

Democratic Services

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Date: 7 May 2014

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To: All Members of the Licensing Sub-Committee

Councillors:- Manda Rigby, Anthony Clarke, Roger Symonds and Gerry Curran

Chief Executive and other appropriate officers

Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 13th May, 2014

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 13th May, 2014 at 10.00 am** in the **Brunswick Room - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, 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.

This Agenda and all accompanying reports are printed on recycled paper

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 Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. 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 Enfys Hughes, 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.

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

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

Licensing Sub-Committee - Tuesday, 13th May, 2014

at 10.00 am in the Brunswick Room - Guildhall, Bath

AGENDA

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. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. TAXI LICENSING PROCEDURE - APPROVAL OF VEHICLE (Verbal Report)

Members are invited to note the procedure for the next item of business.

6. APPROVAL OF VEHICLE FOR PRIVATE HIRE - MR D SCARAMANGA (Pages 7 - 12)

7. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

"that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4)

of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended”.

8. DRIVER LICENSING PROCEDURE - COMPLAINT HEARING (Pages 13 - 16)

Members are invited to note the procedure to be followed for the next item of business.

9. CONSIDERATION OF CONVICTION OBTAINED - CJ (Pages 17 - 28)

10. LICENSING ACT 2003 - PROCEDURE FOR APPLICATION FOR NEW PREMISES LICENCE (Pages 29 - 32)

Members are invited to note the procedure to be followed for the next application.

11. APPLICATION FOR A PREMISES LICENCE FOR BATH RFC, LAMBRIDGE SPORTS GROUND, LONDON ROAD, BATH BA1 6BD (Pages 33 - 60)

12. LICENSING SUB COMMITTEE MISCELLANEOUS PROCEDURE (Pages 61 - 64)

Members are invited to note the procedure to be followed for the next item of business.

13. PRIVATE SHOP (Pages 65 - 80)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on
democratic_services@bathnes.gov.uk.

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Licensing Sub-Committee	
MEETING DATE:	Tuesday 13th May 2014	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
TITLE:	Approval of Vehicle for Private Hire – Mr D Scaramanga	
WARD:	ALL	
LIKELY TO BE TAKEN IN OPEN SESSION		
List of attachments to this report: ANNEX A – Application Form		

1 THE ISSUE

- 1.1 This report invites the Sub Committee to consider whether or not to approve a Mercedes Vito vehicle for use as a Private Hire Vehicle. The vehicle does not comply with the current requirements as stipulated in the current Private Hire vehicle licence conditions.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits and where applications fall outside the general policy they should be referred to the Licensing Sub-Committee for determination.

2 RECOMMENDATION

- 2.1 That the Sub-Committee determine the issue.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no resource implications arising from this report. The costs of processing licences are covered by the fees charged. The fee for this application is £184.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as ‘a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers.

4.2 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Private Hire Vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is-

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable

4.3 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including without prejudice the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

4.4 Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates court.

4.5 In January 2014 Bath and North East Somerset Council’s Licensing Committee adopted the current Private Hire General Conditions which are applicable to all Private Hire Vehicle licences issued by Bath and North East Somerset Council.

5 THE REPORT

5.1 Mr Scaramanga submitted an application for a Private Hire Vehicle licence in respect of a Mercedes Vito on 18th March 2014. (A copy of the application form is produced at Annex A).

5.2 The vehicle was first registered on the 2nd June 2006 and at the time of application had registered 204, 721 miles. At the date of the meeting the vehicle will be 7years and 11months old.

5.3 The current Private Hire licence conditions state that *“The vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination”*.

5.4 The vehicle will be available for members to inspect on the day of the meeting should they so wish to do so.

6 RATIONALE

6.1 Each application for a licence will be treated on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards applications which fall outside the standard conditions and policy will be referred to the Licensing Sub- Committee for consideration.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) and Information Governance Officer have had the opportunity to input to this report and have cleared it for publication.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>John Dowding 01225 477689</i>
Background papers	<i>Licensing File</i>
Please contact the report author if you need to access this report in an alternative format	

ANNEX A

**Bath & North East
Somerset Council**

Local Government (Miscellaneous Provisions) Act 1976

APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE

(1) Full name **DAVE SCARAMANGA, (BATH TAXIS LTD)**

Address **11 CHELTENHAM STREET, BATH,**

Post Code **BA2 3EX**

Telephone No. **07885 837004**

Hereby make application to the Bath and North East Somerset Council for a Private Hire Vehicle Licence in respect of:-

Make MERCEDES Model VITO Colour SILVER Reg.No. K2JTS
Passengers 7 Doors 5 CC 2148 02-06-2006

Year of Manufacture 2006 Plate No. (if applicable) TBA

Of which I am the *(Sole Proprietor) ~~*(Part Proprietor with)~~

Name _____

Address N/A

Post Code _____ Telephone No _____

(2) Is the vehicle fitted with a taximeter YES NO

(3) Is the vehicle wheelchair accessible YES NO

I/WE undertake, if granted a Private Hire Vehicle Licence, to ensure that this vehicle when used for private hire purpose, is adequately insured at all times and complies with the Local Government (Miscellaneous Provisions) Act 1976 and the conditions laid down by Bath and North East Somerset Council.

I understand that in order to operate my own vehicle I will require an Operator's Licence unless I work for or with a Licensed Operator. (Operator means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle.)

**LICENSED PRIVATE HIRE OPERATOR
V CARS, CHELTENHAM STREET, BATH**

ANNEX A

I/We declare that to the best of my knowledge and belief, the answers given overleaf are true. If a licence is granted I/We undertake to comply with conditions attached to the grant of the licence.

(6) I understand that any Licence obtained by false declaration may be suspended Or revoked by the Council.

Usual signature of applicant  Date 18-03-2014

Applicants are advised that to make a false statement or omit any information from this application is a criminal offence.

(7) Please produce:-	(1) Current insurance certificate which must cover the vehicle for hire and reward.
	(2) Vehicle Registration document.
	(3) MOT Certificate for all vehicles over one year old when licensed.
	(4) Vehicle Inspection Sheet (Issued By Authorised Garage)
	(5) Certificate Of Meter Compliance (If Taximeter Fitted)
	(6) 2013/ 2014 Total Fees Payable including roof sign on new application: £371 (New Application.) £130 (Vehicle Substitution) £236 (Annual Licence Renewal)
Please present all documents in person to:-	Bath and North East Somerset Council Licensing Section 9/10 Bath Street Bath BA1 1SN Tel 01225 477689

POSTAL APPLICATIONS WILL NOT BE ACCEPTED.

APPEALS PROCEDURE

- (1) Any person aggrieved by:-
 - (a) the refusal of the District Council to grant a licence under Local Government (Miscellaneous Provisions) Act 1976 or
 - (b) any conditions attached to the grant of a vehicle licence -
may appeal to the Magistrate's Court
- (2) Appeals must be brought within 21 days.
- (3) A further right of appeal lies to the Crown Court from the Magistrate's Court.

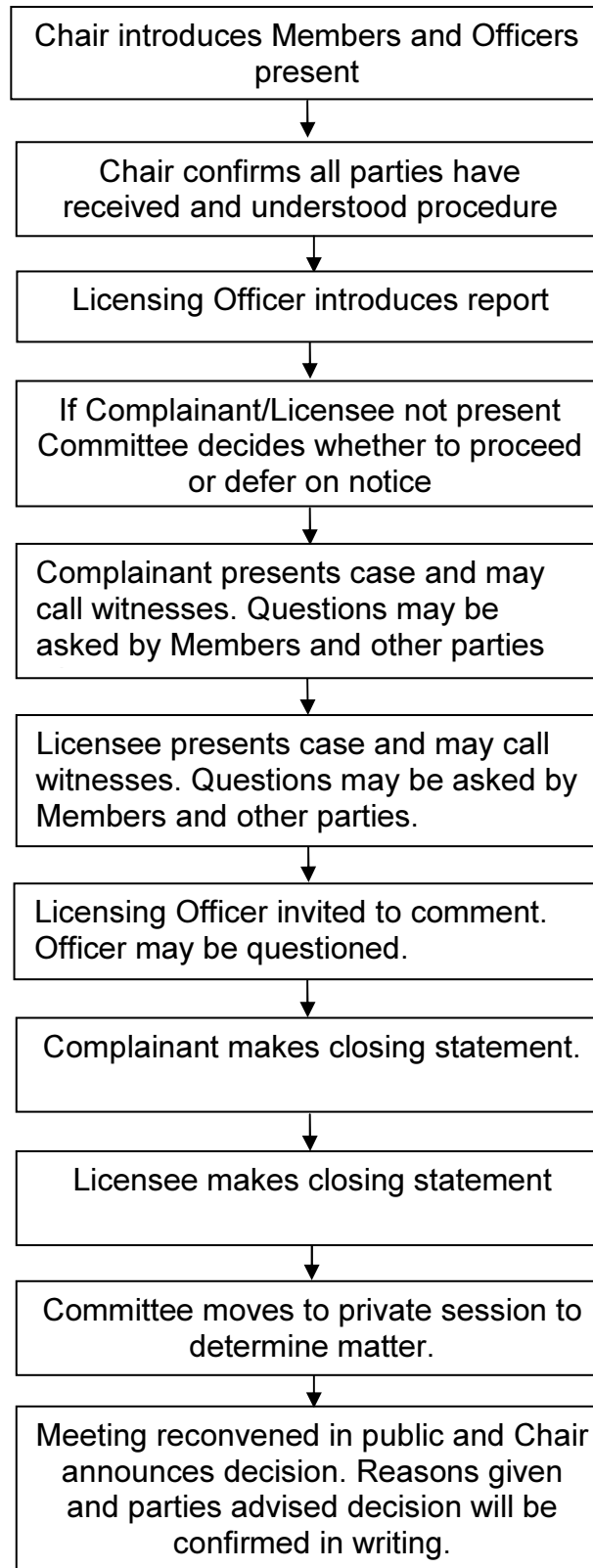
This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see;
<http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm> or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email information_governance@bathnes.gov.uk

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**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES COMPLAINT PROCEDURE**



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**Licensing Sub Committee
Hackney Carriage and Private Hire Drivers
Complaint Hearing Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Complainant presents their case, may call witnesses and may be questioned by the Committee and other parties. Where a written complaint has been made the complaint will be read by the Committee. The procedure will be repeated should there be more than one complainant.
4. The Licensee presents their case, may call witnesses and may be questioned by the Committee and other parties.
5. The Chair will ask the Licensing Officers present whether they wish to comment. An Officer making comment may be asked questions.
6. The Complainant is invited to make a closing statement
7. The Licensee is invited to make a closing statement.
8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
9. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
10. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-0737-14

Meeting / Decision: Licensing Sub-Committee

Date: 6 May 2014

Author: John Dowding

Exempt Report Title: Consideration of Conviction Obtained

Exempt Appendix Title:
Annex A – Current Combined Hackney Carriage/Private Hire Drives Licence.
Annex B - Policy on Conviction, Cautions and Fixed Penalty Notices.

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

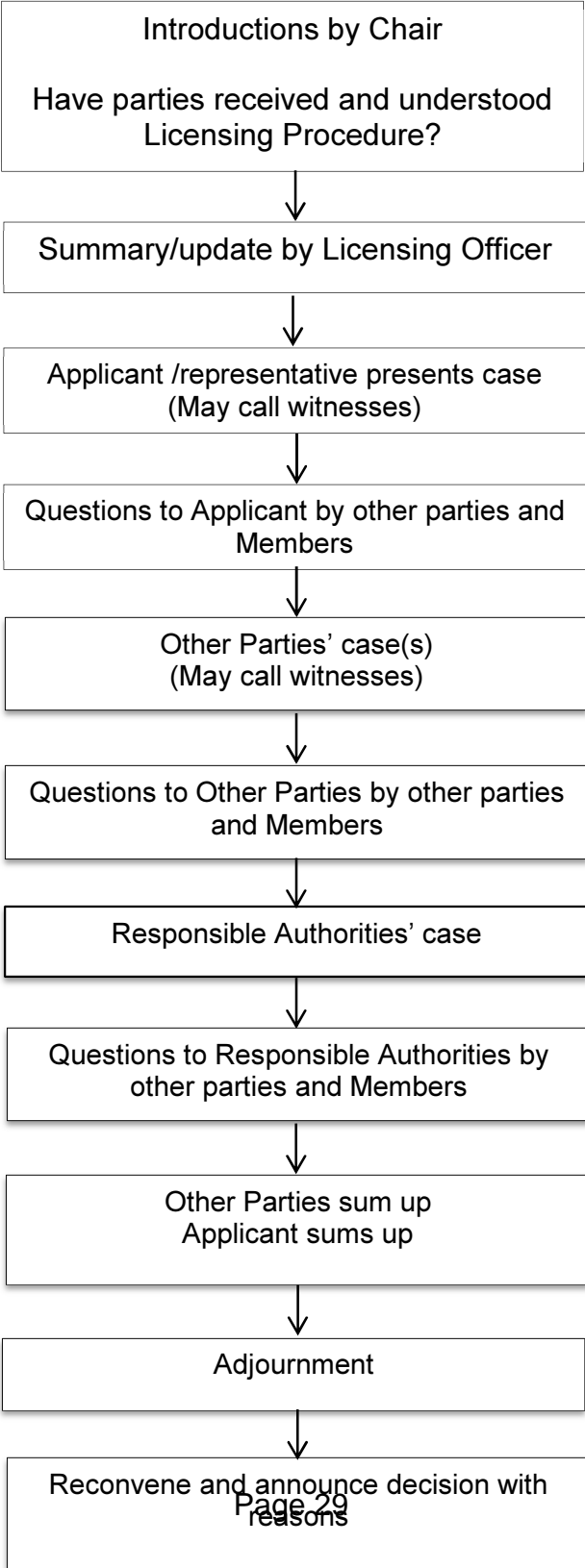
By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES
LICENCE OR FOR A VARIATION OF A PREMISES LICENCE**

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

1. The Chair will introduce Members of the Sub-Committee, the 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.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.*

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits 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.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the 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 and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 13 th May 2014	
TITLE:	Application for a Premises Licence for; Bath RFC, Lambridge Sports Ground, London Road, Bath BA1 6BD	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new Premises Licence		
Annex B Site Plan		
Annex C 'Other Person' Representations		

1 THE ISSUE

1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of Bath RFC, Lambridge Sports Ground, London Road, Bath BA1 6BD (*Annex A*).

2 RECOMMENDATION

2.1 That the Licensing Sub Committee determines the application.

3 RESOURCE IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 An Equality Impact Assessment (*EqIA*) has been completed. No adverse or other significant issues were found.

4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

4.3 The Sub Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

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

5.2 The application proposes:

1) **Regulated Entertainment, indoors only**, in the form of:

- Performance of Plays
- Exhibition of Films
- Indoor Sporting Events
- Boxing and Wrestling
- Performance of Live Music
- Performance of Recorded Music
- Performance of Dance
- Anything of a Similar Description

Between the following hours:

Every day 06:00 to 00:00

2) **Late Night Refreshment, indoors only**, between the following hours:

Every day 23:00 to 00:00

2) The **Sale of Alcohol** for consumption **on** and **off** the premises between the following hours:

Every day 06:00 to 23:00

2) **Opening hours:**

Every day 06:00 to 00:00

5.3 A site plan is attached at *Annex B*.

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

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

Each objective is of equal importance; there are no other licensing objectives so these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

- 5.5 The Licensing Authority may grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.6 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 15, 17, 18, 20, 23, 24, 28, 33 - 38, 41 to 44 inclusive of the policy.
 - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance (*as revised June 2013*)
 - c) Sections 4, 9, 10, 13, 16, 17, 18, 34, 35, 36, 182 and 183 of the Act.
- 5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.

If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.

On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 5.9 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, the health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 A representation has been received from a local resident (*Annex C*) in respect of the Prevention of Crime and Disorder and Prevention of Public Nuisance licensing objectives.
- The representation expresses concern that the granting of the application will lead to an increase in public nuisance and public disorder.
- 5.12 This report has not been sent to the Trades Union because they would have no involvement in this application.

6 RATIONALE

- 6.1 As relevant representations have been received the Licensing Sub Committee must determine the application in accordance with the Licensing Act 2003.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Background papers	Licensing Act 2003; Guidance issued under s.182 of the Licensing Act 2003; Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005; B&NES Statement of Licensing Policy.
Contact person	Kirsty Morgan, Licensing Officer – 01225 396719

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Bath RFC

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Lambridge Sports Ground London Road			
Post town	Bath	Postcode	BA1 6BD

Telephone number at premises (if any)	01225319121
Non-domestic rateable value of premises	£4500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

ENVIRONMENTAL SERVICES

1 4 MAR 2014

Post Log No:

Receipt No: 62609

CH/CA £ 190.00

cc

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Bath RFC
Address London Sports Ground London Road Bath BA1 6BD
Registered number (where applicable) 7702916
Description of applicant (for example, partnership, company, unincorporated association etc.) Company Limited by Guarantee
Telephone number (if any) 01225 330044
E-mail address (optional) chair@bathrfc.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)
Sports club facility comprising open plan club house with tables and seating for meetings, post match catering and social events with bar and kitchen.

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

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

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

Provision of regulated entertainment	Please tick any that apply
a) plays (if ticking yes, fill in box A)	x
b) films (if ticking yes, fill in box B)	x
c) indoor sporting events (if ticking yes, fill in box C)	x
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	x
e) live music (if ticking yes, fill in box E)	x
f) recorded music (if ticking yes, fill in box F)	x
g) performances of dance (if ticking yes, fill in box G)	x
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

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

x

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

x

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	06.00	00.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	06.00	00.00			
Wed	06.00	00.00	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	06.00	00.00			
Fri	06.00	00.00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	06.00	00.00			
Sun	06.00	00.00			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	06.00	00.00			
Tue	06.00	00.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed	06.00	00.00			
Thur	06.00	00.00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	06.00	00.00			
Sat	06.00	00.00			
Sun	06.00	00.00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	06.00	00.00	
Tue	06.00	00.00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	06.00	00.00	
Thur	06.00	00.00	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	06.00	00.00	
Sat	06.00	00.00	
Sun	06.00	00.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	06.00	00.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	06.00	00.00			
Wed	06.00	00.00	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur	06.00	00.00			
Fri	06.00	00.00	<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	06.00	00.00			
Sun	06.00	00.00			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	06.00	00.00			
Tue	06.00	00.00			
Wed	06.00	00.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	06.00	00.00			
Fri	06.00	00.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	06.00	00.00			
Sun	06.00	00.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	06.00	00.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	06.00	00.00			
Wed	06.00	00.00			
Thur	06.00	00.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Fri	06.00	00.00			
Sat	06.00	00.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun	06.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	06.00	00.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	06.00	00.00			
Wed	06.00	00.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	06.00	00.00			
Fri	06.00	00.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	06.00	00.00			
Sun	06.00	00.00			

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	x
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	23.00	00.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23.00	00.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed	23.00	00.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur	23.00	00.00			
Fri	23.00	00.00			
Sat	23.00	00.00			
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	06.00	23.00			
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00			
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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

Name Mark Edwards	
Address Castle Farm Midford Bath	
Postcode	BA2 7BU
Personal licence number T/F (new application submitted at same time as this application)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06.00	00.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue	06.00	00.00	
Wed	06.00	00.00	
Thur	06.00	00.00	
Fri	06.00	00.00	
Sat	06.00	00.00	
Sun	06.00	00.00	

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

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

Appoint designated person (adult) for each section and ensure that all those involved with the sale of alcohol will be trained with records of such training being held on the premises.

b) The prevention of crime and disorder

Place notices warning users of a no tolerance policy towards drugs and violence. Only plastic glasses to be allowed on the outside area.

c) Public safety

Provide alternative means of escape in addition to the entrance door with signage.
Provide and maintain fire equipment as per the premises plan supplied.

d) The prevention of public nuisance

Keep music to a reasonable level.
Take steps to keep the outside area free of litter.
Avoid late night disturbance to neighbours by closing bar at 00.00

e) The protection of children from harm

Existing club (RFU) policy requires CRB checks on anyone coming into regular close contact with children and we also arrange regular safeguarding courses attended by managers and coaches. In addition there will be adult supervision at all times when the bar is open and a challenge 25 policy will operate within the premises.

--

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

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

Signature	Mark Edwards
Date	14 03 2014
Capacity	Chairman

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Mark Edwards Castle Farm Midford			
Post town	Bath	Postcode	BA2 7BU
Telephone number (if any)	01225330044		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) chair@bathrfc.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

Mark Vaughan Edwards

[full name of prospective premises supervisor]

of

Castle Farm
Midford
Bath
BA2 7BU

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises License

[type of application]

by

Bath RFC

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Lambridge Sports Ground
London Road
Bath

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Bath RFC

[name of applicant]

concerning the supply of alcohol at

Lambridge Sports Ground
London Road
Bath

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

TBA

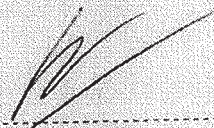
[insert personal licence number, if any]

Personal licence issuing authority

Banes

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Mark Edwards

Date

14/03/2014

**Bath and North East Somerset:
District Online**

Date: 17-4-2014

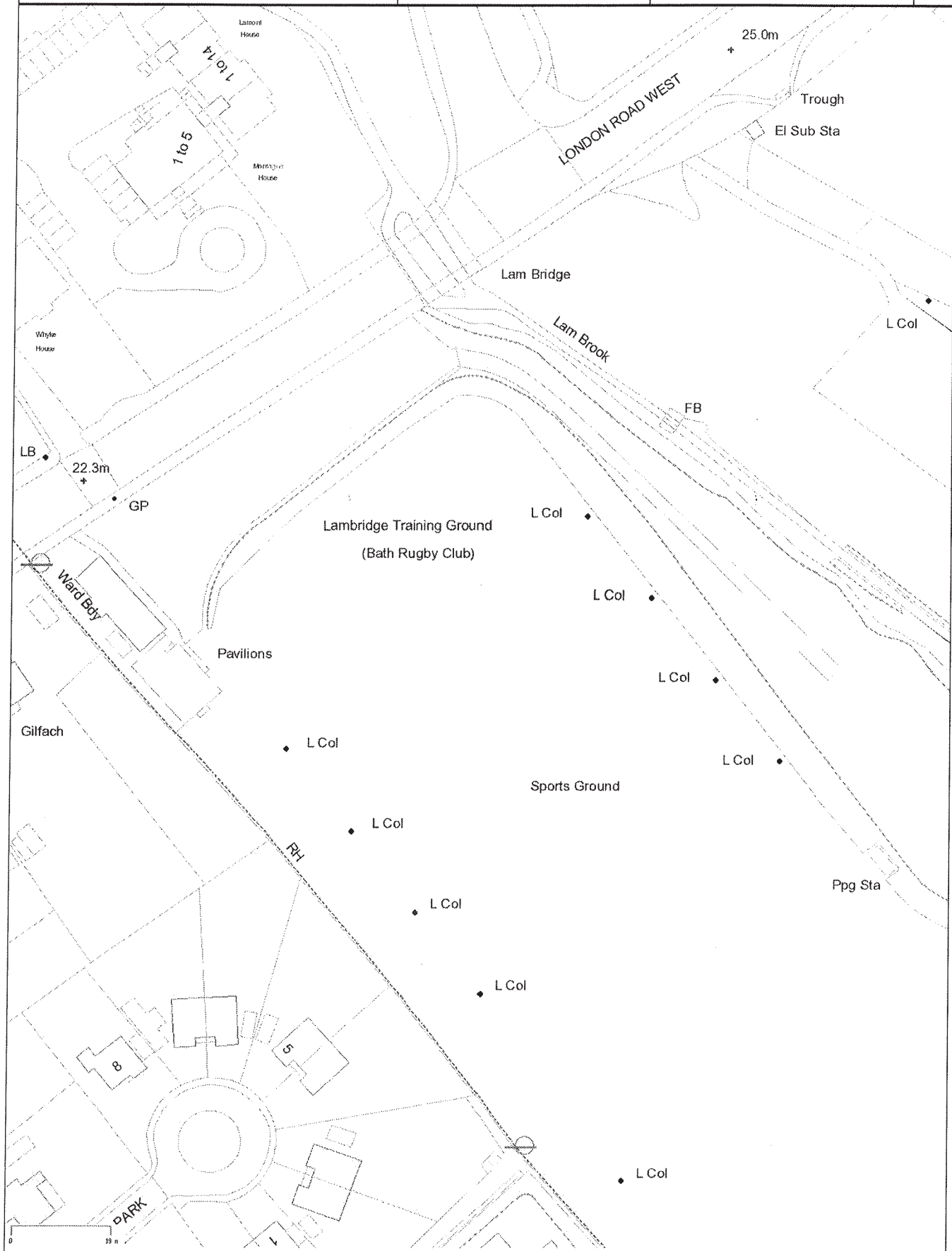
Scale: 1:972

Bath & North East
Somerset Council

Bath RFC, Lambridge

Map Centre - easting / northing:
376352 / 166374

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Sent: 11 April 2014 14:16

To: Licensing

Subject: Objection to Licensing Application 14/02361/LAPRE

Dear Licensing Team

Licensing Application 14/02361/LAPRE

I am a resident of Grosvenor Place and wish to object to this licensing application. The site is presently a sports venue and the changing rooms are for that purpose only. Therefore the application presents threats that currently do not exist. I object for the following reasons:

1. public nuisance arising from noise, an increase in public disorder and threat to public safety for residents nearby, including myself, at all times of day and night
2. increased public disorder arising from alcohol intake and disagreements among clients of the venue
3. increased threat to public safety at a very busy point of the London Road, arising from many more people, including young people, crossing the road and additional traffic congestion, including the extra need for emergency services in cases of public disorder and if clients of the venue fall into the River Avon, Lam Brook or floodwater from the Avon. The river floods regularly over the rugby field, making the bank invisible. The river is particularly fast flowing at such times.

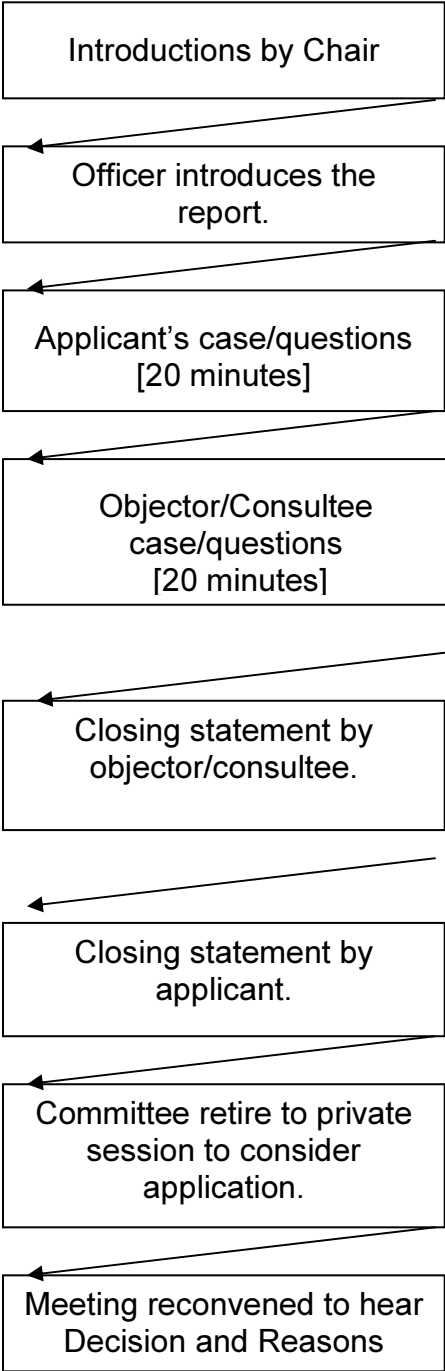
I also object strongly to your failure to inform our house in Grosvenor Place of this licensing application as we will certainly be directly affected by the above threats. I assume that you have ignored the rest of Grosvenor Place and other houses nearby. I urge you to begin this consultation again and properly consult all affected residents.

Yours sincerely

Susan Traill

**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

OVERVIEW



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**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant and or representative present their case and may be questioned by the Committee and other parties.
4. The Applicant may call witnesses in support who may be questioned by the Committee and other parties.
5. The objecting parties address the Committee and can be questioned by the Committee and other parties on matters relevant to the application. Any person presenting evidence for an objecting party may also be questioned by Members and other parties.
6. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be questioned.
7. The parties are invited to make closing statements.
8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
9. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.
10. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Bath & North East Somerset Council		
MEETING:	Licensing Sub-Committee	
DATE:	Tuesday 13th May 2014	AGENDA ITEM NUMBER:
TITLE:	Renewal of a Sex Establishment Licence for; The Private Shop, 28 Victoria Buildings, Lower Bristol Road. BA2 3EH.	
WARD:	Westmoreland	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application		
Annex B Site Plan		
Annex C Standard Conditions		
Annex D Highways Notice		
Annex E Objections		

1 THE ISSUE

- 1.1 An application has been received for the renewal of a Sex Establishment Licence in respect of the **Private Shop**, 28 Victoria Buildings, Lower Bristol Road, Bath. BA2 3EH (*Annex A*).

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS

- 3.1 The cost of processing licences are covered by the fees charged. The fee for this application is £1680.

4 STATUTORY CONSIDERATIONS

- 4.1 Bath and North East Somerset Council adopted schedule 3, Local Government Miscellaneous Provisions Act 1982 on 1st January 1994.

- 4.2 Schedule 3, Local Government Miscellaneous Provisions Act 1982 deals with control of Sex Establishments and empowers the Local authority to issue Sex Establishment Licences.
- 4.3 A Sex establishment includes as sex shop which means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating
- (a) sex articles; or.
 - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—.
 - (i) sexual activity; or.
 - (ii) acts of force or restraint which are associated with sexual activity.
- 4.4 Subject to the provisions of Schedule 3 no person shall in any area in which the Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under the Schedule by the appropriate authority.
- 4.5 When making a decision consideration needs to be given to the Human Rights Act 1998.
- 4.6 An Equalities Impact Assessment (EqIA) has been completed. No adverse or significant issues were found.

5 THE REPORT

- 5.1 An application has been received for the renewal of a Sex Establishment (Sex Shop) Licence for **The Private Shop** at 28 Victoria Buildings, Lower Bristol Road, Bath. BA2 3EH (*site plan attached to Annex B*).
- 5.2 The Private Shop was granted a Sex Establishment licence by the City Council on 21st March 1994.
- 5.3 Since the granting of that Sex Establishment licence on 21st March 1994, the premises has applied for and been granted a renewed Licence every year.
- 5.4 Each Licence has been issued subject to Bath and North East Somerset Council's standard conditions for a Sex Establishment (Sex Shop) a copy of these conditions are attached at *Annex C*.
- 5.5 The renewal application is for the period 21st March 2014 to 20th March 2015.
- 5.6 The application proposes the sale of **books, magazines, videos, DVD's, marital aids, health products and other ancillary items**.

5.7 The proposed **opening hours** are:

Monday to Saturday - 09:30Hrs to 20:00Hrs

5.8 There is **no change** to the previous Sex Establishment licence granted for **The Private Shop** by Bath and North East Somerset Council.

5.9 As part of the renewal process a notice was placed on the premises where it could be clearly seen from the highway on 17th February 2014 (*Annex D*).

5.10 The application was also advertised in the Bath Chronicle on 20th February 2014.

5.11 The application was placed on the Bath and North East Somerset Council's website.

5.12 An objection has been received from a local resident. The grounds for objection allege the granting of the renewal application will:

- affect families who are looking to move to the area
- have a negative impact on the City culture
- promote women as sexual objects
- lead to an unhealthy addition to pornography
- make the material available acceptable to young people
- make it appear that abuse is acceptable in relationships

The objector has also submitted a petition.

(Copies of the objection and petition can be found in Annex E)

6 RATIONALE

6.1 The Licensing Sub-Committee must determine the application as objections have been received and in accordance with Schedule 3 paragraph 12 the Authority may refuse an application on one or more of the following grounds

(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

[(c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;

- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

The relevant locality means--

- (a) in relation to premises, the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 The Licensing Service has consulted with the Police, Local Ward Councillors and Bath & North East Somerset Council's Trading Standards and Health & Safety Departments.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Michael Dando, Senior Public Protection Officer (Enforcement)# Telephone: 01225 477946
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

SPECIAL DELIVERY

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

Bath & North East
Somerset Council

ANNEX A

17 FEB 2014

Received

18th February 2014
(Date of application)

Dear Sir/Madam,

**Re: Local Government (Miscellaneous Provisions) Act 1982
Renewal of Licence: Private Shop, 28 Victoria Buildings,
Lower Bristol Road, Bath, BA2 3EH**

Please find enclosed our application for the renewal of the licence under Schedule 3 of the above Act, in respect of the above premises, together with our cheque in the sum of £1680.00 made payable to Bath & North East Somerset Council, being the fee currently applicable.

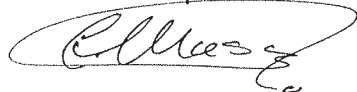
We understand that certain Councils distribute copies of the application to the public and we have, therefore, enclosed the private addresses in an envelope marked 'Private & Confidential' in order to protect the family homes. We would be grateful if you would observe the confidentiality of this information and not release same to members of the public.

We confirm that a copy of the application has been sent to the Avon & Somerset Constabulary. We also confirm that the public notice will be published in a local paper and a copy of the notice will be displayed at the premises for a period of 21 days from the date of application. We will forward a copy of the newspaper carrying the public notice to you as soon as this is to hand. The notice sent to us for display at the premises is not in accordance with the above act. We have, therefore, prepared a notice for display at the premises in accordance with the Act.

Will you please note that any Licence issued should be in the name of Darker Enterprises Limited, the applicant, and all communication relating to the above premises should be directed to this office.

If you have any queries or require additional information or clarification on any point, please do not hesitate to contact us.

Yours faithfully
For and on behalf of
Darker Enterprises Limited

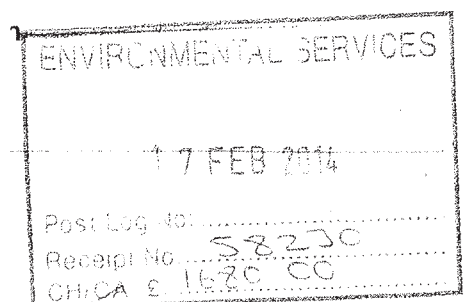


C C Mason
Director

RENEWAL OF A SEX ESTABLISHMENT LICENCE

THE PRIVATE SHOP 28 VICTORIA BUILDINGS BATH BA2 3EH

1	Full names, addresses and dates of birth of each current holder of licence (record details on separate sheet if necessary).	Darker Enterprises Limited Unit 11B, Trade City Ashton Road Harold Hill Romford Essex Date of birth:
2	Contact telephone number	0208 114 1007
3	Details of all convictions of each applicant of any offence in any Court of law since the last application. (If none write "NONE" otherwise complete the box).	Date: Court: Nature of offence:
4	The date or dates, or the period of time for which the licence is required (maximum one year)	From: 21 March 2014 To: 20 March 2015
5	Give details of all directors, staff and persons responsible for management. Include capacity, name, address, date of birth and convictions (if no convictions write "NONE" otherwise give details).	PERSONAL INFORMATION BLANKED OUT.
6	Has the applicant held a licence for a sex establishment in the twelve months immediately preceding the date of this application?	Yes



7	<p>Are the premises:</p> <p>a) a Sex Shop, or b) a Sex Cinema</p> <p>as defined by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982</p>	Sex Shop
8	<p>If a sex shop, is any part of the premises to be used for displaying films, videos or other moving pictures?</p>	No
9	<p>Articles to be offered for sale</p>	Books, magazines, videos, DVDs, marital aids, health products and ancillary items.
10	<p>What advertisements or displays are to be exhibited?</p>	Only those previously approved by the Council.
11	<p>Days of the week, and hours of operation on those days, required</p>	Monday to Saturday 09:30 - 20:00

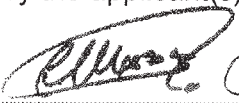
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
RENEWAL OF A SEX ESTABLISHMENT LICENCE AT THE PRIVATE SHOP
28 VICTORIA BUILDINGS BATH BA2 3EH**

I/We DARKER ENTERPRISES LIMITED

hereby give notice that I/we intend to apply for the renewal of our sex establishment licence in accordance with the particulars in the attached Schedule.

- I/We enclose the requisite fee of £1680
- I/We certify that there have been no structural alterations to the premises, or any other departures from the arrangements shown on the drawing(s) last deposited.
- I/We will send Licensing Services a copy of the newspaper advertisement once it has been published.
- I/We declare that the information given in this application is true.

Signed by the applicant(s)

 Colin Mason (Director) Dated 18/02/2014

..... Dated

Please return the completed application to:

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

Bath and North East Somerset:
District Online

Date: 15-4-2014

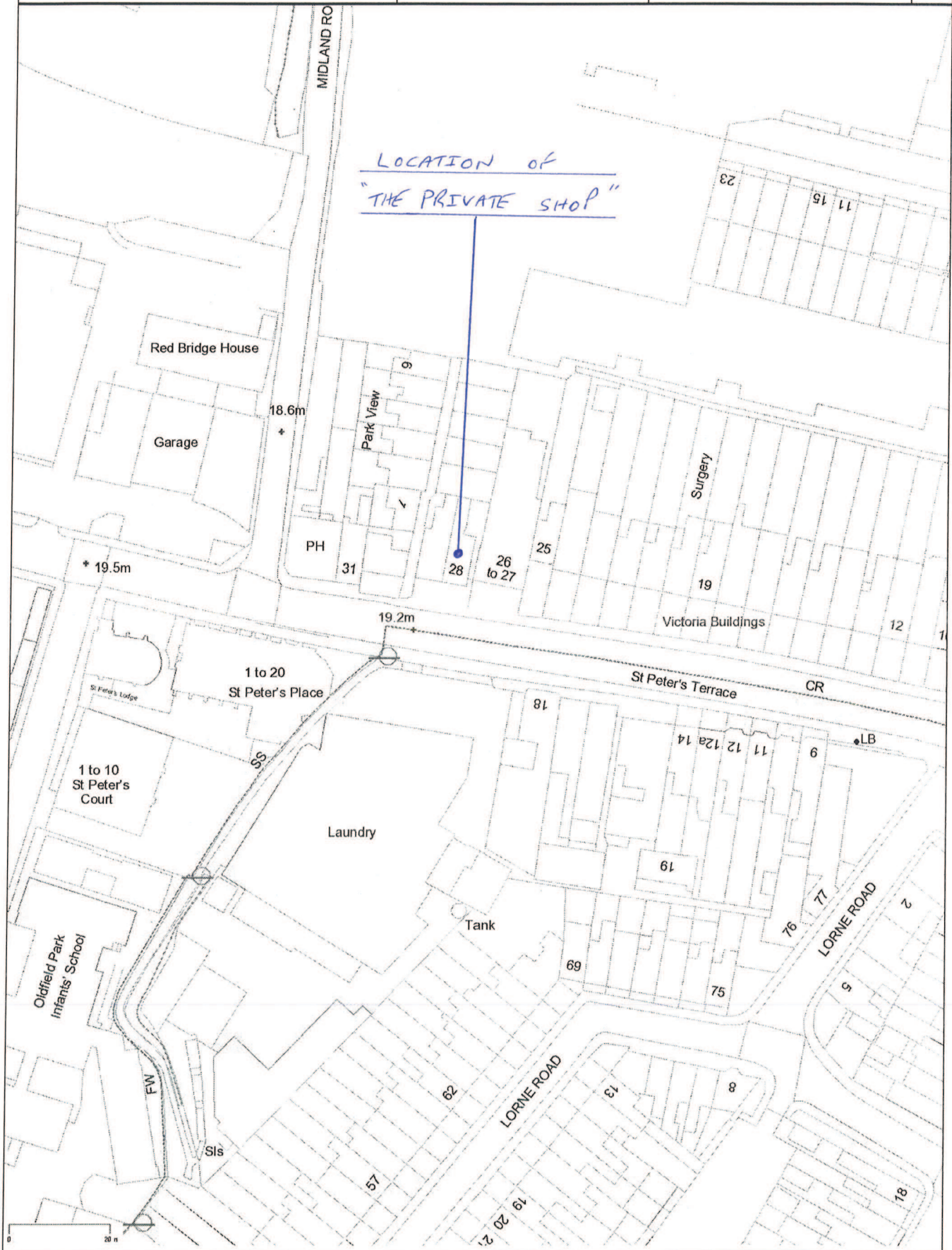
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Bath & North East
Somerset Council

The Private Shop

Map Centre - easting / northing:
373910 / 164793

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BATH AND NORTH EAST SOMERSET COUNCIL**STANDARD CONDITIONS APPLICABLE TO
LICENCES FOR SEX ESTABLISHMENTS**

In these Conditions the following expressions shall have the following meanings:

- i. 'The Council' - The Bath and North East Somerset Council.
 - ii. 'Sex Establishment', 'sex cinema', 'sex shop', and 'sex article', shall have the meanings given them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
 - iii. 'Premises' any vehicle, vessel, stall or premises (which shall include any part thereof, forecourt, yard or storage place in connection with any building) which is the subject of a licence granted under Schedule 3 aforesaid.
 - iv. 'Special Conditions' any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid.
1. A sex establishment shall not be open to the public before 9.00 am and shall not be kept open after 8.00 pm.
 2. A sex establishment shall not be open to the public on Sundays or bank holidays or any public holidays.
 3. The licensee shall ensure that the public are not admitted to any part or parts of the premises which have not been licensed by the Council.
 4. No part of the premises shall be used by male or female prostitutes for the purposes of soliciting.
 5. The licensee shall notify the Council in writing of the person responsible for management of a sex establishment at any time and no person may be responsible for such management unless he is approved by the Council.
 6. The name of the person responsible for management of a sex establishment shall be prominently displayed on the premises throughout the time of his/her management.
 7. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for management of the body shall be notified to the Director of Development and Environmental Services in writing within 14 days of the change.

8. The licensee shall not let, licence or otherwise dispose of any part of the premises.
9. No display, advertisement or notice of any kind shall be exhibited so as to be visible from outside the premises unless approved in writing by the Council.
10. The entrance doors to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.
11. Windows and openings to the premises other than the entrances shall be obscured in a manner and with such material as may be approved by the Council. Plans and drawings showing the proposed scheme shall be submitted to the Council for prior approval. This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 10 hereof.
12. Neither the licensee nor his servant or agent shall personally solicit custom for a sex establishment outside or in the vicinity of a sex establishment.
13. There shall be no change of user from a sex cinema to a sex shop or from a sex shop to a sex cinema without written consent from the Council.
14. No sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
15. All sex articles and other things displayed for sale, hire, exchange or loan in a sex shop shall be clearly marked with their prices.
16. All printed matter offered for sale, hire, exchange, or loan shall be available for inspection prior to purchase.
17. Alterations or additions either internal or external shall not be made to the licensed premises without written consent from the Council.
18. The licensee shall take all reasonable precautions for the safety of the public and employees required by the Council.
19. The licensee shall comply with any fire prevention and safety measures required by the Council.
20. In the event of any inconsistency between these conditions and any special conditions of the licence the special conditions shall prevail.

21. Where in these Conditions reference is made to 'approval' or 'consent' by the Council this shall be approval or consent in writing from the Director of Development and Environmental Services and no approval given under any other powers of the Council will be sufficient, e.g. planning permission approval, under building regulations, and approval given under any other powers exercised by the Council shall not preclude the necessity for approval or consent in writing under these Conditions.
22. No-one shall be admitted to the premises who is, or appears to be, under the age of 18. A Notice stating that persons under the age of 18 may not enter the premises shall be prominently displayed at the entrance.
23. No person under the age of 21 shall be employed on the premises.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

The Private Shop 28 Victoria Buildings Bath BA2 3EH

Notice is hereby given that an application has been made to Bath & North East Somerset Council for a Sex Establishment Licence at the above premises as detailed below:

Applicant(s): **DARKER ENTERPRISES LIMITED**
 UNIT 11B, TRADE CITY
 ASHTON ROAD
 HAROLD HILL
 ROMFORD
 ESSEX
 RM3 8UJ

Hours: **MONDAY TO SATURDAY 09:30 - 20:00**

If you wish to make any representations to the Council regarding the above application you should do so in writing to the undersigned within 21 days from the date of this notice.

Dated 17 February 2014



Andrew Jones
Environmental Monitoring and Licensing Manager

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

Bath And North East
Somerset Council

17 MAR 2014

Received

Licensing Service

Bath And North East Somerset Council
Lewis House
Manners Street
Bath
BA1 1JG

16th March 2014

To whom it concerns,

My name is Jo-ling Chew, I am a student here in the city of Bath, representing a number of young adults within Bath Spa University.

The purpose of this petition is to appeal against the renewal of a licence to use the premises at; PRIVATE SHOP, 28 Victoria Road, Bath, BA2 3EH, to be used as a sex shop.

Our reasons to appeal against the renewal of the License are listed below,

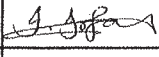
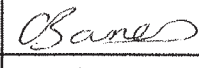
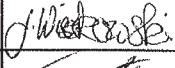
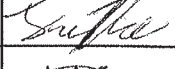

- We believe it is and will affect potential families who are looking to move to the area, due to the potential risk of their children being exposed to the trade of this shop.
- We believe that this shop has a negative impact on this city's culture.
- There is a number of people who feel the merchandise of this shop objectifies women in a negative manner by solely promoting women as sexual objects.
- We believe the merchandise sold within this shop will lead to an unhealthy addiction to pornography. In which, customers of this shop may pursue more extreme genres of pornography, leading to a further distorted view on relationship. Which in turn will have a negative affect on the city.
- There are two local schools situated within a mile of the shop. Hayesfield Girls School is situated only 0.2 miles from the shop along with Oldfield Junior School being situated only 0.8 miles away. We believe having a Private Shop located in a populated area can make its material appear acceptable to the young people of the area, when in fact it shouldn't be.
- More extreme versions of pornography can make it appear that abuse is acceptable within relationships.

These are our reasons against the renewing of the licence of the Private Shop.

Yours sincerely,

Jo-ling Chew and the young adults of the surrounding area. (Please see petition attached)



Name	E-mail	Address	Signature
Iram Irfan	iram.irfan12@bathspa.ac.uk	BA2 1BA	
Charlotte Barnes	cbarnes288@gmail.com	BA2 2JF	
Jana Wiszkowski	jwt@online.de	BA2 3EP	
John Smythe	john_smythe93@outlook.com	BA2 3EJ	
Jo-ling Chew	Jo-linggracechew@hotmail.com	BA2 3PP	

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