

# Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	<b>Tuesday 29<sup>th</sup> April 2014</b>	
TITLE:	Application to Vary the Premises Licence for <b>The Nest, 7 Bladud Buildings, Bath BA1 5LS</b>	
WARD:	Abbey	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Site Plan		
Annex D Representation from Avon & Somerset Constabulary		
Annex E Representation from Environmental Protection		
Annex F Representation from The Abbey and The Circus Area Resident's Associations		

## 1 THE ISSUE

- 1.1 An application has been received for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of **The Nest, 7 Bladud Buildings, Bath BA1 5LS** (*Annex A*).

## 2 RECOMMENDATION

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

## 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 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 to vary an existing premises licence (*Annex A*).

5.2 The current premises licence as detailed in *Annex B*, authorises the following:

1) **The Sale of Alcohol**, for consumption **on and off** the premises:

Monday to Saturday: 10:00 – 02:00

Sunday: 12:00 – 22:30

2) **Performance of dance**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

3) **Exhibition of a film**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

4) **Performance of Live Music**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 00:00

5) **Performance of a Play**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

6) **Other Entertainment within the Act**, indoors only:

Monday to Saturday: 10:00 – 02:00

Sunday: 10:00 – 23:00

7) **Late Night Refreshment**, indoors only:

Monday to Saturday: 23:00 – 02:00

8) **Non-standard timings** for all licensable activities:

*“From normal activity start time on New Year’s Eve until normal activity finish time on New Year’s Day”*

*“From normal opening times on Sunday’s proceeding a Bank Holiday Monday until 02:00 Hours”*

## 9) Opening hours:

Monday to Saturday: 10:00 – 02:30

Sunday: 12:00 – 22:50

### Non-standard timings:

*"From normal opening time on New Year's Eve until normal opening time on 1<sup>st</sup> January"*

*"From normal opening times on Sundays preceding a Bank Holiday Monday until 02:00 hours"*

## Annex 1 – Mandatory conditions

- No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

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

### From 6 April 2010:

#### Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity

of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

- 2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.
- 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

#### **From 1 October 2010:**

- 4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.
- 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**

- No open containers of alcohol shall leave the premises after 22:00 hours.
- An incident book shall be maintained at the premises in which all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily basis and retained on completion for 12 months and shall be made available to the Police and Licensing Authority.
- A register will be kept on the premises of each door supervisor showing their full name, full SIA badge number & time on and off duty. This register will be retained for 12 months and made immediately available for inspection by the Police and Licensing Authority.
- Staff will be trained regularly in matters concerning illegal drug use and sale of alcohol. Records will be kept of the training and made available to the Police and Licensing Authority on request.
- Challenge 21 policy will be implemented.
- Children will only be allowed on the premises until 18:00 hours.

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

- Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises.
- A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order. The recordings shall be retained for 28 days and made available to the police immediately on request.
- SIA registered door supervisors will be on duty at the premises at the discretion of the DPS or when requested by the police or licensing authority on any such days of the week and between such times as considered necessary in order to promote the licensing objectives. Such measures are to be agreed in writing between the DPS and responsible authority. Door staff will supervise any queuing into the premises and persons leaving. All door staff will wear yellow fluorescent jackets whilst on duty.

#### 5.3 The variation application seeks to:

- **Extend** the opening hours on Fridays and Saturdays by half an hour, to show:  
Fridays and Saturdays: 10:00 – 03:00
- **Extend** the sale of alcohol timings on Fridays and Saturdays by one hour, to show:  
Fridays and Saturdays: 10:00 – 03:00
- **Extend** the provision of recorded music on Fridays and Saturdays by one hour, to show:  
Fridays and Saturdays: 10:00 – 03:00
- **Remove** the condition  
“All door staff will wear yellow fluorescent jackets whilst on duty”

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

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

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

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.

- 5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.8 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 16, 17, 18, 19, 20, 23, 24, 28, 30, 33, 35, 36, 37, 41 to 44 inclusive of the policy.
  - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised June 2013)
  - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 5.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.
- If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.12 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.
- 5.13 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.
- 5.14 A representation has been received from the **Avon & Somerset Constabulary** in respect of the Prevention of Crime and Disorder licensing objective. The representation states that the application is premature and overly ambitious because of concerns of drugs, crime and disorder, noise, drunkenness and anti-social behaviour associated in and around the premises (*Annex D*).
- 5.15 A representation has been received from **Environmental Health Authority** in respect of the Prevention of Public Nuisance licensing objective. It details that the Environmental Protection department have received numerous (11) complaints from local residents concerning noise and anti-social behaviour from the premises. Investigations concluded that music levels did not constitute a Statutory Nuisance as defined in the Environmental Protection Act 1990 s79 1(g), however the levels did cause a nuisance and the following condition is attached to the premises licence:

*“Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises”.*

*(Annex E)*

- 5.16 A joint representation has been received from **The Abbey Residents’ Association** (TARA) and **The Circus Area Residents’ Association** (CARA) in respect of the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety licensing objectives.

The representation expresses concern that the granting of this application will undermine the aforementioned licensing objectives *(Annex F)*.

- 5.17 The premises lies within the cumulative impact area. As representations have been received there is a presumption that the application will be refused unless the applicant can demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.
- 5.18 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.

<b>Background papers</b>	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.
<b>Contact person</b>	Kirsty Morgan, Public Protection Officer - 01225 396939





## Application to vary a premises licence under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Maxrod Ltd

(Insert name(s) of applicant)

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

Premises licence number 13/00801/LAPRE
---

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE NEST 6/7 BLADUD BUILDINGS			
Post town	BATH	Postcode	BA1 5LS
Telephone number at premises (if any)	0788 4077334		
Non-domestic rateable value of premises	£32,750 (Band B)		

ENVIRONMENTAL SERVICES

28 FEB 2014

Post Log No: .....  
 Receipt No: 60191 .....  
 CH/CA £190.00 .....

**Part 2 – Applicant details**

Daytime contact telephone number	0788 4077334		
E-mail address (optional)	rodgy6801@gmail.com		
Current postal address if different from premises address	18 Church Lane Kelston		
Post town	Bath	Postcode	BA1 9AG

**Part 3 - Variation**

Please tick as appropriate

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

X Yes    ☐ No

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

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

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

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

To extend the opening hours on Fridays and Saturdays to show: 10:00 to 03:00 hours.

To extend the sale of alcohol timings on Fridays and Saturdays to show: 10:00 to 03:00hours (previously 10:00 to 02:00 hours)

To extend recorded music timings on Fridays and Saturdays to show: 10:00 to 03:00 hours (previously 10:00 to 02:00 hours)

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

**Part 4 Operating Schedule**

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

**Provision of regulated entertainment**

Please tick all that apply

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

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

☐

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

x

**In all cases complete boxes K, L and M**

## A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b><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></b> (please read guidance note 6)		
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><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></b> (please read guidance note 6)
Sat			
Sun			

## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed					
Thur			<b>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</b> (please read guidance note 6)		
Fri					
Sat					
Sun					



## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4) The continuation of recorded music from 02:00hrs to 03:00hrs on Fridays and Saturdays		
Mon	10:00	02:00			
Tue	10:00	02:00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed	10:00	02:00			
Thur	10:00	02:00			
Fri	10:00	03:00	<b><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></b> (please read guidance note 6)		
Sat	10:00	03:00			
Sun	10:00	23:00			

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)			
Thur						
Fri			<b>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</b> (please read guidance note 6)			
Sat						
Sun						

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><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></b> (please read guidance note 6)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings *(please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)			
Thur						
Fri			<b>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</b> (please read guidance note 6)			
Sat						
Sun						

## J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5) The continuation of the sale of alcohol between 02:00hrs and 03:00hrs on Fridays and Saturdays.		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00			
Thur	10:00	02:00	<b><u>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</u></b> (please read guidance note 6)		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	23:00			

## 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 9).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	02:00	
Tue	10:00	02:00	
Wed	10:00	02:00	
Thur	10:00	02:00	<b>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</b> (please read guidance note 6)
Fri	10:00	03:00	
Sat	10:00	03:00	
Sun	10:00	23:00	

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

‘All door staff will wear yellow fluorescent jackets whilst on duty.’ We believe the necessity for this condition has ceased due to the fact that we now have colour CCTV which means our door staff can be clearly identifiable on any recordings.

Please tick as appropriate

## ANNEX A

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

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

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



**M**

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Fridays and Saturdays are our two busiest nights of the week, on both nights at 02:00 hours 300 people leave the premises, we are proposing to extend our licensable activity hours to allow the gradual disperse of customers as well as increasing business revenue. We have proposed a number of conditions which we believe will ensure that this application will not add to the cumulative impact.

**b) The prevention of crime and disorder**

Toilet checks will be carried out every 20 minutes on Fridays and Saturdays after 23:00hrs and a 'log book' will be kept and made available to police on request.

Signage to be displayed in the front windows asking people to keep noise levels down.

Signage to be displayed in the WC's advising patrons of our 'drug policy'.

Joining 'Pub Watch'

A 'dispersal policy' shall be written and implemented on Fridays and Saturdays at a minimum and the policy will be made available to the Police upon request.

A minimum of two door staff to be employed after 23:00 hours (on Fridays and Saturdays) with a minimum of one stationed at the entrance at all times.

**c) Public safety**

A minimum of two door staff to be employed after 23:00hrs on Fridays & Saturdays with a minimum of one at the entrance at all times. A minimum of one door staff at the entrance to the premises from half an hour prior to the commencement of licensable activities.

**d) The prevention of public nuisance**

The smoking area will close at 02:00hrs. There will be a 'No Entry' and 'No Re-Entry on Fridays & Saturdays after 02:00hrs

Subject to the variation 'sale of alcohol and recorded music' extension being granted we will offer the condition that 'amplified live music' will cease at 23:00 hours every day.

All recorded music to go through a 'noise level limiter'

**e) The protection of children from harm**

The premises already holds a 'Challenge 21' policy and signage will be displayed advising patrons of this.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or  
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. 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 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Roderick Johnson
Date	18/02/14
Capacity	500

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Max Johnson
Date	18/02/14
Capacity	500

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 14)

Roderick Johnson  
18 Church Road  
Kelston

Post town	Bath	Post code	BA1 9AG
Telephone number (if any)	07884077334		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) rodgy6801@gmail.com			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence**

<b>Premises Licence Number</b>	13/00801/LAPRE
--------------------------------	----------------

**Part 1 – Premises Details**

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

The Nest  
7 Bladud Buildings  
Bath  
BA1 5LS

**Telephone number** Not available

**Where the licence is time limited the dates** Not applicable

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

**Sale of Alcohol**

Monday to Saturday 10:00 - 02:00

Sunday 12:00 - 22:30

**Performance of Dance (Indoors only)**

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

**Exhibition of a Film (Indoors only)**

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

**Performance of Live Music (Indoors only)**

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 00:00

**Performance of Recorded Music (Indoors only)**

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

**Other Entertainment within Act (Indoors only)**

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

**Performance of a Play (Indoors only)**

Monday to Saturday 10:00 - 02:00

Sunday 10:00 - 23:00

**Late Night Refreshment (Indoors only)**

Monday to Saturday 23:00 - 02:00

**Non Standard Timings:**

From normal activity start time on New Year's Eve until normal activity finish time on New Year's Day. From normal opening times on Sunday's preceding a Bank Holiday Monday until 02:00 hours.

**The opening hours of the premises**

Monday to Saturday	10:00 - 02:30
Sunday	12:00 - 22:50

From normal opening time on New Year's Eve until normal opening time on 1 January.

From normal opening times on Sundays preceding a Bank Holiday Monday until 02:00 hours.

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

Alcohol is supplied for consumption both on and off the premises

# **Bath & North East Somerset Council**

## **Part 2**

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

Maxrod Ltd  
18 Church Lane  
Kelston  
Bath  
BA1 9AG  
0788 4077334  
maxsjohnson@hotmail.com

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

Registered Business Number - 7719509

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Roderick Johnson  
18 Church Lane  
Kelston  
Bath  
BA1 9AG

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

B&NES/11/03394/LAPER  
Bath & North East Somerset Council

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 5 August 2013

**Annex 1 – Mandatory conditions**

From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

From 1 October 2010:

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied



having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

---

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

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

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

---

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**

No open containers of alcohol shall leave the premises after 22:00 hours.

An incident book shall be maintained at the premises in which all incidents of crime and disorder and any ejections by door supervisors shall be recorded. The incident book shall be completed on a daily basis and retained on completion for 12 months and shall be made available to the Police and Licensing Authority.

A register will be kept on the premises of each door supervisor showing their full name, full SIA badge number & time on and off duty. This register will be retained for 12 months and made immediately available for inspection by the Police and Licensing Authority.

Staff will be trained regularly in matters concerning illegal drug use and sale of alcohol. Records will be kept of the training and made available to the Police and Licensing Authority on request.

Challenge 21 policy will be implemented.

Children will only be allowed on the premises until 18:00 hours.

---

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

1. Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises.
  2. A CCTV system will be installed at the premises to the satisfaction of the police. The CCTV equipment shall be maintained in working order. The recordings shall be retained for 28 days and made available to the police immediately on request.
  3. SIA registered door supervisors will be on duty at the premises at the discretion of the DPS or when requested by the police or licensing authority on any such days of the week and between such times as considered necessary in order to promote the licensing objectives. Such measures are to be agreed in writing between the DPS and responsible authority. Door staff will supervise any queuing into the premises and persons leaving. All door staff will wear yellow fluorescent jackets whilst on duty.
-

**Annex 4 – Plans**

As submitted with application.

# Bath and North East Somerset: District Online

The Nest

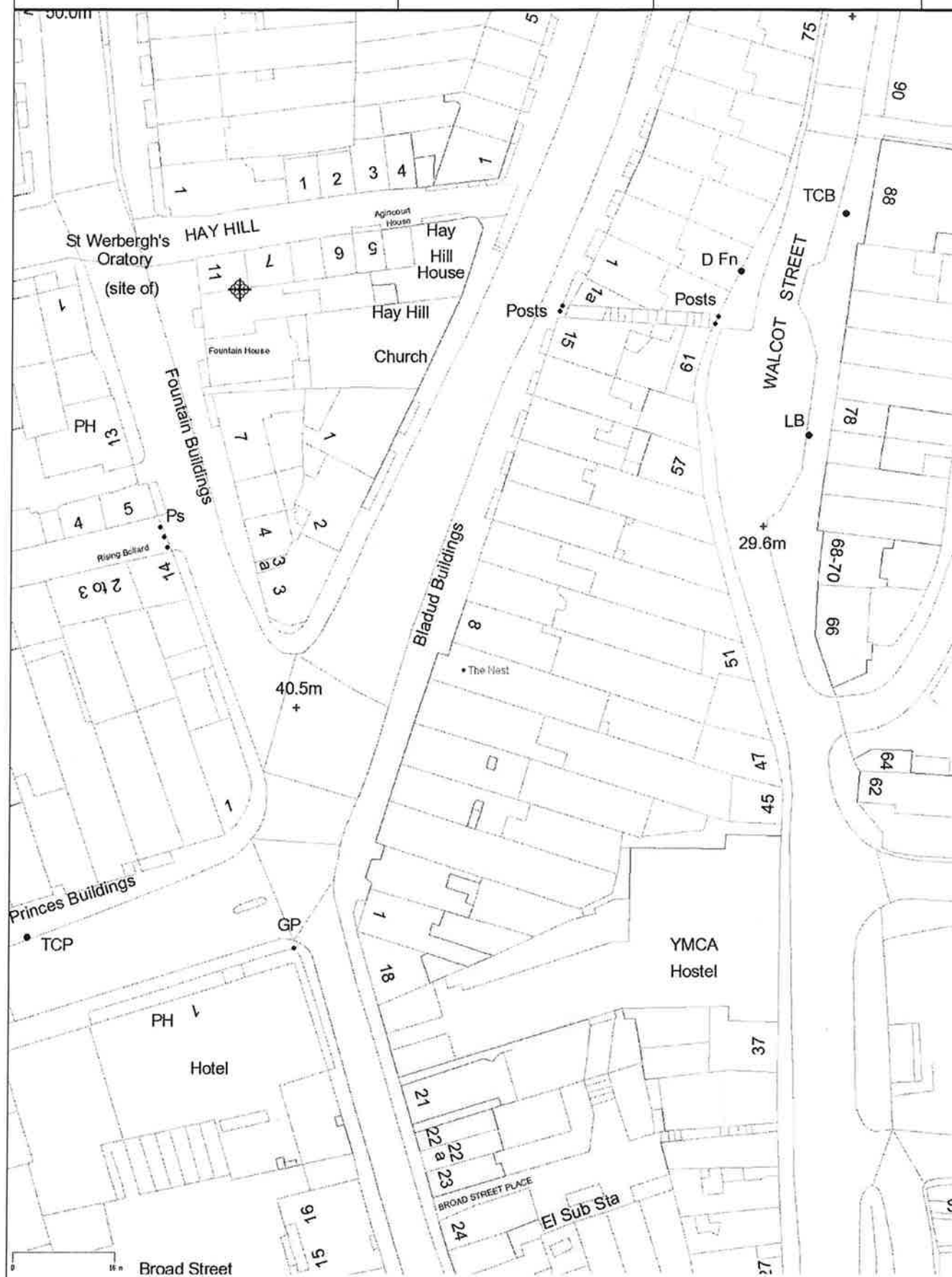
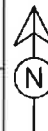
Date: 10-3-2014

Scale: 1:800

Map Centre - easting / northing:  
375020 / 165234

Bath & North East  
Somerset Council

© Crown copyright and database right. All  
rights reserved (100023334) 2014







BATH & NORTH EAST SOMERSET

ANNEX D

Licensing Services, Lewis House, Manvers St., Bath, BA1 1JG

## Representation Form

ENVIRONMENTAL SERVICES

27 MAR 2014

Post Log No: .....

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 Mlildren
Job Title	Police Inspector
Postal and email address	Bath Police Station Manvers St. Bath.
Contact telephone number	01225842425

Name of the premises you are making a representation about.	The Nest
Address of the premises you are making a representation about.	6/7 Bladud Buildings Bath BA1 5LS

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 Nest is premises that are situated to the north of the city centre following on from George Street into the Paragon. This area is a "hot spot" for crime and disorder and anti-social behaviour Bladud Buildings/. George Street and its immediate environs have a large number of licensed premises ( see statement of Chris Leadbeater). The variation application is to extend the sale of alcohol and recorded music to 3am on Friday and Saturday. This is within the cumulative impact area the policy which specifies that applications for the grant or variation of licensed premises will normally be refused if representations are received unless the applicant demonstrates in their operating schedule that there will be no adverse impact on one or more of the licensing objectives..

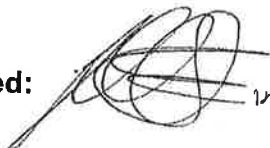
		<p>The Police have had discussions with the management of the premises on the 29<sup>th</sup> Jan 2014 and informed them that the Police felt it was premature and overly ambitious at this time, because of concerns of drugs(,see letter dated 23<sup>rd</sup> May, that indicated drug activity), crime and disorder, noise, drunkenness and anti-social behaviour associated in and around the club( see statement of Chris Leadbeater and Mark Antony Hodder) and they should seek to rectify all of these matters prior to such an application. The Police acknowledge that the licence holders have had a new cctv system fitted, which has been checked by a crime reduction officer and despite minor rectification meets police requirements, made efforts to make their toilet surfaces less conducive to drug taking and developed a dispersal policy, but all this is done during the application process, no time has been given to see if these measures are effective. There has been a number of noise concerns that have been expressed by residents and this situation is ongoing with the environmental protection department.</p> <p>The Police feel at this time the application should be refused.</p>
Public safety	yes	
To prevent public nuisance		
The prevention of harm to children		



<p>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.</p>	<p>The view of the Police is that the application should be refused.</p>
--	--

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

Signed:



MSP E. J. Morgan

Date:

26/3/14

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](mailto:licensing@bathnes.gov.uk)

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



RESTRICTED (when complete)

MG11

**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of Chris LEADBEATER

Age if under 18 Over 18 (if over insert 'over 18') Occupation Police Constable 897

This statement (consisting of 6 page(s), each 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 wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 12/03/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 897 Chris LEADBEATER of the Avon and Somerset Constabulary. I am currently stationed at Bath Police Station and occupy the role of Neighbourhood Beat Manager for Bath City Centre, my specific area of focus is Premise Licensing.

Over the period 15<sup>th</sup> February 2014-12<sup>th</sup> March 2014 I collated data for the period 15<sup>th</sup> August 2013-15<sup>th</sup> February 2014 in relation to incidents of criminality and calls made to police the subject of which was recorded as The Nest, 7 Bladud Buildings, Bath.

The primary source of this data is held internally on Avon and Somerset Constabulary IT systems, specifically Guardian and Webstorm.

I also collated data in relation to incidents of criminality and calls made to police for the area of George Street, Bath and the licensed premises contained within. George St is an area of Bath popular with patrons of the night time economy and contains a number of nightclubs, bars and restaurants. The Nest is situated on Bladud Buildings, adjacent to but on the same thoroughfare as George St.

George St and Bladud Buildings are made up of Georgian Style multi storey buildings. The majority of which are occupied on the ground floor by commercial premises. The upper floors of these buildings contain predominately residential premises with some further commercial units. The licensed premises that remain open past 0200hrs are mainly

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

RESTRICTED (when complete)

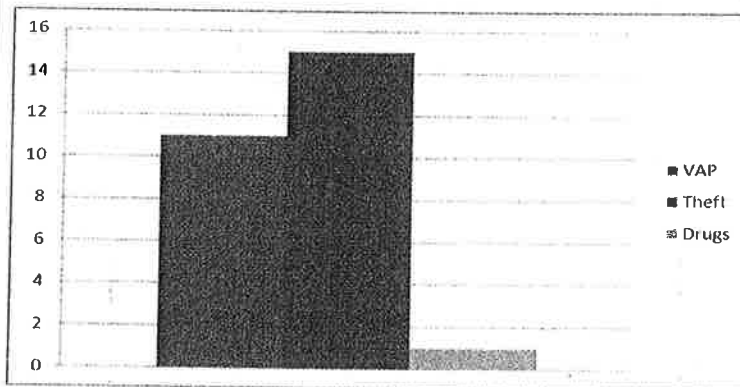
MG11

Page No 2 of 6

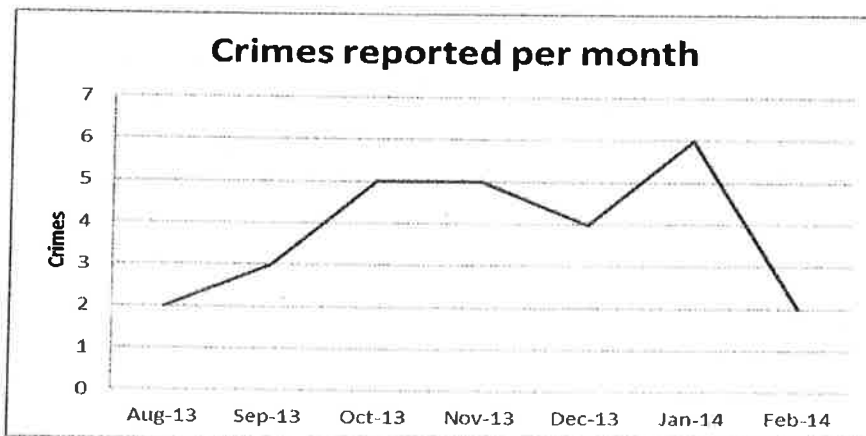
Continuation of Statement of: Chris LEADBEATER

contained within basements, some may perform part of their operations on the ground floor at street level.

Within the dates set within the data parameters 27 criminal offences are recorded. Specifically 11 of these are categorised as violence against the person, 15 as thefts and one drugs offence.



The number of crimes recorded per month is presented as below with a median value of 3.86 crimes recorded per month.



When interpreted further it can be seen that the vast majority of these incidents occur during the period Friday-Sunday. It is important to consider that incidents occurring after 0000 on a

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

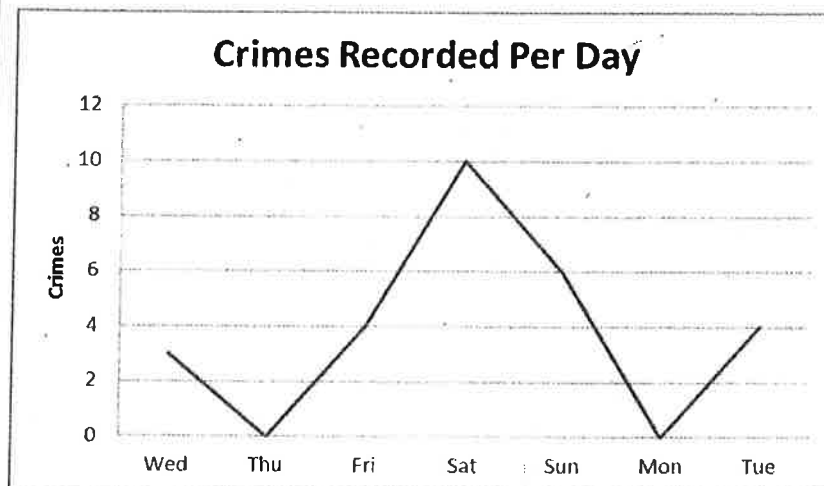
RESTRICTED (when complete)

MG11

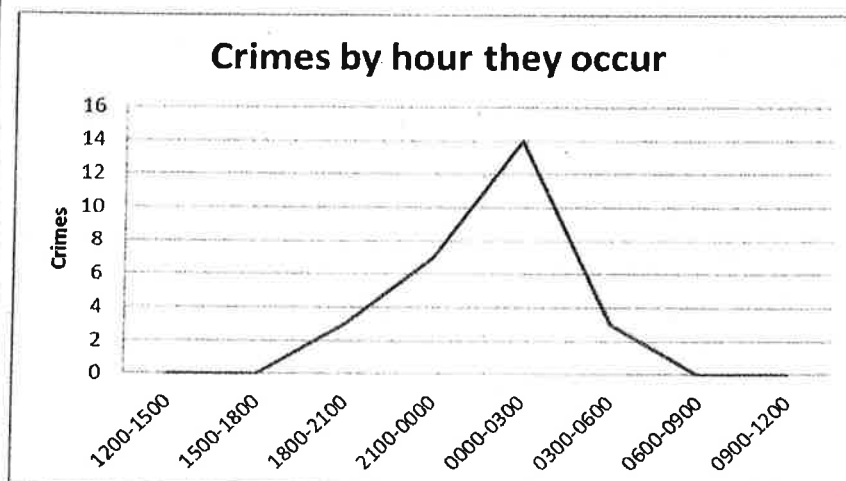
Page No 3 of 6

Continuation of Statement of: Chris LEADBEATER

Sunday will be recorded as such although will have occurred on the trading period of Saturday night.



The vast majority of crimes reported occur within the trading hours with a significant spike during the period 0000-0300, the latter part of The Nest's current operating hours.



For most crimes recorded the initial contact with police is made via telephone and a log is created via Webstorm. For the purpose of fairness I have not accounted for logs which subsequently were recorded as incidents as this was cause duplication. These calls specifically mention The Nest as the location of the incident, even if police contact has been

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

RESTRICTED (when complete)

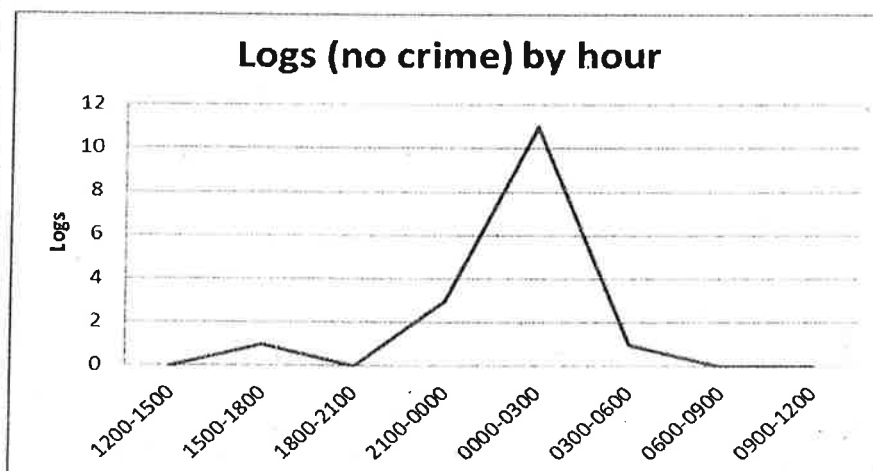
MG11

Page No 4 of 6

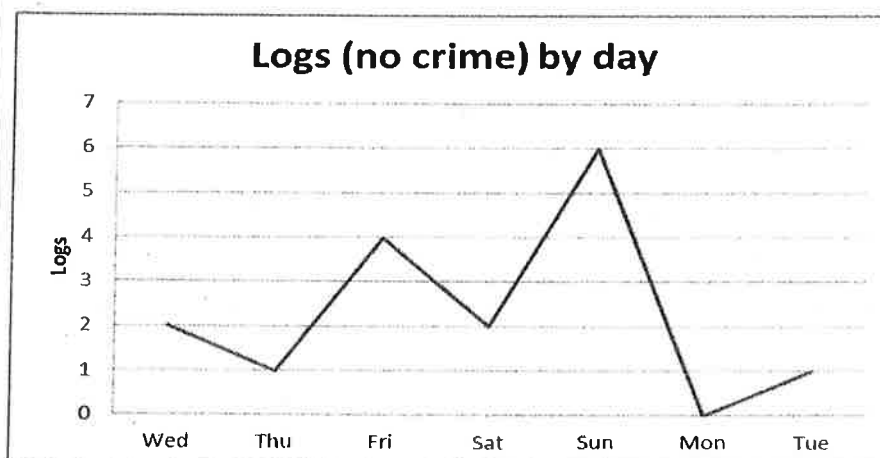
Continuation of Statement of: Chris LEADBEATER

made at a different location later on. For the data period selected 15 calls were made requesting Police at the location.

Again a clear spike can be seen for the period 0000-0300, the latter part of The Nest's operating hours.



It is again clear that the majority of calls occur on a Sunday, consistent with the latter part of Saturday evening's trading.



The type of call has also been analysed, with the most being a report of disorder.

Signature:

Signature witnessed by:

2010/11

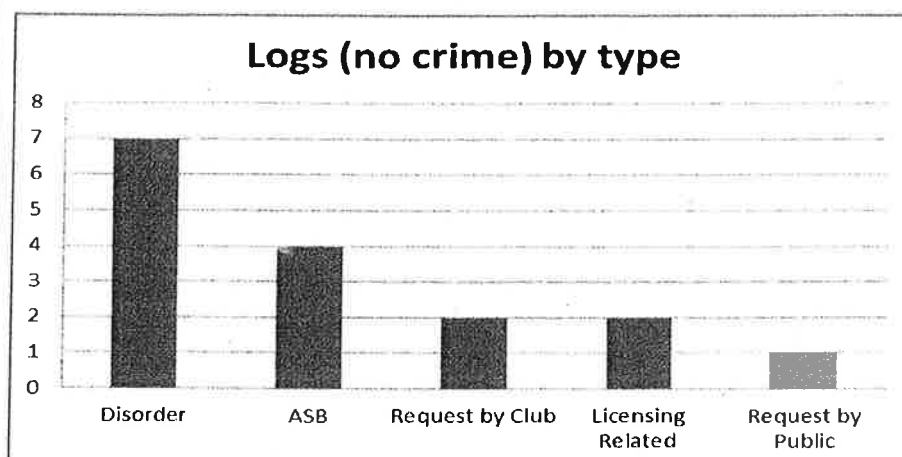
RESTRICTED (when complete)

RESTRICTED (when complete)

MG11

Page No 5 of 6

Continuation of Statement of: Chris LEADBEATER



On two occasions I have conducted surface swabs at The Nest in order to establish levels of drug trace within the premise.

These swabs were later analysed on a GE Ion Trap Mobility Spectrometer. This device measures for most narcotic substances and interprets its results as a numerical reading.

A reading of 1-3 would be interpreted as trace contact only and would indicate that a substance has been transferred between surfaces.

A reading of 3-4 would indicate a higher level surface transfer or a low level direct transfer.

A reading of 4 plus would indicate direct contact with that substance on the surface.

On Thursday 28<sup>th</sup> November 2013 I visited The Nest as part of a multi agency licensing visit and conducted surface swabs. The results of that visit are presented below.

Location	Drug	Reading
Gents Toilet Shelf left hand side of urinals	Cocaine	4.66
Left Hand Stair rail Ground Floor to Basement	Cocaine	2.34
Customer side of Bar Ground Floor	Cocaine	1.3

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

RESTRICTED (when complete)

MG11

Page No 6 of 6

Continuation of Statement of: Chris LEADBEATER

On Friday 17<sup>th</sup> January 2014 I visited The Nest and conducted surface swabs. The results of that visit are presented below.

Location	Drug	Reading
Gents Shelf	Cocaine	5.78
Gents Shelf	Ketamine	1.40
Basement Far R/H/S Table	Cocaine	4.14
Ladies Shelf	Cocaine	5.84
Ground Floor Bar	Cocaine	1.00
Ground Floor Stair Shelf	Cocaine	1.61
Basement Table in front of door	Cocaine	2.59

I also conducted research into the numbers of recorded incidents of suspected criminality reported during the sample period for George Street itself and the bars and nightclubs contained within the immediate vicinity of The Nest. I have included only incidents which can be linked to the night time economy and have excluded any incidents that can be associated with The Nest as these have been accounted for earlier in the document.

82 incidents of suspected criminality were recorded during the sample period. Of these 31 cannot be specifically linked to any one premise and have been recorded as having occurred on the street.

Furthermore 19 of these incidents have occurred in the period 0200-0500.

158 calls were made to police during the sample period which can be attributed to the night time economy, of these 86 were made during the period 0200-0500.

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)



## AVON AND SOMERSET CONSTABULARY

RESTRICTED (when complete)

MG11T

## WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 

--	--	--	--

Statement of Mark Antony HODDER

Age if under 18

Over 18

(if over insert 'over 18') Police Constable

This statement (consisting of 2 page(s), each 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 wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature



Date 10/03/2014

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC3908 HODDER of the Avon and Somerset Constabulary stationed at Bath Police Station. I am a trained operator of the Ion Track Itemiser GE Itemiser (3) Drug Trace Detection device which is used to check surfaces for traces of illicit drugs and explosives.

Cocaine is one of the most reactive and easy to detect substances in the Itemiser library. Responses are reported to the user by a simple and clear computer interface, an alarm strength number gives the intensity of the response. This strength is an indication of the amount of narcotic contamination that was collected on the Teflon coated fibreglass trap.

Following the wiping or swabbing of a surface with the trap, the trap is inserted into the Itemiser and analysed using the principles of Mass Spectrometry. (The traps used are cleaned and packaged by the manufacturers to ensure they are not contaminated before use).

Generally, a response of above 4.00 on the user interface (touch screen) can be classed as a "strong" response, indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

On Saturday 11th May 2013 at 01.41hrs, I was on duty in company with Pc3928 St BARBE-HUNT and Pc1682 PALMER when we attended BAROQUE Night Club, 7 BLADUD BUILDINGS, BATH BA1 5LS.

At the location my colleagues used sample traps provided by GE Securities to sample surfaces, using a fresh pair of gloves to take each sample. After sampling each trap was sealed into an individually numbered envelope, each identified with a reference number & location for later testing. Sampling inside the club was commenced at 01.45hrs and concluded at 01.52hrs.

On Sunday 12<sup>th</sup> May 2014 at 02.10hrs whilst at Bath Police Station and in company with Pc3928 St BARBE-HUNT I calibrated the Ion Track Itemiser device and used it to analyse the 6 sample traps taken from Baroque Night Club.

Using new clean gloves for each test, I unsealed each evidence envelope individually, removed the trap from the envelope and inserted it into the device.

As each trap is inserted into the device the particles collected on the trap are heated and vaporised. The particles in the vapour are then tested by the device. When drugs are detected by the device an alarm sounds and a reading shows the type and level of drug detected.

After each test I cleared the device by initiating a 'purging and self check analysis' prior to repeating

Signature:

Signature witnessed by:

2006/07 (1)

RESTRICTED (when complete)



**Bath Police Station**  
Manvers Street, Bath BA1 1JN  
Telephone: 101 Facsimile: 01225 842471  
Office Hours: 0900-1700 Mon-Fri

Mr R Johnson  
Baroque Night Club  
7 Bladud Buildings  
BATH BA1 5LS

Our Ref: EB/MP/LPP

Your Ref:

Date: 23<sup>rd</sup> May 2013

Dear Mr Johnson

Thank you for seeing my Licensing Officer, Martin Purchase and myself on Wednesday, 22nd May 2013.

On Sunday, 12th May the Police attended your premises, as you are aware, and used the drugs itemiser. Traces of drugs were found and this matter should receive your urgent attention.

The issues can be addressed by good pro-active management and I would expect to see improvement in these matters.

If there is anything I can do or advise you on concerning these issues, either myself or Martin Purchase would be more than happy to discuss them with you.

Yours sincerely

Inspector Steven Mildren  
**Neighbourhood Inspector**  
steven.mildren@avonandsomerset.police.uk



**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:	14/01968/LAPRE
Applicant's name:	Mr Roderick Johnson
Premises name and address:	The Nest 7 Bladud Buildings Bath BA1 5LS
Application for a:	Variation:

**Objector Details:**

Objector's Name:	Environmental Protection Team
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.	Environmental Protection Lewis House Manvers Street Bath BA11JG
Organisation name if applicable:	Bath and North East Somerset Council

**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

<b>ENVIRONMENTAL SERVICES</b>
24 MAR 2014
Post Log No: .....
Receipt No: .....
CH/CA £.....

☐

☒

☐

☐

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

☐

My name is Nigel Shire and I am an Environmental Health officer working within the Environmental Protection service at Bath and North East Somerset Council.

During the past 8 months the Environmental Protection service has received numerous complaints (11) concerning noise and anti social behaviour from this premise.

The complaints received, detailed noise from music from the club and noise from patrons on the street to the front of the premise, whilst queueing to gain access or using the street for the purpose of smoking. All of the complaints made reference to activities causing nuisance throughout the operating times of the premise, but particularly after 00.00 and until 02.30. As part of my investigation noise monitoring equipment was installed at residents property to capture the alleged nuisance and on one occasion recordings indicated of licensing activities taken place outside of the permitted hours for licensable activities.

Investigations concluded that although the music levels did not constitute a Statutory Nuisance as defined under the Environmental Protection Act 1990 s79 1(g), the levels did cause nuisance.

The existing premise license has a condition attached that states

"Noise from regulated entertainment shall not emanate from the premises so as to cause a nuisance at the nearest noise sensitive premises"

The owners Rod and Max Johnson along with the manager Harry Cochrane attended Banes offices in Lewis house on 18.12.2013 to listen to recordings of the music levels taken at complainants residences using a sound level monitor and agreement to control the levels using an existing "limiter" was agreed. This was instigated on the 20.01.2014.

Subjective noise assessments were conducted prior to the extension of the use of the existing "limiter" within the stairwell of 6 Bladud buildings and afterwards, the conclusion was that after the installation of the "limiter" a significant improvement in respect of volume from music was experienced.

Other concerns identified by residents in the vicinity of The Nest included the noise from patrons on the street to the front of the premise. Under current legislation this service is unable to take action in regard to noise on the street, unless created by vehicles, machinery or equipment.

The applicant has offered several conditions to address the prevention of public nuisance:

"The smoking area will close at 02.00hrs."

"There will be a no entry and no re-entry on Fridays & Saturdays after 02.00hrs"

"Amplified live music will cease at 23.00 hours every day"

"All recorded music to go through a noise level limiter"

My concerns are that unless the above are incorporated as conditions on the premise license then local residents may be subjected to increased levels of noise from both the premise music levels and

patrons using the exterior area to the front of the premise.

Currently the noise level limiter has been independently set to reduce the impact of excessive music volume on residents, I would therefore propose that the noise level limiter be formally set at an agreed level with officers from the Environmental Protection Service to promote the prevention of public nuisance licensing objective.

The applicant has offered a condition that "signage will be displayed in the front windows of the premise asking people to keep noise levels down"

I would suggest that the doorstaff are required to assist in the controlling of noise on the street from patrons to support the signage and the prevention of public nuisance licensing objective.

Other concerns relate to the dispersal of patrons leaving the premises, the applicant has stated that the extension of the licensing activity hours if granted will allow the gradual dispersal of customers, I fail to see how the premise can guarantee this gradual dispersal. The likelihood is that customers will remain in situ until the proposed end of licensing activities and disperse on masse at 03.00. similar to the existing situation at 02.00.

The applicant has offered that a dispersal policy will be written and implemented on Fridays and Saturdays. This policy will need to be robust and detail measures to move customers on, control the volume and prevent any anti-social behaviour (foul language, violence, urinating..etc.). I would suggest that this policy also ensures that adequate doorstaff are on duty for a minimum of one hour after licensable activities cease in the outside area of the premise to promote the prevention of crime and disorder licensing objective.

Therefore I would request that the licensing sub committee consider granting a temporary variation for a period of six months to enable the assessment and effectiveness of any control measures with respect to noise nuisance.

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

Nigel Shire



Date

24.03.2014

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

01225 396651

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 Nigel Shire

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):



**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:	14/01968/LAPRE
Applicant's name:	Maxrod Ltd
Premises name and address:	The Nest 7 Bladud Buildings, Bath, BA1 5LS
Application for a:	Variation of Premises Licence

**Objector Details:**

Objector's Name:	Ian Perkins and Sally Rothwell
Objector's Address: <small>This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.</small>	11 Pierrepont Street Bath BA1 1LA
Organisation name if applicable:	TARA and CARA

**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

☒

☒

☐

☒

<b>ENVIRONMENTAL SERVICES</b>
28 MAR 2014
Post Log No: .....
Receipt No: .....
CH/CA £.....

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

☐

This representation is on behalf of both the Abbey Residents' Association (TARA) and the Circus Area Residents' Association (CARA) who both have members living near and affected by the trading of these premises

These premises are, as we understand it, subject to the cumulative impact policy.

The premises are very close to a number of noise and nuisance sensitive residential premises and both we, and as we understand it the local authority, have received numerous complaints regarding noise and nuisance associated with these premises and in particular from the noisy crowds who regularly stand outside. Many people in these crowds appear to us to be drunk. On one occasion we observed someone in a group leaving these premises with a pint glass of what appeared to be lager and walk up George Street to join his friend in the crowd outside Moles which led us to further question the management of crowds and drinking at these premises.

The offer at these premises is based on vertical drinking and often highly amplified music, see attached pictures.

These premises sit at the end of the George Street area. This area until recently was regarded as the worst area in Bath for drink fuelled anti-social behavior. Hard work by a number of organisations and agencies and in particular by licencing officers and the licensing committee have started to turn this area around. This improvement has been achieved by encouraging more responsible proprietors and managers, more effective enforcement and much tighter better structured conditions. It would be regrettable if this progress was undermined by allowing a these premises to extend their hours of operations.

**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 and Sally Rothwell

Date

27.03.14

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 and Sally Rothwell

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





