

Democratic Services

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Date: 6 May 2011

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To: All Members of the Licensing (Gambling and Licensing) Sub-Committee

Councillors: Tim Warren, Tim Ball and Gabriel Batt

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Gambling and Licensing) Sub-Committee: Monday, 16th May, 2011

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Monday, 16th May, 2011** at **10.30 am** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath 01225 395090 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Sean O'Neill as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing (Gambling and Licensing) Sub-Committee - Monday, 16th May, 2011

at 10.30 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

To receive any declarations from Members/Officers of personal/prejudicial interests in respect of matters for consideration at this meeting, together with their statements on the nature of any such interests declared.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. REVIEW PROCEDURE (Pages 5 - 8)

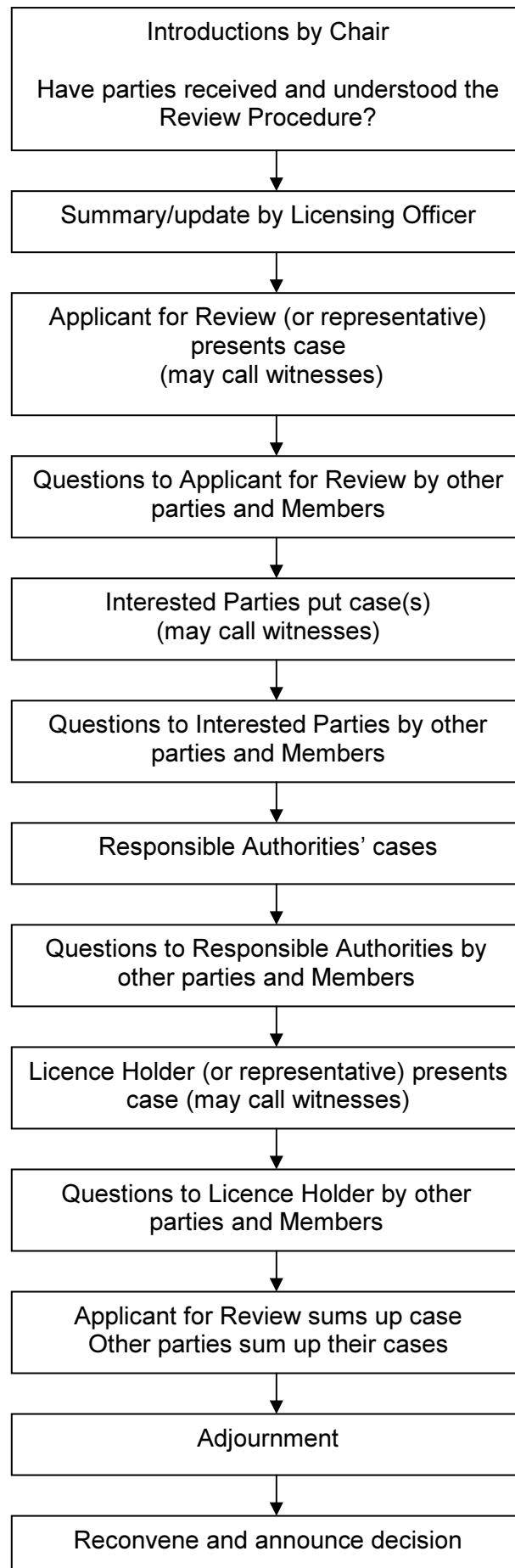
The Chair will, if required, explain the review procedure.

7. APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR BODRUM TAKEAWAY, 34 BROAD STREET, BATH BA1 5LP (Pages 9 - 102)

The hearing of this application was adjourned on 18 April 2011.

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

**LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE
REVIEW PROCEDURE**



LICENSING ACT 2003

LICENSING COMMITTEE HEARING PROCEDURE ALCOHOL, LATE NIGHT REFRESHMENT AND ENTERTAINMENT REVIEW OF PREMISES LICENCE / CLUB PREMISES CERTIFICATE

- 1 The Chair will introduce Members of the Sub Committee and Officers present and explain the procedure to be followed.
- 2 The Licensing Officer will outline the nature of the matter to be considered by the Sub Committee.

In the following paragraphs where the term “party” or “parties” is used in addition to other terms this will mean anyone to whom notice of this meeting has been given.

- 3
 - (i) The Applicant for Review (“the Applicant”), or representative, addresses the Sub Committee. The Applicant may be asked relevant questions about the matters before the Sub Committee by the other parties, the Licence Holder and the Members.
 - (ii) The Applicant or representative, may call witnesses in support of the application and each witness may be asked relevant questions by the other parties and the Members
- 4
 - (i) Any interested parties [defined in s.69(3)] making relevant representations (or their representative) will take it in turn to address the Sub Committee and may be asked relevant questions by the other parties, the Applicant, the Licence Holder and the Members.
 - (ii) Any interested party (or their representative) may call witnesses in support of their representations and each witness may be asked relevant questions by the other parties, the Applicant, the Licence Holder and the Members.
- 5 Any Responsible Authority [defined in s.69(4)] making a representation will address the Sub Committee. The Responsible Authorities may be asked relevant questions by the other parties, the Applicant, the Licence Holder and the Members.
- 6 The Licence Holder (or their representative) will address the Sub Committee. The Licence Holder may be asked relevant questions by the other parties, the Applicant and the Members.
- 7 The Applicant will then be invited to briefly summarise the application.
- 8 The other parties will then be invited in turn to briefly summarise their points if they wish in the same order as before.
- 9 The Chair will invite the Sub Committee to move into private session to enable the Sub Committee to deliberate in private in accordance with Paragraph 14(2) of the Hearings Regulations 2005. The Sub Committee will only reconvene to resolve any points of uncertainty on the evidence already given. During their deliberation the Sub Committee will be accompanied *for advice only* by the Legal Adviser and the Committee Administrator. The Sub Committee may retire to a private room or alternatively require vacation of the meeting room by all other persons.
- 10 When the Sub Committee resumes, the Chair will announce the decision in public; this will include the reasons (or advise that the decision will be released in writing with reasons within the statutory time limit in this instance 5 working days).

Please Note:

- Where the Sub Committee considers it necessary to do so, it may vary this procedure.
- Decisions will generally be taken regardless of whether the Applicant is present. All notices and representations received from absent parties will be considered.
- Only in **exceptional circumstances** will the Sub Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion. However, the Sub Committee will allow all parties to ask questions of another party present, as set out above, but formal cross examination will be discouraged.
- The Sub Committee will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- The Chair will allow the parties an equal maximum period of time in which to make representations. The amount of time will be at the discretion of the Chair, but in the interests of costs and efficiency will not normally exceed **twenty minutes**. This will include the time taken for the presentation and the summing up, but not the time taken for questions.

NB Where there is more than one party making relevant representations the time will be split between those parties. It is recommended that they arrive early to discuss the application with the other interested parties.

- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub Committee any information which they would have been entitled to give orally had they not been required to leave.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

Bath & North East Somerset Council		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Monday 18 April 2011	
TITLE:	Application for a Review of Premises Licence for Bodrum Takeaway, 34 Broad Street, Bath, BA1 5LP	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application for the Review of a Premises Licence	
Annex B	Copy of Current Premises Licence	
Annex C	Site Plan	
Annex D	Representation from Avon and Somerset Constabulary	
Annex E	Representation from The Abbey Residents' Association	
Annex F	Representations from Interested Party in support of premises	

1 THE ISSUE

- 1.1 An application has been received from an interested party for a review of a Premises Licence under the Licensing Act 2003 in respect of **Bodrum Takeaway, 34 Broad Street, Bath, BA1 5LP**.

2 RECOMMENDATION

- 2.1 That the Sub Committee determines the application to review the Premises Licence.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 THE REPORT

- 4.1 An application for a review of the Premises Licence for **Bodrum Takeaway, 34 Broad Street, Bath, BA1 5LP** has been received from **Environmental Protection (Annex A)**.

The application relates to the **prevention of public nuisance** licensing objective. The application states that 'as a result of the provision of late night refreshment, patrons congregate outside the premises late into the night causing disturbance to neighbouring residential premises.'

- 4.2 The Licensing Authority may, having had regard to the application and any relevant representations, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:
- a) Modify the conditions of the Licence
 - b) Exclude a licensable activity from the scope of the Licence
 - c) Remove the Designated Premises Supervisor
 - d) Suspend the Licence for a period not exceeding three months
 - e) Revoke the Licence

Where the Licensing Authority takes a step mentioned in 4.5 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

- 4.3 The Licensing Authority will also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act itself, and, in particular, to:-
- a) Sections 4, 9, 10, 13, 51, 52, 53, 182, and 183 of the Act.
 - b) Chapters 8 - 11 of the Statutory Guidance (as revised on October 2010).
 - c) Paragraphs 3, 5, 6, 15, 18 - 20, 33 - 37 and 40 - 45 inclusive of the Policy.
- 4.4 An appeal may be made to the Magistrates' Court within 21 days of the notification of the decision by the Council to the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application.

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.

- 4.5 The current Premises Licence (**Annex B**) permits the following licensable activities:

- 1) The **Provision of Late Night Refreshment** between the following hours:

Sunday to Thursday	23:00 to 03:00
Friday and Saturday	23:00 to 04:00
- 2) The current **Opening Hours** are:

Sunday to Thursday	12:00 to 03.00
Friday and Saturday	12:00 to 04.00

4.6 The following **conditions** are attached to the Premises Licence:

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- CCTV to be used and maintained inside and outside the premises. Recordings to be kept for a minimum period of one month.
- Staff will clear litter from outside the premises including the street on every night that the premises is open for business.
- No alcohol to be served.

4.7 A site plan is attached at **Annex C**.

4.8 In accordance with the requirements of the Act the applicant has served copies of the application upon the Licence Holder, Police, Fire Authority, Environmental Health, Development Control, Trading Standards, and the Child Protection Agency.

4.9 Notices were placed by the Licensing Officer outside the premises and in the public area of the Licensing Office at 9-10 Bath Street, Bath, BA1 1SN, for a period of 28 days.

4.10 A representation has been received from the Police in relation to the licensing objective of the prevention of crime and disorder. (**Annex D**). The representation suggests that a reduction in hours may be necessary but also recommends the imposition of the following condition:

“A minimum of two SIA registered doorstaff will be on duty at the premises from 23.00 hours until the end of licensable activities on Friday and Saturday each week to ensure good order in and outside of the premises.”

4.11 A representation has been received from The Abbey Residents' Association in relation of the prevention of public nuisance licensing objective (**Annex E**).

4.12 A representation has also been received from a local resident in support of the premises (**Annex F**).

4.13 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Emma Stoneman, Senior Licensing Officer, 01225 396719
Background papers	The Licensing Act 2003, Guidance issued under s.182 of the Act, Regulations issued under the Act, BANES Licensing Policy

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description.

Bodrum Takeaway
34 Broad Street
Bath

Post town BATH

Postcode (if known) BA1 5LP

Name of premises licence holder or club holding club premises certificate (if known)

Mr Ramazan Kolcak

Number of premises licence or club premises certificate (if known)

05/02109/LAPRE

Part 2 – Applicant Details

I am

Please tick ✓ Yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev)**Surname****First names****Please select for Yes****I am 18 years old or over**☐**Current postal address if different from premises address****Post town****Postcode****Daytime contact telephone number****E-mail address (optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Protection Neighbourhood Services Bath & North East Somerset Council 9 - 10 Bath Street BATH BA1 1SN
Telephone number (if any) 01225 477555
E-mail (optional) diarmid_henry@bathnes.gov.uk

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

Please tick one or more boxes ✓

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | ☐ |
| 2) public safety | ☐ |
| 3) the prevention of public nuisance | ☒ |

4) the protection of children from harm



Please state the ground(s) for review (please read guidance note 1)

As a result of the provision of late night refreshment, patrons congregate outside the premises late into the night causing disturbance to neighbouring residential premises undermining the licensing objective of the Prevention of Public Nuisance

Please provide as much information as possible to support the application
(please read guidance note 2)

1. My name is Diarmid Henry, I am employed by Bath & North East Somerset Council as an Environmental Health Officer within the Environmental Protection Team of the Council. This Team is designated a 'responsible authority' for the purposes of the Licensing Act 2003 and its main concern is 'the prevention of public nuisance'.

2. The Environmental Protection Team spends considerable effort consulting on licence applications in an attempt to ensure that the licensing objective of prevention of public nuisance is upheld. As part of this role, the Team makes representations to the licensing sub-committee where it believes that public nuisance is likely to occur as a result of the licensable activity. The team also investigates complaints of alleged statutory nuisance by virtue of the Environmental Protection Act 1990. In order for a noise to constitute a statutory nuisance, the noise must emanate from premises. In situations where a statutory nuisance exists the Council is obliged to serve an abatement notice requiring the nuisance to be abated. In situations such as that encountered with Bodrum Takeaway where the source of the noise is patrons on the pavement outside the premises, the Council is unable to take statutory nuisance action because the noise emanates from the public highway rather than premises which falls outside the scope of the Environmental Protection Act 1990. For this reason the only option available to the Environmental Protection Team to remedy the situation is to request a review of the premises licence.

3. A complaint of noise disturbance from Bodrum, 34 Broad Street, Bath was first received in July 2010, it was alleged by the complainant that noise from patrons of Bodrum regularly caused noise disturbance until 4:00am, particularly on Friday nights, Saturday nights and Monday nights. A second complaint was received in October 2010 from Mr. N. Stanley who lived opposite Bodrum Takeaway concerning excessive noise from patrons of Bodrum late at night, a copy of this letter of complaint is presented in Appendix A. A further complaint was received in December 2010 from Ms. C. Dent who also lives opposite Bodrum again alleging sleep disturbance as a result of late night noise associated with patrons of Bodrum. A copy of this letter of complaint is presented in Appendix B. As part of the investigation, Ms. Dent was asked to keep a log of specific incidents of disturbance which occurred over the next four week period. Prior to this a letter had been sent to the manager of Bodrum to advise of the complaint and the procedure that would be followed by the Environmental Protection Team in investigating the matter further, a copy of this letter is presented in Appendix C. Ms. Dent then returned a completed log of incidents of disturbance which occurred in December 2010 and early January 2011, a copy of this log is presented in Appendix D.

4. To enable further investigation of the complaint, noise monitoring equipment was installed in Ms. Dent's home from 13 to 17 January 2011. The noise monitoring equipment consists of a Class 1 sound level meter housed within a locked case, a microphone fixed on a tripod is connected to this case along with a trigger switch which the complainant presses to make recordings of the noise being complained of. Prior to making any sound recordings the complainant had been instructed on how to operate the equipment and advised to ensure that any noise was in fact coming from Bodrum prior to making any recordings. Once the noise monitoring equipment was retrieved on 17 January 2011, the sound recordings were downloaded to a secure Council laptop using proprietary software. Sound recordings had been made from 14 to 16 January 2011 which demonstrated noise from loud shouting and screaming

occurring in the vicinity of Bodrum as late as 4:29am. A copy of these recordings is attached on CD marked Appendix E. In addition a log of the specific recordings made and notes of the content of these recordings is presented in Appendix F. In addition a copy of the log kept by Ms. Dent while making the sound recordings is presented in Appendix G

5. I visited Bodrum at 2:00am on Sunday 23 January 2011. At this time I observed six people sitting on the railings outside Bodrum eating and shouting loudly. I returned to Broad Street at 4:10am when I observed a male walking towards Bodrum talking loudly on his phone, I observed this male enter Bodrum at this time.

6. I installed noise monitoring equipment in Ms. Dent's home again from 4 to 7 February 2011, again I instructed the complainant on the operation of the equipment and explained the importance of verifying that the noise was coming from Bodrum prior to making any sound recordings. Once the noise monitoring equipment was retrieved on 7 February 2011, the sound recordings were downloaded to a secure Council laptop using proprietary software. Sound recordings had been made from 5 to 6 February 2011 which demonstrated noise from loud shouting and screaming occurring in the vicinity of Bodrum as late as 4:03am. A copy of these recordings is attached on CD marked Appendix E. In addition a log of the specific recordings made and notes of the content of these recordings is presented in Appendix H. A copy of the log kept by Ms. Dent while making the recordings is also presented in Appendix I.

7. I visited Broad Street, Bath again in the vicinity of Bodrum at 2.00am on Sunday 6 February 2011. At 2:10am, there were nine people sitting outside on the railings in front of the shop shouting and eating, two taxis stopped within minutes of each other to pick up patrons of Bodrum. At 2:15am there were twelve people outside with a number of males shouting "whoa" loudly and repeatedly. A taxi stopped again at 2:23am to pick up three girls who were shouting loudly. Two further taxis stopped at 2:27am and 2:31am to pick up further passengers. At 2:27am, there were five people sitting on the railings throwing food in the air, three people approached Bodrum minutes later shouting "is that the queue for food?" At 2:30am, there were approximately 15 people on the street in the immediate vicinity of Bodrum eating and shouting loudly. At 2:40am, a male could be heard screaming "f**king taxi," at this time there were approximately 16 people outside with one male repeatedly shouting "where's Jono?" A taxi also stopped at this time and four men approached shouting "let's get a f**king kebab," there were now approximately 25 people on the street outside Bodrum. At 2:35am two further taxis stopped and there were approximately 27 people on the street outside Bodrum.

8. At 2:45am four girls arrived at Bodrum and began shouting loudly, four additional people arrived at the premises and one of them began shouting "Jono!" At 2:47am a taxi arrived to pick up patrons of Bodrum, at this time a male was also shouting at two women very aggressively outside Bodrum, he then punched the window of a neighbouring shop. At 2:50am three taxis stopped to pick up patrons from Bodrum, at this time a male could be heard shouting "do you want it?" loudly and repeatedly at a female who began crying.

9. At 3:00am there were ten people outside, a group of four people became rowdy and one person shouted "every f**king one calm down." At 3:05am there were 15 people outside eating and talking loudly, there were also two people sitting on the

steps of a neighbouring shop eating and shouting. At 3:10am a further taxi stopped to pick up patrons of Bodrum, at this time a female was repeatedly screaming "f**k off." At 3:15am there were 15 people outside eating and shouting, at the same time three members of staff chased a customer towards the city centre on foot. At 3:20am, a taxi stopped, further taxis stopped again at 3:25am and 3:30am. At 3:35am there were 7 people outside eating, laughing and shouting. At 3:40am, there were nine people outside with one person shouting "f**k off," a taxi stopped to pick up patrons of Bodrum at 3:45am who left slamming the taxi doors. At 4:00am there were 6 people outside taking loudly and eating. Between 4:05am and 4:08am two taxis stopped to pick up patrons of Bodrum, there were also eight people outside taking loudly. At 4:05am 5 people went into Bodrum despite the premises only being licensed to provide late night refreshment until 4:00am on this day of the week. At 4:15am, there was loud shouting and talking coming from within Bodrum. At 4:15am, four people left Bodrum heading towards George Street shouting as they walked. The premise was still open at 4:30am when I left Broad Street.

10. As a result of the noise disturbance observed on 23 January 2011 I sent a letter to Mr. Ramazan Kolcak on 7 February 2011 to advise of the evidence gathered to date and my intention to apply for a review of the premises licence for Bodrum. A copy of this letter is presented in Appendix J. I was contacted by Mr. Kolcak on 9 February 2011 in relation to my correspondence of 7 February 2011. Mr. Kolcak said that the hours 2:00am - 4:00am were his busiest period and that to close earlier would "put him out of business." I explained that complaints of noise disturbance were continuing to be received and that in my view, it may be appropriate for the premises to close earlier particularly as the majority of people in Broad Street in the early hours of the morning were visiting Bodrum. I therefore explained that it was my view, that if Bodrum were not open so late that there would not be the noise disturbance which currently exists. Mr. Kolcak said that he did have a sign in the window asking patrons to be quiet but admitted that he had little or no effect in controlling the noise from people outside his premises. I finally explained the licence review process to Mr. Kolcak and stated that if the situation did not improve that this would be the only option to remedy the situation.

11. I visited Broad Street, Bath again in the vicinity of Bodrum on Friday 18 February 2011 at 12:10am At 12:15am it was generally quiet in the vicinity of Bodrum, four people walked down the street at 12:20am, at 12:25am two people left the premises quietly with food. Three females went into the premises at 12:30am, loud voices could be heard from within the premises. A few minutes later a further two females went into the premises with a third running towards Bodrum shouting then sitting on the railings outside the premises. At 12:35am two men approached a female sitting outside Bodrum; one of the men unzipped his trousers and approached the female. The female then began shouting "no one would touch that." The female continued to shout at the two males as they walked towards George Street. At 12:40am there were two females leaning on a neighbouring shop talking loudly. At 12:45am a female was waiting outside Bodrum shouting and crying. At 1:20am there were seven people outside talking loudly, at 1:30am there were three males sitting on the railings in front of the premises eating and talking loudly. At 1:50am two females entered Bodrum staggering and talking loudly. At 2:00am there were six people sitting on the railings eating, talking and laughing loudly.

12. At 2:05am a male customer came out of Bodrum and crossed the street to urinate in a shop doorway, he then crossed the street and went back into Bodrum. At

2:10am, a male was outside Bodrum talking loudly on the phone ordering a taxi. At 2:10am a taxi stopped to pick up passengers from outside Bodrum, at 2:15am five girls ran screaming towards Bodrum. At this time, there were nine people outside eating and talking loudly. At 2:25am a customer came out of Bodrum and urinated in the doorway of an adjacent property. At 2:30am there were four people outside Bodrum shouting across the street. At 2:45am two men walked into Bodrum shouting "prick, you're a f**king prick," one of the males then came out and urinated in a doorway of an adjacent property.

13. At 2:45am a male was sitting on the railings outside Bodrum talking loudly on his phone saying "Bodrum, wait till I get food" several times. At 2:57am four people went into Bodrum shouting "f**king hell." At 3:00am loud voices could be heard from within Bodrum, four people went into the premises at this time shouting "hello." At 3:03am five people went into Bodrum which is beyond the terminal hour for the provision of late night refreshment. There were three people sitting outside at 3:05am eating and talking loudly. At 3:07am two people went into Bodrum followed by another three people at 3:10am, at this time seven people came out of Bodrum talking loudly.

14. At 3:15am, a male lifted a female on top of the railings outside Bodrum and began simulating sex. At this time there were approximately fifteen people outside Bodrum shouting and laughing loudly. There were also two males on the opposite side of the street sitting in a doorway eating, these two males were shouting "Jamie f**ks me, la la," "Jamie takes it up the bum hole," "Jackie likes it hardcore." These phrases were shouted loudly and repeatedly.

15. At 3:17am a car stopped outside and the two occupants went into Bodrum, a further two people arrived and entered the premises. People began running back and forth across the street shouting "Jamie." At 3:20am two people went into Bodrum. I left Broad Street at 3:25am at which time the premises was still open, in the half hour leading up to this the area became increasingly noisy with people shouting, swearing and wandering aimlessly in the middle of the road without any awareness of their surroundings. Between the hours of 2:00am and 3:25am I observed approximately 107 people walk past Bodrum, of this number 78 entered the premises and 29 walked past. Of the 29 who walked past the majority did so relatively quietly and on the opposite side of the street to Bodrum.

16. I made a final visit to Broad Street, Bath in vicinity of Bodrum on Sunday 20 February 2011 at 1:55am. At this time there were 6 people outside sitting on the railings eating and talking loudly. At 2:00am a male and a female collapsed in the street, three men came out of Bodrum and waked over to the man who had fallen and began to antagonise the man who had fallen. The police later arrived at the scene and diffused the situation. At 2:10am there were eighteen people outside Bodrum eating, laughing and shouting loudly. At 2:15am two taxis stopped to pick up passengers from Bodrum, a third taxi arrived behind and began sounding his car horn. At 2:20am, there were 14 people outside talking loudly and eating. At 2:25am five females left Bodrum talking loudly, however there were still approximately twenty people on the street outside the premises eating and talking loudly. At 2:30am a further six people entered Bodrum as a queue began to form at the entrance to the premises. At 2:35am three men were walking towards Bodrum one of whom went inside, one of the men was on the telephone shouting "doner kebab, get some food you f**king cow." At 2:40am, there were fifteen people outside the premises queuing to enter. At 2:45am there were twenty five people outside sitting on the railings and

standing in the road, eating and shouting loudly. At 2:50am a male walked along Broad Street with three other people screaming "Bebe" and entered Bodrum.

17. At 2:55am there were 14 people outside Bodrum shouting and singing. At 3:00am twenty six people arrived at Bodrum, at 3:05am a customer crossed the street to urinate in a doorway. At 3:10am there were eleven people outside talking and eating some of which began clapping hands. At 4:03am beyond the terminal hour of 4:00am on this day of the week for the provision of late night refreshment, a person went into Bodrum, at 4:12am, a taxi stopped outside Bodrum and left the engine running with music playing loudly within while the driver went into Bodrum. Another person entered Bodrum at 4:15am.

18. At 4:20am six people went into Bodrum, loud talking and shouting could be heard from within the premises. Loud talking and shouting could still be heard from within the premises at 4:25am as the door to the premises was still open. At 4:30am, five people exited the premises and sat down on the railings to eat talking loudly while booking a taxi. A taxi arrived at 4:40am with passengers slamming the doors as they left

19. Over the period from 1:55am to 4:25am approximately 18 taxis stopped to pick up customers waiting outside of Bodrum. With many of the taxis that left came the noise of slamming car doors which became a more prominent noise source as the night went on and the ambient noise levels became progressively quieter.

20. On Sunday 20 February 2011 between 1:55am and 4:25am, approximately 351 people walked past Bodrum, of this number 188 people entered Bodrum and 163 people walked past. As noted on previous occasions, the majority of people who walked past Bodrum did so on the opposite side of the street and with a small number of exceptions did so relatively quietly. Between 3:00am and 4:25am, approximately 112 people were observed walking past Bodrum of which 82 entered the premises and 30 walked past. This should be interpreted as a clear indication that later into the night an increasing number of people are drawn to Broad Street solely as a result of Bodrum being open so late.

21. In the view of the Environmental Protection Team late night noise disturbance occurs as a direct result of the activities of Bodrum. The premises licence holder has been contacted twice to advise of the disturbance which is occurring and the impact that this disturbance is having on neighbouring residential properties. The area of Broad Street in the vicinity of Bodrum was visited on four occasions and on all four occasions the premises was observed to be trading beyond the terminal hour stipulated in the premises licence for the provision of late night refreshment. It is the view of this Team that these practices present evidence of a lack of interest in upholding the licensing objective of 'prevention of public nuisance.' Furthermore it is the opinion of this Team that the premises licence holder is unable to control the noise arising from patrons visiting his premises late at night, an admission made by the premises licence holder during my telephone conversation with him on 9 February 2011. A sign is present in the window of the shop asking patrons to leave quietly, however this is ineffective based on the evidence of noise disturbance which has been obtained. The situation outside the premises late at night is exacerbated by the lack of inhibition of customers of Bodrum as a result of the consumption of alcohol earlier in the evening and the sheer numbers of people that congregate outside the premises. This Team does not therefore believe there are any relevant conditions

which could be imposed to remedy this situation, therefore the only option in the Team's opinion to uphold the relevant licensing objective is to request that the hours permitted for the provision of late night refreshment be curtailed.

22. The Department for Culture Media and Sport state on their website that "Including late night take-away's and fast-food outlets in the Act extends the licensing regime which previously operated in most of London to all of England and Wales. It was felt this was necessary to protect local residents because premises which serve late night refreshment can be used by customers who may have been drinking at other premises earlier in the evening, thereby creating the potential for disorder on and near the premises. Also, because large numbers of customers may gather at places serving late night refreshments, there is a potential for nuisance and disturbance for local residents."

[Available at:

http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4050.aspx]

23. This statement therefore appears to acknowledge the detrimental impact that a late night takeaway can have on a residential community. It had been demonstrated by the monitoring visits undertaken that as the night draws on, the numbers of people passing along Broad Street to visit Bodrum increase over those passing-by. It therefore follows that if Bodrum were not open until such late hours that the disturbance currently experienced would not otherwise occur. While it may be argued that people passing along an urban street at night are likely to make noise as the effects of alcohol already consumed takes it affect, noise of this nature is transient and normally dissipates fairly quickly. In any event the monitoring visits demonstrated that members of the public not visiting Bodrum tended to walk past on the opposite side of the street and tended to pass by relatively quietly. In addition to the monitoring visits I have considered the sound recordings made by Ms. Dent in a neighbouring residential property to Bodrum. I have also considered additional noise log sheets kept by Ms. Dent through mid-January until 6 February 2011. A copy of these log sheets are presented in Appendix K.

24. The immediate vicinity of Bodrum has in fact become a make shift taxi rank as was observed by the relatively high numbers of taxis stopping outside the premises over a 1 to 2 hour period. Indeed the practice of waiting for taxis appears to exacerbate the noise disturbance which is occurring, while someone might otherwise order a take away and make their way home instead the food is consumed outside on the pavement while waiting for a taxi. In the brief isolated periods when there were no customers at Bodrum, the surrounding area was found to be extremely quiet except for passing traffic, there are no other licensed premises in the immediate vicinity of Bodrum which are open to such a late hour. Since the surrounding area becomes increasingly quiet with the onward passing of the night, any noise which occurs in the vicinity of Bodrum will have an increasing impact.

25. In considering the impact of Bodrum on the neighbouring residential community it is necessary to have regard to the character of the area. Importantly each situation must be considered on its own merits and the location of Broad Street within the city centre is a unique example. While people living in a city centre can certainly expect greater exposure to noise than people living in the countryside, there is a distinction in that the urban environment and particularly Broad Street in Bath after midnight during the week and an hour later at weekends becomes significantly quieter. This is influenced by a drop in traffic noise and the closure of shops, bars and restaurants in

the surrounding area. It must also be recognised that night time is the opportunity for people to sleep and with such low levels of noise, incidences of slamming taxi doors, shouting and singing in the street will undoubtedly result in significant noise nuisance to residents. A further letter of complaint was received from a resident of Broad Street in the vicinity of Bodrum on 9 February 2011, this complainant also kept a noise log of specific incidents of disturbance. A copy of this letter of complaint and noise log sheet is presented in Appendix L.

26. Ms. Dent came into the Council offices to listen to the sound recordings made from 14-16 January 2011 and 5-6 February 2011. Ms. Dent verified that the recordings which had been made were representative of the disturbance that had been experienced as a result of Bodrum. These recordings together with Ms. Dent's noise log sheets present an insight into the detrimental effect of the late night activities of Bodrum on a nearby resident. Ms. Dent also provided a statement of evidence detailing the impact the noise from Bodrum has had. A copy of this statement is presented in Appendix M.

27. There should not therefore be any doubt that the late night disturbance which occurs in Broad Street in the vicinity of Bodrum is as a direct result of provision of late night refreshment late into the night. If the premise was not open to such a late hour there would be no reason for people to congregate in this area of Broad Street for such long periods, furthermore based on the monitoring exercises carried out, there would appear to be a significant reduction in the number of persons passing along Broad Street if Bodrum were not open.

28. While I acknowledge the financial implications upon the licence holder of closing earlier in the evening, this should not come at the cost of exposing neighbouring residential properties to disturbance which can occur on a nightly and weekly basis in the vicinity of Bodrum up until as late as 4:45am, at a time when a great majority of the population expect to be able to sleep.

29. In support of the request to modify the conditions of the licence the Environmental Protection Team has had regard to the Neighbourhood Environment Services Enforcement Policy and in particular the principles of consistency, inspection, transparency and accountability in considering this action. Regard has also been had to the Council's Statement of Licensing Policy and in particular paragraph 36.2 which states, "Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The licensing authority intends to maintain and protect the amenity of residents and other businesses from the potential adverse consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide."

30. The Environmental Protection Team therefore respectfully submits that the licensing sub committee consider the serious nature of the evidence before them and exercise their power under section 52 of the Licensing Act 2003 to modify the conditions of the licence as follows:

Late Night Refreshment	
Friday and Saturday	23:00 - 02:00
Sunday to Thursday	23:00 - 24:00

31. The hours requested above are based on the evidence that has been gathered in relation to noise disturbance which has been monitored by myself and the experiences of the complainants living in close proximity to Bodrum. Typically, the disturbance in the immediate vicinity of Bodrum is at its worst after 2:00am. In addition, by this time the majority of licensed premises in the immediate vicinity have closed. The Pig and Fiddle which is the closest licensed premises to Bodrum is licensed to sell alcohol until 2300 hours Monday to Thursday, until 12:30am on Friday and Saturday and until 10:30pm on Sunday. Belushi's are licensed to sell alcohol until 1:00am Monday to Saturday and 11:00pm on Sunday. However the Saracen's Head has the latest licensing hours on the street and are licensed to sell alcohol until 1:00am Monday to Thursday, until 2:00am on Friday and Saturday and until 11:00pm on Sunday. There are also two restaurants on Broad Street, namely Ask and La Tasca, both of which are licensed to sell alcohol until midnight, Monday to Saturday and until 11:30pm on Sunday. I also appreciate that all of these premises could be open an additional half hour until closing.

32. It is the Team's view that hours requested above are reasonable and are broadly similar to the hours permitted for other licensed premises in the immediate vicinity of Bodrum. It is also important to note that despite later licensed hours at other premises, the rest of Broad Street in the vicinity of Bodrum becomes very quiet shortly after midnight as was found by my monitoring visit on Friday 18 February 2011 from 12:10am until 3:25am. Given the close proximity of residential premises in the immediate vicinity of Bodrum such as the Milsom Place development, it is the Team's view that a terminal hour of 12:00am Sunday to Thursday is a reasonable request that reflects a balance between the rights of the business to operate and the expectations of neighbouring residents to be able to sleep undisturbed.

33. It is generally found that from midnight until approximately 2:00am that there is a relatively slow build up in the level of noise disturbance, however from 2:00am until 4:30am and beyond the disturbance can escalate in a rapid and sporadic manner. It is therefore the Team's view that a terminal hour of 2:00am on Friday and Saturday is a necessary request as this time does represent a watershed in terms of the noise disturbance which arises. On Friday 18 February 2011 and again on Sunday 20 February 2011, it was found that beyond 2:00am an increasing number of people on Broad Street were visiting Bodrum, a number of which caused significant disturbance. This is also the period in which the greatest disturbance was observed. It can therefore be interpreted from these findings that if Bodrum was not open beyond 2:00am that these people would have no reason to visit Broad Street. It then follows that such high levels of disturbance currently experienced would not occur.

Please tick ✓

Have you made an application for review relating to this premises before? Yes ☐

If yes please state the date of that application

Day		Month		Year			

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

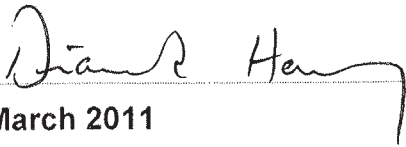
Please tick ✓ Yes

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

IT IS AN OFFENCE, 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 CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 
 Date 2 March 2011
 Capacity Environmental Health Officer

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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



Appendices

- Appendix A Letter of Complaint from Mr. N. Stanley
- Appendix B Letter of Complaint from Ms. C. Dent
- Appendix C Letter to Bodrum, 34 Broad Street, Bath
- Appendix D Noise Log Sheet from Ms. C Dent
- Appendix E CD of Sound Recordings
- Appendix F Log of Sound Recordings made 14-16.01.11
- Appendix G Noise Log Sheet from Ms. C. Dent
- Appendix H Log of Sound Recordings made 05-06.02.11
- Appendix I Noise log Sheet from Ms. C. Dent
- Appendix J Letter to Bodrum, 34 Broad Street, Bath
- Appendix K Noise Log Sheet from Ms. C. Dent
- Appendix L Letter of Complaint from Mr. R. Del-Greco
- Appendix M Witness Statement from Ms. C. Dent

APPENDIX A

ANNEX A

ENVIRONMENTAL SERVICES	
21 OCT 2010	
Post Log No:	
Receipt No:	
CH/CA £	

9 Milsom Apartments
Milsom Place
Bath, BA1 1AW

John Harvey
Neighbourhood Services
9 – 10 Bath Street
Bath BA1 15M

20th October 2010

Dear John,

Re Early hours noise outside Bodrum Kebab Shop, Broad Street

I have been a tenant at the above property since July and have rarely had a complete night's sleep without some disturbance.

The problem stems from the Bodrum Kebab Shop which stays open until around 4am. Most mornings, but particularly Friday, Saturday and Monday crowds gather outside the shop in the early hours. Whilst I do sleep with ear plugs in I am typically woken about 2am or 3am by drunks shouting or screaming, often at the tops of their voices.

I have politely asked the owners of the shop to ask their customers to be quieter but this has had no effect. Frankly they would have trouble controlling the 20 or 30 drunk young people who gather there so I can't imagine they have tried.

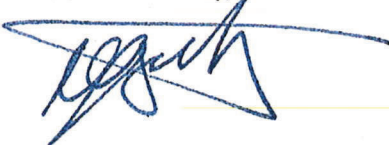
After the crowds leave around 3.30am there is normally the screeching sound of seagulls for a time as they descend to eat the food that has been dropped on the street.

Bodrum clearly provides a magnet for party goers after the pubs and clubs shut. **This concentration makes the noise much worse than would come from any single drinking establishment.**

I do find it unacceptable that the shop is allowed to stay open after midnight. The noise is much worse than from any pub so I do feel they should have similar restrictions placed upon them as would be the case for a pub.

I look forward to hearing from you and really hope you can do something about this.

Yours sincerely,



Neil Stanley

Ms Carlie Dent
Apartment 5, Milsom Apartments,
Milsom Place, Broad Street,
Bath, BA1 1AW

APPENDIX B

ENVIRONMENTAL SERVICES	
- 2 DEC 2010	
Post Log No.	
Receipt No.	
CH/PA P.	

29 November 2010

Mr John Harvey
Environmental Health Officer
Environmental Protection Team
Bath & North East Somerset Council
9-10 Bath Street
Bath
BA1 1SN

RE: Early hours noise outside Bodrum Kebab Shop, Broad Street, Bath.

Dear Mr Harvey

I write to you with reference to the letter you will have received from my neighbour. I strongly support their comments about Bodrum Kebab Shop and am hoping that with my input on this, something will be done to restrict its opening hours.

Since I have lived in Milsom Apartments, Broad Street, I am continually woken by alarming and disturbing noise caused by patrons using the Bodrum Kebab Shop. For example, most nights-mornings particularly Monday, Thursday, Friday and Saturday around 1am to 4am; is violent abusive behaviour in the form of screaming, shouting, swearing, fighting, banging into things, cars collecting people playing loud music including loud bass, which sounds as though it could be playing in my apartment. All of this concentrated, uncontrolled noise from lots of people is extremely distressing, and interrupting my sleep.

It is unacceptable that Bodrum Kebab Shop is allowed to operate this late, attracting drunk people from clubs. It is a disgrace to Bath. I feel restrictions need to be put into place, similar to that of shops and pubs.

I look forward to hearing from you with a positive response that restrictions can be put in place to resolve this problem.

Yours sincerely



Carlie Dent

APPENDIX C

The Occupier
Bodrum
34 Broad Street
City Centre
Bath
BA1 5LP

Date: 5 November 2010
Our ref: N1/10/04844/E_NS
Your ref:
Direct line: (01225) 396632
Fax: (01225) 477596
Minicom: (01225) 477535
E Mail: john_harvey@bathnes.gov.uk

Dear Sir/Madam,

Environmental Protection Act 1990
Complaint of noise from people leaving/hanging around Bodrum, 34 Broad Street

This Service has received a complaint concerning noise nuisance coming from your premises. It is alleged that you are allowing people to behave rowdily at your premises.

Although I cannot say if the complaint is justified or whether the information I have been given is accurate I would ask you to review your activities and ensure you take reasonable steps to prevent customers causing a noise nuisance to nearby residents.

At this stage the complainant has been asked to keep a written log of any further disturbances. If further complaints are made, noise monitoring equipment may be installed at the complainant's premises to record the events being complained of. Recordings may be used to justify formal action. In most cases you will not be notified of when the system will be present.

I would like to point out that where a nuisance is proved, the Council is obliged to serve a notice under the above Act requiring abatement of the nuisance and prohibiting a recurrence. It is an offence to fail to comply with a notice and a maximum fine of £20,000 may be imposed on conviction.

Should you wish to discuss this matter further please do not hesitate to contact me on the above telephone number.

Yours sincerely,

John Harvey
Environmental Health Officer

Noise Nuisance Log Sheets

APPENDIX D

Noise record re: Bodrum, 34 Broad Street, City Centre

Please record the following details each time you hear the noise about which you are complaining. Letter received 13/12/10 with thanks.

Due to weather, snow - this is a quieter time of year as less people are out.

Date	Time started (24 Hr Clock)	Time ended (24 Hr Clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
Tue 14/12	11 pm	11.25 pm	The window of the shop below is smashed, = thuds, Girls shouting, screaming. (Marming, put in ear plugs)	my flat n bretes C. Dent
Wed 15/12	3 am	3.40 am	Group of mixed adults and a dog. The group were swearing, shouting, the dog barked constantly.	
Thurs 16/12	2.30 am	3.10 am	Singing, shouting, laughing 20+ people - very noisy, (so tired, I used ear plugs, which helped a little)	
Fri 17/12				
Sat 18/12	3.10 am	3.40 am	Shouting, arguing, threatening, groups of mixed adults, many cars pulling up collecting + slamming doors. (starting, very unpleasant.)	
Sun 19/12			(resorted to ear plugs again, needed to catch up on some sleep!)	
Mon 20/12	2.25 am	3.45 am	Large group of people shouting, ranting, calling out at random, shouting "f-off" repeatedly, car doors slamming and playing loud music.	
Tue 22/12			Food and packaging left on front door step as I exit apartments on Broad Street, including shredded lettuce, sauce. (I use ear plugs this PM)	
Wed 23/12	11 pm 1.25 am	11.35 pm 3.40 am	Men shouting "oi oi oi" / singing?? constantly More shouting, swearing and someone being sick. (Disgrace, I feel ill myself + cannot get back to sleep)	
NWAY				
Mon 4/1/2011	11 pm 1.30 am 3.00 am	11.40 2.45 am 3.50 am	shouting - names - up and down the street, some people are close by, others further along broad street - very loud, man out of Bodrum Shop - calling out constantly. "Fking egit, fking egit, fking egit" shouted repeatedly at top of lungs for over half an hour. (I managed to sleep from 4.30 am to 5.45 am) it is below zero degrees, on a Monday night / Tuesday morning Bodrum is encouraging this drunk noise - what will it be like when it is warmer?	C. Dent

I spoke to my neighbour; this in itself describes the extent of this issue.
 Jan 2011 — My neighbour is having to move out due to this disruptive noise.

Date	Time started (24 Hr clock)	Time ended (24 Hr clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
Wed 05/01/11	11.05 pm 3.30 am	11.50 pm 3.45 am	Threatening, swearing, loud banging/crashing sounds.	
Thurs 06/01/11	2.45 am	3.20 am	Men shouting across / up and down Broad Street, swearing. Lady shouting "get off me" repeatedly. Lady must get into a car as I hear her screaming, car doors slam & her voice trails off. (FRIDAY. Earplugs, I am too tired.)	
Fri 07/01/11				
Sat 08/01/11			ANITY —	
Sun 09/01/11	11.20 pm	12.25 pm	Large groups of people shouting, "f-off", some sort of group song being sung over and over, one person is leading this and the group repeat the verse together. So loud.	
Mon 10/01/11	1.30 am	2.10 am	Girls / ladies screaming. Arguing. Police siren? Earplugs used from this point.	
Tue 11/01/11	2.40 am	2.50 am	Large group of people in road, mostly shouting at each other. A car approaches, constant beeping of horn. People shout at the car.	
Wed 12/01/11				C. Dent

Please return the completed form to:-

Mr John Harvey
 Environmental Protection Team
 9-10 Bath Street
 Bath
 BA1 1SN
 Telephone (01225) 396632
 Fax 01225 477590
 Email: john_harvey@bathnes.gov.uk

Your Name: Carlie Dent Your address: 5 Milson Apartments,
 Milson Place, Bath, BA1 1AW

[illegible]

Noise Nuisance Log Sheets

APPENDIX G

Noise record re: Bodrum, 34 Broad Street, Bath.....

Please record the following details each time you hear the noise about which you are complaining.

Date	Time started (24 Hr Clock)	Time ended (24 Hr Clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
Thurs 13-Jan 2011	12.30	12.36	Men shouting, disruptive. I am tired and need to sleep as work in the morning, as usual.	
	3.30 am	3.42 am	singing large group of people banging stationary across street, outside Bodrum shop.	
Fri 14-Jan 2011	2.40am	3.30	On & off: shouting, arguing, somebody crying, being sick, swearing, shouting out names.	
Sat 15-Jan		!	My doorstep is covered in sick, lettuce & take-away boxes.	
	12.17 am	12.25	Large group waiting for food at Bodrum, calling out, lots of people.	
	1/3am	10mins	Shouting, more screaming up & down the street. Very alarming, trying to sleep.	
Sun 16-Jan	11pm	11.15pm	calling names across street. "Chris?" "he replies, over and over again. (not sure I recorded this)	C. Dent

IT IS EARLY JANUARY WHEN, AFTER THE CHRISTMAS PERIOD, THINGS QUIETEN DOWN.

APPENDIX H

[illegible]

Noise Nuisance Log Sheets

APPENDIX I

Noise record re: Bodrum, 34 Broad St, Bath

Please record the following details each time you hear the noise about which you are complaining.

Date	Time started (24 Hr Clock)	Time ended (24 Hr Clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
FRI 7 th / SAT 5 th AM	1.30 am	SMALL RECORDING	Girls wait to go into Bodrum, que is out of door and onto street. Cars b2b/beep as some people are in the road. A Police siren sounds and approaches. People are shouting.	
	2.20 am		Guy's shouting names "Chris!" in particular repeatedly. It seems 'Chris' is in Bodrum shop as he shouts out down the street to the other guys who keep shouting to him.	
	2.26 am	2.50 am	Chris & his friends have food and are now hanging about outside Bodrum, in road. Other groups of people are walking down the road shouting "Bodrum! Come on, Bodrum!"	
	3.00 am		Noise; screaming, shouting, banging continues at this level - very loud for another hour or so. It is very starting. I am so tired and want to sleep.	
SAT 5 th / SUN 6 th AM	12.20 am	12.35 am	Awoken by rowdy groups, pressed 'rez' looked out of window - large group of men, boisterous at Bodrum shop door and loitering on street.	
	12.45 am	12.50 am	Girls shouting/screaming. Groups of girls leaving Bodrum shop - dropping pizza in the road!	
	1.15 am	1.18 am	Group of men shouting & walked into Bodrum.	
	2.10 am	2.20 am	Girls screaming	
	2.20 am	2.25 am	Women shouting names down street & into Bodrum.	
	2.35 am	2.40 am	"Nick, A.S. We love you Natchel" women onto road as well as pavement. Shouting - constant!	

VISION IS LIMITED FROM MY WINDOW.

APPENDIX I

Date	Time started (24 Hr clock)	Time ended (24Hr clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
	2.40am	2.45am	*You're considerably overweight* comments being shouted across street. People sit on railings and on pavement. CONTINUOUS INTO	
	2.50am (specific recording)	2.55	UTTER, SCREAMS, CHEERING. A man is holding onto a girl, won't let go, she is shouting out he is getting aggressive & angry with her.	
	2.55am	3.00am	Man aggressively shouting at girl - loud bang onto shop next door... glass - punched or pushed her. Loads of people in road standing watching?	
	3.05am	3.10am	TAXI has pulled up on near side opposite Bodrum, some people run out of shop to it, shouting, more people approach.	
	3.10am	3.15am	BANKS - banging, people banging. I am <u>STILL</u> awake, larger & louder groups outside Bodrum. Group of drunk people; laughing very loud, cheering, shouting to each other - names, generating a lot of noise.	
	3.20am	3.25am	Group of girls enter Bodrum & hang about the open door - they are have such loud screeching voices. In and out then eat on the railings - constant shouting at each other.	
	3.30am		People are stood in road, cars approach & beep to get past! Still shouting, "bye - see ya"...	
	3.45am		Large groups of people not dispersing. Shop still full with people & staff still serving food. Door still wide open.	
	4.10am	4.15am	A group of men singing, ranting, then shouting, they join the que to Bodrum shop! 2 Taxi's arrive to collect people.	
	4.25am		Taxi dropped people off to Bodrum... still serving food <u>1am</u> . Shop door still open & serving a group of people. Loud shouts, eels drunk behaviour continues.	

Please return the completed form to the Officer when the noise monitoring equipment is collected.

Your Name Carlie Dent Your address 5 Milsom Apartments,
Milsom Place, Bath,
BA1 1AW.

APPENDIX J

Date: 7 February 2011
Our ref: 10/08290/E_NI
Direct line: (01225) 477555
Fax: (01225) 477596
E Mail: Diarmid_Henry@bathnes.gov.uk

Mr Ramazan Kolcak
17 The Chestertons
Bathampton
Bath
BA1 5LP

Dear Sir,

Licensing Act 2003
Noise from Bodrum Takeaway, 34 Broad Street, Bath

I refer to previous correspondence of 5 November 2010 in relation to the above matter. This Service is in receipt of evidence of noise nuisance arising from patrons of your premises at night and in the early hours of the morning, particularly on Monday's, Friday's and Saturday's.

Evidence has been gathered of noise from patrons of your premises shouting, laughing and talking loudly on occasions up until 0430 hours. I must therefore advise that this Service is considering applying to the Local Licensing Authority for the review of your premises licence under the provisions of the above legislation. It is my opinion that the operation of your premises presents a public nuisance to neighbouring residential properties and as such it is my view that the licensing objective of prevention of public nuisance is not being met.

I would welcome the opportunity to discuss this matter with you as a matter of urgency, please do not hesitate to contact me directly on the above telephone number should you wish to discuss the matter further.

Yours faithfully,

Diarmid Henry
ENVIRONMENTAL HEALTH OFFICER

cc: Bodrum Takeaway, 34 Broad Street, Bath, BA1 5LP

Noise Nuisance Log Sheets

APPENDIX K

Noise record re: Bodrum 34 Broad Street, Bath.

Please record the following details each time you hear the noise about which you are complaining.

Date	Time started (24 Hr Clock)	Time ended (24 Hr Clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
Tue AM 18 Jan-11	3.20am	4.10am	(Ref: email to John Harvey) Crowd panic shouting "hey, what ya doing, hey hey, f'off..." girls screaming, men are shouting arguing, my heart pounding, thinking of informing police, it sounds out of control. I am really tired, shocked and extremely startled.	
Thurs PM FRI AM 21 Jan-11	1.30am	2.10am	groups of girls calling out and waiting around.	
	2.45am		men fighting.	
SAT PM/ SUN AM 23 Jan-11	3.40am		constant swearing, shouting. I feel wide awake! cars beeping horns, very loud shouting. ^	
	2.40am		Large groups of people woke me up, shouting, some screaming.	
MON PM/ TUE AM 25th Jan 11	1.04am	1.15am	shouting, up & down street, arguing opposite. A man is shouting, possibly in pain. (I cannot see him, but hear his loud voice)	
	2.55am	3.50am	Crowds of people are waiting around - shouting, screaming, general drunk behaviour again. very loud.	
THURS PM FRI AM 28th Jan 11	2.15	2.55	Very loud - shouting, arguing, screaming.	
	3.20	4.10	The crowd becomes bigger. People must be fighting. I've not heard it this loud. Terrible.	
FRIDAY 28th JAN			- Broad Street, opposite Bodrum - pavement has many BLOOD spots which shows it must have been a fight I heard.	
			Therefore Bodrum is attracting drunk & aggressive behaviour to a residential area, during the working week. This is completely unacceptable, beyond 4am, during the week.	C. Dent

APPENDIX L

Flat 2
24 Broad Street
Bath
BA1 5LW

ENVIRONMENTAL SERVICES
- 9 FEB 2011
Post Log No:
Receipt No:
CH/CA:

Mr Diarmid Henry
Environmental Protection Officer
Environmental Protection Team
Bath & North East Somerset Council
9-10 Bath Street
Bath
BA1 1SN

8 February 2011

Dear Mr Henry,

Re: Antisocial behaviour and noise at night in Broad Street, Bath

I am writing about the worsening situation in Broad Street, especially at weekends and occasionally during the week when the students have returned to the city. I have lived in Broad Street since 2005 and the period of disturbance is now at the point where it is unacceptable. I accept that when living in a city centre one has to be prepared for some noise, but it is now extending to beyond 04:00 AM at weekends.

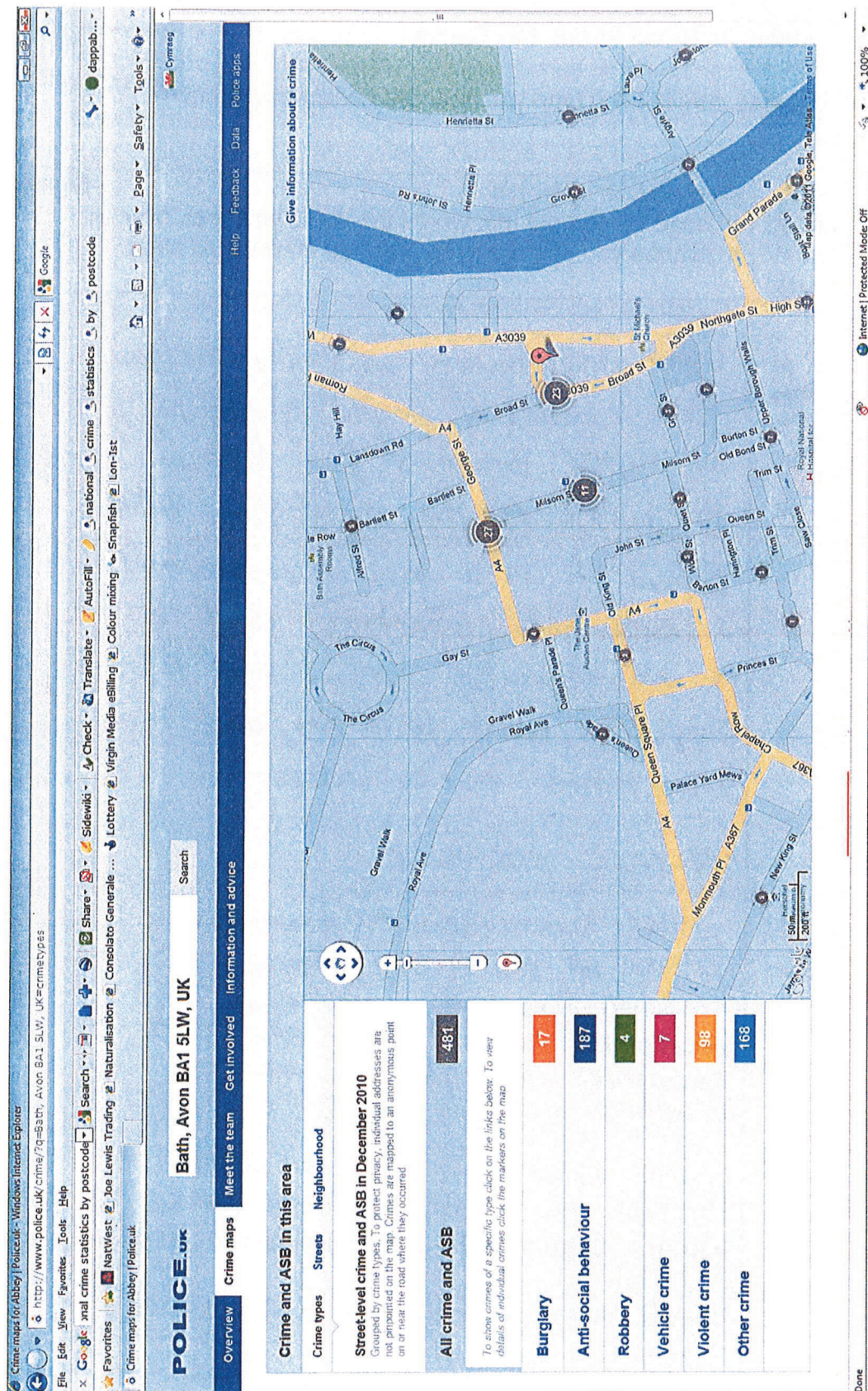
From my bedroom window I often observe crowds of people outside the Bodrum takeaway, which stays open well beyond a reasonable time and often well beyond 03:00 AM. We have had countless problems associated with gangs of drunks shouting and fighting, including our door being kicked open and 2 broken windows. I have attached a map from the police website which shows Broad Street as the second highest problem area in the city based on police statistics so there is clearly a real issue which BANES is not addressing.

As a small vibrant city, Bath has a lot to offer and is a place for people to rightly enjoy in the evenings, but it is also home to many city centre residents who should be able to feel safe at night and expect things to quieten down at a reasonable hour.

Yours sincerely,

Remo Del-Greco

APPENDIX L



Noise Nuisance Log Sheets

ENVIRONMENTAL SERVICES

24 FEB 2011

APPENDIX L

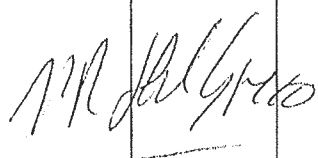
Noise record re: Bodrum, 34 Broad Street, City Centre

Post Log No:
Receipt No:
CHURCH

Please record the following details each time you hear the noise about which you are complaining.

Date	Time started (24 Hr Clock)	Time ended (24 Hr Clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
12/FEB/11	2:00 AM	4:00 AM	<u>GENERAL DISTURBANCES</u> Usual disturbance on Friday/SAT/SUN from crowds of people gathering in upper Broad St for food in the middle of the night from Bodrum. Broad St is a mix of commercial & residential properties, and it is unreasonable for 1 shop to stay open until 4:00 AM, and sometimes even later.	
13/ "	"	"		
14/ "	"	"		
20/ "	"	"		
SUN 30/JAN 2011	APPROX 3:30 AM	APPROX 4:00 AM	<u>SPECIFIC INSTANCES</u> LARGE DISTURBANCE INVOLVING GANGS OF YOUTH FIGHTING AND CAUSING GENERAL DISRUPTION, EXCESSIVE LITTER FROM FOOD THE FOLLOWING DAY WHICH WASN'T CLEARED UNTIL MONDAY.	
WED 16/FEB	3:00 AM	3:15 AM	LARGE GROUP IN BROAD ST PLACE EATING FOOD AND MAKING NOISE. USUAL DISCARDED LITTER AFTERWARDS.	
WED 23/FEB	4:10 AM	4:20 AM	EXCESSIVELY NOISY GROUP OF (PROBABLY) STUDENTS. USUAL FOOD LITTER, AFTER KNOCKING DOWN ROADWORK BARRIERS.	

APPENDIX L

Date	Time started (24 Hr clock)	Time ended (24Hr clock)	Description of Noise (Please try and put into words the noise you hear, how it disturbs you and anything else you think would help)	Signed
			<u>GENERAL COMMENT</u> SURELY THERE IS A CLAUSE IN THEIR LEASE REGARDING TO NUISANCE ETC. IT IS COMPLETELY UNREASONABLE FOR ONE SHOP TO SHOW COMPLETE DISREGARD TO PEOPLE LIVING IN THE VICINITY BY STAYING OPEN UNTIL 4:00 AM AND LATER, THEY SHOULD CLOSE AT 2:00 AM AT THE LATEST.	

Please return the completed form to:-

Diarmid Henry
Environmental Protection Team
9-10 Bath Street
Bath
BA1 1SN
Telephone 01225 477555
Fax 01225 477590
Email: diarmid_henry@bathnes.gov.uk

Your Name REMO DEL-GRILLO Your address 24 BROAD ST.

APPENDIX M

STATEMENT OF WITNESS

Criminal Justice Act 1967 s.9;
Magistrates' Courts Act 1980 ss5A(3) & 5B;
Magistrates' Courts Rules 1981 r.70

Statement of: Carlie Dent

Age of Witness: over 18
(if over 18 insert "over 18")

Occupation of Witness: Teacher

This statement, consisting of 3 page(s), signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated the 1 day of March 2011 Signature *C. Dent*

My name is Carlie Dent, I have lived at 5 Milsom Place, Bath since May 2010. My home is on the opposite side of the street to Bodrum Take Away. I have experienced noise disturbance from Bodrum since moving in, however it took me some time to understand where the noise was coming from and why I was being awoken in the early hours of the morning. I complained to the Environmental Protection Team at Bath & North East Somerset Council on 2 December 2010 concerning the noise disturbance that I had been experiencing. I was contacted by an Environmental Health Officer and asked to complete a noise log sheet over the next few weeks detailing specific incidents of disturbance from Bodrum. I am able to see the front of Bodrum from my flat and so kept a log of incidents of noise disturbance from premises from 14 December 2010 until 12 January 2011. I recorded a number of incidents of noise disturbance over this period, which on several occasions lasted until approximately 3.45am. On one occasion on 20 December 2010, I experienced disturbance from 2.25am until 3.45am from shouting randomly, swearing

Signature *C. Dent* Signature Witnessed by *Janet Hay*

APPENDIX M**STATEMENT OF WITNESS**

**Criminal Justice Act 1967 s.9;
Magistrates' Courts Act 1980 ss5A(3)(a) & 5B;
Magistrates' Courts Rules 1981 r.70**

Continuation of statement of : CARLIE DENT Page:2
and the slamming of car doors. Despite wearing ear plugs, the noise from Bodrum makes

it almost impossible to sleep. On the 4 January 2011, I was unable to get to sleep until 4.30am. An Environmental Health Officer installed noise monitoring equipment in the bedroom of my home from 13 to 17 January 2011. I received instruction on how to operate the equipment and made a number of recordings of noise disturbance once I verified the source as Bodrum. On the 14 January 2011 I was disturbed between 2.40am and 3.30am by intermittent shouting, arguing, crying and someone being sick. I noticed the next morning that my doorstep was covered in sick, lettuce and take away boxes. An Environmental Health Officer installed noise monitoring equipment in the bedroom of my home again from 4 to 7 February 2011. I received instruction again on how to operate the equipment and made a number of recordings of noise disturbance once I verified that the source as Bodrum. At 2.50am on Sunday 6 February 2011 I was disturbed by a man aggressively shouting at a girl, then I heard a loud bang on the shop window next door to Bodrum. I visited the Council Offices on 21 February 2011 to listen to the sound recordings that were made in my flat and can verify that they are representative of the noise that I experience in my home. The disturbance that I experience from Bodrum not only prevents me enjoying my home as I would wish but also deprives me of much needed sleep especially when I have to get up early for work. The disturbance occurs regularly and is sustained over several hours on a given night. I have resorted to wearing 3M ear fit plugs to try and get to sleep at night, however these have a limited effect and

Signature C. Dent Signature Witnessed by [Signature]

APPENDIX M

STATEMENT OF WITNESS

Criminal Justice Act 1967 s.9;
Magistrates' Courts Act 1980 ss5A(3)(a) & 5B;
Magistrates' Courts Rules 1981 r.70

Continuation of statement of : J CARLIE DENT Page:3
are uncomfortable. I find it upsetting that I cannot enjoy peace and quiet in my own home

due to this fast food outlet being allowed to operate at what I consider to be unsociable
hours.

Signature C. Dent Signature Witnessed by Diana Hay

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	05/02109/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
Bodrum Takeaway 34 Broad Street City Centre Bath BA1 5LP	
Telephone number	01225 461946

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		
Late Night Refreshment	Monday to Thursday	23:00 - 03:00
Late Night Refreshment	Friday	23:00 - 04:00
Late Night Refreshment	Saturday	23:00 - 04:00
Late Night Refreshment	Sunday	23:00 - 03:00

The opening hours of the premises	
Monday	12:00 - 03:00
Tuesday	12:00 - 03:00
Wednesday	12:00 - 03:00
Thursday	12:00 - 03:00
Friday	12:00 - 04:00
Saturday	12:00 - 04:00
Sunday	12:00 - 03:00

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

Part 2

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

Mr Ramazan Kolcak
17 The Chestertons
Bathampton
Bath
BA1 5LP

01225 461946

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol****Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Not available

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 1 November 2005

Annex 1 – Mandatory conditions

Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

CCTV to be used and maintained inside and outside the premises. Recordings to be kept for a minimum period of one month.

Staff will clear litter from outside the premises including the street on every night that the premises is open for business.

No alcohol to be served.

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

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number

05/02109/LAPRE

Premises Details

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

Bodrum Takeaway
34 Broad Street
City Centre
Bath
BA1 5LP

Telephone number

01225 461946

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

Late Night Refreshment	Monday to Thursday	23:00 - 03:00
Late Night Refreshment	Friday	23:00 - 04:00
Late Night Refreshment	Saturday	23:00 - 04:00
Late Night Refreshment	Sunday	23:00 - 03:00

The opening hours of the premises

Monday	12:00 - 03:00
Tuesday	12:00 - 03:00
Wednesday	12:00 - 03:00
Thursday	12:00 - 03:00
Friday	12:00 - 04:00
Saturday	12:00 - 04:00
Sunday	12:00 - 03:00

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

Name, (registered) address of holder of premises licence

Mr Ramazan Kolcak
17 The Chestertons
Bathampton
Bath
BA1 5LP

Registered number of holder, for example company number, charity number (where applicable)**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol****State whether access to the premises by children is restricted or prohibited**

As per Operating Schedule at Annex 2.



**Bath & North East
Somerset Council**

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

Bodrum Takeaway, 34 Broad Street, Bath,



Scale 1/1000

Date 1/4/2011

Centre = 375039 E 165083 N

Drawn by:

R Jordan

4

**Representation Form**

ENVIRONMENTAL SERVICES	
ANNEX D	25 MAR 2011
Post Log No:	CD/AB28105
Receipt No:	
CH/CA	

Responsible Authority. (Please delete as applicable.)

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

Your Name	Steven Mildren
Job Title	Police Inspector
Postal and email address	Bath Police Station Manvers St. Bath
Contact telephone number	012258462475

Name of the premises you are making a representation about.	Bodrum Takeaway
Address of the premises you are making a representation about.	34 Broad Street Bath

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	Yes	The premises are situated within the city centre in an arterial route that runs south to north. The premises are a fast food outlet that services persons using late night pubs and clubs within the city centre area. The George Street area that runs at the northern end of Broad St. has a considerable number of licensed outlets. Takeaway premises experience has shown, coupled with persons who have consumed large amounts of alcohol provide a catalyst for crime and disorder and acts of anti social behaviour. The review applied for by the environmental protection team deals with the prevention of public nuisance. The Police have joined this review to give a perspective on the crime and disorder in and immediately outside of these premises. The Brief overview of incidents (Fig 1.) gives a breakdown of calls received, made by, day and time and recorded crimes that have resulted. The charts (Fig 2.) shows the days of the week

		Police receive calls relating to Bodrum, and the time of day calls are made. The log summaries are the calls that have been made and show a consistent number of calls and type of calls during the period the logs cover. The crime and disorder related to the premises is fuelled by persons who have been drinking in city centre venues, with some drinking to excess. It can be seen from the breakdown at (Fig 1.) that Bodrum staff make calls in respect of 50% of the incidents, this may show that they have difficulty in controlling their own customers. There is evidence to show that most incidents occur between 0300 and 0400 and the committee may feel that a reduction of the hours may be the only option to further the crime and disorder objective, as well as a requirement to have SIA registered staff to maintain good order at and immediately outside of the premises.
t		
To prevent public nuisance		
The prevention of harm to children		

Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	1. A minimum of two SIA registered doorstaff will be on duty at the premises from 23.00 hrs until the end of licensable activity on Friday and Saturday each week to ensure good order in and outside of the premises.
--	---

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed: 
 Paul Hudson.

Date: 25-3-11.

Please return this form along with any additional sheets to:

Bath and North East Somerset Council
 Licensing Services
 9-10 Bath Street
 Bath
 BA1 1SN

E-mail address: licensing@bathnes.gov.uk

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

Brief Overview of Incidents

Number of calls received 01/01/10 to date: 32

Number of separate incidents these calls refer to: 22

Number of calls made by Bodrum staff: 16 = 50%

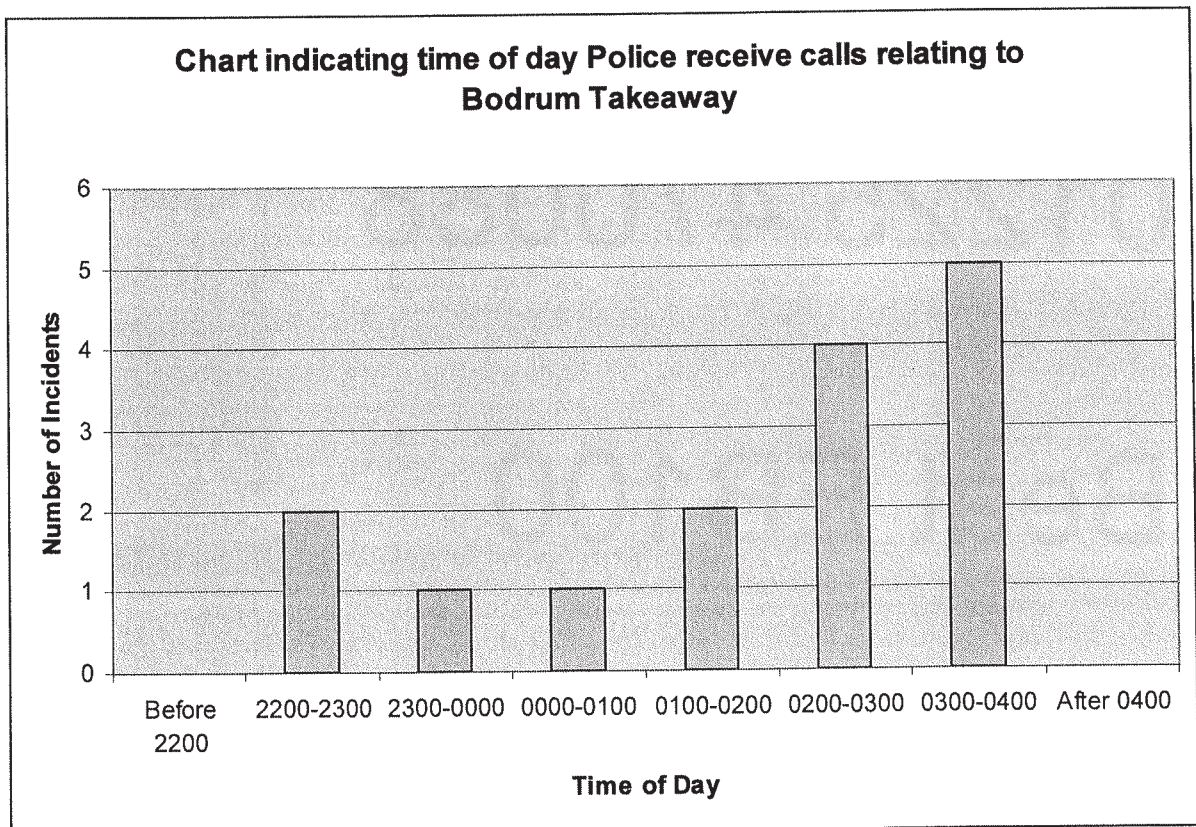
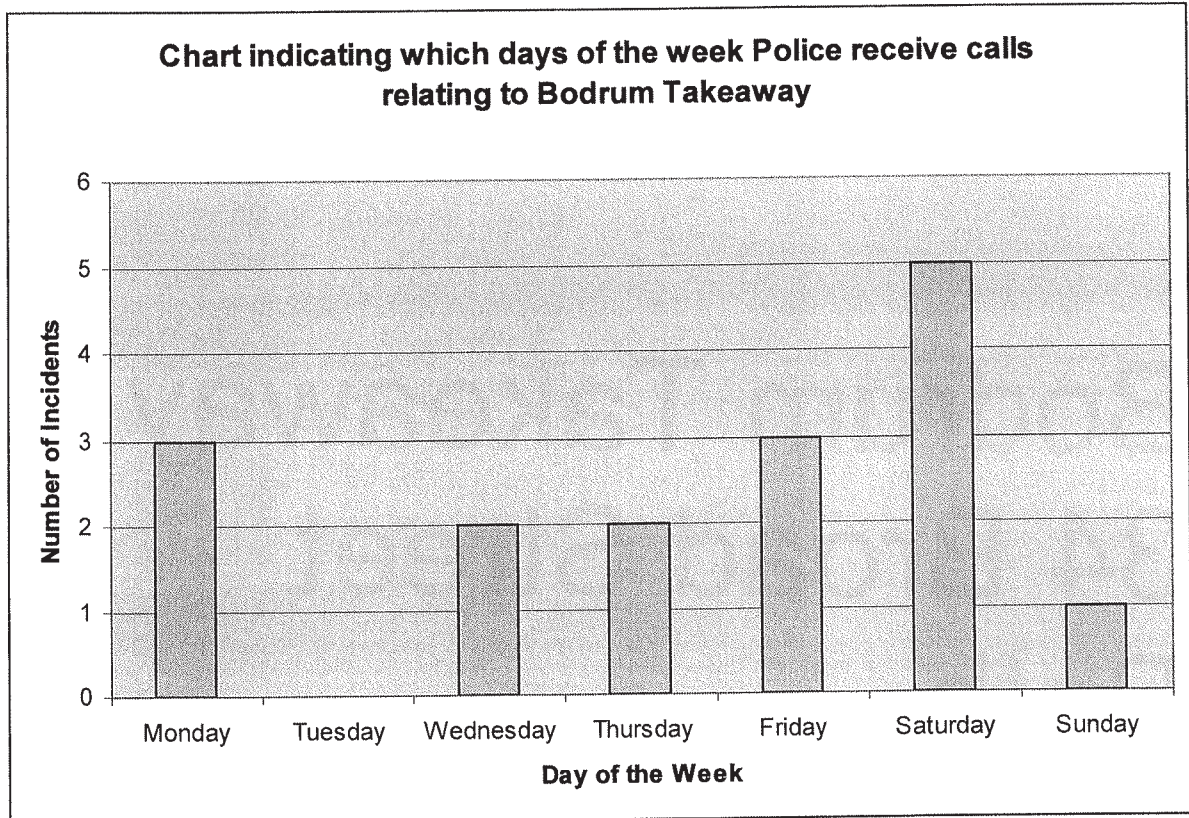
Number of calls where the incident referred to can be related to Bodrum:
24 = 75%

Number of crimes recorded: 10 = 45%

Number of crimes recorded where Bodrum staff have been the
informant: 4 = 25%

Day of the week the Police are most often called: Saturday

Time of day the Police are most often called: 0300 – 0400 hours



Incident Reports

Bodrum Takeaway
34 Broad Street
Bath
BA1 5LP

01225 470088

Beat EB100

Incident no.	1
Date	02/02/10 - Tuesday
Time	03:39
Informant	MOP –
Log no.	AS-20100202-0079
Police Arrival	03:54 (15 minutes)
Incident	VAP - fight Report of a fight outside Bodrum involving 3-4 males. No weapons seen. Males seen to head in direction of London Road. On Police arrival no one is fighting. Informant spoken to outside Belushi's but no one willing to provide details of any offences.
Guardian	N/A – no complaints made
Arrest	N/A
Disposal	N/A
Related	Unable to confirm that incident is directly related to Bodrum.

Incident no.	2 (linked to 3)
Date	05/02/10 - Friday
Time	03:15
Informant	Bodrum Staff
Log no.	AS-20100205-0093
Police Arrival	03:18 (3 minutes)
Incident	VAP - fight Report of 2 men fighting outside the location and 10 others nearby. CCTV operator confirms 20+ people and 15 males running down George Street. On Police arrival the group outside the location star burst. One male detained and CCTV operator confirms he was involved in some way in the incident. Neither of the informants (X-ref with below) were spoken to at the time and no witnesses or victims came forward. CCTV footage shows a large group of people outside the location but no offences.
Guardian	13575/10 - Affray
Arrest	52SE/425/10 During interview the suspect answered "no comment" to all questions. Officer investigating the incident recalls the takeaway in order to obtain further information but the person answering denies knowledge of any incident. No victim or witnesses.
Disposal	NFA – Police advice
Related	Yes - but only because the call is made by Bodrum staff.

Incident no.	3 (linked to 2)
Date	05/02/10 - Friday
Time	03:15
Informant	Bodrum Staff –
Log no.	AS-20100205-0094
Police Arrival	03:18 (3 minutes)
Incident	VAP - fight Informant reiterating Incident 2 above. Reporting 10-15 people fighting outside the location. Informant then states he is very busy and does not want to provide further information. Closed to working log 0093 above.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes – but only because the call is made by Bodrum staff.

Incident no.	4
Date	13/02/10 - Saturday
Time	00:33
Informant	Bodrum Staff –
Log no.	AS-20100213-0046
Police Arrival	03:37 (5 minutes)
Incident	ASB – Rowdy nuisance behaviour Informant reporting that a drunk male is refusing to leave and being abusive. Informant asking for Police assistance as does not want to tackle him. On Police arrival the male and his friend are inside the takeaway. The staff refuse to make a complaint about the abusive language used and simply want Police to eject the males. One male continues to be abusive to officers outside the takeaway and accepts a PND for S5 POA.
Guardian	17055/10 – S5 POA
Arrest	N/A
Disposal	PND £80 fine.
Related	Yes. Call made by Bodrum staff requesting Police assistance to remove a male from inside the premises.

Incident no.	5 (linked with 6)
Date	05/03/10 - Friday
Time	01:14
Informant	Taxi driver –
Log no.	AS-20100305-0046
Police Arrival	01:24 (10 minutes)
Incident	Public Order - fight Informant reporting a fight inside the takeaway and an incident outside where Ambulance staff are struggling with a male. Another male is restraining an offender in the takeaway. X-ref with below AS-20100305-44
Guardian	N/A – see X-ref incident
Arrest	N/A – see X-ref incident
Disposal	N/A – see X-ref incident
Related	Yes. Informant reporting that incident is taking place inside the premises.

Incident no.	6 (linked with 5)
Date	05/03/10 - Friday
Time	01:14
Informant	Ambulance
Log no.	AS-20100305-0044
Police Arrival	01:17 (3 minutes)
Incident	Rowdy nuisance behaviour - fight Ambulance staff reporting they are dealing with a patient outside La Tasca and a large fight has broken out at the location. CCTV monitoring the situation. Attending Police units report that they are in order and request two spaces for adult males arrested for S5 POA. Attending Sergeant deploys CS spray and two further males are arrested.
Guardian	25475/10 and 25477/10 – S5 POA 25709/10 – S4 POA 25716/10 – Obstructing/Resist a PC
Arrest	52SE/821/10 and 823/10. 2 males arrested but not interviewed as charged on Police evidence of S5. 52SE/822/10 and 824/10. 2 males charged following investigation and CPS advice.
Disposal	2 males charged S5 POA 1 male charged with S4 POA 1 male charged with S4 POA and Obstruct PC
Related	Unable to confirm incident is linked to Bodrum. Locations provided by informant are Broad Street and La Tasca. Guardian reports do not mention Bodrum

Incident no.	7 (linked with 8 & 9)
Date	09/03/10 – Wednesday
Time	02:35
Informant	Bodrum Staff –
Log no.	AS-20100309-0059
Police Arrival	02:44 (9 minutes)
Incident	VAP - fight Informant initially reporting 6-7 people fighting. The inference is that the fight started inside the premises as the log states that the group have gone outside. Informant then reports 4 males in total were involved and have gone towards the traffic lights at the junction with George Street. Informant clears the line to go back to his clients. Police locate a male with an eye injury on The Paragon. CCTV report that 2 males involved have entered the takeaway on Pulteney Bridge. Police unit with a witness on board attend the second takeaway. X-ref with logs 0060 and 0068. 0060 becomes the working log.
Guardian	N/A – see X-ref incident
Arrest	N/A – see X-ref incident
Disposal	N/A – see X-ref incident
Related	Yes. Informant infers that the incident started in the premises but moved outside.

Incident no.	8 (linked with 7 & 9)
Date	09/03/10 – Wednesday
Time	02:36
Informant	Ambulance
Log no.	AS-20100309-0060 Working Log
Police Arrival	02:45 (9 minutes)
Incident	VAP - fight Ambulance reporting they have received a call from a male outside of Hay Hill Baptist Church stating he has been attacked in an unprovoked manner by a group of youths who are now walking away. Police unit, in company with a sober witness, do an area tour. No one is identified as being responsible for the assault. The enquiry at Marmaris started by CCTV in log 0059 is negative. The victim is taken to the RUH where he is later seen by Police and incident details are taken. X-ref with logs 0059 and 0068.
Guardian	27219/10 - ABH
Arrest	N/A – No suspect(s) identified
Disposal	N/A
Related	Unable to confirm incident is linked to Bodrum. There is no mention of Bodrum on the log or Guardian report. Guardian infers that the incident location may well have been Back to Mine, The Paragon.

Incident no.	9 (linked with 7 &8)
Date	09/03/10 – Wednesday
Time	02:57
Informant	MOP –
Log no.	AS-20100309-0068
Police Arrival	04:09 (1 hour and 12 minutes)
Incident	VAP – not on-going Informant reporting that he was involved in a fight inside Bodrum and now has a bloody face. Informant refused Ambulance treatment and made his way to Milsom Street. Police attend and locate victim outside of Bodrum. Informant is rude and obstructive towards officers. Details for Guardian crime report obtained. X-ref with logs 0059 and 0060.
Guardian	27219/10 - ABH
Arrest	N/A – No suspect(s) identified
Disposal	N/A
Related	Yes. Guardian report indicates that victim was inside Bodrum ordering a pizza when he was assaulted by an unknown and unidentified male. CCTV from inside Bodrum shows an assault taking place.

Incident no.	10
Date	19/03/10 – Saturday
Time	03:32
Informant	On duty Police Officer
Log no.	AS-20100319-0096
Police Arrival	03:32 (0 minutes)
Incident	Rowdy nuisance behaviour Police officer reporting that staff at the location have complained about an abusive male who has now left. Area tour no trace. CCTV monitor the male.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. Reported by staff to officer on duty.

Incident no.	11
Date	28/03/10 – Monday
Time	23:48
Informant	Bodrum Staff –
Log no.	AS-20100328-1136
Police Arrival	Resolved without Police attending
Incident	Abandoned call Initially Operator is reporting a male requesting Police and then leaving the line open. No disturbance can be heard. Staff recalled and reported that they had a problem with a couple of rugby players who took a pizza but they got it back and do not wish to make a complaint to the Police.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. Reported by Bodrum staff but not requiring Police attendance.

Incident no.	12
Date	03/04/10 – Sunday
Time	03:35
Informant	Bodrum Staff –
Log no.	AS-20100403-0191
Police Arrival	Resolved without Police attending
Incident	Rowdy nuisance behaviour Staff reporting that a male in the takeaway is swearing, refusing to pay for food and becoming aggressive. The male leaves whilst details are being obtained and staff inform call handler that Police attendance is no longer required.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. Reported by Bodrum staff but not requiring Police attendance.

Incident no.	13 (linked to 14 & 15)
Date	05/04/10 – Tuesday
Time	02:57
Informant	Bodrum Staff –
Log no.	AS-20100405-0157
Police Arrival	03:01 (4 minutes)
Incident	VAP – fight Staff reporting that 5-10 males are punching each other on the street outside the location. Informant then ends call. CCTV cannot locate an incident and on Police arrival there is no fight in progress. Staff at the location are spoken to by Police and report that there was a bit of a scrap and the persons seemed to be friends. All parties involved left in the direction of George Street. Area tour commenced and a victim is located. X-ref with logs 0155 and 0169.
Guardian	39060/10 - ABH
Arrest	52SE/3288/10
Disposal	NFA – On Police advice. CPS originally agreed a charge of common assault but medical evidence was requested to ascertain the exact nature of the injuries sustained. Victim failed to attend medical appointments and by this time the limit for prosecuting a common assault had lapsed.
Related	Yes - loosely. This incident actually occurred on Walcot Street outside the Cattle Market car park.

	However, the victim's statement indicates that she went Bodrum prior to the incident as there was fight taking place outside that involved the friends of a male she was with. As a result of being present outside Bodrum the victim and her friends have been followed by the suspect and his friends and she has been assaulted.
--	--

Incident no.	14 (linked to 13 and 15)
Date	05/04/10 – Tuesday
Time	02:57
Informant	Declined
Log no.	AS-20100405-0155
Police Arrival	X-ref to 0157
Incident	Rowdy nuisance behaviour Caller reporting a fight on-going at Broad Street and then disconnected line. No reply on recalling. Log closed. X-ref with log 0157.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Unable to confirm incident is related to Bodrum.

Incident no.	15 (linked to 13 & 14)
Date	05/04/10 – Tuesday
Time	03:15
Informant	On duty Police Officer
Log no.	AS-20100405-0169
Police Arrival	At scene
Incident	Injured Party Police unit reporting they are in company with a female outside The Saracens Head who has a hand injury sustained in an altercation. Ambulance called. X-ref with log 0157.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Unable to confirm incident is related to Bodrum.

Incident no.	16
Date	16/04/10 – Saturday
Time	02:51
Informant	Bodrum Staff –
Log no.	AS-20100416-0103
Police Arrival	03:03 (12 minutes)
Incident	Public Order Staff reporting 4-5 males fighting outside the takeaway. During the call the member of staff states that the males have moved on. Police unit attends whilst en route to another separate incident and sees the described males get into a taxi.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes - but only because the call is made by Bodrum staff.

Incident no.	17
Date	16/04/10 – Saturday
Time	23:50
Informant	BANES CCTV
Log no.	AS-20100416-1445
Police Arrival	23:56 (6 minutes)
Incident	Rowdy nuisance behaviour Report of 10 males fighting, assaulting 1 male at Bodrum Takeaway. Street marshals in company with a victim as the group walk off towards Walcot Street before getting a taxi. Police attend but no complaints are made.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Unable to confirm incident is related to Bodrum.

Incident no.	18
Date	13/06/10 – Monday
Time	02:22
Informant	Bodrum Staff –
Log no.	AS-20100612-0288
Police Arrival	Resolved without Police attendance
Incident	Rowdy nuisance behaviour Member of staff reporting that earlier there was a female who didn't pay but has now left. No complaint made regarding this female. However, as a result of that incident there are now two females who are trying to remonstrate over the girl who didn't pay, are causing problems and refusing to leave. Informant states that he is very busy and the females are hindering his business. All units committed. At 03:21 hours the informant is recalled and explains the females left and apologised.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Yes. Reported by Bodrum staff but resolved without Police attendance.

Incident no.	19
Date	22/06/10 – Wednesday
Time	01:30
Informant	Bodrum Staff –
Log no.	AS-20100622-0068
Police Arrival	01:55 (25 minutes)
Incident	VAP - ASB Member of staff reporting that a male inside the takeaway is causing trouble and threatening violence. The informant states that the male was asked to leave but became aggressive in manner and started shouting. Staff give him food and know the male, although not by name. Male has left prior to Police arrival and a direction of travel is provided. Words of advice given to staff but no complaint made.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Yes. Reported by Bodrum staff.

Incident no.	20 (linked to 21 & 22)
Date	07/07/10 – Thursday
Time	02:32
Informant	MOP –
Log no.	AS-20100707-0086 Working log
Police Arrival	02:38 (6 minutes)
Incident	Public Order Informant requesting the Police ASAP as there are 15-20 people fighting in the takeaway. No further information from this particular informant. A second informant calls to tell Police that he was at the location and an off duty Police Officer was involved in the fight. However, he did not witness the incident and could provide no further details. X-ref logs 0087 and 0090.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Yes. Informant states that people are fighting inside the takeaway.

Incident no.	21 (linked to 20 & 22)
Date	07/07/10 – Thursday
Time	02:34
Informant	MOP –
Log no.	AS-20100707-0087
Police Arrival	X-ref 0086
Incident	VAP Informant stating that there are 2 people in the takeaway claiming to be Police Officers who have a victim in an armlock. Log discontinued due to duplicate of 0086 Working log. X-ref logs 0086 and 0090.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Yes. Informant states the incident is inside the takeaway.

Incident no.	22 (linked to 20 & 21)
Date	07/07/10 – Thursday
Time	02:34
Informant	Off duty SC –
Log no.	AS-20100707-0090
Police Arrival	X-ref 0086
Incident	VAP Informant reporting that he has been punched in the face by a female inside the takeaway. Log discontinued due to duplicate of 0086 Working log. X-ref logs 0086 and 0087.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Yes. Informant states the incident is inside the takeaway.

Incident no.	23
Date	01/08/10 – Monday
Time	22:14
Informant	Bodrum Staff -
Log no.	AS-20100801-1391
Police Arrival	22:29 (15 minutes)
Incident	Rowdy nuisance behaviour Informant reporting problems with a customer who is not buying anything, swearing at staff and refusing to leave. Male is being very abusive, wants to get to the back of the shop and is being racist towards the staff. Male trying to smash the door. Police attend, PNC the male and remove him to his home address.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Yes. Call from Bodrum staff.

Incident no.	24
Date	12/08/10 – Friday
Time	02:50
Informant	Bodrum Staff -
Log no.	AS-20100812-0089
Police Arrival	Resolved without Police attendance
Incident	Rowdy nuisance behaviour Informant reporting that a male was in the takeaway accusing staff of taking his key. The male is drunk and will not accept he has lost his key and it is not at the location. Male left of own accord and Police no longer required.
Guardian	N/A – no complaint made
Arrest	N/A
Disposal	N/A
Related	Yes. Call from Bodrum staff.

Incident no.	25
Date	24/09/10 – Saturday
Time	03:11
Informant	BANES CCTV
Log no.	AS-20100924-0101
Police Arrival	03:14 (3 minutes)
Incident	VAP - fight CCTV operator reporting that 8-9 males are fighting opposite Bodrum takeaway. On Police arrival nothing is happening.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Unable to confirm incident is related to Bodrum.

Incident no.	26
Date	20/10/10 – Thursday
Time	01:03
Informant	Cable and Wireless Operator
Log no.	AS-20101020-0024
Police Arrival	01:29 (26 minutes)
Incident	VAP Caller requesting Police attendance to Bodrum as there are some people in the takeaway arguing and making threats of violence. On Police arrival there are no complaints and all parties leave with advice.
Guardian	N/A – no complaints made
Arrest	N/A
Disposal	N/A
Related	Yes. Call from Bodrum staff.

Incident no.	27
Date	07/11/10 – Friday
Time	03:42
Informant	MOP –
Log no.	AS-20101107-0262
Police Arrival	01:29 (26 minutes)
Incident	VAP Informant calling from the takeaway stating that members of staff have come out of the shop, man handled him and accused him of vandalising their shop. Informant denies he committed any offences and wishes to make a complaint against the staff. On Police arrival the informant has left because his friends have left. Informant says he will attend the Police Station to make a complaint but there is no record of him doing this.
Guardian	N/A – no complaints made
Arrest	N/A
Disposal	N/A
Related	Yes. Involves staff from the takeaway.

Incident no.	28
Date	24/12/10 – Saturday
Time	22:57
Informant	Bodrum Staff –
Log no.	AS-20101224-1216
Police Arrival	23:02 (5 minutes)
Incident	VAP Informant reporting 2 males fighting with staff. A male has put his hands in his trousers and intimated that he has a gun whilst saying that he would return later and shoot everyone. On Police arrival the people have left and staff are not forthcoming with information and state they are not taking the threats seriously. The Guardian reports that it was a male and female involved as opposed to two males.
Guardian	155270/10 – “no crimed” as staff didn’t feel threatened etc.
Arrest	N/A
Disposal	N/A
Related	Yes. Call from staff at location stating incident occurred inside the takeaway.

Incident no.	29 (linked to 30 & 31)
Date	06/01/11 – Friday
Time	03:07
Informant	Bodrum Staff –
Log no.	AS-20110106-0084
Police Arrival	03:16 (9 minutes)
Incident	Rowdy nuisance behaviour Staff reporting that a male at the location is swearing and being abusive. The male has order a pizza which was made and now he won't pay for it and won't leave the location. Description provided. On Police arrival the male has already left. The staff do not wish to pursue a complaint and only called the Police to ensure the male left. X-ref logs 0093 and 0106
Guardian	N/A – no complaints made
Arrest	N/A
Disposal	N/A
Related	Yes. Call from staff.

Incident no.	30 (linked to 29 & 31)
Date	06/01/11 – Friday
Time	03:39
Informant	Bodrum Staff –
Log no.	AS-20110106-0093
Police Arrival	04:07 (28 minutes)
Incident	Rowdy nuisance behaviour Male from previous log has returned. Police completed an area tour which is no trace. X-ref logs 0084 and 0106
Guardian	N/A – no complaints made
Arrest	N/A
Disposal	N/A
Related	Yes. Call from staff.

Incident no.	31 (linked to 29 & 30)
Date	06/01/11 – Friday
Time	04:12
Informant	Bodrum Staff –
Log no.	AS-20110106-0106
Police Arrival	04:22 (10 minutes)
Incident	Rowdy nuisance behaviour Male from previous logs has returned and tried to smash the window before being chased away by 2 members of staff. Police completed an area tour which is no trace. No damage to window. X-ref logs 0084 and 0106
Guardian	N/A – no complaints made
Arrest	N/A
Disposal	N/A
Related	Yes. Call from staff.

Incident no.	32
Date	17/02/11 – Friday
Time	13:37
Informant	MOP –
Log no.	AS-20110217-0645
Police Arrival	13:43 (6 minutes)
Incident	VAP – Racially aggravated Informant reporting that her partner is being racially abused by a male and female at the location. Not related to the takeaway as it closed.
Guardian	19469/11
Arrest	N/A
Disposal	N/A
Related	No. The takeaway is closed.

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:	11/01537/LAPRE
Applicant's name:	Mr Ramazan Kolcak
Premises name and address:	Bodrum Takeaway 34 Broad Street Bath BA1 5LP
Application for a:	Review

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 Residents' Association

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 number in the vicinity of the Bodrum Takeaway and seeks to improve conditions for those living in the city centre

.We were very pleased to see the excellent work that Environmental Protection done in gathering detailed evidence about the nuisance associated with these premises. Broad Street has a long history of noise and disorder associated with crowds moving down from the clubs and bars in George Street. The Bodrum Takeaway adds to this by:

- attracting drinkers to walk through the increasingly residential Broad Street in preference to other less residential routes
- encouraging crowds to gather and loiter near residential units
- encouraging crowds to loiter on relatively narrow pavements on a street which is a well-used route for cars leaving the city

We do not as an association have the resources to undertake the sort of evidence gathering that Environmental protection have done but we are in receipt of regular expressions of concern by residents. As part of a regular programme of city centre reviews we did visit the area just after 12:30 am on the 14th March and 1:00 am on the 20th March.

On the 14th there were approximately 6 people sitting and standing on and around the barrier outside these premises eating food and making considerable noise until two PC arrived to talk to them

On the 20th we saw a man putting a ground sheet in the doorway of the premises next to Bodrum where he sat and fed his takeaway purchase to his dog. While we continued to watch a party of 20 to 25 revellers came down the street, both in the road and on the pavement, from George Street shouting loudly. The entire party then packed, or at least tried to, into the Bodrum Takeaway.

We entirely support Environmental Protection's call for the hours of these premises to be restricted. Indeed we would ask the committee to consider whether in the light of their evidence their recommendations on closing times go far enough

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

29.3.2011

Contact telephone number(s)

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

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

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

Name Ian Perkins

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

I will be represented at the hearing by

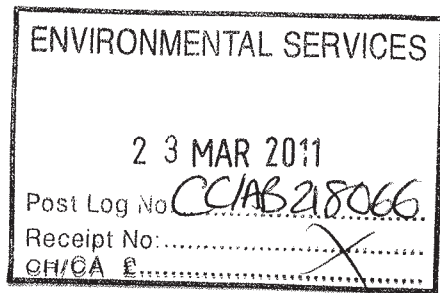
I will be calling the following witness(es):

<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



Sally Curtis

Flat 2 ANNEX F

36 Broad Street

Bath

BA1 5LP

21/3/2011

To whom it may concern,

I am writing in reference about the complaint which was levelled at Bodrum Takeaway.

I live just a few doors down, and I can assure you that the Takeaway has never caused any noise. If you truly want to stop late night noise then ban the students from the city centre, as they make more noise coming and going up and down Broad Street than anyone else.

Yours,

A handwritten signature in cursive script, appearing to read 'Sally'.

