

Bath & North East Somerset Council		
MEETING	Licensing Sub Committee	
MEETING DATE	Wednesday 8 th . June 2022	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a New Premises Licence for: Flute Ground Floor and Basement 9 Edgar Buildings Bath BA1 2 EE	
WARD:	KINGSMEAD	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new premises licence.		
Annex B Floor plans submitted with application		
Annex C Representations of objection received		

1 THE ISSUE

1.1 An application has been made under s.17 Licensing Act 2003 by Book My Table Limited for Flute, Ground Floor and Basement, 9 Edgar Buildings, Bath. The premises is located within the BANES Cumulative Impact Area and The Cumulative Impact Policy is relevant to this application.

1.2 Relevant representations have been received within the statutory period.

2 RECOMMENDATION

2.1 The Committee is asked to determine the application.

3 THE REPORT

3.1 An application has been received from Book My Table Limited for a new Premises Licence for Flute, Ground Floor and Basement 9 Edgar Buildings, Bath, BA1 2EE (**Annex A**).

3.2 The application proposes the following licensable activities:

Live Music indoors 08:00hrs to 02:00hrs every day.

Recorded Music indoors 08:00hrs to 02:00hrs every day.

Late Night Refreshment indoors 23:00hrs to 02:00hrs every day.

Supply of Alcohol for consumption on and off the premises 08:00hrs to 02:00hrs every day.

Non – Standard timings: from normal opening time on New Year's Eve to opening time the following day for all licensable activities above.

3.3 The application proposes the following opening times:

08:00hrs to 02:30hrs every day and from normal opening time on New Year's Eve to opening time the following day.

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

The premises will trade as a restaurant and wine bar with substantial food available.

Substantial food in the form of tables meals and/ or 'small plate' dining will be available up to one hour prior to the terminal hour for sales of alcohol.

Save for customers in the rear lounge area, alcohol will only be served by waiter and waitress service to persons seated at tables.

A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order and continually record when licensable activity takes place. The recordings shall be retained for 31 days and made available to the police in line with current data protection laws. All recordings will be produced containing the date and time.

Notices to be displayed near the entrance advising that CCTV is in use on the premises.

A record will be kept of refused sales, crimes reported and incidents. This record will be made available to Avon and Somerset Police on request.

All off sales of alcohol shall be in sealed containers unless it is to be consumed in the area covered by a valid Tables and Chairs permit.

The collection of empty bottles etc to take place between 09:00 hours and 17:00 hours only.

The front of the premises shall be cleared of rubbish at the close of business every day.

Notices shall be erected and maintained at the exit to the premises requesting patrons leave the premises quietly.

Noise shall not emanate from the premises at a level likely to cause a public nuisance for residents in the immediate vicinity.

A dispersal policy will be drawn up and implemented by the DPS to ensure that customers leaving the premises do so quickly and quietly.

No music or vibrations will cause a public nuisance outside the premises or in any adjoining building.

Music will be at a level so as not to cause a public nuisance to residents in the immediate vicinity.

A manager or other member of staff will undertake periodic noise checks outside the premises during regulated entertainment to ensure levels are unlikely to cause a public nuisance.

No more than 2 musicians will perform at any one time.

A policy relating to prevention of sales of alcohol to under 18's, such as 'Challenge 21' or 'Challenge 25' shall be drawn up and implemented at the premises. The policy will be made available to officers from the council or police upon request.

All staff involved in sale or supply of alcohol will be trained in relation to the law relating to alcohol sales prior to serving customers. Training records will include a completed schedule of training, names of staff, dates of training, subjects tested and any refresher training.

3.5 The floor plans detailing the extent of the proposed licensed premises 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:

- a) the prevention of crime and disorder.
- b) public safety.
- c) the prevention of public nuisance; and
- d) 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:

- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2020 policy;
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised April 2018;
- c) 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, the Environmental Protection Team, 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 Representations of objection have been received within the statutory period from residents of two addresses in close proximity to the premises. They express concern that the applicant's proposals are likely to undermine the Public Nuisance licensing objective (**Annex C**).
- 3.15 As relevant representations have 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 costs of processing licences are covered by the fees charged. The fee for this application is £ 170.00

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 reducing 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 Environmental Protection Team have had the opportunity to input to this report and have cleared it for publication.
- 9.2 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Geoff Cannon Public Protection Officer (Licensing) 07977 228120
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy
Please contact the report author if you need to access this report in an alternative format	

ANNEX A

Application for a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Information on the Licensing Act 2003 is available [here](#).

Before completing this form please read the [guidance notes](#).

Use the extra page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us – click on the Submit Form button. You may wish to print and keep a copy of the completed form for your records. For help information about filling in this type of electronic form, click on the help information button.

I/We (premises licence holder name)
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, ordinance survey map reference or description

Ground Floor And Basement 9
Edgar Buildings
City Centre

Postcode

BA1 2EE

Telephone number of premises

Non-domestic rateable value of premises ([if you are unsure, you can use this Government link for more information](#))

£27,500.00

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

As a Limited Company

Please confirm:

- 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 ☐

INDIVIDUAL APPLICANTS (fill in as applicable)

Title	
First names	
Surname	
Are you 18 years or older?	Yes ☐ No ☐
Date of Birth	
Current postal address if different from premises address	
Postcode	
Daytime contact telephone number	
Email address	

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Title	
First names	
Surname	
Date of Birth (you must be 18 years old or over)	
Current postal address if different from premises address	
Postcode	
Daytime contact telephone number	
Email address	

OTHER APPLICANTS

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

Name

Book My Table Limited

Address

Jubilee House
Townsend Lane
London
NW9 8TZ

Registered number (where applicable)

07766726

Description of applicant (for example, partnership, company, unincorporated association etc.)

Company

Telephone number (if any)

n/a

Email address (optional)

Operating Schedule

When do you want the premises licence to start?

12/05/2022

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

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

General description of premises

This Application Is For A Restaurant And Bar Set Over 2 Floors As Laid Out In The Plans. Flute Is Intended To Operate As Mid To High-End Food And Drink Offer From Breakfast Through To Late Supper With The Hours And Proposed Operating Schedule Reflecting This Accordingly.

Any External Tables And Chairs Will Be Appropriately Licensed.

Pre-Application Consultation Has Been Undertaken With Police Licensing And The Council Licensing Officers.

Operating Schedule Continued

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act)

Provision of regulated entertainment

- | | |
|---|-------------------------------------|
| 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) performance 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) | ☐ |

i) Provision of late night refreshment (if ticking yes, fill in box I)	☒
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j) Supply of alcohol (if ticking yes, fill in box J)	☒
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In all cases complete boxes K, L and M (on the following pages)

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both? (please read guidance note 2)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start time	Finish time	Please give further details here (please read guidance note 3)		
Mon					
Tues					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both? (please read guidance note 2)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start time	Finish time	Please give further details here (please read guidance note 3)		
Mon					
Tues					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

C

Indoor Sporting Events Standard days and timings (please read guidance note 6)			
Day	Start time	Finish time	Please give further details here (please read guidance note 3)
Mon			
Tues			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times than those listed, please list (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both? (please read guidance note 2)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start time	Finish time	Please give further details here (please read guidance note 3)		
Mon					
Tues					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both? (please read guidance note 2)		Indoors	☒
					Outdoors	☐
					Both	☐
Day	Start time	Finish time	Please give further details here (please read guidance note 3)			
Mon	08:00	02:00	Music in keeping with the mood and style of the premises, see conditions.			
Tues	08:00	02:00				
Wed	08:00	02:00	State any seasonal variations for performance of live music (please read guidance note 4)			
Thur	08:00	02:00				
Fri	08:00	02:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times than those listed, please list (please read guidance note 5)			
			New Year's eve to opening the following day			
Sat	08:00	02:00				
Sun	08:00	02:00				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 2)		Indoors	☒
					Outdoors	☐
					Both	☐
Day	Start time	Finish time	Please give further details here (please read guidance note 3)			
Mon	08:00	02:00	Music in keeping with the mood and style of the premises, see conditions.			
Tues	08:00	02:00				
Wed	08:00	02:00	State any seasonal variations for playing recorded music (please read guidance note 4)			
Thur	08:00	02:00				
Fri	08:00	02:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times than those listed, please list (please read guidance note 5) New Year's eve to opening the following day			
Sat	08:00	02:00				
Sun	08:00	02:00				

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both? (please read guidance note 2)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start time	Finish time	Please give further details here (please read guidance note 3)		
Mon					
Tues					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
					Will the performance of dance take place indoors or outdoors or both? (please read guidance note 2)	
					Indoors	☐
			Outdoors	☐		
			Both	☐		
Day	Start time	Finish time	Please give further details here (please read guidance note 3)			
Mon						
Tues						
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) and (g) (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times than those listed, please list (please read guidance note 5)			
Sat						
Sun						

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 2)		Indoors	☒
					Outdoors	☐
					Both	☐
Day	Start time	Finish time	Please give further details here (please read guidance note 3)			
Mon	23:00	02:00	Hot food and drink			
Tues	23:00	02:00				
Wed	23:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur	23:00	02:00				
Fri	23:00	02:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times than those listed, please list (please read guidance note 5)			
Sat	23:00	02:00	New Year's eve to opening the following day			
Sun	23:00	02:00				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption: (please read guidance note 2)		On the premises	☐		
					Off the premises	☐		
					Both	☒		
Day	Start time	Finish time	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	08:00	02:00						
Tues	08:00	02:00						
Wed	08:00	02:00						
Thur	08:00	02:00					Non standard timings. Where you intend to use the premises for the supply of alcohol at different times than those listed, please list (please read guidance note 5)	
							New Year's eve to opening the following day	
Fri	08:00	02:00						
Sat	08:00	02:00						
Sun	08:00	02:00						

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Title	Mr
First Name(s)	Justin
Surname	Wallace
Date of Birth	23/09/1980
Address	████████████████████ ████████
Postcode	████████
Personal licence number	355835
Issuing licensing authority	London Borough of Brent

Please print the ‘Consent of individual to being specified as premises supervisor’ form and have the person specified above sign and confirm the details given.

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 8)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)		
Day	Start time	Finish time
Mon	08:00	02:30
Tues	08:00	02:30
Wed	08:00	02:30
Thur	08:00	02:30
Fri	08:00	02:30
Sat	08:00	02:30
Sun	08:00	02:30

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend to use the premises to be open to the public at different times than those listed, please list (please read guidance note 5)

New Year's eve to opening the following day

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

- ☐ The premises will trade as a restaurant and wine bar with substantial food available.
- ☐ Substantial food in the form of tables meals and/ or ‘small plate’ dining will be available up to one hour prior to the terminal hour for sales of alcohol.
- ☐ Save for customers in the rear lounge area, alcohol will only be served by waiter and waitress service to persons seated at tables.

b) The prevention of crime and disorder

- ☐ A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order and continually record when licensable activity takes place. The recordings shall be retained for 31 days and made available to the police in line with current data protection laws. All recordings will be produced containing the date and time.
- ☐ Notices to be displayed near the entrance advising that CCTV is in use on the premises
- ☐ A record will be kept of refused sales, crimes reported and incidents. This record will be made available to Avon and Somerset Police on request.

c) Public safety

- ☐ All off sales of alcohol shall be in sealed containers unless it is to be consumed in the area covered by a valid Tables and Chairs permit.

d) The prevention of public nuisance

- ☐ The collection of empty bottles etc to take place between 09:00 hours and 17:00 hours only.
- ☐ The front of the premises shall be cleared of rubbish at the close of business every day.
- ☐ Notices shall be erected and maintained at the exit to the premises requesting patrons leave the premises quietly.
- ☐ Noise shall not emanate from the premises at a level likely to cause a public nuisance for residents in the immediate vicinity.
- ☐ A dispersal policy will be drawn up and implemented by the DPS to ensure that customers leaving the premises do so quickly and quietly.
- ☐ No music or vibrations will cause a public nuisance outside the premises or in any adjoining building.
- ☐ Music will be at a level so as not to cause a public nuisance to residents in the immediate vicinity.
- ☐ undertake periodic noise checks outside the premises during regulated entertainment to ensure levels are unlikely to cause a public nuisance.
- ☐ No more than 2 musicians will perform at any one time.

e) The protection of children from harm

- ☐ A policy relating to prevention of sales of alcohol to under 18’s, such as ‘Challenge 21’ or ‘Challenge 25’ shall be drawn up and implemented at the premises. The policy will be made available to officers from the council or police upon request.
- ☐ All staff involved in sale or supply of alcohol will be trained in relation to the law relating to alcohol sales prior to serving customers. Training records will include a completed schedule of training, names of staff, dates of training, subjects tested and any refresher training.

Custom Process Configuration

XML Specific

Application type	
Licence Case Type	
Licence Status	
XML Template	
CAPS Reference	22/00930/LAPRE

Payments request

CallingAppID	
CallingAppRef	
PaymentSourceCode	

Response response

PaymentAuthorisationCode	049607
IncomeManagementReceiptNumber	ZZVF00004174
Originators Reference	0001552613
CardScheme	MCRD
CardType	C
PaymentAmount	
ResponseCode	00000
ResponseDescription	The Payment has been Authorised
Number of payment lines	

Payment 1

Receipt Number	
DueDate	
PaymentType	
Pay Description	
XML Description	Premises Licence
PaymentDue	£190.00
Paid	
Payment Date	
Fund	
Reference	YF2NDB10N98

Form Calculations

Title Casing	
Sentence Casing	
UPRN for address lookup	10001136501
Boolean to hide this page	

Other Custom Calculations

Calculation for licensable activities		App Day Tel	
Subject Line for Email Out		App Email	
Body for Internal Email		App Address	
Body for External Email		App DOB	
Start Date in XML format		App 2 D Tel	
End Date in XML Format		App 2 Email	
Hours the TEN covers		App 2 Add	
DOB		App 2 DOB	
Customer Email Acknowledgment		Agent D Tel	
Premise Activities Complete		Agent Add	
Premise Activities Part 1		Agent Email	
Premise Activities Part 2		Open Hours	
Premise Address		App 3 D Tel	
TP Address		App 3 Email	
TP DOB		Ext Pty Email	

I have enclosed the plan of the premises

☒

I have enclosed the consent form (for further information [please visit our application forms webpage](#) and follow the guidance under the **Variation of DPS for an Existing Licence** heading)

☒

I understand I must now advertise my application ([for further information, please visit our website](#))

☒

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

☒

I am applying as an individual rather than a business / limited company and have enclosed proof of my entitlement to work in the UK (for information on what you can provide as evidence, [please reference our evidence guidance notes](#))

☐

Please attach evidence using the 'Upload & Attach Files' button.

Types of files accepted as attachments: gif, jpg, jpeg, tif, tiff, bmp, png and pdf.

Please note, there is a 10MB size limit on all files that can be attached.

Please ensure that the documents you attach are complete and easy to read. If documents are incomplete or are difficult to read this may result in a delay in your application.

Declaration (please read guidance note 10)

[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.

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, if appropriate.

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If confirming on behalf of the applicant please state in what capacity.

Confirmation

☒

Name

Piers Warne

Date

13/04/2022

Capacity (owner, director etc.)

Solicitor To Applicant

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12) If confirming on behalf of the applicant please state in what capacity.

Confirmation

☐

Name

Date

Capacity (owner, director etc.)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Name

Piers Warne

Address

Tlt Solicitors
One Redcliff Street
Bristol

Postcode

BS1 6TP

Telephone number (if any)

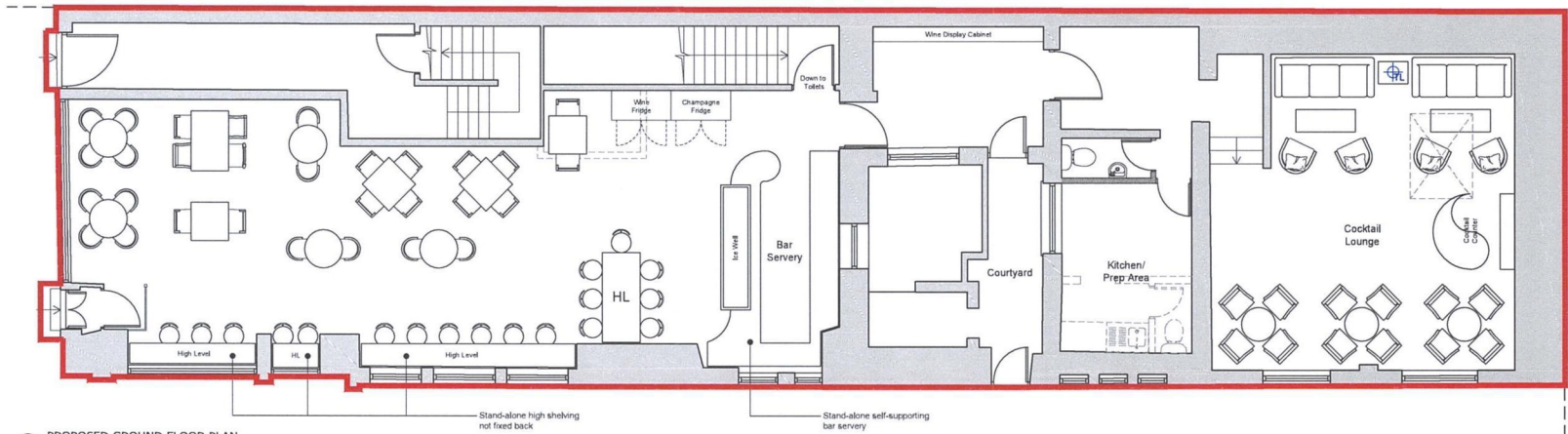
03330060692

If you would prefer us to correspond with you by email, your email address (optional)

piers.warne@tltsolicitors.com

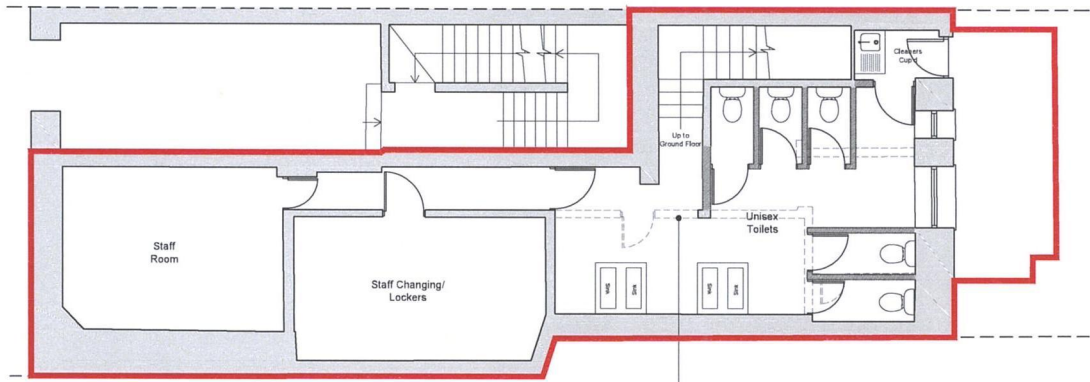
Use this page if there is any other information that you think we should know about.

Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

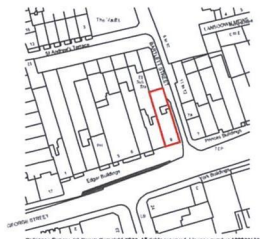


1 PROPOSED GROUND FLOOR PLAN
Scale: 1:50 @ A1

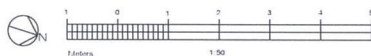
FIRE EQUIPMENT TO
BE INSTALLED AS
REQUIRED UNDER THE
REGULATORY REFORM
(FIRE SAFETY) ORDER 2005



2 PROPOSED BASEMENT FLOOR PLAN
Scale: 1:50 @ A1



3 SITE LOCATION PLAN
Scale: 1:50 @ A1



REVISIONS			
Rev.	Date	Length	Notes
A	2022-01-22	1000	Revised plan
22.002.EH.003			
Proposed General Arrangement Layout			
9 Edgar Buildings, George Street, Bath, BA1 2EE			
Jan 2022			

design i.d. 13 Jubilee Way, Eurolink Business Centre, Faversham, Kent, ME13 8DZ
Tel: 01793 537895 Fax: 08712 016713 E-mail: mads@design-id.co.uk

FLUTE: Bath

Operating Schedule

General

- The premises will trade as a restaurant and wine bar with substantial food available.
- Substantial food in the form of tables meals and/ or 'small plate' dining will be available up to one hour prior to the terminal hour for sales of alcohol.
- Save for customers in the rear lounge area, alcohol will only be served by waiter and waitress service to persons seated at tables.

Prevention of crime and disorder

- A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order and continually record when licensable activity takes place. The recordings shall be retained for 31 days and made available to the police in line with current data protection laws. All recordings will be produced containing the date and time.
- Notices to be displayed near the entrance advising that CCTV is in use on the premises
- A record will be kept of refused sales, crimes reported and incidents. This record will be made available to Avon and Somerset Police on request.

Public Safety

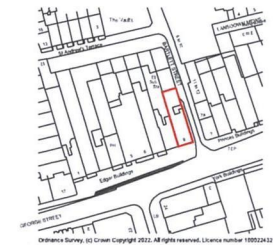
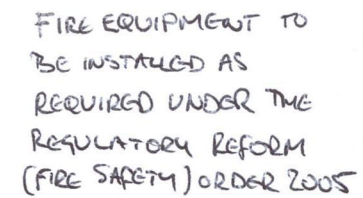
- All off sales of alcohol shall be in sealed containers unless it is to be consumed in the area covered by a valid Tables and Chairs permit.

Public Nuisance

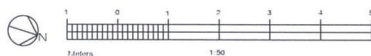
- The collection of empty bottles etc to take place between 09:00 hours and 17:00 hours only.
- The front of the premises shall be cleared of rubbish at the close of business every day.
- Notices shall be erected and maintained at the exit to the premises requesting patrons leave the premises quietly.
- Noise shall not emanate from the premises at a level likely to cause a public nuisance for residents in the immediate vicinity.
- A dispersal policy will be drawn up and implemented by the DPS to ensure that customers leaving the premises do so quickly and quietly.
- No music or vibrations will cause a public nuisance outside the premises or in any adjoining building.
- Music will be at a level so as not to cause a public nuisance to residents in the immediate vicinity.
- A manager or other member of staff will undertake periodic noise checks outside the premises during regulated entertainment to ensure levels are unlikely to cause a public nuisance.
- No more than 2 musicians will perform at any one time.

Protection of Children from Harm

- A policy relating to prevention of sales of alcohol to under 18's, such as 'Challenge 21' or 'Challenge 25' shall be drawn up and implemented at the premises. The policy will be made available to officers from the council or police upon request.
- All staff involved in sale or supply of alcohol will be trained in relation to the law relating to alcohol sales prior to serving customers. Training records will include a completed schedule of training, names of staff, dates of training, subjects tested and any refresher training.



3 SITE LOCATION PLAN



REVISIONS			
Rev.	Date	Details	Name
A	2007-12-22	Notes amended	SL



Enhammed Hospitality

9 Edgar Building
George Street
Bath BA1 2EE

Proposed General
Arrangement Layout

22.0502 EH 003

Rev. A 2007-12-22

Jan 2002

Not for construction or other use without written permission of the author.

LICENSING ACT 2003**REPRESENTATION FORM**

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

I/We object to the following application:

Application number:	22/00930/LAPRE
Applicant's name:	Book My Table Limited
Premises name and address:	Ground Floor and Basement, 9 Edgar Buildings, Bath, BA1 2EE
Application for a:	New Premises Licence

Objector Details:

Objector's Name:	Georgia Nixon and Ifan Jackson
Objector's Address:	Flat 3, 9 Edgar Buildings, Bath, BA1 2EE
Organisation name if applicable:	

Objection Details:

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

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

Please detail your objection(s) as fully as possible in the box below and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

I/We have already made a written representation and have no further comments

☐

We believe that, if granted, this license would adversely impact us and other residents of our building through public nuisances that may arise from its operation. Therefore, we would like to make formal representation under the Licensing Objective 'Prevention of Public Nuisance'.

Licensing Support Officer Lauren Latta has provided us with the conditions offered by the applicant and, having read the conditions, we do not believe that these would be sufficient to prevent public nuisances. With regards to the applicant's comments regarding music, quoted below:

Noise shall not emanate from the premises at a level likely to cause a public nuisance for residents in the immediate vicinity.

No music or vibrations will cause a public nuisance outside the premises or in any adjoining building.

Music will be at a level so as not to cause a public nuisance to residents in the immediate vicinity. We will undertake periodic noise checks outside the premises during regulated entertainment to ensure levels are unlikely to cause a public nuisance.

We note that the applicant refers to the immediate vicinity within these conditions however, there are 3 residential properties within the building itself and believe that the proposals would cause nuisance to us and the other residents in the building. We note that the conditions refer to 'any adjoining building' and believe that the applicant should also need to apply these conditions to the residential properties above. We note that the license application is for the hours from 8:00am to 2:00am and would question how the music within the premises would be at a level that would not cause a nuisance to those residents at the times that have been applied for.

We also note that the applicant has offered the condition below:

A dispersal policy will be drawn up and implemented by the DPS to ensure that customers leaving the premises do so quickly and quietly.

We question how it would be possible, given the proximity of residential properties, that the additional noise from customers entering and vacating the premises would not cause a public nuisance as customers may still congregate and make noise outside of the premises prior to entering and/or once they have left, particularly if they have consumed alcohol. Should the opening hours of the business reflect the requested licensing hours then the

noise nuisance would have a significantly greater negative impact on us.

Another condition that has been provided as below:

Save for customers in the rear lounge area, alcohol will only be served by waiter and waitress service to persons seated at tables.

In conjunction with the planning application that has also been submitted for this property, this referenced rear lounge area is set further back from the main road. This brings it into closer proximity to multiple residential properties affecting a greater number of people through additional noise. This would also be very close to our bedroom within our own property. This rear section of the building is only one storey and would have a greater potential for noise to emanate to the surrounding areas.

We believe that, even with the conditions offered, this license with the hours that have been applied for would cause an increased public nuisance to ourselves and the other residents of the area. As residents that live directly above the premises we believe that approval of this license with its applied for hours would cause a significant loss of residential amenity to ourselves and the other residents of the building. We are professionals and need to be up at 6:30am at the latest on work days for our jobs and we would therefore be directly and negatively impacted by the playing of music and selling of alcohol and until 2:00am every day of the week.

We have little experience of this process and having objected to the corresponding planning application (22/00495/FUL) we are aware that licensing hours do not necessarily equate to the actual operating hours however, we are particularly concerned by the potential that approved licensing hours may enable actual operating hours to extend in the future. Consequently, if granted, this licence would cause a public nuisance not only to ourselves but also to other residents in the immediate area.

We would also like to point out that there are a large number of other premises providing alcohol in the close vicinity and would suggest that to allow a further licence would result in there being an over-provision of premises in this area, especially so close to residential housing.

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

Signed

Georgia Nixon & Ifan Jackson

Date

10/05/22

Contact telephone number(s)

(This is essential as we may need to contact you at short notice)



There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name

I will be attending the hearing ☐ I will not be attending the hearing ☐

I will be represented at the hearing by

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary/unnecessary

Form to be returned to licensing@bathnes.gov.uk or:

Licensing Team
Public Protection Service
Lewis House
Manvers Street
Bath BA1 1JG

Important Information About Your Representation

Why do I need to fill in this form?

While we can accept any written representation, we ask that you complete this form in order to assist the Licensing Sub Committee at the hearing.

Representations made under the Licensing Act must be made public, and by signing this form you give permission for your details to be disclosed. That is why we ask you to complete this form even if you have already made a written representation.

What if I do not want my details to be disclosed?

Anonymous representations will not normally be accepted.

If you think there are exceptional circumstances that would justify you making an anonymous representation, such as the threat of intimidation or violence from the applicant, then please contact the Licensing Office on 01225 396719 to discuss the matter.

Alternatively, you can ask your Parish Council or local Residents' Association to make a representation instead. If you choose to do this, there is no need to complete this form; the Parish Council or Residents' Association will do it if they decide to make a representation.

What do I need to know when writing my representation?

The Licensing Act 2003 sets out four 'licensing objectives', which are listed on the front of this form. Your representation should state how you think the application will affect one or more of these licensing objectives.

What if I want to supply extra information in support of my representation?

You can include the information with your representation form. If you have already made a representation and now want to give us extra information in support of it, you need to send copies of it to the Licensing Office *and* the applicant. This should be done at least 5 working days before the hearing.

If you arrive at the hearing with extra information that has not been sent to the Licensing Office and the applicant, it will only be considered if the applicant and the Committee agree to it. We recommend that you bring at least 10 copies of the information with you to the hearing.

I want to make a representation about traffic/planning issues

Unfortunately, representations about traffic or parking can not be accepted. This is because the licence holder can not be held responsible for the use of the public highway outside of the premises.

The licensing regime is separate from other local government functions, including the planning department. If a Premises Licence is granted for a building, this will not exempt the licence holder from having to obtain the necessary planning permission. We are therefore unable to accept representations that simply refer to the need for planning permission.

ANNEX C

From: Joe Mummery [REDACTED]
Sent: 11 May 2022 14:24
To: Licensing <Licensing@BATHNES.GOV.UK>
Cc: Maria Westring Heilberg [REDACTED]
Subject: 22/00930/LAPRE - 9 Edgar Buildings

Good afternoon,

I wish to register my objection to the licensing application for 9 Edgar Buildings, reference 22/00930/LAPRE for which I understand the deadline is today.

The application is for:

Live music, recorded music and the supply of alcohol: Monday to Sunday from 08:00 hours until 02:00 hours the following day.

Late night refreshment: Monday to Sunday from 23:00 hours until 02:00 the following day.

Plus a further 30 minutes opening following licensable activity

I reside in the second floor flat above the mentioned premises with my pregnant wife and two year old son. My objection to the application is based on public safety and public nuisance in connection with the operation of the bar and restaurant as proposed. The premises is currently subject to a planning application where opening hours, amongst many other issues are a planning consideration to which I have also objected. The reference for that application is 22/00495/FUL and my full objection on planning grounds can be seen there.

Nigel Shire from BANES Environmental Protection has raised concerns over the impact of this business on local residents, especially those living above the premises. Notably noise, storage and waste management, extraction and ventilation, and fire safety issues. As far as I am aware these issues are in the process of being resolved through the planning application, and I do not believe a license should be granted until they are fully resolved.

The two issues that concern me the most are fire safety and noise, although the other issues are significant. There is only one escape route from the floors above the premises and I see no provision within the planning application for providing additional fire protection, warning, or means of escape for the change and intensification of the use of the premises. Furthermore the potential for noise to negatively affect the amenity of the residents in the floors above is a significant concern, especially with regards to quality and quantity of sleep with the licensing proposal leaving only five and a half hours between opening and closing.

The restaurant Dos Dedos, directly to the rear of 9 Edgar Buildings has strict conditions imposed on these issues and I believe these work well to balance the demands of running the business with the amenity of local residents.

Kind regards,
Joe Mummery

ANNEX C

From: Geoff Cannon
Sent: 12 May 2022 09:09
To: joe_mummery [REDACTED]
Cc: [REDACTED]
Subject: 22/00930/LAPRE - 9 Edgar Buildings - Representation

Good morning Mr Mummery.

Please allow me to introduce myself as the officer dealing with this application and your main point of contact in relation to this matter.

Thank you for raising your concerns regarding the application for a Premises Licence for 9 Edgar Buildings.

Having read your representation of objection, please allow me to point out the following:

Representations must be relevant to one of the four Licensing Objectives:

1. the prevention of crime and disorder
2. public safety (of persons on the licensed premises)
3. prevention of public nuisance
4. the protection of children from harm

Planning matters are not considered by the Licensing Sub – Committee. I note that you have submitted an objection to a planning application in respect of this premises.

As Planning and Licensing are separate regimes, the Licensing Authority cannot legally the issuing of a Premises Licence while planning matters are resolved. A Premises Licence may be legally granted irrespective of Planning. However, Premises Licence Holders are always reminded that they must adhere to the least favourable legal requirement. For example, If Planning only allows a premises to operate within certain times, yet a Premises Licence authorises later times, they must adhere to Planning who would be the authority to enforce this.

Fire safety is an issue for the Fire and Rescue Service who have been consulted on this application. Again this is not something the Licensing Sub – Committee will consider as again you have stated that this is being considered in the planning process.

The only issue that appears to be relevant to this application from a Licensing point of view is where you mention noise having a negative effect residents living above the premises.

This can be something that the Licensing Sub – Committee can consider as it may be deemed as Public Nuisance.

I have attached a Representation Form which we ask anybody making an objection to complete as it helps the Licensing – Sub Committee process and contains

important information regarding the hearing process. You will see that this form also confirms my observations above.

The form asks you to indicate whether you wish to attend the Licensing Sub – Committee (I have yet to confirm the date but I am hoping this matter can be heard on Thursday 9 June. If you do not wish to attend the hearing regardless of the date, please indicate this on the form.

Please complete the form and return to me as soon as possible,

Finally, please do not hesitate to contact me on the below mobile number if you wish to discuss any of the above.

Regards,

Geoff Cannon
Public Protection Officer - Licensing
Public Protection and Health Improvement Service
Bath & North East Somerset Council
Mob: 07977228120
Email: geoff_cannon@bathnes.gov.uk
www.bathnes.gov.uk
www.twitter.com/bathnes

LICENSING ACT 2003**REPRESENTATION FORM**

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

I/We object to the following application:

Application number:	22/00930/LAPRE
Applicant's name:	Flute Bar and Restaurant
Premises name and address:	9 Edgar Buildings, Bath, BA1 2EE
Application for a:	Live music, recorded music, supply of alcohol

Objector Details:

Objector's Name:	Joe Mummery
Objector's Address:	Flat 1, 9 Edgar Buildings, Bath, BA1 2EE
Organisation name if applicable:	

Objection Details:

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

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

Please detail your objection(s) as fully as possible in the box below and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

I/We have already made a written representation and have no further comments

☐

I reside on the second floor of 9 Edgar Buildings with my pregnant wife and two year old son. Our bedroom windows face north and are directly above the external courtyard area between the proposed bar, cocktail lounge and kitchen. My objection to the licensing application is on the basis of preventing public nuisance through:

Noise arising from live/recorded music

Noise levels from drunk customers in the early hours of the morning both on the premises and in the process of leaving the premises.

The associated noise of an operational bar/restaurant open until 2am plus closing down time: waste management, extractor fans etc.

The applicant has applied for hours of opening from 8am until 2am with a further 30mins after closing. This leaves a period of 5.5 hours between opening and closing, but as I am a parent and have a job I will be getting up 1-2 hours earlier than this every day, leaving only a handful of hours of peace every night (provided I am not woken up by loud drunks shouting and fighting after they've been turned out of the bars, a regular occurrence).

This area of the city is already noisy and has become progressively and cumulatively noisier as more restaurants and bars have been opened along George Street. The difference in this case is that Bartlett Street is a quieter area compared to George Street, indeed it is somewhat of a threshold between the city centre and more residential areas of Bath, and this venue has a long frontage on to Bartlett Street.

I do not object to the principle of the application, simply to the lateness of the opening hours. Dos Dedos, directly to the north of the application premises, was limited to closing around midnight, which seems appropriate to me in this situation aswell.

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

Signed

Joe Mummery

Date

17/05/22

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



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Name Joe Mummery

I will be attending the hearing ☒ I will not be attending the hearing ☐

I will be represented at the hearing by

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

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