

Bath & North East Somerset Council

MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 21 March 2024	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a Variation of a Premises Licence for: Spar Chelsea Road Newbridge Bath BA1 3DU	
WARD:	Newbridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Annex A Application for a Variation of the Premises Licence. Annex B Current Premises Licence. Annex C Plan of existing Licensable activities area. Annex D Premises Plan submitted with the Variation application. Annex E Representation of objection to the application		

1 THE ISSUE

- 1.1 An application to vary the Premises Licence for Spar, Chelsea Road, Newbridge Bath BA1 3DU has been made under s.34 of the Licensing Act 2003. The premises is not located within the B&NES Cumulative Impact Area and the Cumulative Impact Policy is not relevant to this application.
- 1.2 A relevant representation of objection has been received from a local resident.

2 RECOMMENDATION

- 2.1 The Committee is asked to determine the application.

3 THE REPORT

- 3.1 An application has been received from Wessex Retail Ltd to vary the Premises licence for Spar, Chelsea Road, Newbridge Bath BA1 3DU (**Annex A**)

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

- To extend the hours for the sale of alcohol (for consumption off premises) and opening times from 08:00 – 23:00 Monday to Saturday and 08:00 – 22:30 on Sundays to:

0600 – 23:00 every day.

- The removal of restrictions on Christmas Day and Good Friday sale of alcohol and opening hours (in line with the above proposed hours). This is also in reference to outdated Annex 1 (mandatory) conditions attached to the current Premises Licence carried over from the 1964 Justices Act. These no longer apply and mandatory conditions in general have been updated to reflect this.
- Submission of an updated plan of the premises.

3.3 Additional measures have been offered by the applicant to promote the licensing objectives in addition to existing conditions attached to the operating schedule as follows:

- The Premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days. Recordings shall be made available upon the receipt of a request by an authorised officer of the police or the local authority to the DPS or Manager.
- There shall be CCTV in Operation signs prominently displayed at the premises.
- An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised officer of the police or local authority.
- The premises shall operate a proof of age scheme, such as Challenge 25, whereby the only forms of acceptable identification shall be a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo, with instore challenge signage on display.
- The premises will be fitted with a burglar alarm system.
- The premises will be fitted with a panic button system for staff to utilise in case of an emergency.
- All online/telephone delivered and collected sales to follow a set procedure to ensure that any order placed was made by and received by customers aged over 18 and only delivered to proper addresses, residential or commercial, or orders and/or deliveries to be refused.
- The premises licence holder will endeavour to eliminate or minimise any nuisance arising out of its licensable activities. In doing so the premises licence holder will work with enforcement authorities where any issues are identified. A complaints procedure will be maintained in order that local residents have a means of contact if necessary.

- Notices will be displayed asking customers to leave the premises quietly.
 - All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol with records kept for 12 months with a recorded ongoing 6 monthly alcohol refresher training regime with records to be made available to appropriate officers upon request to the DPS or manager. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
 - An age till prompt system will be utilised at the premises in respect of age restricted sales.
 - A refusal register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised officer of the police or the local authority.
 - Staff trained in fire safety procedures and the use of fire safety equipment, firefighting equipment.
- 3.4 A copy of the current Premises Licence is attached (**Annex B**).
- 3.5 The floor plan(s) showing the extent of the current licensable activities areas is attached (**Annex C**).
- 3.6 A copy of the premises plan submitted with this application is attached (**Annex D**).
- 3.7 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:
- a) the prevention of crime and disorder.
 - b) public safety.
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.
- 3.8 Each objective is of equal importance and these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.
- 3.9 The Licensing Authority may grant the application with or without additional conditions.
- 3.10 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:
- a) Paragraphs 3-6, 8-10, 13-14, 17-24, 29, 33-36, 38-41 of the 2020 policy;
 - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised December 2023;
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 3.11 The Licensing Authority recognises that Licensing and Planning are separate

regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.

- 3.12 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 3.13 In accordance with the requirements of the Act, copies of the application were forwarded to the Police, the Fire Authority, the Environmental Protection Team, Development Control, Trading Standards, Health Authority and the Safeguarding Children and Young Persons Team.
- 3.14 The applicant was required to place a notice at the premises for a period of 28 consecutive days starting the day after the application was deemed valid, and to place an advert in a local newspaper within 10 working days of submitting a valid application to the licensing authority.
- 3.15 A representation of objection has been received within the statutory period from a local resident which expresses concern that the applicant's proposals are likely to undermine the Prevention of Public Nuisance, Licensing Objective (**Annex E**).
- 3.16 As a relevant representation has been received, the Licensing Sub Committee must determine the application in accordance with the Licensing Act 2003.

4 STATUTORY CONSIDERATIONS

- 4.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.
- 4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The costs of processing licences are covered by the fees charged. The fee for this application is £315.00

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

- 7.1 The licensing objectives do not require the applicant to specify steps to mitigate the impact of climate emergency. However, the applicant is encouraged to consider locally sourced ingredients and reducing single use plastic in the operation of their business.

8 OTHER OPTIONS CONSIDERED

- 8.1 None.

9 CONSULTATION

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

Contact person	Geoff Cannon Public Protection Officer (Licensing) 01225 396719
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy
Please contact the report author if you need to access this report in an alternative format	

Annex A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We WESSEX RETAIL LIMITED
(Insert name(s) of applicant)

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

Premises licence number
24/00097/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description SPAR CHELSEA ROAD 6 CHELSEA ROAD NEWBRIDGE			
Post town	BATH	Postcode	BA1 3DU

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

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	APPLEBY WESTWARD FORGE LANE MOORLANDS TRADING ESTATE		
Post town	SALTASH	Postcode	PL12 6LX

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes
No

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

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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)

EXTEND THE HOURS FOR THE SUPPLY OF ALCOHOL AND DEPOSIT A MODIFIED PLAN AMENDING HOURS CONDITIONS AS NECESSARY AND REMOVING ANY RESTRICTIONS ON CHRISTMAS DAY AND GOOD FRIDAY ALSO DEFINING LICENSABLE ACTIVITY OPENING HOURS TO MATCH PROPOSED LICENCE HOURS AND DELETING ANY UNNECESSARY STATUTORY CONDITIONS IN PARTICULAR ADJUSTING THE MANDATORY CONDITIONS AT ANNEX 1 TO REFLECT THE NEW APPLIED FOR 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:

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Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <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) | <input type="checkbox"/> |
| 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) (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

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

B

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

C

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

D

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

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Tue					
			<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 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	X			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	06.00	23.00						
Tue	06.00	23.00						
Wed	06.00	23.00						
Thur	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 7)		
Fri	06.00	23.00						
Sat	06.00	23.00						
Sun	06.00	23.00						

K

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

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
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	
			<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 7)

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.

ANY CHRISTMAS DAY AND GOOD FRIDAY ALCOHOL RESTRICTIONS
 AND AMEND HOURS RESTRICTING SALE OF ALCOHOL DAILY AND
 OPENING HOURS AND RELEVANT EMBEDDED CONDITIONS AT ANNEX
 1 – AMEND DEPOSITED PLAN

Please tick as appropriate

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

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

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

HARD COPY IN THE POST

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

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

MANDATORY CONDITIONS TO REMAIN WHERE STILL RELEVANT PLUS ALARM SYSTEM, CCTV SYSTEM WITH 28 DAY RECORDING FACILITIES WITH COPIES TO BE MADE AVAILABLE TO THE POLICE OR RESPONSIBLE AUTHORITIES UPON REQUEST TO THE DPS OR MANAGER, STAFF TRAINED IN THE SALE OF ALCOHOL WITH RECORDS KEPT FOR 12 MONTHS WITH RECORDED ONGOING 6 MONTHLY ALCOHOL REFRESHER TRAINING REGIME WITH RECORDS TO BE MADE AVAILABLE TO APPROPRIATE OFFICERS UPON REQUEST TO THE DPS OR MANAGER, CHALLENGE 25 IN PLACE AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG, TILL PROMPTS FOR ALCOHOL PRODUCTS TO BE UTILISED TO AVOID UNDER AGE SALES, ALL ONLINE/TELEPHONE DELIVERED AND COLLECTED SALES TO FOLLOW A SET PROCEDURE TO ENSURE THAT ANY ORDER PLACED IS MADE BY AND RECEIVED BY CUSTOMERS AGED OVER 18 AND ONLY DELIVERED TO PROPER ADDRESSES RESIDENTIAL OR COMMERCIAL OR ORDERS AND OR DELIVERIES TO BE REFUSED.

b) The prevention of crime and disorder

1. The Premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days. Recordings shall be made available upon the receipt of a request by an authorised officer of the police or the local authority to the DPS or Manager.
2. There shall be CCTV in Operation signs prominently displayed at the premises.
3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised officer of the police or local authority.
4. The premises shall operate a proof of age scheme, such as Challenge 25, whereby the only forms of acceptable identification shall be a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo, with instore challenge signage on display.
5. The premises will be fitted with a burglar alarm system.
6. The premises will be fitted with a panic button system for staff to utilise in case of an emergency.
7. ALL ONLINE/TELEPHONE DELIVERED AND COLLECTED SALES TO FOLLOW A SET PROCEDURE TO ENSURE THAT ANY ORDER PLACED IS MADE BY AND RECEIVED BY CUSTOMERS AGED OVER 18 AND ONLY DELIVERED TO PROPER ADDRESSES RESIDENTIAL OR COMMERCIAL OR ORDERS AND OR DELIVERIES TO BE REFUSED.

c) Public safety

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

d) The prevention of public nuisance

1. The premises licence holder will endeavour to eliminate or minimise any nuisance arising out of its licensable activities.
In doing so the premises licence holder will work with enforcement authorities where any issues are identified. A complaints procedure will be maintained in order that local residents have a means of contact if necessary.
2. Notices will be displayed asking customers to leave the premises quietly

e) The protection of children from harm

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol WITH RECORDS KEPT FOR 12 MONTHS WITH A RECORDED ONGOING 6 MONTHLY ALCOHOL REFRESHER TRAINING REGIME WITH RECORDS TO BE MADE AVAILABLE TO APPROPRIATE OFFICERS UPON REQUEST TO THE DPS OR MANAGER. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted sales.
3. A refusal register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised officer of the police or the local authority.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- 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.
- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	02 02 2024
Capacity	LICENSING SOLUTIONS – DULY AUTHORISED AGENT

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
[Redacted]			
Post town	[Redacted]	Post code	[Redacted]
Telephone number (if any)	[Redacted]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[Redacted]			

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 for 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Combined fighting sports – defined as a contest, exhibition or display which

combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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

Licensing Act 2003
Premises Licence

Premises Licence Number

24/00097/LAPRE

Premises Details

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

Spar Chelsea Road
6 Chelsea Road
Newbridge
Bath
BA1 3DU

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 08:00 - 23:00
Sunday 08:00 - 22:30

Sale of Alcohol - Good Friday: 08:00 - 22:30
Christmas Day: 12:00 - 15:00 and 19:00 - 22:30

The opening hours of the premises

Monday to Friday 07:00 - 23:00
Saturday and Sunday 08:00 - 23:00

Non-standard timings:

Bank Holidays 08:00 - 23:00 hours

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

Alcohol is supplied for consumption off the premises

Name of holder of premises licence

Wessex Retail Limited

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

Registered Business Number - 12205715

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

As per Operating Schedule at Annex 2.

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

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



Dated 30 January 2024

PUBLIC REGISTER COPY

Annex 1 – Mandatory conditions

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

The Licensing Act 2003 hours will be as:

Licensing Act 1964 - Sections 60, 63, 86. Off licences.

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 am to 11 pm
- b) On Sundays, other than Christmas Day, 10 am to 10.30 pm
- c) On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm
- d) On Good Friday, 8 am to 10.30 pm

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
-

Mandatory conditions relating to the sale of alcohol for consumption off premises only:

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

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

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

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

24/00097/LAPRE

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

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

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

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

where:

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

(a)* 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991(c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

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

From 1 October 2014:

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

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

PUBLIC REGISTER COPY

Annex 2 – Conditions consistent with the Operating Schedule

PUBLIC REGISTER COPY

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

PUBLIC REGISTER COPY

Annex 4 – Plans

As submitted with application.

PUBLIC REGISTER COPY

Annex C

GROCERY SHELVING TO HAVE YELLOW EPOS AND 10MM KICKPLATES

CREAMBOARD AMDEDGING

PROMO ENDS TO HAVE YELLOW EPOS AND 10MM KICKPLATES

BAKERY SHELVING TO HAVE TIMBER EPOS AND 10MM KICKPLATES

WINE SHELVING TO HAVE TIMBER EPOS AND 10MM KICKPLATES

GABLE ENDS TO BE BRUSHED ALUMINIUM FINISH INSERT YELLOW

SUPPLY 12 x 1250mm SIGN HOLDERS IN YELLOW

SUPPLY 6 x 1250mm EXTRASHELVES COMPLETE FOR DAIRY

LIGHTBOXES TO FRUIT & VEG (3)

BAKERY (5)

WINES AND SPIRITS WALL (9)

BEHIND COUNTER EXCEPT OGS (5)

WAREHOUSE

REDUCE BACK PANELS TO INFILL

COLD STORE

ATM

MIRROR SLATWALL (OFFCUIS) WITH INSERT

PANORAMIC GABLE END

DAIRY CABINET

ACRYLIC DIVIDER

CHILLED CONVENIENCE FOODS

CHIUED FRUITA VEG WITH SLOPING BASES

PANORAMIC GABLE END

AMBIENT FRUIT & VEG 3130mm x 750mm

MIRROR SLATWALL (LANDSCAPE) WITH GREEN INSERT

PROPOSED CH 2810mm, (2475mm BFC) HJND OUNHK






PROPOSED CH 2660mm





ALIGNMENT BOARD AND EDGING

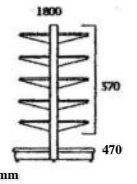
PROPOSED PROFILES

E 2400mm

H 3600

-  Fire safety sign fire exit sign direction - Right
-  Fire safety sign fire exit sign direction - Up
-  Fire safety sign fire exit sign direction - Down
-  Fire safety sign fire exit sign direction - Left
-  Fire safety sign

-  Fire warning system electrical audible warning device
-  Fire warning system electrical fire alarm call print
-  Fire warning system electrical hydrator panel
-  Portable fire extinguisher See note 1



ALL COLUMNS TO BE 80mm



IN ECAT ESSI LYNGINKAJ - BIE RNE WINE RED COLOUR COEE 512

NISA SUPERMARKET
6 CHELSEA RD.
BATH
BA1 3DU

NBA STORE DEVELOPMENT	
Otsc	COOPER FOODS IDRES LTD
Title	HCTOSED FLOORPLAN - BATH
Drawing no.	IS0207
Date	21st MAY 2002
Scale	1H100
Sheet no.	4XKT84H2

DIAGONAL LINE INDICATES 1000mm BAY
ALL OTHERS ARE 1250mm, EXCEPT WHERE SHOWN

Annex D



Client
WESSEX RETAIL LTD

Address
**6 CHELSEA ROAD,
LOWER WESTON,
BATH,
BA1 3DU**

Drawing Title
WESSEX - CHELSEA RD, BATH

Store Size
1,990 sq ft Format
CONVENIENCE

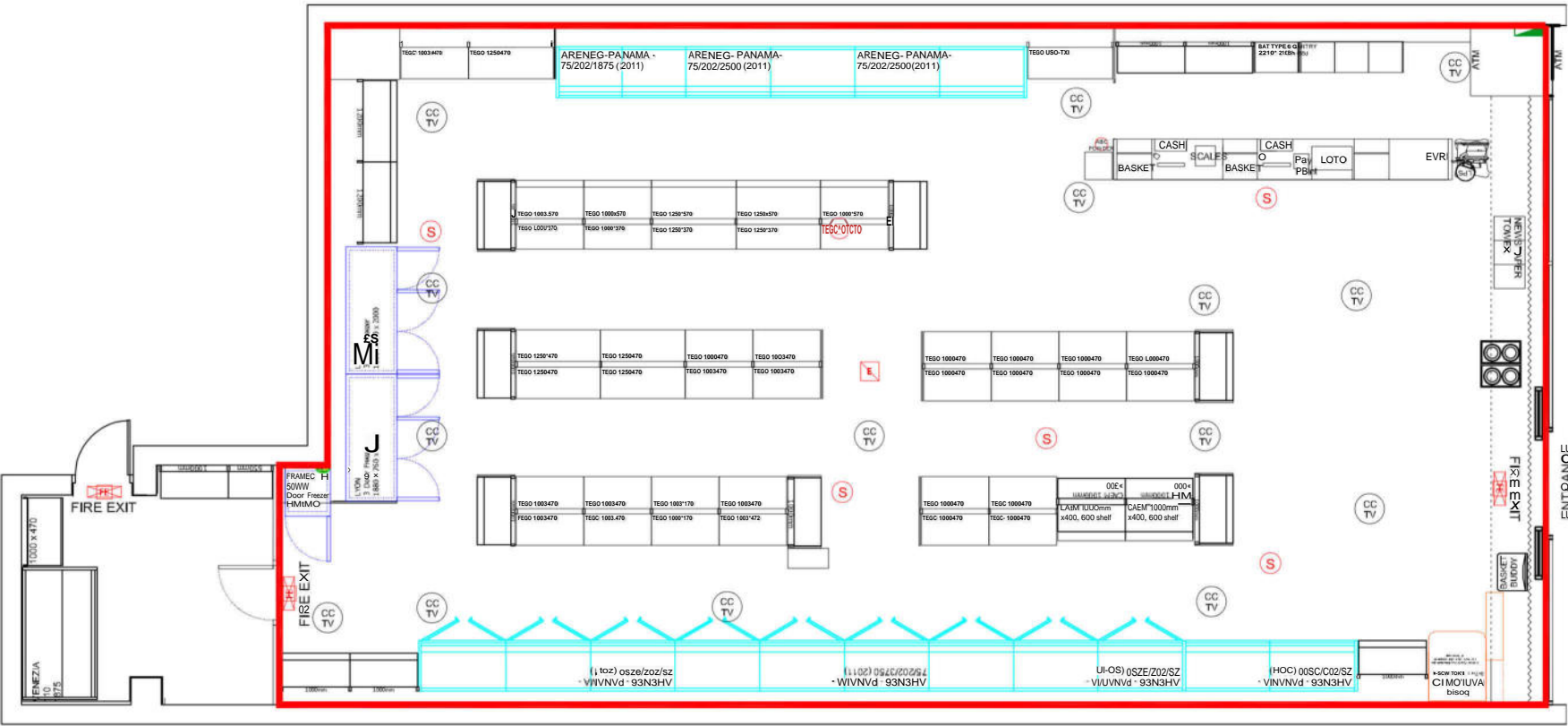
Scale
1:100@A4 Drawn by
DK Date
10.01.24 Rev
OFF

Drawing No.
WES-CHE-2024-OFF APP

Notes

- FIRE EXTINGUISHERS 
- FIRE EXIT 
- EMERGENCY LIGHTS 
- SMOKE DETECTOR 
- SECURITY CAMERAS 

**ALCOHOL TO BE DISPLAYED
THROUGHOUT THE STORE
WITHIN THE RED BORDER**



Annex E

From: T F [REDACTED]
Sent: Sunday, February 18, 2024 8:34 AM
To: Licensing <licensing@bathnes.gov.uk>
Subject: Re Spar Chelsea road extending licensing hours.

CAUTION: This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam,

I am a resident on Park Road (4 Park Road ba1 3ee) adjacent to Chelsea Road and object the planned extended licensing hours for the Spar store.

It is a quiet family friendly area and I believe the extended licensing hours to sell alcohol will attract antisocial behavior in the area and noise at antisocial hours disturbing what is currently a quiet family environment.

I strongly object to this application.

Kind regards

Thomas Friend

**LICENSING ACT 2003
REPRESENTATION FORM**

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

I/We object to the following application:

Application number:	Spar Chelsea Road Ref. 24/00194/LAPRE
Applicant's name:	Spar Chelsea Road Ref. 24/00194/LAPRE
Premises name and address:	Spar Chelsea Road 6 Chelsea Road Newbridge Bath BA1 3DU
Application for a:	Extension of licensing hours

Objector Details:

Objector's Name:	Thomas Friend
Objector's Address:	4 Park Road, Bath, BA13EE
Organisation name if applicable:	

Objection Details:

My/our representation is relevant to the following licensing objective(s):

- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm
- Public safety

Please detail your objection(s) as fully as possible in the box below and attach any supporting documents as necessary. If you do not then the Committee may not understand why you have objected.

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

I am a resident on Park Road adjacent to Chelsea Road and object the planned extended licensing hours for the Spar store.

It is a quiet family friendly area and I believe the extended licensing hours to sell alcohol will attract antisocial behavior in the area and noise at antisocial hours disturbing what is currently a quiet family environment.

I am worried it will set a precedent in a road where the majority of the shops are shut in the evening.

It will change the nature of the area if shops selling alcohol are open at later hours.

There may be noise disturbances at antisocial hours with the delivery of stock to the store.

I and other households on park Road strongly object to this application.

Kind regards

Thomas Friend

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 Thomas Friend

Date 22/2/24

Contact telephone number(s) [REDACTED]
(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 Thomas Friend

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

I will be represented at the hearing by _____

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary/unnecessary

Form to be returned to licensing@bathnes.gov.uk or:

Licensing Team
Public Protection Service
Lewis House
Manvers Street
Bath BA1 1JG

Important Information About Your Representation

Why do I need to fill in this form?

While we can accept any written representation, we ask that you complete this form in order to assist the Licensing Sub Committee at the hearing.

Representations made under the Licensing Act must be made public, and by signing this form you give permission for your details to be disclosed. That is why we ask you to complete this form even if you have already made a written representation.

What if I do not want my details to be disclosed?

Anonymous representations will not normally be accepted.

If you think there are exceptional circumstances that would justify you making an anonymous representation, such as the threat of intimidation or violence from the applicant, then please contact the Licensing Office on 01225 396719 to discuss the matter.

Alternatively, you can ask your Parish Council or local Residents' Association to make a representation instead. If you choose to do this, there is no need to complete this form; the Parish Council or Residents' Association will do it if they decide to make a representation.

What do I need to know when writing my representation?

The Licensing Act 2003 sets out four 'licensing objectives', which are listed on the front of this form. Your representation should state how you think the application will affect one or more of these licensing objectives.

What if I want to supply extra information in support of my representation?

You can include the information with your representation form. If you have already made a representation and now want to give us extra information in support of it, you need to send copies of it to the Licensing Office *and* the applicant. This should be done at least 5 working days before the hearing.

If you arrive at the hearing with extra information that has not been sent to the Licensing Office and the applicant, it will only be considered if the applicant and the Committee agree to it. We recommend that you bring at least 10 copies of the information with you to the hearing.

I want to make a representation about traffic/planning issues

Unfortunately, representations about traffic or parking can not be accepted. This is because the licence holder can not be held responsible for the use of the public highway outside of the premises.

The licensing regime is separate from other local government functions, including the planning department. If a Premises Licence is granted for a building, this will not exempt the licence holder from having to obtain the necessary planning permission. We are therefore unable to accept representations that simply refer to the need for planning permission.