

Bath & North East Somerset Council

MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 16 November 2023	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a Variation of a Premises Licence for: Raincheck 7 Edgar Buildings, Bath BA1 2EE	
WARD:	Kingsmead	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Annex A Application for a Variation of the Premises Licence. Annex B Current Premises Licence. Annex C Plan of existing Licensable activities area. Annex D Representations of objection to the application		

1 THE ISSUE

- 1.1 An application to vary the Premises Licence for Raincheck, 7 Edgar Buildings, Bath, BA1 2EE has been made under s.34 of the Licensing Act 2003. The premises is located within the B&NES Cumulative Impact Area and the Cumulative Impact Policy is relevant to this application.
- 1.2 Relevant representations have been received from a local resident and the Chair of The Circus Area Residents Association.

2 RECOMMENDATION

- 2.1 The Committee is asked to determine the application.

3 THE REPORT

- 3.1 An application has been received from Adventure Café (Bath) Limited to vary the Premises licence for Raincheck, 7 Edgar Buildings, Bath, BA1 2EE (**Annex A**)

3.2 The application proposes the following variations to the existing licence:

- Extend the terminal hour for the Sale of Alcohol (on premises) and the Provision of Late-night Refreshment by two hours on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;
- Extend Recorded Music (indoors) on Mondays, Tuesdays and Wednesdays to 02:00 hours the following morning;
- Extend closing time on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;
- Add a non-standard timing in respect of New Year's Eve.
- All other timings are to remain as per the current premises licence.

3.3 No additional measures have been offered by the applicant to promote the licensing objectives in addition to existing conditions attached to the operating schedule:

3.4 A copy of the current Premises Licence is attached (**Annex B**)

The floor plans showing the extent of the current licensable activities areas is attached (**Annex C**)

3.5 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.

3.6 Each objective is of equal importance and 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.

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

3.8 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 July 2023;
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.

3.9 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.

- 3.10 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.
- 3.11 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.
- 3.12 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 deemed valid, and to place an advert in a local newspaper within 10 working days of submitting a valid application to the licensing authority.
- 3.13 Representations of objection have been received within the statutory period from local resident Simon Merriweather and Chair of The Circus Area Residents Association, Malcolm Baldwin. They express concern that the applicant's proposals are likely to undermine the Prevention of Crime and Disorder and Prevention of Public Nuisance Licensing Objectives (**Annex D**)
- 3.14 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 £180.

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 (Head of Legal & Democratic Services and Council Solicitor), Section 151 Officer (Director of Finance) and Head of Building Control and Public Protection have had the opportunity to input to this report and have cleared it for publication.
- 9.2 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Geoff Cannon Public Protection Officer (Licensing) 01225 396719
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 to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We Adventure Café (Bath) Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 23/02005/LAPRE (formerly 21/01209/LAPRE)
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Raincheck 7 Edgar Buildings			
Post town	Bath	Postcode	BA1 2EE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ Band B

Part 2 – Applicant details

Daytime contact telephone number	██████████		
E-mail address (optional)	████████████████████		
Current postal address if different from premises address	Adventure Café (Bath) Limited 5 Princes Buildings George Street		
Post town	Bath	Postcode	BA1 2ED

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect?
n/a

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late-night levy? (Please see guidance note 1) No

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

This proposed variation application is seeking to:

Extend the terminal hour for the Sale of Alcohol and the Provision of Late-night Refreshment by two hours on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;

Extend Recorded Music on Mondays, Tuesdays and Wednesdays to 02:00 hours the following morning;

Extend closing time on Mondays, Tuesdays and Wednesdays to 03:00 hours the following morning;

Add a non-standard timing in respect of New Year's Eve.

Please note that all other timings are to remain as per the current premises licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A n/a

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

B n/a

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

C n/a

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D n/a

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

E n/a

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

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon	12:00	02:00			
Tue	12:00	02:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	12:00	02:00			
Thur	No change	No change	<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 7)		
Fri	No change	No change			
Sat	No change	No change	When New Year's Eve falls on a Sunday: from normal activity start time until 02:00 on New Year's Day.		
Sun	No change	No change			

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	23:00	03:00			
Tue	23:00	03:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed	23:00	03:00			
Thur	No change	No change	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) When New Year's Eve falls on a Sunday: from normal activity start time until 03:00 on New Year's Day.		
Fri	No change	No change			
Sat	No change	No change			
Sun	No change	No change			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	12:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	12:00	03:00			
Wed	12:00	03:00			
Thur	No change	No change	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) When New Year's Eve falls on a Sunday: from normal activity start time until 03:00 on New Year's Day.		
Fri	No change	No change			
Sat	No change	No change			
Sun	No change	No change			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None</p>
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L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	03:00	
Tue	12:00	03:00	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 7) When New Year's Eve falls on a Sunday: from normal opening time until 03:00 on New Year's Day.
Wed	12:00	03:00	
Thur	No change	No change	
Fri	No change	No change	
Sat	No change	No change	
Sun	No change	No change	

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

None

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

As this is an electronic application the premises licence shall be returned under separate cover to:

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

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The existing conditions attached to the premises licence have successfully promoted the licensing objectives on the days the premises is already authorised to trade to 03:00 hours.

In consideration of this, the provision of CCTV, an incident/refusal log, signage requesting customers to be considerate to neighbours, staff training, the requirement for regulated entertainment to cease 60 minutes before the last permitted sale of alcohol and the operation of a "Challenge 25" age verification policy are all measures that shall remain to ensure the continued promotion of the licensing objectives.

b) The prevention of crime and disorder

As per current premises licence

c) Public safety

As per current premises licence

d) The prevention of public nuisance

As per current premises licence

e) The protection of children from harm

As per current premises licence

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ✓
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late-night levy. n/a
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Application therefore onus on LA to serve copies RAs** n/a
- I understand that I must now advertise my application. ✓
- I have enclosed the premises licence or relevant part of it or **explanation**. ✓
- I understand that if I do not comply with the above requirements my application will be rejected. ✓

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	██████████
Date	25/09/2023
Capacity	Licensing Consultant for the Applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Ms Terrill Wolyn

██████████
██████████

Post town | ██████████ | Post code | ██████████

Telephone number (if any) | ██████████

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

██████████

**Licensing Act 2003
Premises Licence**

Premises Licence Number

23/02005/LAPRE

Premises Details

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

Raincheck
7 Edgar Buildings
Bath
BA1 2EE

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Wednesday	12:00 - 01:00
Thursday to Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

Performance of Recorded Music (Indoors only)

Monday to Wednesday	12:00 - 00:00
Thursday to Saturday	12:00 - 02:00
Sunday	12:00 - 23:00

Late Night Refreshment (Indoors and Outdoors)

Monday to Wednesday	23:00 - 01:00
Thursday to Saturday	23:00 - 03:00
Sunday	23:00 - 00:00

The opening hours of the premises

Monday to Wednesday	12:00 - 01:00
Thursday to Saturday	12:00 - 03:00
Sunday	12:00 - 00:00

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

Alcohol is supplied for consumption on the premises

Name of holder of premises licence

Adventure Café (Bath) Limited

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

Registered Business Number - 07451242

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

As per Operating Schedule at Annex 2.

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of
Bath & North East Somerset Council:



Dated 17 October 2023

Annex 1 – Mandatory conditions

Mandatory conditions in respect of premises supplying alcohol for consumption on the premises only, or both on and off the premises:

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

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

where:

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

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

From 1 October 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a) games or other activities which require or encourage, or are designed to require or encourage individuals to i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or, ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

4. The responsible person must ensure that: a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures - i) beer or cider: ½ pint; ii) gin, rum, vodka or whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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Annex 2 – Conditions consistent with the Operating Schedule

The Licensee, shall ensure that at all times when the premises are open for licensable activity, there are sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence.

A CCTV system to be installed to the satisfaction of the police and ICO guidelines. CCTV to continuously record during trading hours and for one hour afterwards.

All recordings to be date and time stamped, retained for 28 days and handed to police for evidential purposes on request.

The system must be maintained and if the CCTV fails immediate steps will be taken to put the system back in operation.

A notice will be displayed at the entrance to the premises advising that CCTV is in operation.

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

Regulated entertainment shall cease 60 minutes before the last permitted sale of alcohol.

Signage requesting patrons to be considerate to neighbours should be conspicuously displayed inside and outside entrances/exits.

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

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

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

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

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Annex 4 – Plans

As submitted with application.

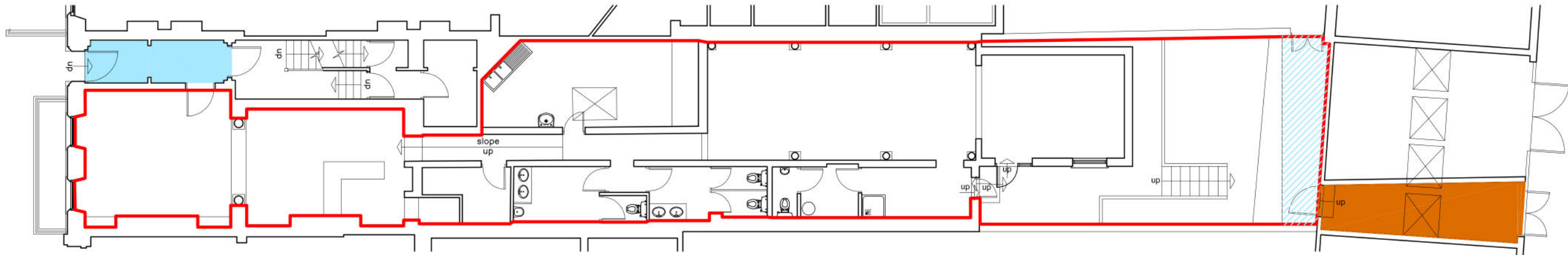
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Annex C



LOCATION PLAN - Scale 1:1250



GROUND FLOOR

<p>NOTE This drawing has been reproduced from an existing Source Drawing sheet</p> <p>DO NOT SCALE FROM THIS DRAWING All dimensions to be checked on site</p> <p>© ALL RIGHTS RESERVED BATH AND NORTH EAST SOMERSET COUNCIL COPYRIGHT</p>	<p>Bath & North East Somerset Council XVaTw Property and Project Delivery Lewis House</p>	<p>PROPERTY 7 EDGAR BUILDINGS GEORGE STREET BATH BA1 2EE</p>	<p>Drawn CT/AG</p>	<p>Date 22/05/2018</p>
		<p>DRAWING TITLE LEASE PLAN GROUND FLOOR</p>	<p>Scale 1:150 @ A3</p>	<p>Rev</p>
			<p>DRAWING No 6216A/L/01</p>	

Annex D

From: Malcolm Baldwin <[REDACTED]>
Sent: 23 October 2023 10:20
To: Licensing <licensing@bathnes.gov.uk>
Subject: Variation of Premises Licence: Ref. 23/0218/LAPRE.

Dear Ms Pearce,

I write to you on behalf of members of the Circus Area Residents Association(CARA) and other local residents in respect of the application for a variation of licensing conditions relating to the premises "Raincheck" located on the north-side of George Street, which is part of our CARA community catchment area.

We believe that the granting of this extension to the terminal hour for the sale of alcohol and the provision of late-night refreshments by two hours on Mondays, Tuesdays and Wednesdays to 03.00 hours the following morning will cause serious and unnecessary additional disturbance to those residents living in close proximity to these premises.

At the moment such residents, living particularly in apartments immediately neighbouring the "Raincheck" premises and other local community residents are at least able to 'enjoy' relatively quieter and not extended activity from this establishment during the earlier period of the week inclusive of Mondays, Tuesdays and Wednesdays.

We believe that granting this particular license variation will add significant and unnecessary additional disruption to the family life of nearby closely located residents.....with potential impact on their entitlement to enjoy the normal conditions of family and domestic life.

We would also highlight that this area of George Street is already more than fully and appropriately serviced by late night/early morning alcohol drinking and food refreshment facilities, particularly well in excess of its needs on the days of Monday, Tuesday and Wednesday of each week.

We believe, therefore, that the further saturation of late night/early morning hospitality facilities, in this particular location within George Street, will only further aggravate the stress and potential mental health impact presently experienced by local residents in this significantly concentrated hospitality-trading location.

We would therefore ask that you please give serious consideration to our objections to the applicant's current request for this particular variation to licensing hours as defined in application ref: 23/0218/LAPRE, with the hope that you will assist in not further jeopardising the family/social environment for closely located local residents.

Yours sincerely,

Malcolm Baldwin.

Chair - Circus Area Residents Association (CARA).

Contact:

E-mail: [REDACTED]

Tel: [REDACTED]

From: Simon Merriweather [REDACTED]
Sent: 18 October 2023 11:42
To: Licensing <licensing@bathnes.gov.uk>
Subject: Licence Application Ref 23/02018/LAPRE

Dear Ms Pearce

Ref: Application for licensing hour extensions for Raincheck, 7 Edgar Buildings, Bath BA1 2EE

I am responding to the application for proposed variation of Raincheck to extend its operating hours Monday to Wednesday from 1.00am to 3.00am.

I am commenting in the capacity of a local resident impacted by all hospitality venues operating in George St and surrounding areas.

I object to the requested extension. This is because of the extensive number of late night bars, clubs and restaurants which already operate in George St and the cumulative disruption it causes. At some point it is necessary to say that there are enough hospitality premises operating into the early hours in such density and in close proximity to residents. There are significant numbers of residents including those in George St above retail premises, in Bartlett St, Miles buildings, St Andrews Terrace and beyond. I count 10 late night premises operating in George Street in the narrow stretch from Gay St to just beyond Broad St.

Late night venues create significant noise and disruption for all local residents, in spite of attempts by those premises and their existing licensing conditions. This is particularly prevalent as late-night revellers leave the premises. As a specific example last night (Tuesday over to Wednesday 18 Oct), a group of revellers sitting on the pavement in Bartlett St with a beat box playing loudly started up at 02.15 and finished at 03.44.

The impact of being on or close to such a main street is perhaps a trade off residents have to make at the weekends. However extending this to Monday - Wednesday to 03.00 is unfair and unreasonable for residents during the week who work, whose children need to sleep ahead of school, whose older relatives are easily disturbed late in the night and have a basic human right to peaceful rest over night. I would propose that all future Sunday to Wednesday licensing are limited to 01.00 excluding public holidays.

If committee members are not sure of the extent of the noise disturbance that can perpetuate in the surrounding areas for up to 2hours after premises have closed, I suggest they spend several nights in a close location (eg the travel lodge) to experience this.

Regards

Simon

Simon Merriweather
[REDACTED]