

Bath & North East Somerset Council		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA
MEETING DATE:	Thursday 15 September 2011	ITEM NUMBER
TITLE:	Application for a Premises Licence for Fubar , 2 Grove Street, Bathwick, Bath BA2 6PJ	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A New Premises Licence Application		
Annex B Site Plan		
Annex C Representations received from Interested Parties		

1 THE ISSUE

1.1 An application has been received for a new Premises Licence under the Licensing Act 2003 in respect of Fubar 2 Grove Street, Bathwick, Bath BA2 6PJ.

2 RECOMMENDATION

2.1 That the sub committee determines this application.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4 THE REPORT

4.1 An application has been received for a **new** Premises Licence (Annex A).

4.2 The application is for:

- 1) The **Sale of Alcohol** for consumption both on and off the premises, between the following hours:

Sunday to Thursday 08:00 to 00:00 (midnight)

Friday and Saturday 08:00 to 01:00 (following day)

- 2) The provision of Regulated Entertainment by way of **Recorded Music** indoors only between the following hours:

Sunday to Thursday 08.00 to 00.00 (midnight)

Friday and Saturday 08:00 to 01:00 (following day)

3) The provision of Regulated Entertainment by way of **Live Music** and the provision of **Facilities for Making Music** indoor only between the following hours:

Monday to Sunday 08:00 to 00:00 (midnight)

4) The provision of **Late Night Refreshment** indoors only:

Sunday to Thursday 23:00 – 00:00 (midnight)

Friday and Saturday 23:00 – 01:00 (following day)

Non-standard timings for all the above mentioned licensable activities:

From the start of normal activity time on New Year's Eve until the start of normal activity time on New Year's Day.

On Bank Holiday Sundays the terminal hour for the above licensable activities will be extended to 02:00 hours.

5) The requested **Opening Hours** are as follows:

Sunday to Thursday 08:00 to 01.00 (following day)

Friday and Saturday 08:00 to 02:00 (following day)

Non-standard opening times:

From the start of normal opening hours on New Year's Eve to the start of opening hours on New Year's Day.

On Bank Holiday Sundays the closing time shall be 02:00 hours.

On the morning of change to British Summertime, the closing time shall be 02:00 hours.

4.3 A site plan is attached at Annex B.

4.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:-

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

Each objective is of equal importance; there are no other licensing objectives so these four are of paramount consideration at all times. When considering

applications/representations/notifications the Licensing Authority will have regard to these licensing objectives.

- 4.5 The Licensing Authority may grant the application with or without additional conditions.
- 4.6 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, 5, 6, 9, 10, 15-20, 23, 24, 28, 33-37, 41 to 44 of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised on 28 June 2008).
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, 183, and Schedule 2 of the Act.
- 4.7 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 4.8 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, and the child protection agency.
- 4.9 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 days of submitting the application to the licensing authority.
- 4.10 Representations have been received from **Interested Parties** who express concern that the applicant's proposals risk undermining the following licensing objectives, namely the Prevention of Crime and Disorder; the Prevention of Public Nuisance; and Public Safety (Annex C).
- 4.11 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Terrill Wolyn, Licensing Officer, 01225 396939
Background papers	Licensing Act 2003, Guidance Notes issued under section 182 of the Licensing Act 2003, Licensing Act 2003 Regulations, B&NES Statement of Licensing Policy.

11/02998

ANNEX A

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

ENVIRONMENTAL SERVICES

1 5 JUL 2011

Post Log No:

Receipt No: 348270

CH/CA £: 100

I/We JAMES MCALINDEN
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
 FUBAR, 2 GROVE STREET, BATH BA2 6PJ

Post town	BATH	Post code	BA2 6PJ
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Telephone number at premises (if any)	01225 465400
Non-domestic rateable value of premises	£18250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

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

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

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MCALINDEN			First names JAMES		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number		01225 465400			
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note1)
 SMALL BRASSERIE PREMISES CLOSE TO CITY CENTRE. SET ON THREE FLOORS, KITCHEN AND CURRENTLY LICENSED FOR USE PURELY AS A RESTAURANT (JUSTICES LICENCE TRANSITIONALISED IN 2005) A NEW LICENCE APPLICATION IS NECESSARY TO INCLUDE AN ADDITIONAL DECKED AREA OUTSIDE ACCESSED BY WAY OF THE INTERIOR LOUNGE. THE LICENCE , WHICH DOES CONTAIN SOME INACCURACIES, IS INAPPROPRIATE FOR INTENDED USE. HERE THE DÉCOR AND NEW DECKED AREA ENHANCES BATH'S EUROPEAN CAFÉ CULTURE INCORPORATING TAPPAS, BARSNACKS AND FINE CUISINE.

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
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 tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
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 tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	0800	2400	Please give further details here (please read guidance note 3) LOW KEY , COMPLIMENTARY TO DINING EXPERIENCE. SOLO ARTIST OR SMALL GROUP		
Tue	0800	2400			
Wed	0800	2400	State any seasonal variations for the performance of live music (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Thur	0800	2400			
Fri	0800	2400	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0800	2400			
Sun	0800	2400			

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 tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) OCCASIONAL USE AT PARTIES (KARAOKE)		
Mon	0800	2400			
Tue	0800	2400	State any seasonal variations for the playing of recorded music (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Wed	0800	2400			
Thur	0800	2400	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	0800	2400			
Sat ↺	0800	2400			
	0000	0100			
Sun ↺	0800	2400			
	0000	0100			

Please see the amended sheet

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	0800	2400	<u>Please give further details here</u> (please read guidance note 3) OCCASIONAL USE AT PARTIES (KARAOKE)		
Tue	0800	2400			
Wed	0800	2400	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Thur	0800	2400			
Fri	0800	2400	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	0000	0100			
	0800	2400			
Sun	0000	0100			
	0800	2400			

Blank - gfw.

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> PROVISION OF KARAOKE FACILITY AT PARTIES,	
			<u>Will the facilities for making music be indoors or outdoors or,both – please tick</u> (please read guidance note 2)	
			Outdoors <input type="checkbox"/>	
			Both <input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	0800	2400		
Tue	0800	2400		
Wed	0800	2400		
Thur	0800	2400		
Fri	0800	2400		
Sat	0800	2400		
Sun	0800	2400	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS	
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Fri					
Sat					
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

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 tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	2300	2400			
Tue	2300	2400			
Wed	2300	2400	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Thur	2300	2400			
Fri	2300	2400	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	0000	0100			
	2300	2400			
Sun	0000	0100			
	2300	2400			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		
Mon	0800	2400			
Tue	0800	2400			
Wed	0800	2400			
Thur	0800	2400			
Fri	0800	2400			
Sat	0000	0100			
	0800	2400			
Sun	0000	0100			
	0800	2400			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS		

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

Name JAMES MCALINDEN	
Address WESTBARN, OLDBURY LANE, WICK SOUTH, GLOUS	
Postcode	BS30 5RJ
Personal Licence number (if known) SGC/080174	
Issuing licensing authority (if known) SOUTH GLOUCS DC	

N

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)
 NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) ON NEW YEARS EVE FROM START OF NORMAL HOURS TO COMMENCEMENT OF HOURS ON THE FOLLOWING DAY BANK HOLIDAY SUNDAYS EXTENDED TO 0200 HOURS
Day	Start	Finish	
Mon	0000	0100	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) ON THE MORNING OF CHANGE TO SUMMERTIME THE CLOSING TIME WILL BE 0200 BST
	0800	2400	
Tue	0000	0100	
	0800	2400	
Wed	0000	0100	
	0800	2400	
Thur	0000	0100	
	0800	2400	
Fri	0000	0100	
	0800	0000	
Sat	0000	0200	
	0800	2400	
Sun	0000	0200	
	0800	2400	

P 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)

THESE PREMISES HAVE BEEN CLOSED FOR SOME TIME, BUT HAVE NOW BEEN RESTORED WITH REVAMPED KITCHENS AND A DECKING AREA ERECTED OUTSIDE TO CATER FOR AMONGST GENERAL USE, SMOKING. CCTV, APPROPRIATE NOTICES, CONTROL TO LIMIT NOISE FROM EFFECTS OF LIVE/RECORDED ENTERTAINMENT AND OUTSIDE USE OF DECKED AREA ARE REFERRED TO BELOW. A FOOD MENU WILL BE ENCOURAGED ON THE PREMISES AND BE AVAILABLE TO SELECT FROM UNTIL AN HOUR BEFORE CLOSING. THE PREMISES ARE SITUATED IN THE CUMULATIVE IMPACT AREA AND THE PROPOSED CONDITIONS ARE SUGGESTED TO ADDRESS ANY PROBLEMS WHICH MAY BE OF CONCERN TO NEIGHBOURS OR RESPONSIBLE AUTHORITIES. IN ORDER TO ASSIST IN SELF POLICING MAINTAIN A LOG OF EVENTS, INCIDENTS, INFORMATION FROM RESPONSIBLE AUTHORITIES or STAFF, NEIGHBOURS SHOWING ANY ACTION IF NECESSARY, REQUIRED TO BE TAKEN.

b) The prevention of crime and disorder

CCTV TO BE MAINTAINED, DURING PERIODS WHEN LICENSABLE ACTIVITIES ARE TAKING PLACE, IN AGREEMENT WITH POLICE AND RECORDINGS RETAINED FOR A MINIMUM PERIOD OF 28 DAYS AND MADE AVAILABLE UPON REQUEST OF POLICE.

NOTICE DISPLAYED TO THE EFFECT THAT CCTV IS IN OPERATION

WHERE A RISK ASSESSMENT BY THE DPS AND/OR AT THE WRITTEN REQUEST OF POLICE, SIA DOOR STAFF SHALL

1. SUPERVISE ALL PATRONS QUEUING TO ENTER PREMISES AND WHEN LEAVING TO SEEK TO ENSURE THEY DO SO IN A QUIET AND ORDERLY MANNER AND
2. WEAR YELLOW REFLECTIVE JACKETS AT ALL TIMES WHEN ON DUTY.

TO CONSIDER MEMBERSHIP OF PUBWATCH ORGANISATION OR ANY ORGANISATION WHICH PROMOTES GOOD LICENSING CONTROL LOCALLY OR NATIONALLY.

c) Public safety

A FIRE RISK ASSESSMENT HAS BEEN PREPARED AND WILL BE KEPT ON THE PREMISES FOR INSPECTION.

THE DECKING AREA NOT TO BE USED UNTIL CONSTRUCTION MEETS WITH APPROVAL OF THE PRINCIPAL BUILDING CONTROL SURVEYOR.

d) The prevention of public nuisance

NOTICE DISPLAYED ON PREMISES ADVISING PERSONS TO LEAVE QUIETLY
RESPECTING LOCAL RESIDENTS.

WHEN REGULATED ENTERTAINMENT TAKES PLACE NO NOISE TO EMANATE FROM
THE PREMISES SO AS TO BE AUDIBLE OR CAUSE NUISANCE AT THE FAÇADE OF THE
NEAREST RESIDENTIAL PREMISES

OUTSIDE USE OF DECKED AREA TO CEASE AT 2230

e) The protection of children from harm

POLICY (MANDATORY)

1. All staff will receive training based on a robust training program relating to alcohol sales before being authorised to sell alcohol.
2. A record to be maintained of all persons so trained.
3. All sales which are refused to be recorded together with the reason for refusal.
4. If a person appears to be under the age of 21 years, then proof of identity will be sought.
5. Such proof of age will only be accepted if evidence of identification contains a photograph, date of birth, a holographic mark. Examples of acceptable ID are photocard driving licences, passports or proof of age cards bearing the PASS hologram and other forms of ID which meet the criteria already described.
6. Refresher Training to be considered at six monthly periods or at any time when an amendment is enacted relating to sales to young people.

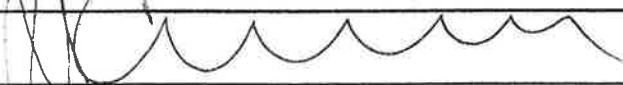
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	14 th JULY, 2011

Capacity	DAVID C HOLLEY , LICENSING AGENT
----------	----------------------------------

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) 25 BROAD STREET, BATH			
Post town	BATH	Post code	BA1 6LW
Telephone number (if any)	07710 272 384		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) dholley_licensing@btinternet.com			

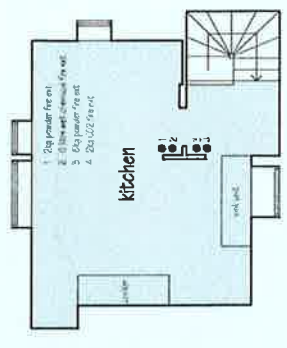
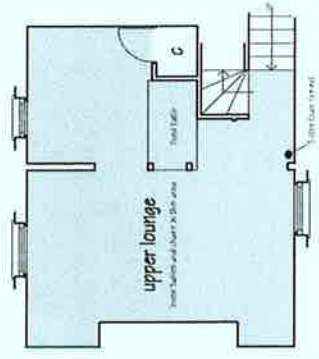
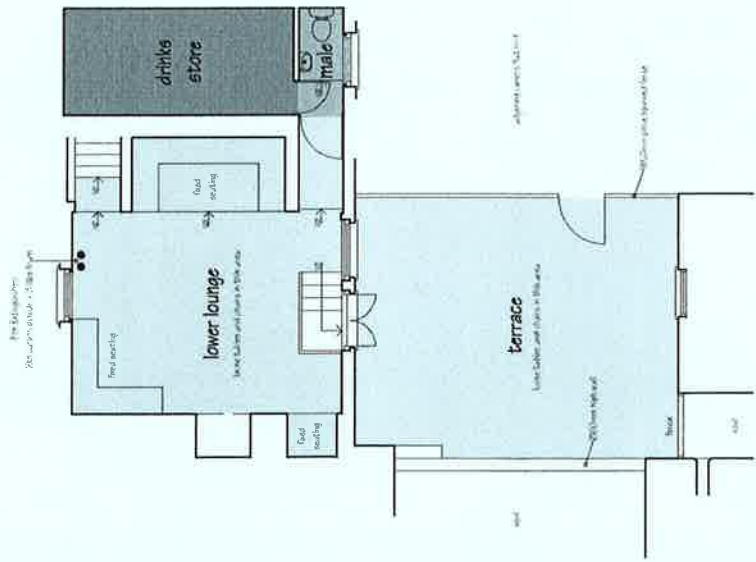
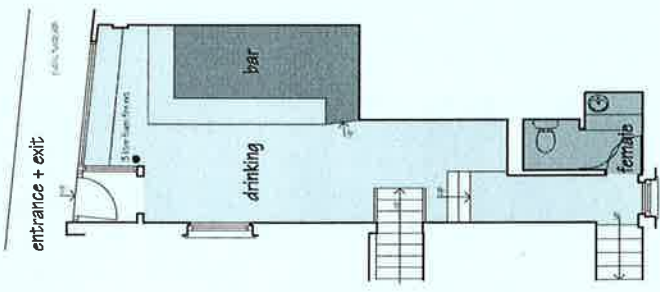
Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.

9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



- toilets
- kitchen and staff only areas
- storing alcohol
- alcohol consumed



SECOND FLOOR PLAN

FIRST FLOOR PLAN

GROUND FLOOR PLAN

LOWER GROUND FLOOR PLAN

K E V I N S M I T H Architectural Services
7 Ludlow Close, Frome, Somerset, BA11 2ES TEL 07946 078948 WEB www.kevin-smith.co.uk

Client: Jim McAllinden
Job: 'Fubar', 2 Grove Street, Bath, Somerset.
Title: Survey Details (Floor Plans)
Scales: 1:100 Date: June 2011 Ref No: 1433 / 01



Bath & North East Somerset Council

Bath & North East Somerset Council,
 Planning Services,
 Trimbridge House,
 Trim Street,
 Bath BA1 2DP

Fubar 2 Grove Street



Scale 1/1250
 Date 26/8/2011
 Centre = 375244 E 165040 N
 Drawn by:
 Terrill Wolyn

INTERESTED PARTY REPRESENTATION

ANNEX C
ENVIRONMENTAL SERVICES
3 AUG 2011
Post Log No:
Receipt No:
CH/CA, E:

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

I/We object to the following application:

Application number:	11/02998/LAPRE
Applicant's name:	Mr. James McAlinden
Premises name and address:	Fubar, 2 Grove Street, Bathwick, bath BA2 6PJ
Application for a:	New Premises Licence

Objector Details:

Objector's Name:	Steve Deeley (Commercial Director, IPL)
Objector's Address: <small>This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.</small>	Eveleigh House, Grove Street, Bath BA1 5LR
Organisation name if applicable:	IPL Information Processing Limited

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. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

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


Please see attached sheets

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



Date

 2nd August 2011

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

01225 475000

Objection to New premises licence 11/02998LAPRE

On Behalf of IPL Information Processing Limited, of Eveleigh House Grove Street Bath BA1 5LR ("IPL"), I wish to make the following objections to this licence application:

1. On the grounds of public safety:

- a. The premises for which the license is sought includes a rooftop terrace. This terrace sits in part above the alleyway running between IPL's premises and those of the "RajPoot" Restaurant. Because entry to Fubar is at ground level in Grove Street, patrons are unlikely to realise that the terrace sits at some height (estimated to be 8-10 feet) above ground level in the alleyway (photos 1a and 1b).
- b. The terrace also sits a matter of some 7 feet or so below the level of IPL's perimeter wall (difficult to show, but see photo2), allowing patrons using the terrace easy access to the top of it. But as can be seen (photo3) the ground level on IPL's side of the wall is considerably lower than that of the terrace. Any Fubar patron could easily climb onto the wall not realizing that there was a much bigger drop the other side. In the event of a fire in Fubar's main building, or drunken behaviour on the terrace, there is a risk that patrons would be tempted to climb either over IPL's perimeter wall, or over the section of fencing that sits above the alleyway. In either case, serious injuries are likely.
- c. The only other alternative escape route from the roof terrace is through a gate onto the sub-basement roof of the Rajpoot. At that point, Fubar patrons would be faced with using a small door to enter the Rajpoot restaurant basement (photo4), or else climbing down the sides of the Rajpoot sub-basement to the alleyway below, which is itself bounded at either end by locked gates. Unless the owners of Rajpoot have consented to leaving the access door to their basement open at all times while Fubar patrons are using the terrace, it is hard to see how they could safely escape a fire propagating from the main Fubar building.
- d. There has already been an incident where one of the patio umbrellas present on Fubar's terrace was caught by wind and thrown over the wall between the properties, landing in IPL's courtyard. This area is used by IPL staff who keep their bicycles there, as well as for access to various plant and equipment rooms. Given the height difference between Fubar's terrace and IPL's courtyard, it is a matter of luck that there were no injuries arising from this incident.

2. On the grounds of public nuisance

- a. Fubar's terrace has been constructed without IPL's knowledge or consent to abut to, and be supported by, IPL's perimeter wall. This places Fubar patrons using the terrace close to IPL's office windows (Photo5). Many of our staff prefer to open their windows for fresh air. It is a stated aim of Fubar's application (part a, page 19) to encourage

patrons who smoke to do so on the terrace, and this smoke is likely to enter IPL's buildings, causing a nuisance and health hazard to IPL's staff.

- b. IPL staff work in offices adjacent to the terrace and also on the other side of the shared party wall between the properties in areas of Fubar's main building. The nature of our work requires high levels of concentration. At part d, page 20 of the licensing application, the applicant gives a commitment to limit noise emanating from Fubar only from the viewpoint of adjacent residential premises, not business ones. We believe that loud music will penetrate our shared wall and make it difficult for our staff to concentrate and work effectively, as well as having a detrimental impact on their health and well-being. A similar argument applies to music played on the terrace which would impact IPL staff in all offices facing the terrace area. We do not wish to *prevent* music being played in Fubar's main building, but we do seek conditions on the licence limiting the volume during working hours.

3. On the grounds of the prevention of crime and disorder

- a. IPL performs work that requires us to hold extremely sensitive and confidential data on site for a range of clients including banks and Government departments. As a result, IPL is required to observe stringent security requirements, including the physical security of our site. As noted, Fubar's roof terrace provides ready access to our property, including roofs, walls and stairwells (Photos 3, 6) which in turn make it easy to access large areas of our property which are not otherwise readily accessible. Any such breach of security would have to be reported to various authorities and could have a significant detrimental effect on IPL's current and future business.
- b. IPL also performs a range of services that include the provision of support to some clients on a 24 hours a day, seven days a week basis. Access to the areas around IPL's inner courtyard could enable an intruder to access equipment on which those services depend, which would also have a significant and material effect on IPL's current and future business.
- c. The terrace also (Photo2) gives ready access onto the roof and interior (via the window) of neighbouring properties not owned by Fubar.

On these grounds, IPL seeks to have this application rejected. We would like to point out to the authority that we have no issue as such with the granting of a modified licence permitting the sale of alcohol without food, as long as use of terrace is not permitted and noise is kept to a reasonable level.

Steve Deeley
Commercial Director, IPL
2nd August 2011



Photo1a: View of terrace from alleyway below showing height of deck above ground. Note also clutter and ladder (which does belong to IPL) offering easy access.

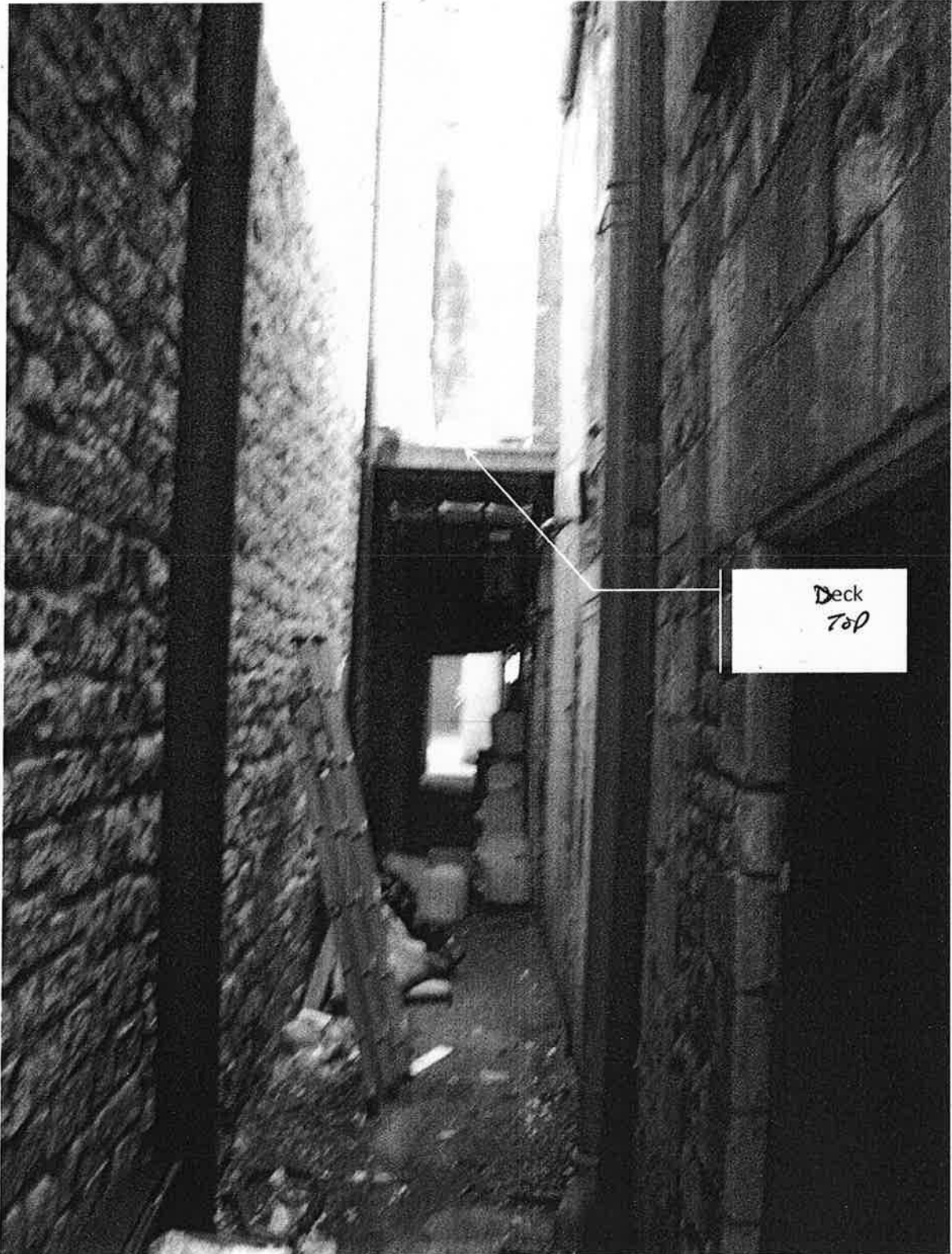


Photo1b: View of deck from alley showing height of IPL perimeter wall above deck

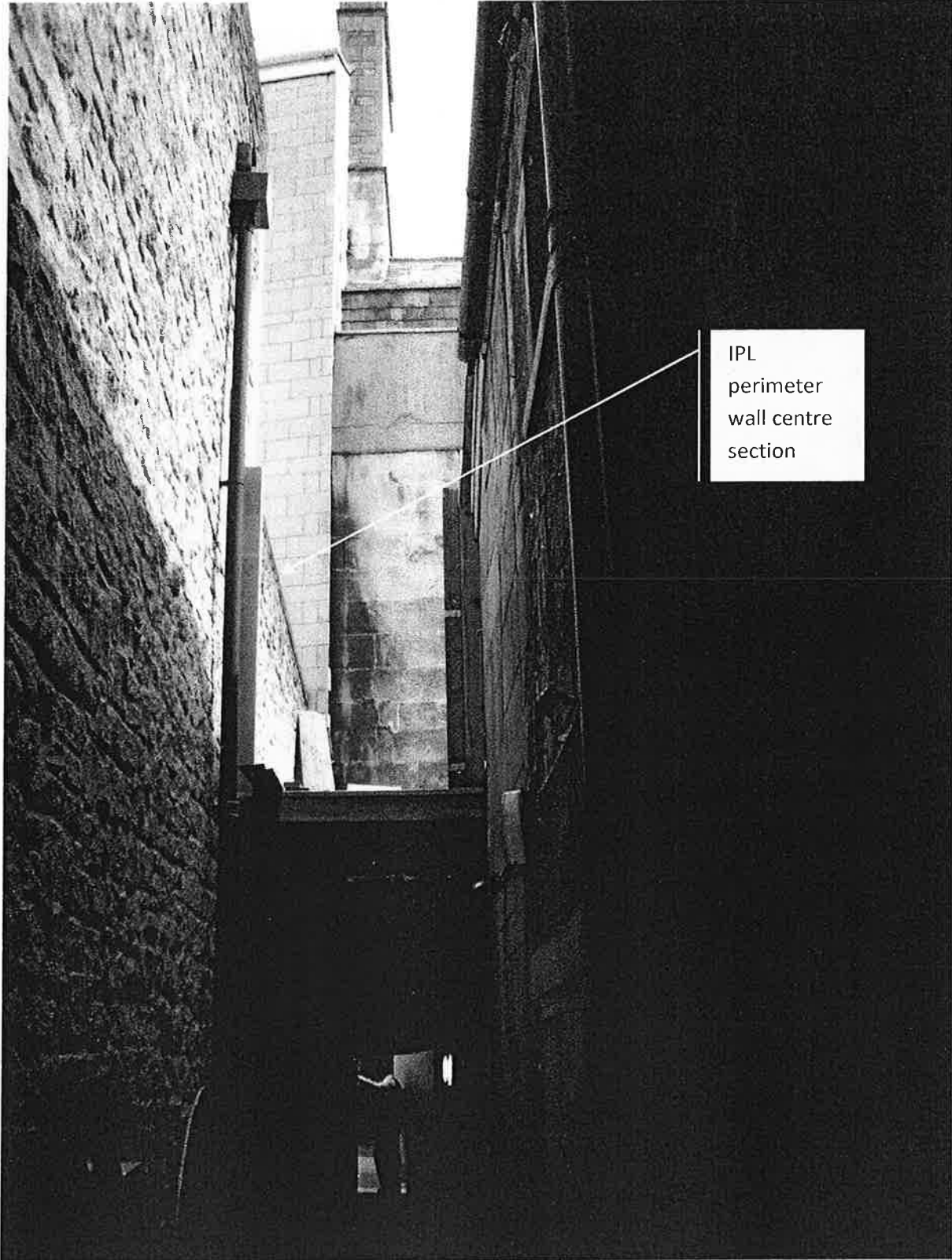


Photo2: Terraced area showing approximate height below IPL Perimeter wall and easy access into and onto neighbouring properties

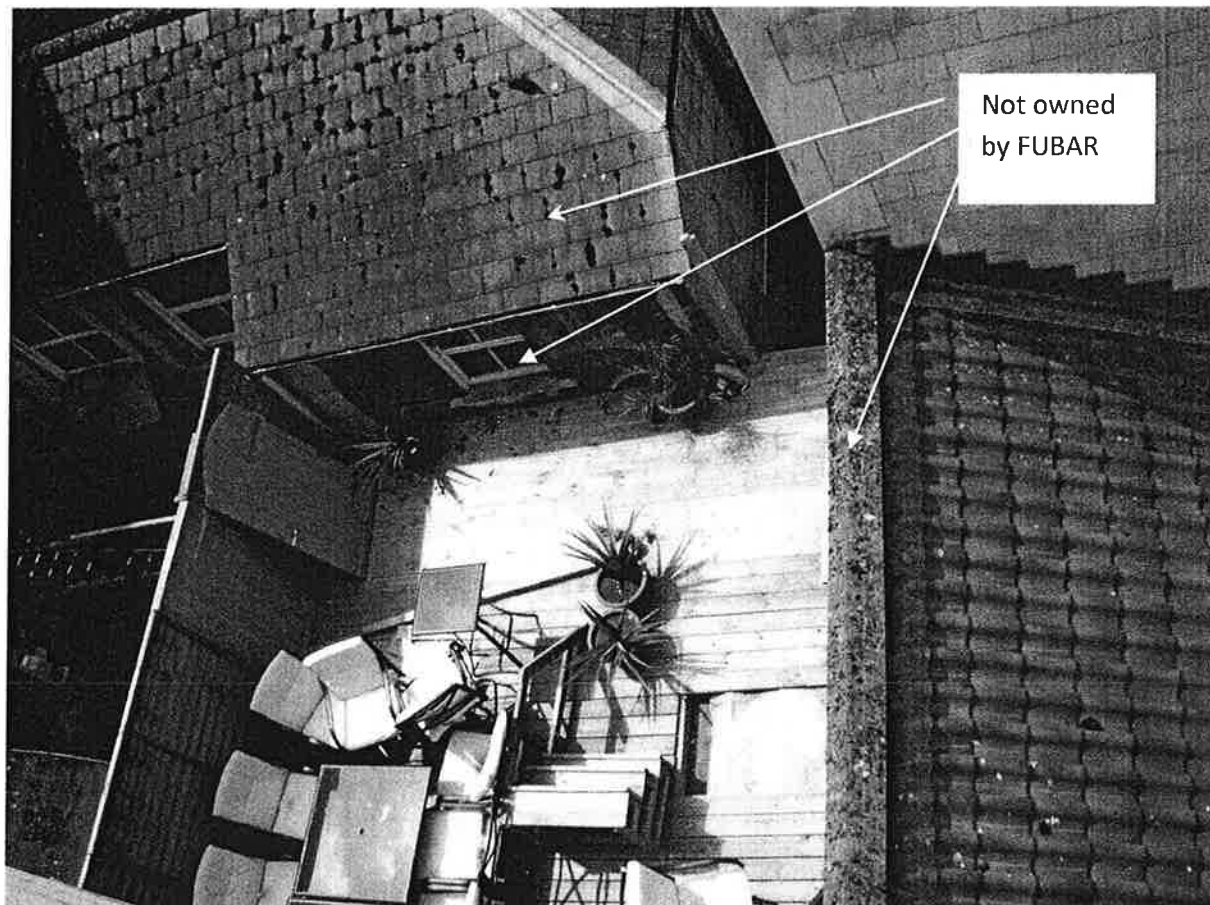


Photo3: showing height of drop from perimeter wall to IPL courtyard and access to internal areas of the premises



Photo4 : Showing only exit route from terrace in event of a fire in Fubar.

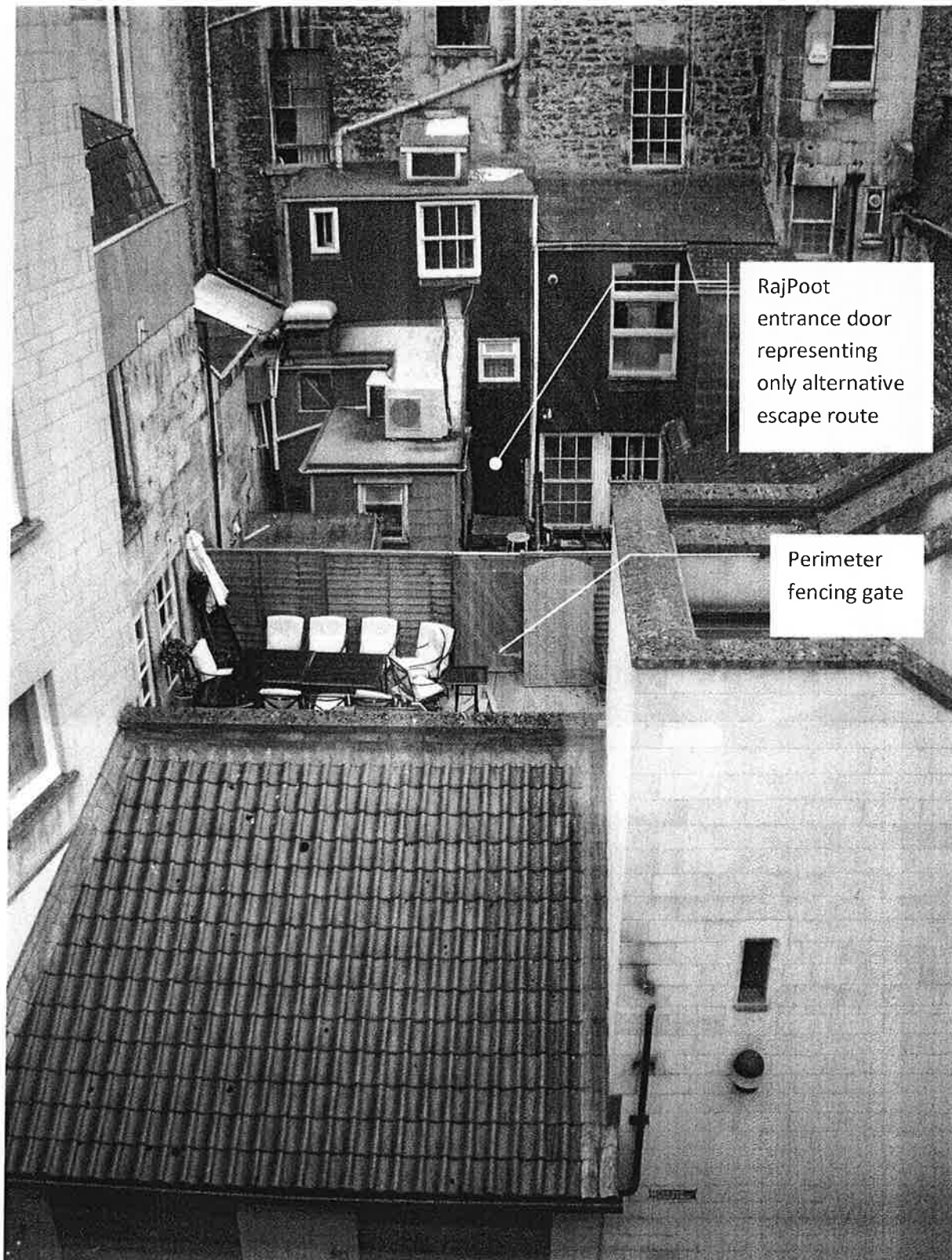
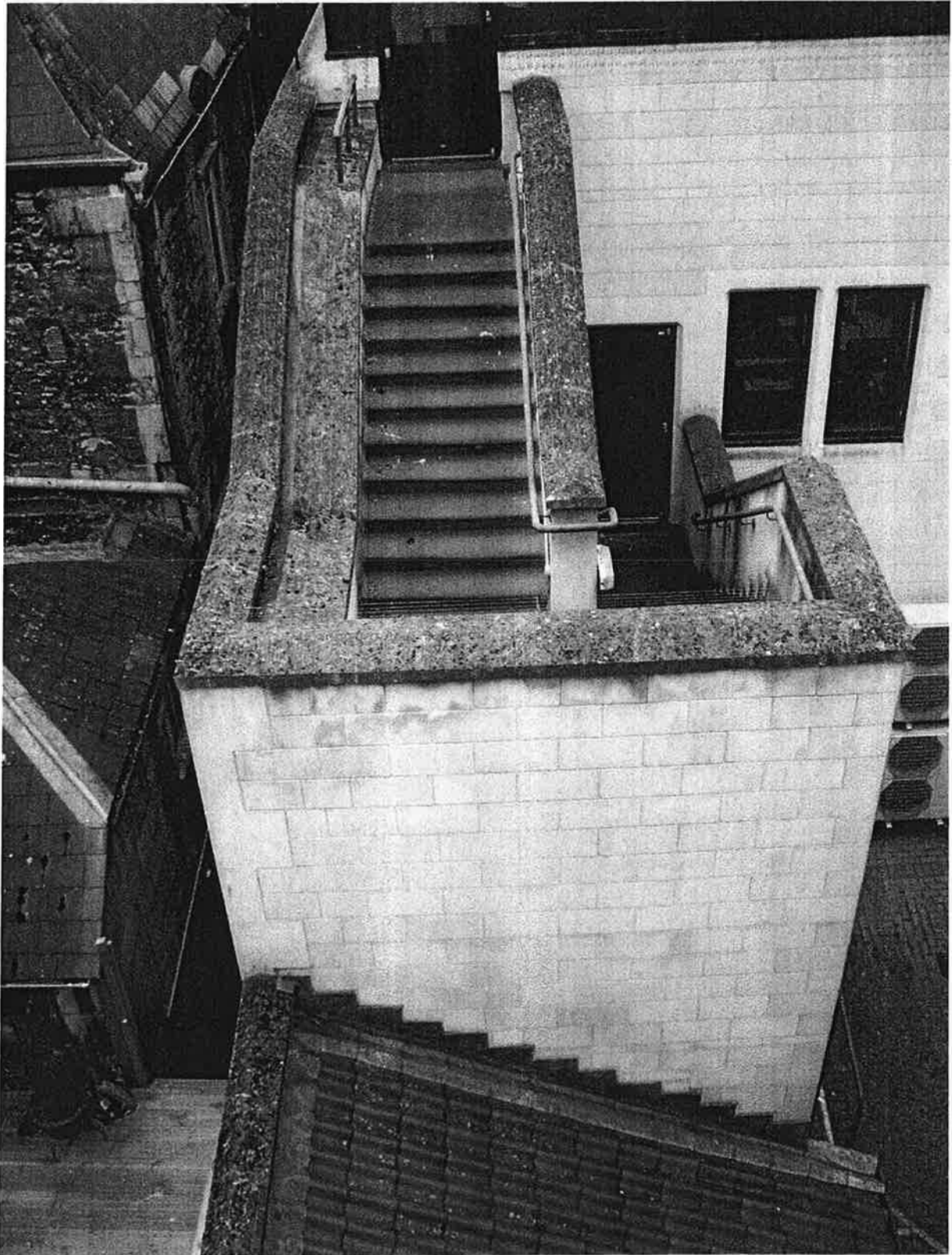


Photo5 : showing proximity of terrace to IPL office windows.

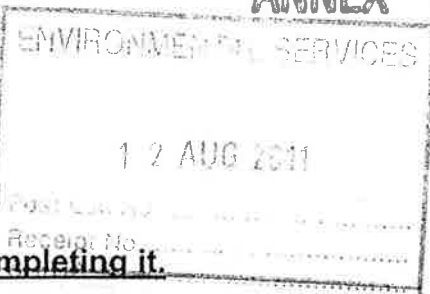


Photo6: showing ease of access from Fubar's terrace to IPL's stairwells



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION



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

I/We object to the following application:

Application number:	11-02998-LAPRE
Applicant's name:	James Mcalinden
Premises name and address:	FUBAR 2 Grove Street Bath BA2 6PJ
Application for a:	Premises License (Section 17 Licensing Act)

Objector Details:

Objector's Name:	Kevin Murphy
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	3 Argyle Street Pulteney Bridge Bath BA2 4BA
Organisation name if applicable:	Aaron Evans Architects Ltd

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. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

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

I object to the proposed use of the terrace area for the following reasons:

Prevention of Crime and Disorder: The deck will provide enhanced means of access to the rear of our offices making it potentially easier for damage, break-ins and theft.

The deck area is intended as a smoking area, and also currently has a gas bottle and gas barbeque on it. As the timber boarding has been placed onto a felt roof, there is clearly an increased risk of fire to our offices and staff and occupants in the building.

Public Safety: There is no apparent means of escape from the terrace area there is a high risk to Public Safety in case of fire.

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



12 August 211

Date _____

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

01225 466234

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:

INTERESTED PARTY REPRESENTATION

ENVIRONMENTAL SERVICES
ANNEX C
17 AUG 2011
Post Log No:
Receipt No:
CH/GA E:

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

I/We object to the following application:

Application number:	11/02998/LAPRE
Applicant's name:	James McAlinden
Premises name and address:	2 Grove Street Bath BA2 6PJ.
Application for a:	New premises licence

Objector Details:

Objector's Name:	Adrian Phipps
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	3, Argyle Street Bath BA2 4BA
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. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

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

As the Landlord of the shop, basement and sub basement of 3 Argyle Street Bath whose rear abutts onto the rear of 2 Grove Street, I object to the granting of a bar and music licence to the Fubar on the following grounds

- 1 The likely noise and disturbance that it will cause to my tenants and other residents in what is primarily a shopping and residential area
2. The likelihood of alcohol related anti social behaviour by customers of the Fubar such as urinating and vomiting in shop doorways and passageways, or criminal damage to plate glass windows,
- 3 .Potential fire and increased litter risks from the use of the rear decking area as a smoking area, as well as compromising the security of my tenant's business

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

Adrian Phipps

Date 15/08/2011

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

07710077458

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 Adrian Phipps

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

I will be represented at the hearing by David Phipps

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 Team
Public Protection
9-10 Bath Street
Bath
BA1 1SN

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

Application number:	11/02998/LAPRE
Applicant's name:	James Maclinden
Premises name and address:	Fubar 2 Grove Street Bath BA2 6JP
Application for a:	New Premises License

Objector Details:

Objector's Name:	Ian Perkins
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	11 Pierrepont Street Bath BA1 1LA
Organisation name if applicable:	The Abbey Resident's Association - TARA

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. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

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

The Abbey Residents Association has about three hundred members including a significant number in Grove Street and seeks to improve conditions for those living in the city centre.

Grove Street a substantially residential street and residents often have occasion to complain about noise and nuisance caused by the customers leaving the several drinking establishments and the night club that already operate close to the end of the street.

This application would represent a substantial change in the nature of these premises.

Currently these premises are operated as a restaurant where the emphasis is primarily on the quiet enjoyment of food and where alcohol is only consumed as an accompaniment to the food. This license if granted would potentially create premises where the focus was on drinking and music based entertainment. Karaoke rarely creates a quite atmosphere and we note the applicants even at this stage are anticipating these premises becoming a party venue. All this will be further aggravated by operating longer hours and having people drinking in the open air.

These premises are located in an area which is supposed to be subject to the Cumulative Impact Policy; if this application is granted residents will be moved question what the purpose of this policy is.

Should, despite this, the committee be minded to grant this application we would submit that the conditions proposed by the applicant are inadequate to control the nuisance which experience tells us will result.

We would suggest the committee considers, in addition, the following:

Closing times of two am in this area at any time would be wholly inappropriate

Outside areas and drinking alcohol particularly outside the context of a substantial meal have proven to be an almost inevitable source of nuisance and no premises in the centre of city that we are aware of are allowed to have drinking outside beyond 11pm at the latest.

Noise leakage from doors and windows are a frequent cause of nuisance were premises are playing loud music and most premises are required to keep all doors and windows closed after 11pm.

Any music amplification equipment should be fitted with noise limiters set to a level selected by the licensing authority.

We note the applicants anticipate significant queuing outside these premises. People queuing to go into drinking establishments and congregating outside when they leave are known sources of litter and many premises therefore have conditions set requiring them to regularly clear up litter, vomit etc. from outside their premises.

No one should be allowed come out of the premises onto the street with alcoholic drinks.

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

Ian Perkins

Date

18.08.11

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

07905 4951617

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 Ian Perkins

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 Team
Public Protection
9-10 Bath Street
Bath
BA1 1SN