>Annex F</b> Measures agreed between Applicant & Avon Fire & Rescue Service		

## 1 THE ISSUE

1.1 An application has been made under s.17 Licensing Act 2003 by Kettlesmith Brewing Company Limited in respect of a premises licence for 15 New Bond Street, Bath BA1 1BA.

1.2 A relevant representation has 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 for a new Premises Licence (Annex A).

3.2 The application proposes the following licensable activity:

The Sale of Alcohol for consumption on and off the premises

Monday to Saturday 09:00 – 22:30

Sunday 10:00 – 21:30

3.3 The application proposes the following opening times:

Monday to Saturday 09:00 – 23:00

Sunday 10:00 – 22:00

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

- All staff will be trained on issues regarding the Licensing Act 2003 and in the prevention of under-age sales to a level commensurate with their duties. The training will be clearly documented and signed and dated by both the trainer and the member of staff receiving the training. The documentation in the form of training register shall be available for inspection on request by an authorised officer of the licensing authority or police.
- Special attention shall be paid to the prevention of crime and public nuisance by refusing alcohol to people in an inebriated state and/or those exhibiting aggressive behaviour towards others. We will keep a record of individuals denied alcohol at the premises.
- Children will be protected by refusing to sell alcohol to those under 18 years of age and to refuse alcohol to individuals who may be purchasing on their behalf.
- The premises licence holder shall require the Designated Premises Supervisor or in his/her absence other responsible person to keep an incident/refusal logbook in a bound book in which full details of incidents are recorded. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the police or licensing authority when requested.
- All alcohol supplied for consumption off the premises will be sold in sealed containers.
- Alcohol sold inside the café will only be to customers who are seated.
- Apart from any counter-top display, all stocks of alcohol will be stored in a safe storage area which will be inaccessible to the public.
- We will liaise with the Police and share information about any suspect or problem behaviour.
- We understand the hours may need to be restricted to meet further guidance and legislation and the Government in respect of the Covid-19 pandemic. This is our utmost priority for customers and staff. Strict social distancing will be enforced and staff and customers alike will need to wear protective face coverings.

We will further protect the public by:

- Ensuring adequate lighting in all areas of the store;
- Adhering to all health and safety regulation and inspections and documenting these in a logbook;
- Maintaining the fabric of the shop and ensuring the sound working order of all equipment, especially that which is electrical
- Supervising and guiding visitors to the shop and café all times.
- We will refuse to sell alcohol to people who are displaying signs of inebriation or who are aggressive in any way towards customers and staff.
- Signage will be displayed at the exit asking our customers to leave quietly and to respect our neighbours.
- There will be adequate provision of receptacles for all rubbish generated by events and dispose of this immediately to prevent litter.
- We will work and co-operate with local authorities, police and other shop holders in the vicinity to reduce and prevent public nuisance.
- A Challenge 25 proof of age scheme shall be adopted, implemented and advertised at the premises. An accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age.
- Publicity materials notifying customers of the operation of Challenge 25 scheme shall be displayed at the premises including a Challenge 25 sign of at least A4 size at the entrance to the premises and where practicable at each point of sale.

3.5 The original floor plans and site plan submitted with the application are attached at Annex B.

3.6 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:

the prevention of crime and disorder;

public safety;

the prevention of public nuisance; and

the protection of children from harm

3.7 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.

3.8 The Licensing Authority may grant the application with or without additional conditions.

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

Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2020 policy;

Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised April 2018;

Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act

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

3.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

3.12 In accordance with the requirements of the Act, copies of the application were forwarded to the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, Health Authority and the Safeguarding Children and Young Persons Team.

3.13 The applicant was required to place a notice at the premises for a period of 28 consecutive days starting the day after the application was made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.

3.14 A representation of objection was received within the statutory period from Fire Safety Officer John Brown on behalf of Avon Fire & Rescue Service (Annex C). It relates to the Public Safety licensing objective.

3.15 In response to the representation the applicant submitted revised floor plans and site plan as detailed in Annex D of the report.

3.16 Additional information in respect of the proposed use of the premises was also provided by the applicant in response to the representation, to further the Public Safety licensing objective (Annex E).

3.17 In consideration of the additional information, measures were subsequently offered by the Applicant, **and agreed by Avon Fire & Rescue Service** to mitigate their original concerns. This agreement is attached at Annex F and makes the following proposals:

1. That the revised plan replaces the original plan submitted;
2. That the following additional conditions are added to the premises licence:
  - There will be no public access to the first, second or third floors
  - There will be no sale of alcohol for consumption on the premises

- There shall be no café within the premises
3. That all reference made to a café within the application be removed, by removing the following measures offered within the operating schedule of the application:
- Alcohol sold inside the café will be only to customers who are seated; and
  - Supervising and guiding visitors to the shop and café, at all times.

3.18 As a relevant representation has been received, the Licensing Sub Committee must determine the application in accordance with the Licensing Act 2003.

#### **4 STATUTORY CONSIDERATIONS**

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 Sub Committee have 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 cost of processing licences is covered by the fees charged. The fee for this application is £315.00.

#### **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 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 it would have no involvement.

<b>Contact person</b>	Terrill Wolyn, Senior Public Protection Officer (Licensing) 01225 396939
<b>Background papers</b>	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy
<b>Please contact the report author if you need to access this report in an alternative format</b>	



## Application for a premises licence to be granted 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 Kettlesmith Brewing Company Limited

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
<b>15 New Bond Street</b>			
<b>Post town</b>	<b>Bath</b>	<b>Postcode</b>	<b>BA1 1BA</b>
Telephone number at premises (if any)		<b>None at present – empty unit</b>	
Non-domestic rateable value of premises		<b>£ 80,000</b>	

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |  |                             |
|--|-----------------------------|
| a) an individual or individuals *                    | please complete section (A) |
| b) a person other than an individual *               |                             |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability)   | please complete section (B) |
| iii as an unincorporated association or              | please complete section (B) |
| iv other (for example a statutory corporation)       | please complete section (B) |
| c) a recognised club                                 | please complete section (B) |
| d) a charity   | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b> <b>Kettlesmith Brewing Company Limited</b>
<b>Address</b> <b>26 Palairret Close</b> <b>Bradford-on-Avon</b> <b>Wiltshire</b> <b>BA15 1US</b>
<b>Registered number (where applicable)</b> <b>09573225</b>
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> <b>Manufacturer and retailer of beer</b>

Telephone number (if any)
<b>01225 864 839</b>
E-mail address (optional)
<b>sales@kettlesmithbrewing.com</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			
1	6	1	1	2	0	2	0

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

**A1 retail unit in Bath town centre in a row of similar terraced units.****The premises is comprised of a basement, ground floor, first floor and second floor which are all sales areas.****This application is seeking to license the entire indoor space for the sale of alcohol both to drink in and take away.**

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

**Not applicable**

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

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) **XXX**

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

## A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)	Both	
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
	-----	-----			
Tue					
	-----	-----			
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
	-----	-----			
Thur					
	-----	-----			
Fri			<b>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</b> (please read guidance note 6)		
	-----	-----			
Sat					
	-----	-----			
Sun					
	-----	-----			

## C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><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></b> (please read guidance note 6)
Fri			
Sat			
Sun			



## D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

## E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun				<b>From normal opening time on New Year's Eve to normal opening time on New Year's Day.</b>	

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	Both
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><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></b> (please read guidance note 6)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					



## J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises		
Day	Start	Finish		Off the premises		
Mon	09:00	22:30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)  None	Both	X	
Tue	09:00	22:30				
Wed	09:00	22:30				
Thur	09:00	22:30		<u>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</u> (please read guidance note 6)  From normal opening time on New Year's Eve to normal opening time on New Year's Day.		
Fri	09:00	22:30				
Sat	09:00	22:30				
Sun	10:00	21:30				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Antony Field
Date of birth	27/10/1972
Address	
26 Palairret Close Bradford-on-Avon Wiltshire	
Postcode	BA15 1US
Personal licence number (if known) LN/0010461	

Issuing licensing authority (if known)  
Wiltshire Council

**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 9).

None

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00 0	23:00 0	
Tue	09:00 0	23:00 0	
Wed	09:00 0	23:00 0	
Thur	09:00 0	23:00 0	
Fri	09:00 0	23:00 0	
			<p><b><u>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</u></b> (please read guidance note 6)</p> <p>From normal opening time on New Year's Eve to normal opening time on New Year's Day.</p>

Sat	09:00	23:00	
Sun	10:00	22:00	

## M

Describe the steps you intend to take to promote the four licensing objectives:

### a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

All staff will be trained on issues regarding the Licensing Act 2003 and in the prevention of underage sales to a level commensurate with their duties. The training will be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation in the form of training register shall be available for inspection on request by an authorised officer of the licensing authority or police

Special attention will be paid to the prevention of crime and public nuisance by refusing alcohol to people in an inebriated state and/or those exhibiting aggressive behaviour towards others. We will keep a record of individuals denied alcohol at the premises.

Children shall be protected by refusing to sell alcohol to those under 18 years of age and to refuse the sale of alcohol to individuals who may be purchasing on their behalf.

### b) The prevention of crime and disorder

The Premises Licence Holder shall require the Designated Premises Supervisor or in his/her absence other responsible person to keep an incident/refusal logbook in a bound book in which full details of incidents are recorded. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the police or licensing authority when requested.

All alcohol supplied for consumption off the premises will be sold in sealed containers. Alcohol sold inside the café will only be to customers who are seated.

Apart from any counter-top display, all stocks of alcohol will be stored in a safe storage area which will be inaccessible to the public.

We will liaise with the local police and share information about any suspect or problem behaviour.

### c) Public safety

We understand the hours may need to be restricted to meet further guidance and legislation and the government in respect of the Covid-19 pandemic. This is our utmost priority for customers and staff. Strict social distancing guidelines will be enforced and staff and customers alike will need to wear protective face coverings.

We will further protect the public by:

- Ensuring adequate lighting in all areas of the stall
- Adhering to all health and safety regulation and inspections and documenting these in a log book
- Maintaining the fabric of the shop and ensuring the sound working order of all equipment, especially that which is electrical
- Supervising and guiding visitors to the shop and café all times

#### **d) The prevention of public nuisance**

We will refuse to sell alcohol to people who are displaying signs of inebriation or who are aggressive in any way towards customers and staff.

Signage will be displayed at the exit asking our customers to leave the premises quietly and to respect our neighbours.

There will be adequate provision of receptacles for all rubbish generated by events and dispose of this immediately to prevent litter.

We will work and cooperate with local authorities, the police and other shopholders in the vicinity to reduce and prevent public nuisance.

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

A Challenge 25 proof of age scheme shall be adopted, implemented and advertised at the premises. An accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age.

Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo card driving licence and passport.

Publicity materials notifying customers of the operation of Challenge 25 scheme shall be displayed at the premises including a Challenge 25 sign of at least A4 size at the entrance to the premises and where practicable at each point of sale.

#### **Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.

- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	EJ Metz
Date	20 October 2020

Capacity	Sales Director
----------	----------------

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

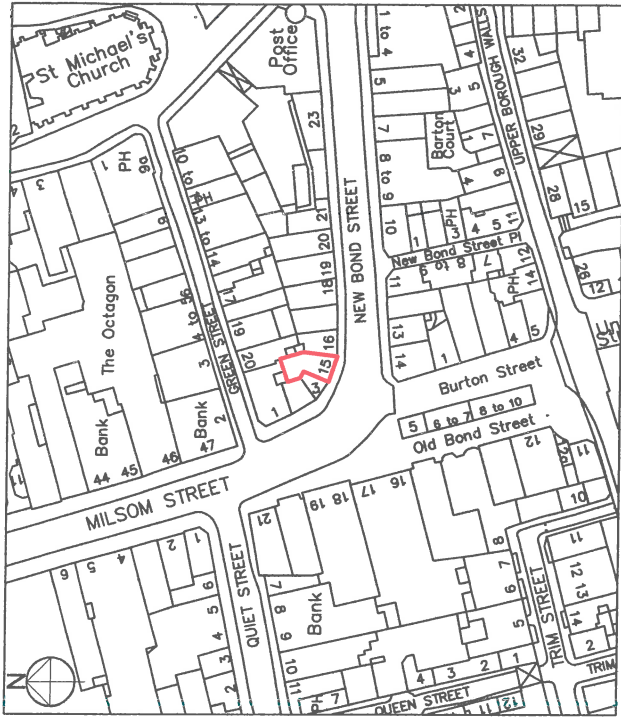
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

**Evan J Metz  
Unit 16  
Treenwood Industrial Estate**

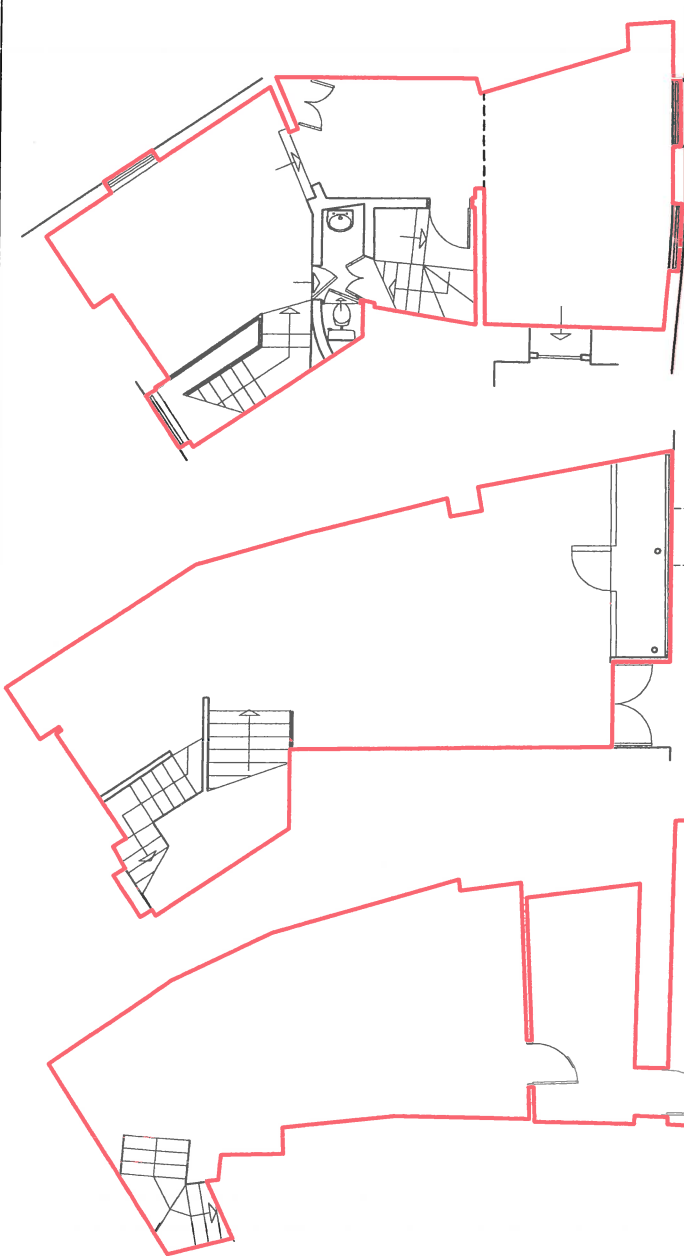
Post town	<b>Bradford-on-Avon</b>	Postcode	<b>BA15 2AU</b>
Telephone number (if any)	<b>07500 908 651</b>		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <b>sales@kettlesmithbrewing.com</b>			



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Location Plan  
Scale 1:1250



FIRST FLOOR

GROUND FLOOR

THIRD FLOOR

SECOND FLOOR

BASEMENT

PSR No	PROPERTY 15 NEW BOND STREET BATH BA1 1BA	<p><b>Bath &amp; North East Somerset Council</b></p> <p>Property and Project Delivery Lewis House Manners Street Bath BA1 1JG</p>	Site No
Drawn KT/TC	DRAWING TITLE LEASE PLAN	<p><b>Bath &amp; North East Somerset Council</b></p> <p>© ALL RIGHTS RESERVED BATH AND NORTH EAST SOMERSET COUNCIL COPYRIGHT</p>	Date August 2017
Scale 1:100 @ A3			Rev
Drawing No			6573/VL/03

### Representation Form

**Responsible Authority.** (Please delete as applicable.)

Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures / Planning Authority / Marine Agency.

Your Name	John Brown
Job Title	Technical Fire Safety Officer
Postal and email address	Fire Safety, Bath Fire Station, Cleveland Bridge, Bath BA2 6PU  John.brown@avonfire.gov.uk
Contact telephone number	0117 9262061 EXT 461

Name of the premises you are making a representation about.	Kettlesmith Brewing Company Limited
Address of the premises you are making a representation about.	15 New Bond Street Bath BA1 1BA

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.
To prevent crime and disorder		
Public safety		Insufficient details on plans to assess Part M under Public Safety.
To prevent public nuisance		
The prevention of harm to children		

<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>Provide sufficient details via plans as to internal layout of shop and the use of each floor.</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:**

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](mailto:licensing@bathnes.gov.uk)

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



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**From:** John Brown  
**Sent:** 04 November 2020 07:44  
**To:** Terrill Wolyn; 'Kettlesmith Brewery'  
**Subject:** RE: Kettlesmith Brewery 15 New Bond St - advice following receipt of representation

Good morning all.

Following my telephone conversation with Evan, yesterday it was explained to him the requirements of the Regulatory Reform (Fire Safety) Order 2005 and his duties under it. I have also explained to Evan that the purpose of the representation was that I could not make a decision around the area of public safety as per the requirements of the Licensing Act 2003 due to the lack of detail provided within the submitted plan.

I have asked Evan to submit plans that show:

- 1/ Internal layout on each floor.
- 2/ Activities on each floor.
- 3/ Escape routes.
- 4/ Any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
- 5/ The location and type of any fire safety and any other safety equipment.
- 6/ The location of any kitchen on the premises.

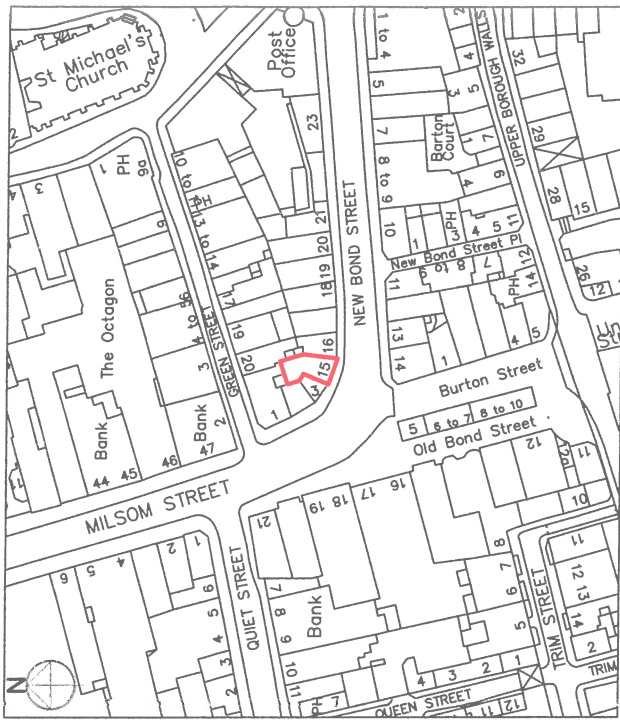
Any issues under the RR(FS)O 2005 will be dealt with on the day of opening as this legislation only comes into effect once the premises is in use and relevant persons are on site.

I hope the advice above is helpful and await receipt of the revised plans.

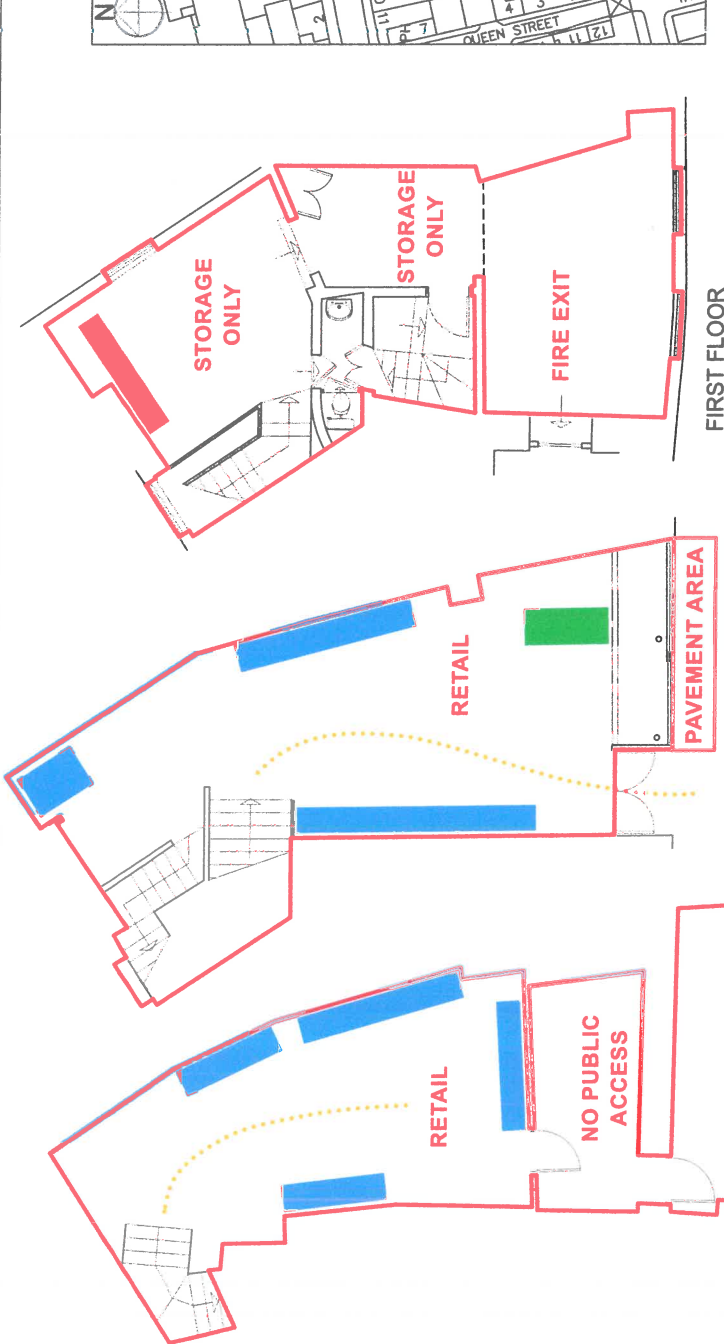
Kind regards

John

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Location Plan  
Scale 1:1250



FIRST FLOOR

GROUND FLOOR

THIRD FLOOR

SECOND FLOOR

**BASEMENT**

- STORAGE SHELVES
- DISPLAY SHELVES
- CHECKOUT COUNTER
- ESCAPE ROUTES

	PSR No	Site No	
<b>Bath &amp; North East Somerset Council</b> Property and Project Delivery Lewis House Minerva Street Bath BA1 1JG	Drawn	KT/TC	Date August 2017
	Scale 1:100 @ A3		Rev
DRAWING TITLE LEASE PLAN		Drawing No <b>6573/VL/03</b>	
NOTE This drawing has been reproduced from an existing Source Drawing sheet.			
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PROPERTY  
15 NEW BOND STREET  
BATH  
BA1 1BA  
DRAWING TITLE  
LEASE PLAN

**From:** Kettlesmith Brewery <sales@kettlesmithbrewing.com>  
**Sent:** 05 November 2020 14:36  
**To:** John Brown <john.brown@avonfire.gov.uk>  
**Cc:** Terrill Wolyn <Terrill\_Wolyn@BATHNES.GOV.UK>  
**Subject:** RE: Kettlesmith Brewery 15 New Bond St - advice following receipt of representation

Hi John,

Please find attached answers to the issues you raised in our telephone conversation.

I have tried to explain more clearly how we will use the space and have also prepared a more detailed plan of the internal layout of the pop up shop.

Please let me know if this information answers your queries or whether you require more details.

All the best,

Evan Metz  
Sales Director  
Kettlesmith Brewing Co  
01225 864 839  
07500 908 651



## 15 New Bond Street

### Further information on safety measures

#### Internal layout on each floor

Attached is a full plan showing the areas which we are seeking to license. It is important to note that we are only allowing public access on the Ground and Basement Floors. The Upper Floors are accessed via a narrow stairway and we think that it is best from a public safety standpoint not to allow the public in these areas.

You will note that the plan does show a Storage Area on the First floor. Stock for the shop will be held in and retrieved from this area. There is a fire safety door on the First floor which leads to the next door property. Staff will exit the First Floor via this route in an emergency rather than using the stairs. They will have to travel a maximum of 12.5 meters to exit the property on the First Floor from the furthest point.

Our plan shows the proposed layout of the internal space for each floor. Again we intend to use only the Ground Floor and Basement. Display shelving (blue bars) will be against the perimeter walls on these floors, leaving a wide reservation in the middle for the public to circulate. There is a central pay point which is a sales counter (green bar).

We plan to regulate the number of people to no more than 15 at any one time. This will allow for the safe flow of people into and from the shop and also provide adequate space for social distancing measures under the new Covid guidelines.

Access and exit from the shop are through the main double doors at the front of the building on the Ground Floor. Dotted lines on the map show how the public will exit the building. We have done measurements to assess the required travel distance to leave the shop. Exiting from the furthest public access point on the Ground Floor is 11.6 meters while the furthest travel distance from the Basement level is 16.3 meters.

The First floor is for storage only with the area at the front of the property being kept open as there is a Fire Safety door here. Goods will be stored against the walls on racking (pink bar) so that a central area is left free to move about.

The Second and Third Floors will not be used for the pop up shop and there will be no public access to the upper floors.

#### Activities on each floor

The Ground Floor and Basement will be used for the display and sale of goods.

Part of the first floor is to be used as a storage area. This is the area immediately at the top of the stairs. There is also a toilet on this level which will be used by staff.

The Upper Floors (Second and Third) will not be used at all during the period of the lease and will have no public access.

### **Escape routes**

Exit from the Ground and Basement floors is via the main double door at the front of the building. The doors let out immediately onto the main pedestrian pavement.

Escape on the first floor is via the Fire Safety door which leads into the next door commercial property next door (3 New Bond Street).

There are similar fire safety exits on the Second and Third floors which lead into the next door property, although these floors are not going to be used.

### **Steps, lifts and elevators**

There are two stair cases in the building. A central staircase towards the rear of the building which leads to all upper floors. It is 0.8m wide.

There is a second, wider staircase that leads to the basement area. This is 1.8m wide and has a handrail to aide people with mobility issues.

This is a period property and so there are no elevators or escalators in the premises.

Any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts

### **Fire safety equipment**

There is a fire alarm system in the property which has been recently inspected in March 2019.

Other fire equipment includes ceiling smoke detectors on all floors, fire safety doors on the stairs on floors two and three.

In addition, there is a fire safety door and a fire exit on the first floor which leads to the next door commercial property (3 New Bond Street).

We will also provide two fire extinguishers – one on the Ground floor and the second in the basement.

### **Kitchen facilities**

There are no cooking facilities on site. We will not be using any equipment that requires bottled gas or electricity.

### **Possible hazards: Lighting and heating**

Please note that, in terms of electrical equipment, we will only have decorative fairy lights. The Council has recently had the property inspected by an electrician and has carried out some remedial works on the spot lights.

There are no other possible hazards relating to our operation. Heating of the property is done by gas boiler and this has also been inspected prior to tenancy.

**AGREEMENT REACHED BETWEEN APPLICANT & AVON FIRE & RESCUE SERVICE**

**From:** John Brown <john.brown@avonfire.gov.uk>  
**Sent:** 25 November 2020 07:37  
**To:** Terrill Wolyn <Terrill\_Wolyn@BATHNES.GOV.UK>  
**Cc:** Kettlesmith Brewery <sales@kettlesmithbrewing.com>  
**Subject:** RE: 15 New Bond Street - alcohol premises license

Dear Terrill.

Please see the email below received from Evan this morning.

For yours and the Sub-Committees information AFRS are now satisfied the measures proposed along with the revised plan meet the Public Safety objective. Subsequently AFRS would be happy for the application to be granted subject to the additional measures, the removal of any reference to the Café and the revised plans provided.

May I thank you for your assistance in this matter.

Yours sincerely.

John

John Brown *MIFireE*  
Technical Fire Safety Officer, Technical Fire Safety Bath  
Avon Fire & Rescue Service  
Telephone: 0117 926 2061 Extension: 464

**From:** Kettlesmith Brewery [<mailto:sales@kettlesmithbrewing.com>]  
**Sent:** 25 November 2020 6:56 AM  
**To:** John Brown  
**Cc:** Terrill Wolyn  
**Subject:** 15 New Bond Street - alcohol premises license

Dear John,

Thank you for your advice on our application for an alcohol premises license for 15 New Bond Street.

I have taken onboard your concerns in respect of our application and so have amended the plan accordingly – specifying that the pop up shop will operate only on the ground and basement floors.

I agree, moreover, to the following measures being added to the premises license to mitigate your concerns:

1. There will be no public access to the first, second or third floors
2. There will be no sale of alcohol for consumption on the premises
3. There shall be no café within the premises

In light of these additional measures, I propose that we remove the following items from section M of the application, specifically:

- o "Alcohol sold inside the café will be only to customers who are seated"
- o "Supervising and guiding visitors to the shop and café at all times"

As agreed with Avon Fire & Rescue Service, there will not be a café at the premises so the above changes will make this point clearer.

I hope that you find these changes satisfactory and look forward to your reply.

Yours sincerely,

Evan Metz  
Sales Director  
Kettlesmith Brewing Co  
01225 864 839  
07500 908 651

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