

## Bath & North East Somerset Council

MEETING	Licensing Sub-Committee	
MEETING DATE:	Tuesday 22 December 2020	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	The Bird Bath, 18-19 Pulteney Road, Bathwick, Bath BA2 4EZ	
WARD:	Bathwick	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> <b>Annex A</b> Application for Review <b>Annex B</b> Premises licence that had effect when application received <b>Annex C</b> Plans that form Annex 4 of Premises Licence <b>Annex D</b> Site Plan <b>Annex E</b> Current premises licence (following a Variation of DPS Application) <b>Annex F</b> Additional Information submitted by the Applicants for Review		

### 1 THE ISSUE

1.1 An application for the Review of a Premises Licence under s.51 of the Licensing Act 2003 has been received from Mr Dyer and Reverend Cocking in respect of The Bird Bath 18-19 Pulteney Road, Bathwick, Bath BA2 4EZ.

### 2 RECOMMENDATION

2.1 That the Licensing Sub-Committee determines the application for the review of the premises licence.

### 3 THE REPORT

3.1 An application has been received for the review of a premises licence (Annex A).

3.2 The application relates to the following licensing objective:

- The Prevention of Public Nuisance

- 3.3 The alleged grounds for review relate to the playing of dance music from 10am to 12pm in the external areas of the hotel from speakers attached to the front, rear and sides of the premises, which the applicants describe as being “intrusive”; noise emanating from patrons gathering in the cocktail bar, “tent” and seating area which historically was the hotel car park; people noise and music from the elevated jacuzzi that abuts, and is attached, to the boundary wall; light pollution as a result of lights remaining on in the external seating area; noise nuisance caused by such structures as to amplify music, and a photo booth used by patrons, located on or close to the boundary wall, and the general noise nuisance (from a premises that has been marketed as a “Party Venue”) which is caused by persons attending such events who gather in large volumes along the boundary wall to the extent that the applicant feels unsafe and intimidated. Attempts to moderate the issues (extensive engagement with Environmental Protection and repeated requests to the hotel to stop the disturbance) have proved unsuccessful.
- 3.4 In accordance with the requirements of the Act, copies of the application were served upon the Premises Licence Holder, Police, Fire Authority, Environmental Health, Development Control, Trading Standards, Health Authority and the Safeguarding Children & Young Persons’ Team.
- 3.5 Notices were placed outside of the premises and in the public area of the Licensing Office at The One Stop Shop, Lewis House, Manvers Street, Bath BA1 1JG for a period of 28 consecutive days, commencing the day after the application was received by the Licensing Authority.
- 3.6 During this statutory period, no representations were received.
- 3.7 Premises licence 19/00663/LAPRE (which had effect when the application was first submitted to the Licensing Authority) is detailed at Annex B of the report.
- 3.8 The plans attached to the premises licence are detailed in Annex C. The extent of the licenced “on premise” is outlined in red and comprises of the hotel AND the external areas as detailed.
- 3.9 A site plan had been attached at Annex D for reference.
- 3.10 The current premises licence was granted following a recent application to vary the Designated Premises Supervisor and it is attached at Annex E. The licence authorises the following licensable activities:

**The Sale of Alcohol for consumption on and off the premises:**

Thursday to Saturday                      10:00 – 01:00

Sunday to Wednesday                      10:00 – 23:00

With the sale of alcohol to residents and their bona-fide guests being permitted from 00:00 to 24:00 hours every day.

**The Exhibition of Film - indoors only**

Every Day                                      10:00 – 23:00

### **Performance of Live Music - indoors only**

Thursday to Saturday            23:00 – 00:00

### **Performance of Recorded Music - indoors only**

Thursday to Saturday            23:00 – 01:00 the following morning

### **Late Night Refreshment - indoors only**

Thursday to Saturday            23:00 – 01:00 the following morning

3.11     Whilst the current premises licence does not authorise regulated entertainment to take place outdoors, the Government has partially de-regulated Live and Recorded Music when performed or played on premises licensed for the sale of alcohol for consumption on premises, anytime between 08:00 and 23:00 hours on any day, providing audiences sizes do not exceed 500 ( there is no restriction on audience capacity between the times given when music is unamplified). However, on a review of a premises licence, s.177A(3) of the Licensing Act 2003 permits the Authority where applicable, to lift any suspension and give renewed effect to any **existing** condition relating to music, or to **add** a condition in relation to music, as though it were regulated entertainment.

3.12     In addition to the mandatory conditions associated with the Sale of Alcohol and the Exhibition of Film, the licence is subject to the following Annex 2 conditions:

- 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 the Licensing Authority;
- The premises shall maintain an Incident and Refusals Register. This will remain at the premises and be made available to an authorised officer of the police or licensing authority on request;
- All alcohol sold for consumption off the premises will be supplied in sealed containers;
- There shall be no regulated entertainment outdoors;
- The sale of alcohol outdoors shall only be permitted from 10:00 to 23:00 hours;
- The premises will operate a “Challenge 21” policy;
- The DPS will ensure that all staff are trained in implementing “Challenge 21”.

3.13     Additional Information submitted by the Applicants in support of the Review Application has been attached at Annex F.

3.14     The Licensing Authority may, having had regard to the application and any relevant representations, take any of the following steps (if any) it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;

e) Revoke the licence.

3.15 Where the Licensing Authority takes a step mentioned in 3.14 a) or b), it may provide that a modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

3.16 Any determination made by the Licensing Authority does not have effect until the end of the period given for appealing against the decision, or, if the decision is appealed against, until the appeal is disposed of.

3.17 The Licensing Authority will 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, in particular:

Sections 4, 9, 10, 13, 51, 52, 53, 182, and 183 of the Act;

Chapters 1 - 3 & 8 - 11 of the Statutory Guidance as revised April 2018

Paragraphs 3-6 inclusive, 8 – 10 inclusive, 20 & 32 - 42 inclusive of the 2020 Policy.

3.18 An appeal may be made to the Magistrates' Court within 21 days of the notification of the decision by the Council by the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application.

3.19 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.

3.20 The Court may make such order for costs as it sees fit.

#### **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 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**

5.1 The application for the review of the premises licence is free of charge under the Licensing Act 2003. The cost of processing this application will be managed within the approved Licensing Budget which contains an element that covers the cost of non-chargeable licensing reviews.

## 6 RISK MANAGEMENT

6.1 A risk assessment relating to the issue and recommendations has been undertaken in compliance with the Council's decision-making risk management guidance.

## 7 CLIMATE CHANGE

7.1 Steps to mitigate the impact of climate emergency are not relevant in respect of the Review Application.

## 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 & Public Protection have had opportunity to input into 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 & Club Premises Certificates) Regulations 2005 BANES Council's Statement of Licensing Policy
<b>Please contact the report author if you need to access this report in an alternative format</b>	

ANNEX A

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Application for the review of a premises licence or club premises certificate 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 Arthur Dyer

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
18-19 Pulteney road Bath The Bird Bath	
<b>Post town</b> Bath	<b>Post code (if known)</b> BA2 4EZ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Ian Taylor / Mrs Christine Taylor or Mr Chris Hardwick The Bird Bath Kaleidoscope

<b>Number of premises licence or club premises certificate (if known)</b>
unknown

**Part 2 - Applicant details**

I am the freeholder of the property directly adjacent to this premise, as a individual

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr            Mrs            Miss            Ms            Other title  
(for example, Rev)

**Surname**

Dyer

**First names**

Edwin Arthur

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

17 Pulteney road

**Post town**

Bath

**Post Code**

BA2 4EZ

**Daytime contact telephone number**

07760235040

**E-mail address (optional)**

dyer.arthur@gmail.com

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Rev'd Neil Cocking

Bernard House  
Vane st. Bath

Telephone number (if any)  
07850790747

E-mail address (optional)  
neilcocking@outlook.com

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address	
Licensing Services	
Bath & North East Somerset Council Lewis House Manvers Street Bath BA1 1JG	
Telephone number (if any)	01225 477531
E-mail address (optional)	<a href="mailto:licensing@bathnes.gov.uk">licensing@bathnes.gov.uk</a>

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance ← both private nuisance and also public nuisance
- 4) the protection of children from harm

It's difficult for me to state fully all the issues that have developed at 18-19 Pulteney road over the last 2-3 years since the new owners took possession. Every time I have looked to examine an issue, I have found a variety of other significant problems and as such I cannot state the total range of problems that are in existence here.

Since the new ownership of 18-19 Pulteney road, the business has been significantly developed and expanded in such a way that it is not possible to ignore by either myself or my other neighbour.

Rev'd Neil Cocking (my other neighbour) joins me in also in being unhappy regarding the actions of the Bird and joins me in supporting this complaint and reserves his rights independently to this statement.

I have lived at No.17 Pulteney Road, Bath almost continuously since 1995 and did not come to the nuisance. The owners of the Bird deliberately brought the problem of the nuisance, and other intentional violations of property rights

My initial impression of the actions of the Bird on arrival, was that their actions were to be temporary and would cease after a brief period where they were letting people know that they had arrived. Instead a whole range of problems have cascaded into placed which they are aware have negative impacts upon neighbouring properties which they refuse to remove or stop doing against mine and my neighbours requests. Here are some of the issues.

- a) Noise from music – in the Bird's own advertising they are a 'memorable party venue', they have attached speakers to both the front, rear and sides of their premises, playing dance music from 10am to 12 pm which is defined by the environmental team as 'intrusive'. Recordings and videos of this have been provided to the environmental team using their recording equipment. (photos of 'party venue' advertisements by the Bird)
- b) Noise from large gatherings of guests that they have invited onto their premises - the pub / cocktail bar, tent, seating area they have created from what has historically been their car park. People talking loudly, screaming, singing, using their own phones and amplification to create party areas in multiple locations along the boundary lines between our properties.
- c) Placing a elevated Jacuzzi that is both abutted and attached to the boundary wall next to my garden door / patio, they had attached speakers to the jacuzzi area for the guests to plug into, and have fenced off for the private use and enjoyment of a specific flat. This area is not supervisable by the management or staff and as such is open to abuse of a private nature or private parties (I have a variety of recordings of this). No boundary wall agreement. This location is a daily party area that is creates the same issues as the seating area but due to its private attachment is constant, in one week I was woken up 4 times by different groups at 1-3 in the morning.
- d) Placing of a large shed up against the boundary wall by my entrance that gathers water on its roof, the structure is constructed in such a way that it comes over onto my property and dumps all waste water onto my entrance path and is a slip hazard / dangerous. No boundary wall agreement.
- e) Light pollution in respect of significant lighting being placed externally all over the car park seating area with lights being left on all night.
- f) The attachment of structures and objects such as speakers to the party wall turning it into an amplifier of sorts, or a large power consumer unit to the party wall. (photos of all of this) No boundary wall agreement. Or the placement of objects such as shipping containers and fake telephone photo booths, placed as close to the boundary wall as is possible, none of which is considerate (more photos etc).
- g) Further I don't feel particularly safe having such a large group of the general public being gathered so closely overlooking my property for 'parties'. These are not guests that are native to the hotels business in staying in the hotel but are the general public who are now being gathered in large volumes all along the boundary line. This is all new to this location as this has historically been a car park, not a party venue / tent party venue /

jacuzzi party venue. My garden is a family garden, for the use of children, the premises next door has created a party venue next to this that operates from 10am – 12 nearly all year round, this is intimidating and has made my garden non-functioning in any private manner.

In my attempts to moderate the issues here I have had extensive communication with the environmental team (E.T) both using the council sound recording equipment and recording many video clips.

As part of the process the E.T has asked the management not to play any amplified music on their external premises. To which the management have moved the speakers to the front of their property and started playing amplified music in this external location (contact the E.T to independently confirm)

Regrettably the actions described above have accelerated in both the number of different locations that this is taking place and is now occurring almost all year round.

In my opinion, over the last 3 years my rights to privacy, my right to quiet enjoyment of my property, civil rights and property rights have been intentionally damaged or sold to their customers so as to create an additional business or revenue from their car park.

Even if you take the view that parts of my building is rentals, all contracts contain the right to quiet enjoyment of property, in placing such large volumes of people all along the boundary line making such noise constantly The Bird has left me in a position where as the freeholder I am in open to legal action from my clients as I cannot provide this. Given that this is a basic right in all accommodation this makes my property unusable.

I have asked reasonably that the Bird stops this disturbance repeated, emailing the owner to ask him to stop, asking the manager to stop, informing them in writing that this is significant and asking them to stop. Ive asked their builders to get the correct paperwork (boundary wall agreements) and been ignored, or the manager has simply shrugged and said this was settled. In this I suggest a deliberate ignoring of reasonable requests and intentional disturbances which are intrusive, damaging and arguably could be considered harassment.

In their own words they are seeking to be a memorable party venue, I suggest they do this at another address, that is nowhere near me or my property.

I would like to ask that you revoke the licence from this premises entirely and place a note on the properties records for any future application that this variety of nuisances has been reported by the neighbouring properties as being unacceptable nuisances and thus unlawful.

Please can I request your assistance in bring this disturbance to an end.

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

yes

Please tick ✓

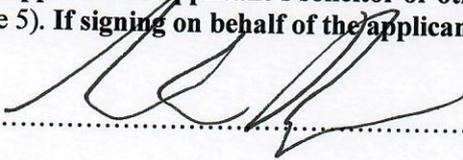
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

04/11/2020

Capacity

Freeholder of 17 Pulteney road

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Arthur Dyer  
17 Pulteney road  
Bath  
BA2 4EZ

**Post town**

**Post Code**

**Telephone number (if any)** 07760235040

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** dyer.arthur@gmail.com

### **Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence**

<b>Premises Licence Number</b>	19/00663/LAPRE
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**Part 1 – Premises Details**

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

The Bird Bath  
18 - 19 Pulteney Road  
Bathwick  
Bath  
BA2 4EZ

**Telephone number**            01225 425003

**Where the licence is time limited the dates**    Not applicable

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

**Sale of Alcohol**

Thursday to Saturday            10:00 - 01:00  
Sunday to Wednesday            10:00 - 23:00

**Exhibition of a Film (Indoors only)**

Every Day                            10:00 - 23:00

**Performance of Live Music (Indoors only)**

Thursday to Saturday            23:00 - 00:00

**Performance of Recorded Music (Indoors only)**

Thursday to Saturday            23:00 - 01:00

**Late Night Refreshment (Indoors only)**

Thursday to Saturday            23:00 - 01:00

**Non-Standard Timings**

Sale of Alcohol - From the start of licensable activity on New Year's Eve until the start of licensable activity on New Year's Day.

The hours for the Sale of Alcohol to residents and their bona-fide guests shall be 00:00 to 24:00 hours every day.

Exhibition of a Film - The times during which residents and their bona fide guests may be permitted to watch film in their rooms shall be 00:00 to 24:00 daily



**Part 2**

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

The Kaleidoscope Bird Ltd  
18-19 Pulteney Road  
Bath  
BA2 4EZ  
steveholmes@kaleidoscopecollection.co.uk

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

Registered Business Number - 10684020

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

Mr Christopher James Hardwicke  
55 Forester Avenue  
Bathwick  
Bath  
BA2 6QB

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

08-053368-1  
London Borough Of Kensington And Chelsea

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 7 February 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:

Every supply of alcohol under a premises licence must be authorised by the management committee.

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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.

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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.

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## **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.

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

There shall be no regulated entertainment outdoors.

The sale of alcohol outdoors shall only be permitted from 10:00 to 23:00 hours.

The premises will operate a 'Challenge 21' policy.

The DPS will ensure that all staff are trained in implementing 'Challenge 21'

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



## **Annex 4 – Plans**

As submitted with application.



## Part B

### Premises Licence Summary

**Premises Licence Number**

19/00663/LAPRE

#### Premises Details

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

The Bird Bath  
18 - 19 Pulteney Road  
Bathwick  
Bath  
BA2 4EZ

**Telephone number** 01225 425003

**Where the licence is time limited the dates** Not applicable

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

#### **Sale of Alcohol**

Thursday to Saturday 10:00 - 01:00

Sunday to Wednesday 10:00 - 23:00

#### **Exhibition of a Film (Indoors only)**

Every Day 10:00 - 23:00

#### **Performance of Live Music (Indoors only)**

Thursday to Saturday 23:00 - 00:00

#### **Performance of Recorded Music (Indoors only)**

Thursday to Saturday 23:00 - 01:00

#### **Late Night Refreshment (Indoors only)**

Thursday to Saturday 23:00 - 01:00

#### **Non Standard Timings**

Sale of Alcohol - From the start of licensable activity on New Year's Eve until the start of licensable activity on New Year's Day.

The hours for the Sale of Alcohol to residents and their bona-fide guests shall be 00:00 to 24:00 hours every day.

Exhibition of a Film - The times during which residents and their bona fide guests may be

permitted to watch film in their rooms shall be 00:00 to 24:00 daily

Performance of Live Music - From 23:00 hours to 00:00 hours on New Year's Eve

Performance of Recorded Music and Late Night Refreshment - From 23:00 hours on New Year's Eve until 01:00 hours on New Year's Day

**The opening hours of the premises**

Every Day 00:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol is supplied for consumption both on and off the premises

**Name, (registered) address of holder of premises licence**

The Kaleidoscope Bird Ltd  
18-19 Pulteney Road  
Bath  
BA2 4EZ

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

Registered Business Number - 10684020

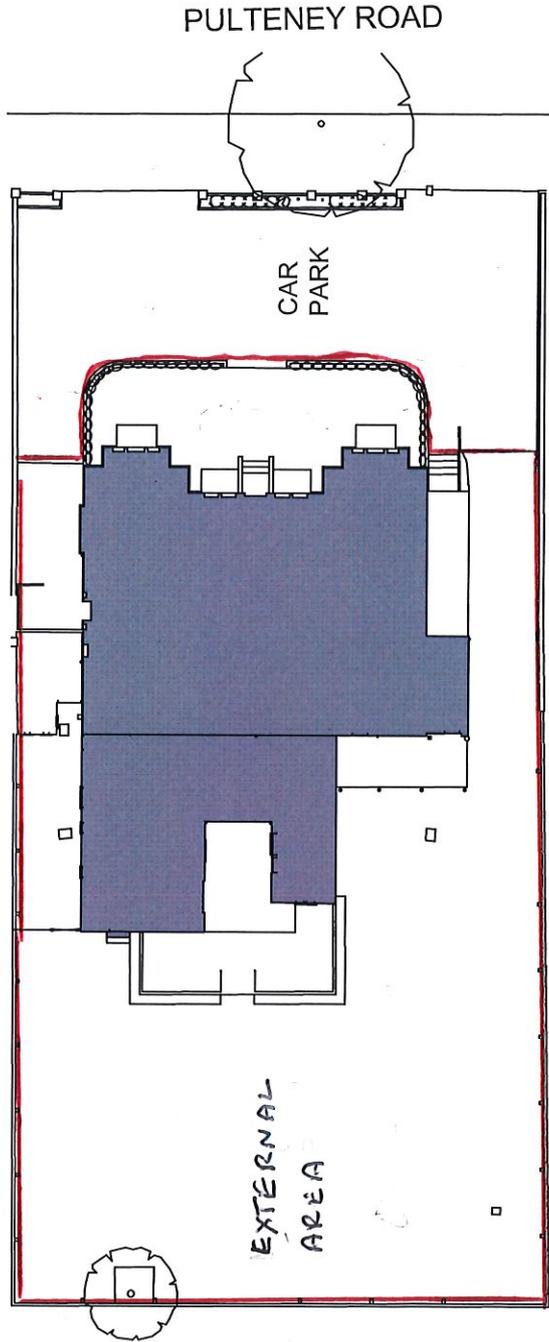
**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Christopher James Hardwicke

**State whether access to the premises by children is restricted or prohibited**

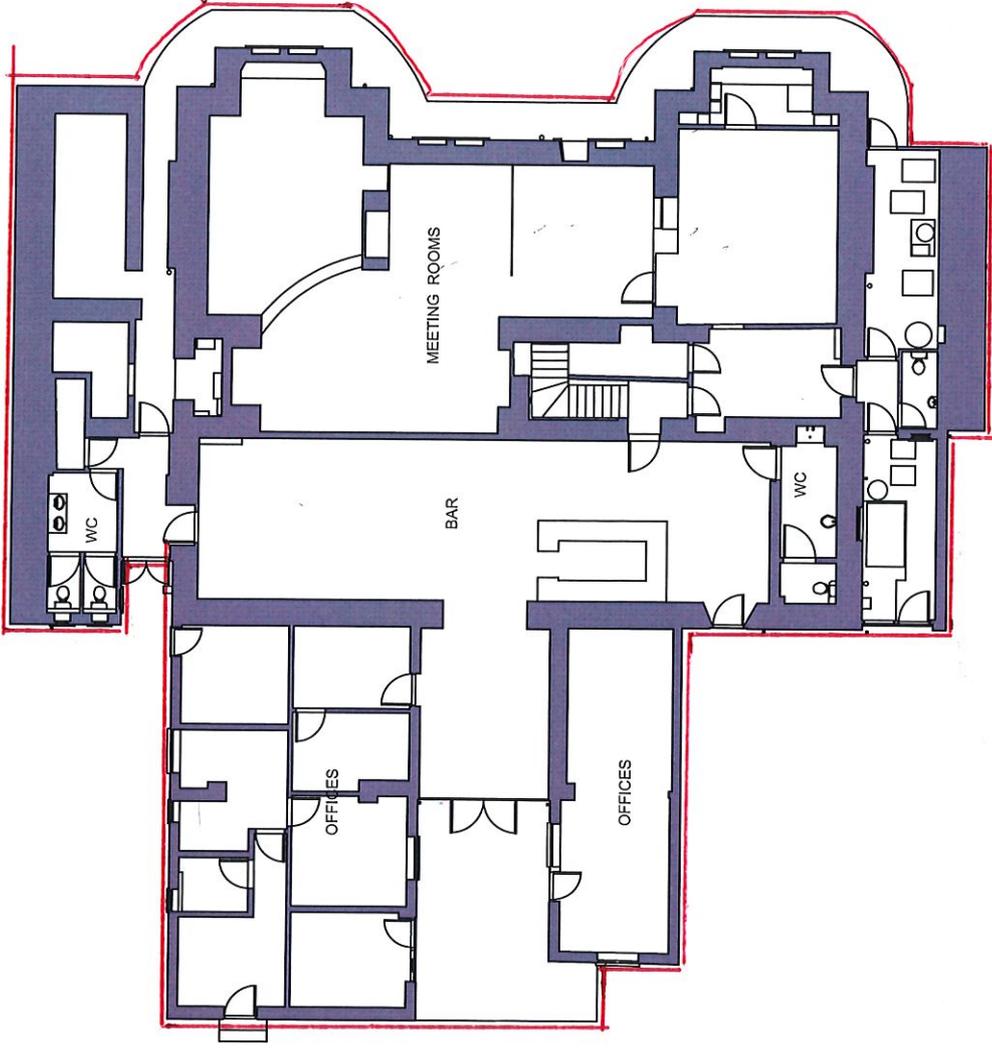
As per Operating Schedule at Annex 2.

ANNEX C



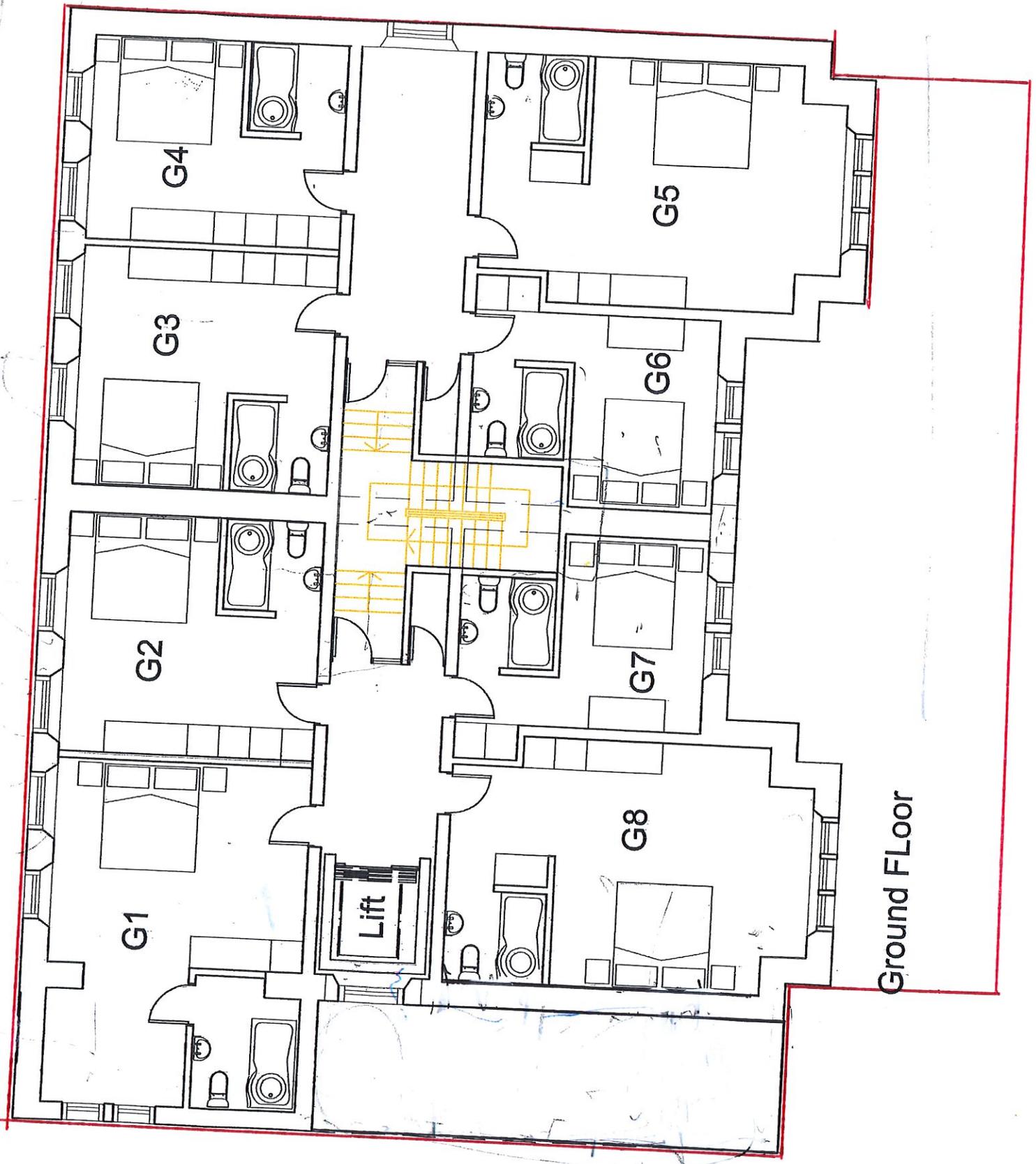
SITE PLAN 1:10000

THE COUNTY HOTEL, PULTENEY ROAD, BATH

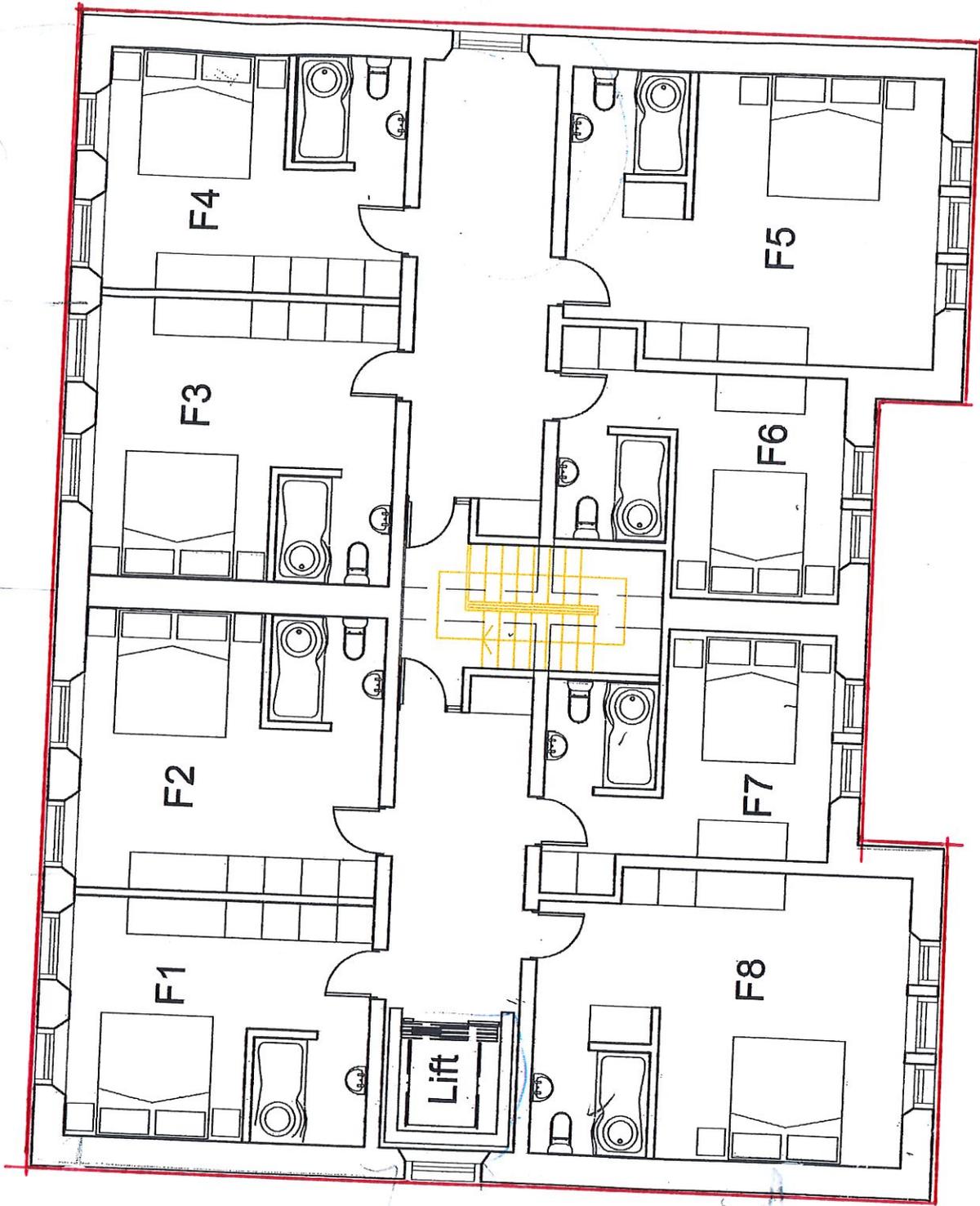


THE COUNTY HOTEL, PULTENEY ROAD, BATH

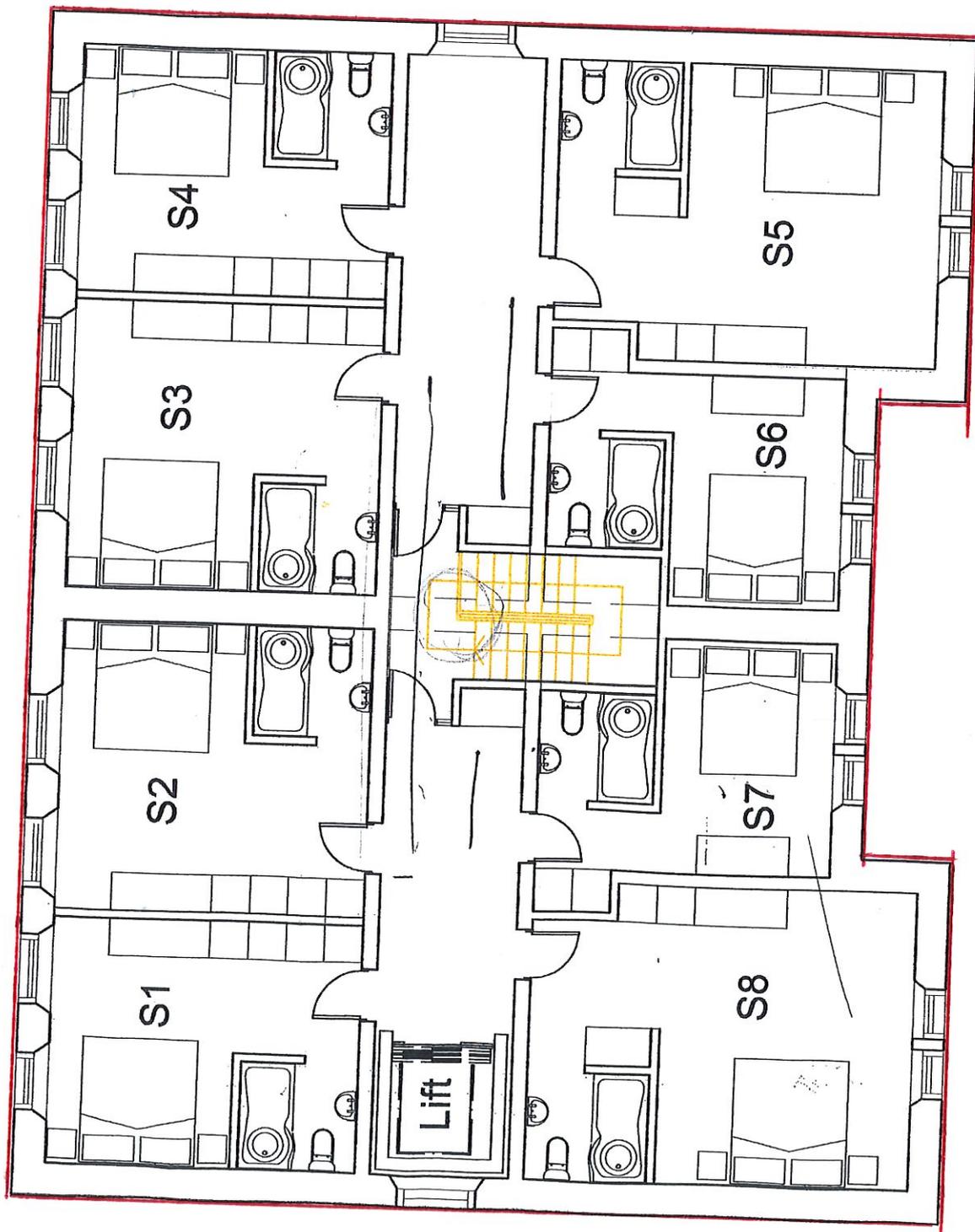
LOWER GROUND FLOOR PLAN 1:5000



Ground Floor



First Floor



Second Floor



**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence**

<b>Premises Licence Number</b>	20/01921/LAPRE
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**Part 1 – Premises Details**

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

The Bird Bath  
18 - 19 Pulteney Road  
Bathwick  
Bath  
BA2 4EZ

**Telephone number**            01225 425003

**Where the licence is time limited the dates**    Not applicable

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

**Sale of Alcohol**

Thursday to Saturday            10:00 - 01:00  
Sunday to Wednesday            10:00 - 23:00

**Exhibition of a Film (Indoors only)**

Every Day                            10:00 - 23:00

**Performance of Live Music (Indoors only)**

Thursday to Saturday            23:00 - 00:00

**Performance of Recorded Music (Indoors only)**

Thursday to Saturday            23:00 - 01:00

**Late Night Refreshment (Indoors only)**

Thursday to Saturday            23:00 - 01:00

**Non Standard Timings**

Sale of Alcohol - From the start of licensable activity on New Year's Eve until the start of licensable activity on New Year's Day.

The hours for the Sale of Alcohol to residents and their bona-fide guests shall be 00:00 to 24:00 hours every day.



**Part 2**

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

The Kaleidoscope Bird Ltd  
18-19 Pulteney Road  
Bath  
BA2 4EZ  
steveholmes@kaleidoscopecollection.co.uk

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

Registered Business Number - 10684020

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

Mr Jonathan Walker  
Solsbury House  
19C Frome Road  
Bradford On Avon  
BA12 2EA

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

WW0500209  
West Wiltshire District 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 30 November 2020



## **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:

Every supply of alcohol under a premises licence must be authorised by the management committee.

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From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)\*;

(b) "permitted price" is the price found by applying the formula:

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

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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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.

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## **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.

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

There shall be no regulated entertainment outdoors.

The sale of alcohol outdoors shall only be permitted from 10:00 to 23:00 hours.

The premises will operate a 'Challenge 21' policy.

The DPS will ensure that all staff are trained in implementing 'Challenge 21'

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



## **Annex 4 – Plans**

As submitted with application.



**Part B**

**Premises Licence Summary**

**Premises Licence Number**

20/01921/LAPRE

**Premises Details**

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

The Bird Bath  
18 - 19 Pulteney Road  
Bathwick  
Bath  
BA2 4EZ

**Telephone number**            01225 425003

**Where the licence is time limited the dates**    Not applicable

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

**Sale of Alcohol**

Thursday to Saturday            10:00 - 01:00  
Sunday to Wednesday            10:00 - 23:00

**Exhibition of a Film (Indoors only)**

Every Day                            10:00 - 23:00

**Performance of Live Music (Indoors only)**

Thursday to Saturday            23:00 - 00:00

**Performance of Recorded Music (Indoors only)**

Thursday to Saturday            23:00 - 01:00

**Late Night Refreshment (Indoors only)**

Thursday to Saturday            23:00 - 01:00

**Non Standard Timings**

Sale of Alcohol - From the start of licensable activity on New Year's Eve until the start of licensable activity on New Year's Day.

The hours for the Sale of Alcohol to residents and their bona-fide guests shall be 00:00 to 24:00 hours every day.

Exhibition of a Film - The times during which residents and their bona fide guests may be permitted to watch film in their rooms shall be 00:00 to 24:00 daily

Performance of Live Music - From 23:00 hours to 00:00 hours on New Year's Eve

Performance of Recorded Music and Late Night Refreshment - From 23:00 hours on New Year's Eve until 01:00 hours on New Year's Day

**The opening hours of the premises**

Every Day 00:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol is supplied for consumption both on and off the premises

**Name, (registered) address of holder of premises licence**

The Kaleidoscope Bird Ltd  
18-19 Pulteney Road  
Bath  
BA2 4EZ

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

Registered Business Number - 10684020

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Jonathan Walker

**State whether access to the premises by children is restricted or prohibited**

As per Operating Schedule at Annex 2.

ADDITIONAL INFORMATION SUBMITTED BY Mr DYER - REVIEW APPLICANT

Please find attachments that are emails evidencing these nuisances that the bird has brought to this location.

- 1) intrusive comment email from the Environmental protection officer
- 2) follow up email relating to the continuing playing of music through amplified music
- 3) Confirmation of the birds continued playing of amplified music after they have agreed not to play amplified music
- 4) Email from Martin Almond in planning enforcement showing that the area that has been created in the hot tub area is subject to planning permission being required for which the bird has previously refused my requests to remove since its inception. This area falls under the licence as does almost all of the property and as such given alcohol is being served in this location and music and disturbances are occurring both during licenced hours and also outside of them.
- 5) Email from the Bird management, in which they mention that they have planning permission and presumably a licence and that this allows them to act in the manner they are outside of the building
- 5) Email showing that they have acknowledged they are creating a nuisance by removing speakers, further they are showing no indication that they are going to stop creating disturbances other than patrolling areas. This clearly doesn't go far enough as they need to stop all of this external disturbances at all times both day and night

Please can all of these be submitted:

Video footage via

[https://www.youtube.com/channel/UCyXK4aq3lVwqgPcUZwH\\_TDA/](https://www.youtube.com/channel/UCyXK4aq3lVwqgPcUZwH_TDA/)

Image 2481 Building works:

<https://drive.google.com/file/d/1LU1x3eYgfhQmAGtoFFo1AP0bm6xapYpc/view>

Image 2524 Delivery of container: <https://drive.google.com/file/d/1uWh7LoD-Ks7YA8Jip-CJxk6CkEkqg25l/view>

Image 2532 Sand and container at rear:

<https://drive.google.com/file/d/11ZnW7OLBr0K3NDCTdPhJHSzp9C0lp5rZ/view>

Image 2539 External structure at

rear: <https://drive.google.com/file/d/1RYfeMnIFl6Gw-o8MgPrEooU9LuNFsQMs/view>

Image 2554 Flat roof: <https://drive.google.com/file/d/1xyspyn0jNP8XUZ-dEXNBDoqkHeaGEMjl/view>

Image 2557 Building

works: <https://drive.google.com/file/d/1590Mal2Q11C13RkaLtet8uUVTXG2m-91/view>

Image 4184 Wall : <https://drive.google.com/file/d/1QT0jm-biilO1nyCde5VWpuR2MOCFWkCv/view>

Image 4201 Speaker:

<https://drive.google.com/file/d/1h3giRnQb91B5cxGIRjrVI9AdLTREPbrm/view>

Image 4206

<https://drive.google.com/file/d/1g0CibP1OggYNpPPZdlaPUfbiiJg2hA1H/view>

Image 4279 Photo Booth

<https://drive.google.com/file/d/1pa1gs1mTv0Sjs5CFQQ1vbSi6t4tK7utV/view>

Image 4282 Photo Booth <https://drive.google.com/file/d/1Qs7pFalrhMhxhkFhhu-9cVzirA-B5Po/view>

Image 4283 Photo Booth

<https://drive.google.com/file/d/1ZSfe0tkVmAwQubLKh2SIXFcZXv6Om4NN/view>

Video 4480 Dripping Water <https://drive.google.com/file/d/1JVC7WCO2FgJ-gxsdDi5qKdLrFxFkz1fd/view>

Image 4621 Roof

<https://drive.google.com/file/d/1F46aOYn0YASPqumgO8hMB8GeeF-qWF7T/view>

Image 4656 External Area at Night

<https://drive.google.com/file/d/11zMXL9DK9H3R42Vy27d81x4iwhl7MCXZ/view>

Image 4657 external Area at Night

<https://drive.google.com/file/d/11zMXL9DK9H3R42Vy27d81x4iwhl7MCXZ/view>

ADDITIONAL INFORMATION SUBMITTED BY REVEREND COCKING -  
REVIEW APPLICANT

**From:** Neil Cocking <neilcocking@outlook.com>

**Sent:** 03 December 2020 11:28

**To:** Terrill Wolyn <Terrill\_Wolyn@BATHNES.GOV.UK>

**Subject:** RE: The Bird Bath - Review of Premises Licence Application

Dear Terril Wolyn,

Thank you for your email concerning The Bird Bath (formerly The County Hotel). I am currently in Portugal – my apologies for the delay in sending this reply.

I fully support the application made by my neighbour -Edwin Arthur Dyer concerning the developments and nuisance at the Bird Bath 18-19 Pulteney Road, BA2 which is next door but one to my property – Barnard House, 6 Vane Street, BA2 4DZ.

Since the County Hotel changed ownership and changed its name a few years ago, there has been a gradual encroachment into the car park. First of all, a large marquee was erected. Retrospective planning permission was granted for the Christmas and New Year periods only. There has been a Beach Bar with tons of sand created on what were hotel guests parking spaces and this year they have created an outside bar with coloured parasols, external lights and external speakers. What was a quiet and respectable hotel

car park has become something more akin with a Fair Ground, along with increased noise from loud talking and singing.

Whilst I am not so much affected as my neighbour, the installation of a Hot Tub and advertisements for sensual parties has added a further nuisance value.

When I purchased my house in 2008, the immediate surrounding area was a respectable and quiet residential area. Along with my neighbours and independently, I reserve the right to quiet enjoyment as a residential property. I am in full support of his statement and application for a review of the premises licence at The Bird Bath.

Yours sincerely,

Kermode Neil COCKING.



Arthur Dyer &lt;arthur@number17bath.co.uk&gt;

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**Nuisance/ the bird bath**

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**Diarmid Henry** <Diarmid\_Henry@bathnes.gov.uk>  
To: Arthur Dyer <arthur@number17bath.co.uk>

6 October 2020 at 14:04

Hi Arthur,

Following our discussion this morning, I met with the hotel to advise of the intrusive nature of the music noise and to state that action was necessary. The hotel have said that as of now, that area is being closed down for the season and that no further music will be played in any event. I also discussed the noise from people in the outside area and was advised that a 10.20pm curfew is in operation.

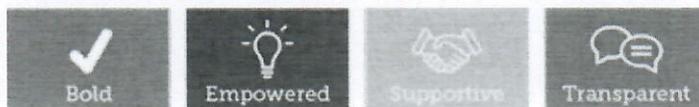
I advised the hotel to employ the services of a noise consultant with a view to identifying options for noise mitigation at the rear of the premises and will keep in contact with them to see how this progresses. In the meantime, if you do experience any further music noise, please let me know.

Thanks,

Diarmid Henry  
Senior Environmental Health Officer  
Environmental Protection  
Bath & North East Somerset Council

Email: [diarmid\\_henry@bathnes.gov.uk](mailto:diarmid_henry@bathnes.gov.uk)

Phone: 01225 477555

[www.bathnes.gov.uk](http://www.bathnes.gov.uk)[www.twitter.com/bathnes](https://www.twitter.com/bathnes)**Improving People's Lives**



Arthur Dyer <[arthur@number17bath.co.uk](mailto:arthur@number17bath.co.uk)>

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## Nuisance/ the bird bath

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Diarmid Henry <[Diarmid\\_Henry@bathnes.gov.uk](mailto:Diarmid_Henry@bathnes.gov.uk)>  
To: Arthur Dyer <[arthur@number17bath.co.uk](mailto:arthur@number17bath.co.uk)>

19 October 2020 at 08:57

Hi Arthur,

Thank you for letting me know. I was advised that no music would be played outside. I will get back in touch with the hotel to clarify. If the noise does continue beyond this let me know and I will arrange to monitor with a view to taking action.

Kind regards,

[Quoted text hidden]



Arthur Dyer <[arthur@number17bath.co.uk](mailto:arthur@number17bath.co.uk)>

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## Nuisance/ the bird bath

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Diarmid Henry <[Diarmid\\_Henry@bathnes.gov.uk](mailto:Diarmid_Henry@bathnes.gov.uk)>  
To: Arthur Dyer <[arthur@number17bath.co.uk](mailto:arthur@number17bath.co.uk)>

22 October 2020 at 11:20

Hi Arthur,

I had a reply from Chris to say that they had been playing music at the other side of the building and that this had been the case for some time. Chris did however not to play any music outside for the foreseeable future and I said that this would be appreciated. Hopefully you will notice an improvement.

[Quoted text hidden]



arthur dyer &lt;dyer.arthur@gmail.com&gt;

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**Personal Introduction**

1 message

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**JONATHAN WALKER** <jonwalker@btopenworld.com>  
To: dyer.arthur@gmail.com, neilcocking@outlook.com

9 November 2020 at 13:08

Dear Mr Dyer and Reverend Cocking,

I wanted to introduce myself as the newly-appointed General Manager for The Bird. I take over from Chris Hardwicke with effect from today.

I understand that last week you made a joint application for formal review of the Premises Licence for the hotel. Bath & North East Somerset Council have contacted us in relation to this application. We have taken advice on this process and understand that a hearing is likely to be scheduled with all relevant parties to attend shortly prior to Christmas (Democratic Services have been asked by the Council's licensing team to schedule the required hearing between 22 December and 4 January, with a preference for a pre-Christmas hearing).

I am sorry to hear that you are both unhappy and that you feel there are issues which impact upon you and, Mr Dyer, upon your rental guests/ customers using your property. I would like to reassure you that our intention is to operate as a luxury boutique bed and breakfast hotel with ancillary facilities and we want to be a part of and operate within and alongside the local community.

I would welcome the opportunity to meet and introduce myself, show you around The Bird, discuss the concerns that you have and also discuss potential improvements that could be made with regards to the boundary wall.

You may have noticed that the hotel ceased playing any music through the outdoor speakers approximately 6 weeks' ago following your earlier complaint to Mr Hardwicke. We would be happy to completely remove such speakers.

There is also no intention to erect the festive marquee this year which has operated for the last 2 years (and I believe is the party venue you refer to in the review application). This is partly as a result of the impact of the ongoing pandemic on our business and partly as a change in direction for the hotel. Instead, we hope to provide a small number of private dining pods, which will be enclosed and without any music. We do have an existing permission to erect the marquee for 5 weeks a year for a 5 year period, but we do not now intend to operate the marquee in future years either.

I would also like to reassure you that the hotel no longer provides to its guests the code for the in-built Bluetooth in the private hot-tub (and has not done so since you raised this issue earlier in the year) and we do (and will) take immediate action if disturbance is reported to us in relation to the use of the hot tub by guests in the guest room which has access to the tub. We will also advise guests booking that room that the hot tub must not be used after 23.00 and that they must have regard to the needs of local residents when using that area.

My direct contact details are below and I look forward to hearing from you as to whether there is a convenient day and time to meet within the next few days. Please also do not hesitate to contact me if you have any other concerns.

I look forward to hearing from you.

Regards,



arthur dyer <dyer.arthur@gmail.com>

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## Update from The Bird

1 message

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**JONATHAN WALKER** <jonwalker@btopenworld.com>

18 November 2020 at 13:25

To: dyer.arthur@gmail.com

Dear Mr Dyer,

Further to my email and letter last week, I wanted to let you know that we have now removed all of the speakers from our rear garden area.

We have also introduced a policy that guests are not permitted to use the hot tub after 23.00. Our night team will check this policy is being followed during their security patrols, but if you become aware of guests using this area in contravention of the policy, please do let me or my team know so that we can ask them to stop.

As set out in my earlier email and letter, I remain happy to meet with you and discuss any concerns you may have.

Kind regards

Jonathan Walker  
07808098701



Arthur Dyer <arthur@number17bath.co.uk>

**20/00327/UNDEV - The Bird**

2 messages

**Martin Almond** <Martin\_Almond@bathnes.gov.uk>

19 November 2020 at 15:55

To: "Arthur Dyer (arthur@number17bath.co.uk)" <arthur@number17bath.co.uk>

Dear Arthur,

In regard to the above complaint I visited the hotel last week.

The hotel have placed a hot tub and enclosure to the boundary with your property. This is considered to constitute development for which planning permission is required.

I have advised the hotel that should they wish to try and retain the hot tub that they should submit a planning application within 42 days.

The hotel are also proposing to site three 'dining domes' within the rear garden for a temporary period during on some wooden decking to cover a period of time until spring next year. I am waiting for some further information from the hotel as to how these will operate but it is likely that if lockdown restrictions are lifted in December hospitality venues are likely to have to close at 10pm as before the current lockdown.

I will update you further if an application is made or if I receive further information.

Kind regards,

Martin Almond

Senior Planning & Enforcement Officer

Bath & North East Somerset Council

Lewis House, Manvers Street, Bath, BA1 1JG

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