

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA
Telephone: (01225) 477000 *main switchboard*
Direct Lines - Tel: 01225 395090 Fax: 01225 394439
Web-site - <http://www.bathnes.gov.uk>

Your ref:

Our ref:

Date: Date Not Specified

E-mail: Democratic_Services@bathnes.gov.uk

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

Councillor Tim Warren
Councillor Bryan Chalker
Councillor Carol Paradise

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Gambling and Licensing) Sub-Committee: Friday, 9th July, 2010

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Friday, 9th July, 2010 at 10.30 am** in the **Aix en Provence Room - Guildhall**.

The agenda is set out overleaf.

Yours sincerely

Sean O'Neill
for Chief Executive

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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

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

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

Appendices to reports are available for inspection as follows:-

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

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

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

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

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

Licensing (Gambling and Licensing) Sub-Committee - Friday, 9th July, 2010

at 10.30 am in the Aix en Provence Room - Guildhall

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. MINUTES: 17 JUNE 2010

7. LICENSING PROCEDURE (Pages 1 - 8)

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

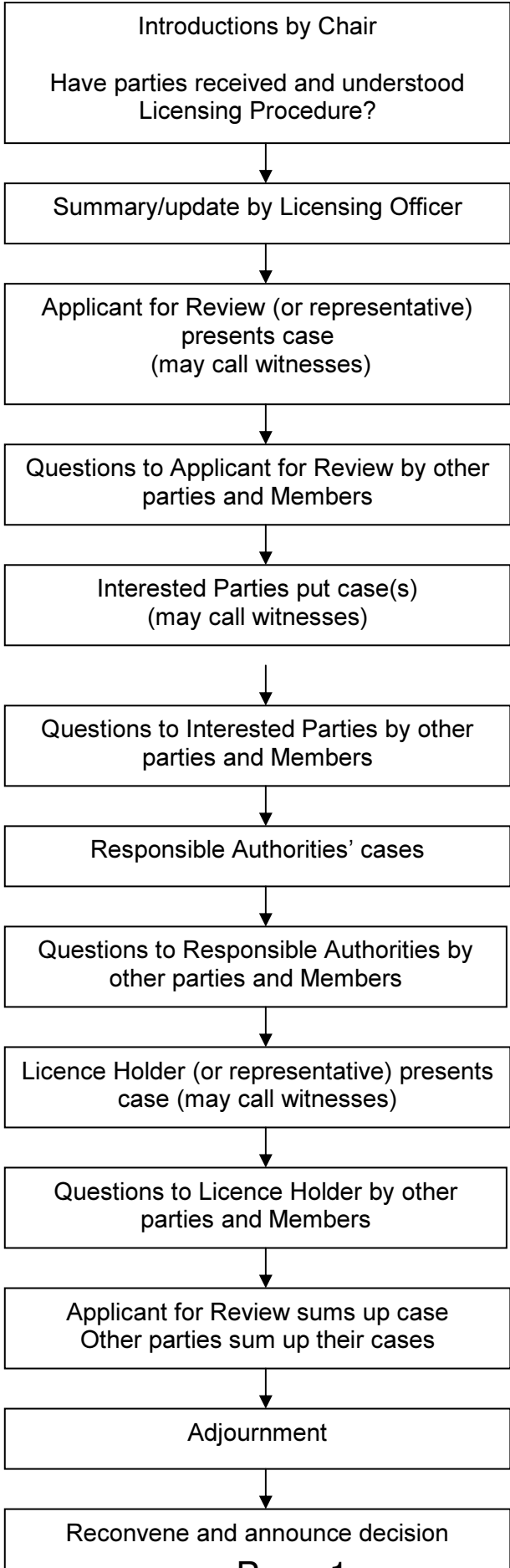
8. APPLICATION FOR REVIEW OF A PREMISES LICENCE FOR BRIGHT STORES, 16A WINDSOR VILLAS, LOWER WESTON, BATH BA1 3DJ (Pages 9 - 64)

9. APPLICATION FOR A PREMISES LICENCE FOR SOLO BURGER, 10 RIVERS STREET PLACE, JULIAN ROAD, BATH BA1 2RS (Pages 65 - 92)

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

This page is intentionally left blank

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE REVIEW PROCEDURE



This page is intentionally left blank

LICENSING ACT 2003

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

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

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

- 3 (i) The Applicant for Review (“the Applicant”), or representative, addresses the Sub Committee. The Applicant may be asked relevant questions about the matters before the Sub Committee by the other parties, the Licence Holder and the Members.

(ii) The Applicant or representative, may call witnesses in support of the application and each witness may be asked relevant questions by the other parties and the Members
- 4 (i) Any interested parties [defined in s.69(3)] making relevant representations (or their representative) will take it in turn to address the Sub Committee and may be asked relevant questions by the other parties, the Applicant, the Licence Holder and the Members.

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

Please Note:

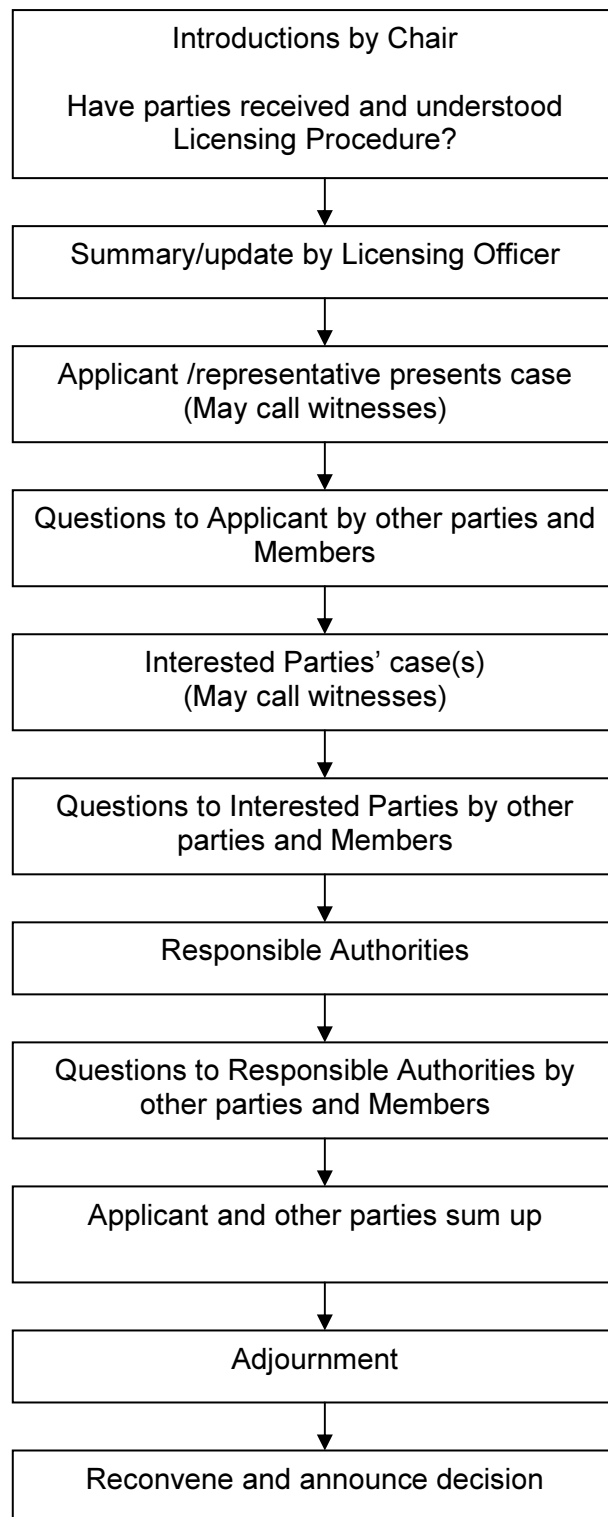
- Where the Sub Committee considers it necessary to do so, it may vary this procedure.
- Decisions will generally be taken regardless of whether the Applicant is present. All notices and representations received from absent parties will be considered.
- Only in **exceptional circumstances** will the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

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

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

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

**LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**



This page is intentionally left blank

LICENSING ACT 2003

LICENSING COMMITTEE HEARING PROCEDURE ALCOHOL, LATE NIGHT REFRESHMENT AND ENTERTAINMENT

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

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

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

PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- Decisions will generally be taken regardless of whether the Applicant is present. All notices and representations received from absent parties will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion. However, the Council will allow all parties to ask questions of another party present, as set out above, but formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- The Chair will allow the parties an equal maximum period of time in which to make representations. The amount of time will be at the discretion of the Chair, but in the interests of costs and efficiency will not normally exceed **twenty minutes**. This will include the time taken for the presentation and the summing up, but not the time taken for questions.
 - **N.B. Where there is more than one party making relevant representations the time will be split between those parties.** It is recommended that they arrive early to discuss the application with the other interested parties.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
- Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

Bath & North East Somerset Council

MEETING:	Licensing (Alcohol, Late Night Refreshment and Entertainment) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Friday 9 July 2010	
TITLE:	Application for a Review of a Premises Licence for Bright Stores 16A Windsor Villas, Lower Weston, Bath BA1 3DJ.	
WARD:		
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for the Review of a Premises Licence		
Annex B Copy of Current Premises Licence		
Annex C Site Plan		
Annex D Representation from the Police in support of the Review		
Annex E Representation received from Interested Parties in support of the Review		

1 THE ISSUE

- 1.1 An application has been received from Robin Wood, Senior Trading Standards Officer, for a Review of a Premises Licence under section 51 of the Licensing Act 2003, in respect of Bright Stores, 16A Windsor Villas, Lower Weston, Bath BA1 3DJ.

2 RECOMMENDATION

- 2.1 That the sub committee determines the application to Review the Premises Licence.

3 FINANCIAL IMPLICATIONS

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

4 THE REPORT

- 4.1 An application has been received for the Review of the Premises Licence (**Annex A**).
- 4.2 The application relates to the following licensing objectives, namely:
- The Prevention of Crime & Disorder;
 - The Protection of Children from Harm.

The alleged grounds for the Review are:

- Sales of alcohol to children under the age of 18 undermining the licensing objectives of the Protection of Children from Harm and the Prevention of Crime and Disorder.
- Failed test purchase - alcohol sold to a 16 year old boy on 10 February 2010
- Two failed test purchases - alcohol sold to two different sixteen year old boys on 17 May 2010.

4.3 The Licensing Authority may, having had regard to the application and any relevant representations, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:

a) Modify the conditions of the Licence;

b) Exclude a licensable activity from the scope of the Licence;

c) Remove the Designated Premises Supervisor;

d) Suspend the Licence for a period not exceeding three months;

e) Revoke the Licence

Where the Licensing Authority takes a step mentioned in 4.3 (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

4.4 The Licensing Authority will also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act itself, and, in particular, to:-

a) Sections 4, 9, 10, 13, 51, 52, 53, 182, and 183 of the Act.

b) Chapters 8 -11 of the Statutory Guidance (as revised 28.06.2007)

c) Paragraphs 3, 5, 6, 15, 18 - 20, 24, 30, 33 - 37 and 40 - 45 inclusive, of the Policy.

4.5 An appeal may be made to the Magistrates Court within 21 days of the notification of the decision by the Council to the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application.

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

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

- 1) The **Sale of Alcohol** for consumption **off** the premises only, between the following hours:

Every day 10:00 to 23:00

- 2) The **Opening hours** for the premises are:

Every day 06:00 to 23:00

- 3) The licence is subject to the following **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.
- A CCTV camera shall be installed and maintained in full working order whilst the premises are open to the public. All recordings are to be kept for a minimum period of one month.
- Notices to be displayed prominently at the premises requesting customers to leave in a quiet manner.
- The front and the side of the premises to be cleared of litter on a daily basis.
- Appropriate proof of age (such as passport, driving licence or PASS scheme identification) shall be required where there is doubt as to the age of a customer.
- There shall be no 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.

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

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

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

4.10 A representation in support of the Review has been received from the Police in respect of all four of the licensing objectives (Annex D). It recommends revocation of the premises licence.

- 4.11 A relevant representation has been received from an interested party living within the vicinity of the premises in respect of all four licensing objectives (**Annex E**).
- 4.12 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Terrill Wolyn, Licensing Services, 01225 396939
Background papers	The Licensing Act 2003, Guidance issued under s.182 of the Act, Regulations issued under the Act, BANES Licensing Policy.

ENVIRONMENTAL SERVICES

Licensing Team, Public Protection,
9-10 Bath Street, Bath, BA1 1SN

24 MAY 2010

Post Log No: CD/AS 211534

Receipt No:
ENRDA 12**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Robin Wood *(insert name of applicant)*

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

Part 1 - Premises or club premises details

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

Bright Stores
16 Windsor Villas
Upper Bristol Road

Post town Bath

Postcode (if known) BA1 3DJ

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

Mr Zaheer Hussain

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

08/03068/LAPRE

Part 2 – Applicant Details

I am

Please tick Yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please select for Yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Trading Standards Department Bath and North East Somerset Council Public Protection Service 9-10 Bath Street BA1 1SN
Telephone number (if any) 01225 396753
E-mail (optional) robin_wood@bathnes.gov.uk

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

Please tick one or more boxes ✓

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

Sales of alcohol to children under the age of 18 undermining the licensing objectives of the Protection of Children From Harm and the Prevention of Crime and Disorder.

Please provide as much information as possible to support the application

(please read guidance note 2)

1. This department is designated a 'responsible authority' for the purposes of the Act and its main concern is 'the protection of children from harm'.

Trading Standards are part of the Public Protection Service which also deals with Alcohol Harm Reduction in conjunction with the Primary Care Trust (PCT). Extensive work has been carried out to raise awareness amongst young people of the harmful effects of alcohol consumption. Please see the attached information about this work provided by the Alcohol Harm Reduction officer.

Trading Standards are actively involved in the Licensing Enforcement Group, a multi-agency partnership including the Police, B&NES Licensing, Child Protection, Environmental Health and Avon Fire and Rescue which was established to ensure compliance in licensed premises and assist in promoting the licensing objectives. As part of this Group we share intelligence and work with our partner agencies to resolve concerns. One of our functions is to carry out test purchase operations to ensure that alcohol is not being sold to children under the age of 18.

Concerns were raised about this premises following reports of anti-social behaviour and allegations that under age sales were taking place. In response a test purchase operation was arranged.

2. On 10th February 2010 the manager, Mr Shahzed Hussain, sold a bottle of Magners cider to a boy aged sixteen. This resulted in a fixed penalty notice (£80) being given by the Police to the manager. Please see attached statement.

3. On 17th March 2010 the Licence Holder and Designated Premises Supervisor, Mr Zaheer Hussain, attended a meeting at Bath Police Station to discuss concerns and establish improvements required for the management of the premises.

4. On 25th April 2010 this department received a complaint from a consumer about the store. The complainant stated that he had been in the shop on more than one occasion and that he had seen alcohol sold to teenagers that look under age. Please see attached the complaint.

5. On 17th May 2010 the Manager of the store sold a 500ml bottle of organic cider to a boy aged sixteen. Around ten minutes later he again sold a two litre bottle of cider to a different boy aged sixteen in front of a staff witness. Please see attached statements.

6. In all three cases, had the manager asked for identification, the volunteers would have stated that they did not have it.

7. This department has given advice and offers of support to the manager of the store to assist him in avoiding making sales to under age young people.

Despite this, and despite being given an opportunity to make improvements following the first failed test purchase in February 2010 the premises continues to undermine the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

8. This department therefore respectfully submits that the licensing sub committee consider the serious nature of the evidence before them and exercise their power under section 52 of the Licensing Act 2003 to revoke the premises licence.

In support of the request to revoke the premises licence this department confirms that it has taken into account the Guidance issued under section 182 of the Licensing Act 2003, the Home Office Guidance on the Yellow and Red Card approach and LACORS Guidance for Trading Standards Services and Licensing Authorities on Reviews.

The Yellow and Red Card approach recommends that at the first enforcement intervention a strong warning (the 'yellow card') is given to the problem premises. "The aim would be to put the premises on probation..... They are put on notice that the next offence or breach would mean an automatic second intervention – a red card.....If satisfied on the issue of the lack of improvement the licensing authority should look to revoke the licence. The action should be publicised in the area as an example to other retailers."

It is the view of this department, supported by the Police, that the first intervention has already occurred and that the premises licence holder has received a clear warning about the improvements required and the sanctions that may follow if problems persist. There has been no visible improvement in the conduct of the premises or any indication that the licence holder is willing to operate in a responsible manner in compliance with the law.

Paragraph 11.26 of the s.182 Guidance states that:

"There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises: .. for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people."

Paragraph 11.24 of the s.182 Guidance states:

"The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder."

The LACORS Guidance to Trading Standards Services issued in March 2009 provides the following advice on revocations:

"This is a measure to seek when there is no hope that the premises can comply with its responsibilities under the Licensing Act, i.e. that the licensing objectives will continue to be undermined, regardless of whether conditions are attached, and where suspension would not result in any real or lasting change."

This department is aware of the serious business implications upon the licence holder should a decision to revoke the premises licence be made. The request to revoke the premises licence is not intended simply as a punitive measure but as the only clear way of ensuring the promotion of the licensing objectives in the interests of the wider community.

Please tick

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

If yes please state the date of that application

Day		Month		Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick Yes

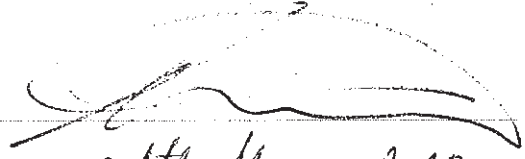
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

24th May 2010

Capacity

SENIOR TRADING STANDARDS OFFICER.

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 5)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

The Project Officer for Alcohol Harm Reduction helps to co-ordinate different activities to tackle alcohol related harm through health promotion and education. This incorporates a population wide approach, although with a particular focus on Young People and Children.

Local initiatives work to educate children and young people to stop and/or prevent them from harming themselves and others by making them aware of the risks of drinking to excess. A 'Dangers of Alcohol Misuse' poster competition was a form of targeted education for young people in schools, as part of their Personal Social & Health Education, and in other youth settings such as Youth Centres. The competition was successful in increasing the young people's knowledge of the risks of drinking to excess, and aimed to allow them to develop the confidence to make healthier choices in the future.

Other work with 15 – 17 year olds has involved alcohol specific education in Further Education Colleges, working with young people to identify the risky behaviours associated with excessive drinking for instance, sexual health, safety and anti-social behaviour.

Across the Local Authority there are many teams which aim to reduce the negative effects of alcohol on the population of B&NES, in relation to criminal activity, anti-social behaviour and physical and mental health as well as family welfare, whilst ensuring that the population of B&NES is able to enjoy alcohol safely and responsibly. This effective coordination at a local level assists in maximising the efficiency.

Every Child Matters: Change for Children is the Government's vision for ensuring that agencies work together to protect and promote the well-being of children and young people. The Government's aim is for every child, whatever their background or circumstances, to have the support they need to:

- Be healthy
- Stay Safe
- Enjoy and achieve

Alcohol Competition



We are inviting young people in both school and youth settings to get involved in designing a leaflet to promote safer and sensible drinking messages.

We are looking for realistic and creative messages which will encourage young people to think about their health and safety and to consider healthy lifestyles!

The winning leaflet for each age category will receive **£50** of high street vouchers and the winners will be asked to use their work to produce a leaflet for young people in B&NES. Entries can be completed in PSHE, Literacy, Art or ICT lessons or at youth clubs/other youth settings.

Entries to be sent to
Kate Murphy, School Improvement,
Riverside, Keynsham, BS31 1DN
by February 12th 2010

**Bath & North East
Somerset Council**



NHS
Bath and
North East Somerset



Issues which could be covered:-

- Increased strength and volume of drinks
- Mixing drinks with other drugs
- Being safe on the street,
- Doing embarrassing things/not being able to remember them
- Overdosing on alcohol
- Links to eating disorders
- Brain/liver/organ damage
- Foetal alcohol syndrome
- Sensible health messages (e.g. eating some food before or when drinking)
- Looking after friends/asking for help/using the recovery position
- Binge drinking
- Other ways to have fun/positive activities
- Sexual issues (regretting having sex, safer sex, poor negotiation skills, spiking)
- Aggressive or anti-social behaviour

ALCOHOL COMPETITION ENTRY FORM

School/Setting _____

Please select the best 5 entries from each age range

11-14 year olds

Name	Age

15-18 year olds

Name	Age

Teacher/Youth Worker etc

Please mark all entries clearly with name and setting
and send to Kate Murphy , Riverside,
Keynsham, BS31 1DN by Friday February 12th 2010



NHS
Bath and
North East Somerset

**Bath & North East
Somerset Council**



**BATH & NORTH EAST SOMERSET COUNCIL
ENVIRONMENTAL & CONSUMER SERVICES**

STATEMENT OF WITNESS

C.J.Act 1967, s.9; M.C.Act 1980, ss.5A(3)(a) and 5B, C.P.Rules 2005, r27.1

STATEMENT OF MICHAEL JONATHAN REED

AGE OF WITNESS OVER 18

OCCUPATION SENIOR TRADING STANDARDS OFFICER

This statement (consisting of 2 pages 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.

DATED THE 12TH day of FEBRUARY 2010

Signature.....



I am a Senior Trading Standards Officer employed by Bath and North East Somerset Council. On the 10th February 2010 I was introduced to two sixteen year old boys who had agreed to act as volunteers to attempt to purchase alcohol under my supervision. Prior to the test purchasing I explained to the two boys my service's policy when an underage person was taken to purchase age restricted goods. I asked the boys to select a bottle of alcohol from the shop we would be in and take it to the till and attempt to purchase it. I told the boys that any question asked of them by a member of staff must be answered truthfully and that they were not to attempt to persuade the member of staff to sell the alcohol to them. I also explained that if they were asked to produce identification to prove that they were aged over eighteen then they should say that they did not have identification with them and then wait and see what the member of staff's response would be. I told the boys that I was not concerned if the alcohol was sold to them or not and that they should not consider either outcome as a failure or success. At approximately 16.50 hrs the two volunteers and I arrived outside of Bright Stores at 16 Windsor Villas in Bath. I handed one of the volunteers a ten pound note and said that I would enter the shop and position myself in an area where I could observe them. I asked the two volunteers to enter Bright Stores shortly after I had and attempt to buy alcohol. At approximately 17.00 hrs I entered Bright Stores and positioned myself where I



BATH & NORTH EAST SOMERSET COUNCIL


ENVIRONMENTAL & CONSUMER SERVICES

STATEMENT CONTINUATION

PAGE NO.....2.....

could observe any purchase being made. Shortly afterwards I observed the two volunteers enter the shop and select a bottle of Magners cider and take it to the till. I was close enough to the till area so that I could hear everything the man behind the till and the two volunteers said to each other. The man behind the till who I now know as Mr Shahzed Hussain did not ask either of the volunteers their age or request identification from either volunteer to establish that they were aged eighteen or above. Mr Hussain took the ten pound note from the volunteers and gave them their change. The volunteers then left the shop. I introduced myself to Mr Hussain and explained that I had witnessed the sale of alcohol by him to Trading Standards volunteers who were aged sixteen years. I informed Mr Hussain that the sale of alcohol to people aged under eighteen was a criminal offence and that I would contact Bath Police to make arrangements for him to be issued with a penalty notice.



Signature.....

Case

Case ID: 695656

Description: Info Only/Under-Age Sales/Alcohol

Open Date: 25/04/2010

Close Date: 27/04/2010

Customer

[REDACTED]

Telephone: 01225 [REDACTED]

Email: [REDACTED]

Awareness: 52 Website/Internet search

Trader

Bright Stores

16 Windsor Villas, Bath & North East
Somerset, BA1 3DJ

Class: 02 Local/national (default)

Contact:

Telephone:

Email:

Case Type: 05 Trader Complaint - Criminal breach.

Case Details

Receiving Advisor: KW Kerry Wills

Referred to:

Outcome:

Contact Diary

Contact Channel	Outcome	Outcome Description	Advisor	Date	Notes
I02	05	Summary	SPO	25/04/2010 21:54:57	Selling of alcohol to teenagers that look undoubtedly underage. I have been in this shop on more than one occasion and have seen alcohol sold to teenagers that look underage, no ID has been asked for. Trader Contacted: 1900-0-0T00:00:00-0 Desired Outcome: Enter text here
I02	05	Summary	SPO	25/04/2010 21:54:57	Referral Consent: Y Survey Consent: NA Mode of Purchase: 0 Purchase Date: 1900-0-0T00:00:00-0 Payment Method: -1 Contact Channel: I02
I01	05	Summary	KW	27/04/2010 09:08:55	Summary - Tried calling C - No Answer T is selling alcohol to teenagers who are under-age No ID is ever asked for
I01	05	Summary	KW	27/04/2010 09:12:16	Advice - Pass to TS - No Commitment Action - Info Only/Under-Age Sales/Alcohol

102	06	Material sent	KW	27/04/2010 09:15:33	<p>Material sent - Tuesday, 27 April 2010</p> <p>Dear [REDACTED]</p> <p>Thank you for your enquiry to Consumer Direct dated 25/4/2010. Your reference number for this case is SW [REDACTED] and should be quoted in all further correspondence regarding this case.</p> <p>Thank you very much for taking the time to inform us of this issue. I have referred the case details to the relevant Trading Standards department for their information, to ensure that they are aware of this trader and their business practices but if you could please provide us with the date that this occurred.</p> <p>If further assistance is required on this case please call 0845 404 05 06 DO NOT REPLY to this email address as a reply will no longer be generated from this email address.</p> <p>We are open: 8:00am to 6:30pm Monday to Friday, 9:00am to 1:00pm Saturday. Website: http://www.consumerdirect.gov.uk</p> <p>Thank you for your enquiry</p> <p>Kerry Wills Consumer Direct South West Advisor</p> <p>Please note that Consumer Direct South West wishes to make clear this advice has been based on the evidence provided and is subject to revision or amendment in the light of further evidence. Only the Courts can interpret statutory legislation with any authority.</p>
-----	----	---------------	----	------------------------	---

BATH & NORTH EAST SOMERSET COUNCIL

ENVIRONMENTAL & CONSUMER SERVICES

STATEMENT OF WITNESS

C.J.Act 1967, s.9; M.C.Act 1980, ss.5A(3)(a) and 5B, C.P.Rules 2005,r27.1

STATEMENT OF ROBIN WOOD

AGE OF WITNESS OVER 18

OCCUPATION SENIOR TRADING STANDARDS OFFICER

This statement (consisting of 2 pages 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.

DATED THE 18th day of May 2010

Signature 

I am a Senior Trading Standards Officer employed by Bath & North East Somerset Council. The Trading Standards service had received a recent complaint about a shop named Bright Stores at 16 Windsor Villas in Bath. This store had failed a test purchase carried out by Trading Standards officers using 16 year old volunteers on 10th February 2010. At this time a Mr Shahzed Hussain, from the store, had been given advice and a warning about selling alcohol to under age children. Following a discussion with the police, who had also received complaints about the same store, it was decided that it should be visited again to carry out a test purchase using volunteers aged under 18. On 17th May 2010 I carried out, with colleagues, a test purchasing operation on five premises, both on and off licences, including Bright Stores. Prior to the test purchases I explained to the two volunteers the service's policy when an under age person was taken to purchase age restricted goods. I stated that the volunteer should select a bottle of alcohol from the shop and take it to the till in order to purchase it. They were told not to attempt to persuade any member of staff to sell the bottle of alcohol to them. I also explained that if they were asked to produce identification that they should say that they did not have any and to see what the response would be from the member of staff. I stated that I was not concerned if the alcohol was sold to them or not, and that they should not consider either outcome as a failure or success. At around 4:45pm on 17th May one of the 16 year old boys who I was supervising entered the store. When he came out a short while later he was carrying a 500ml bottle of organic cider in a store bag. He reported that when he took the alcohol to the counter the person serving asked his age. The child stated that he was 18 but he was not asked for identification. The sale was made and the young person left the store. I decided then to test whether a sale would be made with an adult present in the store. I asked a colleague, Emma Stoneman, to enter the store and to stand sufficiently close to any sale that she could hear what was being said. As she entered the store I asked a different volunteer who was also 16 to enter the store to attempt to purchase alcohol. He did this and shortly after he returned with a 2L bottle of dry blackthorn cider. He reported that neither he nor the person serving said anything and that the person serving did

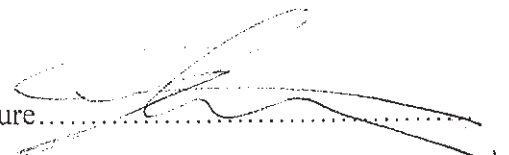
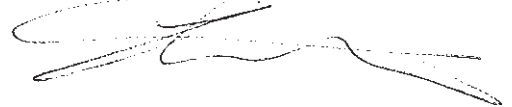
BATH & NORTH EAST SOMERSET COUNCIL

ENVIRONMENTAL & CONSUMER SERVICES

STATEMENT CONTINUATION

PAGE NO.....2.....

not ask his age or for identification. When Emma Stoneman left the store I spoke briefly to her about what she had heard and seen. I then entered the store with a colleague, Kirsty Langford, and addressed the person behind the counter. I showed my identification and asked his name. He said it was Mr Shahzed Hussain. I asked what his capacity was at the store and he stated he was the manager and that his brother, Mr Zaheer Hussain was the owner and licence holder. I explained that the person who had just left with the cider was only 16. Mr Hussain said that he had made a mistake and that he usually asks for identification. I then stated that the child who came in ten minutes earlier was also a volunteer and that he was not asked for identification. Mr Hussain then went on to say that he asks for identification regularly on the weekends but during week days he is not so vigilant. He said that he gets many young people in the store asking to buy alcohol. I explained that selling alcohol to people under the age of 18 was a serious matter and that once a shop had a reputation for selling to children, this would attract more children to the shop. In my opinion the children used as volunteers look their age, they are average height for their age and certainly do not look 18. Four other premises were tested the same evening with the same volunteers and none of these sold alcohol to them.



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 Emma STONEMAN

Age if under 18 Over 18 (if over insert 'over 18') Occupation Licensing Officer

This statement (consisting of 3 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 *E Stoneman*

Date 21/05/2010

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

I am a Licensing Officer employed by Bath & North East Somerset Council. On Monday 17 May 2010, in the company of Senior Trading Standards Officer Robin Wood, Technical Assistant Kirsty Langford and two 16 year old male volunteers, I took part in a test purchasing operation led by the Trading Standards service. The operation targeted five premises, both on and off licences, including Bright Stores.

At approximately 16.45 hours one of the volunteers entered Bright Stores. He had been given a £10 note and briefed by Robin Wood on how to carry out the test purchase. The volunteer emerged from the premises a few minutes later with a 500ml bottle of organic cider in a carrier bag. Robin Wood spoke to the volunteer about what had taken place inside the premises.

Robin Wood then asked me to enter the premises so that I could observe the second volunteer attempt to purchase alcohol. I was asked to stand close enough to see and hear any exchange between the volunteer and the shop assistant. At approximately 17.05 hours I entered the premises and observed that there was one male shop assistant sitting behind the counter. There were no other people inside the premises. I went to the magazine shelf where I selected a copy of Heat magazine. Whilst I was there the second volunteer entered the premises and went to look at the alcohol display. He selected a large bottle and went to the counter. I then moved to the confectionary aisle where I had a clear and unobstructed view of the shop counter and was close enough to hear any conversation that might take place.

The volunteer placed the large bottle on the counter and handed a £10 note to the shop assistant. The shop assistant did not speak to the volunteer but simply held his hand out to collect the money. He returned the change to the volunteer and handed him a carrier bag saying "here you go". The volunteer said "thanks" and took the bag and large bottle and left the premises.

I selected a bar of chocolate and purchased this along with the magazine before also leaving the premises. Once outside the premises I outlined my observations to Robin Wood and Kirsty Langford who then went into the premises to speak with the shop assistant.

We carried out a further four test purchases in two off licences and two on licences using the same volunteers. No further sales were made.

Signature: *E Stoneman*

Signature witnessed by:

2006/07 (1)

RESTRICTED (when complete)

Bath & North East Somerset Council

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number

08/03068/LAPRE

Part 1 – Premises Details

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

Bright Stores
16A Windsor Villas
Lower Weston
Bath
BA1 3DJ

Telephone number

01225 427748

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

Every Day 10:00 - 23:00

The opening hours of the premises

Every Day 06:00 - 23:00

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

Alcohol is supplied for consumption off the premises

Part 2

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

Mr Zaheer Hussain
6 Redcar Court
Downend
Bristol
BS16 6RW
077 176 77 560
enquiries@skweekyclean.co.uk

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

Registered Business Number - 6308734

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

Mr Zaheer Hussain
6 Redcar Court
Downend
Bristol
BS16 6RW
01225 427748

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

SGC/062830
South Gloucestershire 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 13 October 2008

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.

Annex 2 – Conditions consistent with the Operating Schedule

A CCTV Camera system shall be installed and maintained in full working order whilst the premises are open to the public. All recordings are to be kept for a minimum period of one month.

Notices to be displayed prominently at the premises requesting customers to leave in a quiet manner.

The front and side of the premises to be cleared of litter on a daily basis.

Appropriate proof of age (such as passport, driving licence or PASS scheme identification) shall be required where there is doubt as to the age of a customer.

There shall be no 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.

**Bath & North East
Somerset Council**

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

Annex 4 – Plans

As submitted with application.

Bath & North East Somerset Council

Part B

Premises Licence Summary

Premises Licence Number

08/03068/LAPRE

Premises Details

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

Bright Stores
16A Windsor Villas
Lower Weston
Bath
BA1 3DJ

Telephone number 01225 427748

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

Every Day 10:00 - 23:00

The opening hours of the premises

Every Day 06:00 - 23:00

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

Alcohol is supplied for consumption off the premises

Name, (registered) address of holder of premises licence

Mr Zaheer Hussain
6 Redcar Court
Downend
Bristol
BS16 6RW

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

Registered Business Number - 6308734

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Zaheer Hussain

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

As per Operating Schedule at Annex 2.



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

Bright Stores Review



Scale 1/1250
 Date 22/6/2010
 Centre = 373411 E 165065 N
 Drawn by:
 Terrill Wolyn



Licensing Services, 9-10 Bath Street, Bath, BA1 1SN

Representation Form**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

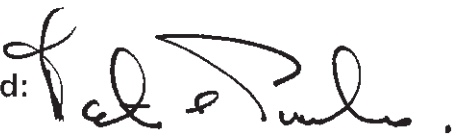
Name of the premises you are making a representation about.	Bright Stores
Address of the premises you are making a representation about.	16A Windsor Villas Lower Weston Bath BA1 3DJ

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	Bright Stores is situated at 16A Windsor Villas Lower Weston, Bath. This is to the west of the city centre on the Upper Bristol, Road, it is a general convenience store with a licence to sell alcohol. The area surrounding the store is principally residential . The residents have made complaints concerning these premises over time ,stating that they have concerns that the premises are selling to persons under the age of 18 years. Some have preferred to give this information anonymously. The area has seen an increase in alcohol related anti social behaviour which the residents and the police put firmly at the door of these premises.(See log summary attached Fig 1) The number of direct and indirect complaints of underage sales have escalated over the past few weeks. There now exists a total absolute disregard for the Law and authorities re underage sales ,the premises are totally out of control in this respect and the

		<p>Police have grave concerns under the protection of children from harm objective that a child is going to come to significant harm if this situation continues. There are no measures that the Police feel will resolve this situation other than revocation of the licence. The management and licence holder have no due regard for any of the measures that have been taken. There are parents whose children have purchased alcohol that are incensed that this situation exists. One mother spent many hours at the Royal United Hospital whilst her 15 year old son was treated for excessive alcohol consumption all obtained from this shop. It resulted in him being unconscious, sick and low blood pressure. (see statement of mother) As a result of this incident Martin Purchase, Liquor Licensing officer attended the store (see letter attached) The intelligence we have is that these premises are now renowned throughout the city as a place underage persons can obtain alcohol. The young persons know to take a bag or holdall with them in which to place the alcohol. Significant dates attached (fig 2)</p>
Public safety	Yes	As above
To prevent public nuisance	Yes	As above
The prevention of harm to children	Yes	As above

<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>There are no conditions that can be added to the licence that will alter this situation.</p> <p>Recommend revocation of the Licence.</p>
--	---

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

Signed:  Date: 8/6/2010.
 For INSP 9 CHILDREN.

Please return this form along with any additional sheets to:

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

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

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

LOG SUMMARY Fig 1
(VICINITY OF BRIGHT STORES)

- 31/08/09 report of approx 20 youths in field area drinking and becoming a Nuisance.
- 14/09/09 report of noisy and rowdy youths 15-18 yrs, sounding like they have Been drinking alcohol. Further calls received re same youths.
- 18/09/09 report of youths 14-17 yrs gathering and drinking.
- 19/09/09 report of large group of youths with alcohol, Locksbrook Cemetery.
- 28/10/09 report of 8/9 youths, drinking and being a nuisance- late Afternoon. Alcohol seized.
- 15/01/10 report of group of 12 underage youths drinking. Police attended And moved youths on. Further report that youths returned within half Hour afterwards.
- 22/01/10 report of congregation of youths shouting and creating disturbance. Police attended. Youths ran off. Some alcohol left behind and tipped Away.
- 05/02/10 report of local youths buying alcohol in the corner shop and drinking In the park. Youths dispersed by police, alcohol seized.
- 05/03/10 report of approx 25 youths in park/play area, under age drinking Left prior to police arrival.
- 12/03/10 report of 12 youths shouting screaming and drinking.No trace On police arrival.
- 21/05/10 report of youths under 16 buying cans of cider from Brights Stores Further call to a group of youths aged approx 14/15yrs in park ,acting in drunken manner.Left prior to police attendance, but Quantity of empty cans found in play area.

LOG OF SIGNIFICANT DATES (Fig 2)

- 16/12/2008 Sgt NICK Quine and Martin Purchase attended the store and Spoke with Shaz HUSSAIN re information that had been received that there was sales to underage persons of alcohol taking place.
- 09/02/2010 sold to 16 year old boy fixed penalty notice issued.
- 17/03/2010 meeting at Bath Police station between Sgt Nick Quine, Philip Lawrence and the DPS and Licence holder Zaheer HUSSAIN Meeting notes attached (Fig 3)
- 01/05/2010 Sold to 13 year old Boy.. brought home drunk s9 statement Attached.
- 20/05/2010 Reported for summons by PC Andrew GRABOWSKI for Selling alcohol to person under the age of 18years.
- 01/06/2010 Sold to 14 year old who was taken to the Royal United Hospital, for excessive alcohol consumption. S9 statement From mother attached.
- 03/06/2010 Liquor Licensing officer Martin PURCHASE attended the store and spoke with shahzad HUSSAIN informing him of the very Serious nature of sales to persons underage and the total Disregard for the law (copy letter attached)

Bright Stores, Windsor Villas, Bath: Minutes of Meeting held at Bath Police Station on Wednesday 17th March 2010, between Sergeant Nick Quine, Zaheer Hussain, and Phil Lawrence (Police licensing)

Meeting held as a result of numerous complaints of anti-social behaviour in immediate vicinity of shop, alleged sales of alcohol to persons under the age of age, failed test purchases, and associated littering.

NQ stated that he was not satisfied with the way the business was conducted, and that he wished to resolve Police concerns as soon as possible without damaging his business.

NQ raised the conditions on the premises licence:

CCTV: the shop manager is unable to operate the system which is unsatisfactory when the Police need immediate access to images, reminding ZH that CCTV is for the protection of staff as well as providing evidence to the Police. ZH said that all images are stored on the hard drive and are accessible, but that his manager (and brother) 'Shaz' needs additional training.

Notices to leave quietly: notice not displayed, which is a breach of licence condition.

Litter collection: bins are provided, and the shop is tidy, but more effort needs to be made in the immediate vicinity. The shop is a focal point for youths and more responsibility need to be taken for the behaviour of customers and the litter they leave behind. This means the immediate vicinity and the road alongside at the end of trading each day. At present local residents clear up some of the rubbish, this should not be necessary.

Under age sales: More care required as to who alcohol is sold to, and a proof of age scheme used. 'Shaz' does not always do this, and the shop has reputation in the area for selling alcohol to children. NQ suggested that 'Shaz' should obtain a licensing qualification and a personal licence to give him more personal responsibility. ZH said that this should not be necessary as he has vast experience in the trade.

ZH admitted that he only visits the shop about once a week: PL said that the DPS should be in day to day control, which ZH clearly is not. ZH disputed some of the allegations made, and said that the Police should listen to all sides, because some neighbours may not like him, but he agreed to exercise better management and control of the shop as DPS and premises licence holder.

NQ reminded ZH that he had a licence to sell alcohol, and should treat this responsibility seriously, and that we would like to see a vast improvement as an alternative to a Police application to review the premises licence.

Agreed measures:

CCTV to be checked and 'Shaz' taught how to retrieve images.

Proof of age scheme to be adopted.

Notice to leave quietly to be displayed.

ZH said that he felt that the complaints had been 'blown up out of proportion', but admitted that improvements could be made, and assured NQ that there would be no further problems. NQ reminded him that further test purchases will follow. It was agreed that the situation would be reviewed on 15th May 2010.

RESTRICTED - WHEN COMPLETE

AVON AND SOMERSET CONSTABULARY

Form MG 11

WITNESS STATEMENT

(Criminal Justice Act 1967 s.9; Magistrates' Courts Act 1980, ss.5A (3)(a) and 5B; Magistrates' Courts Rules 1981 r.70)

Statement of: Catherine Anne CHOMÉ-WILSON

Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation: Antique Dealer

This statement (consisting of 3 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 anything in it, which I know to be false or do not believe to be true.

Signature: [Handwritten Signature] Date: 6/6/10

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

I am the above named person and I live at the address overleaf.

I am the mother of [redacted] who is 14 years old.

On Tuesday, 1st June 2010, at about 9 p.m., I received a phone call from [redacted] friend. He told me that [redacted] was still breathing, but that he had been drinking and was about to be taken to hospital in an ambulance.

I made my way immediately into Bath, and reached Pulteney Bridge to see [redacted] being placed into an ambulance on a stretcher. He was completely unconscious, and there was vomit trickling out of the side of his mouth.

I followed the ambulance to the A+E at the Royal United Hospital. I waited outside the cubicle while they dealt with [redacted], who was still unconscious. During this

Signature: [Handwritten Signature] Signature Witnessed by: _____

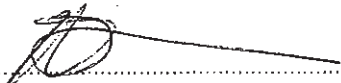
Continuation of Statement of Catherine Anne CHOMÉ WILSON

time, I found out from [redacted] what had happened, and I went down to the Police Station to report the matter. I then went back to A+E. [redacted] was still unconscious, and was sick again at one point. He was kept in overnight, because he had low blood pressure, and I finally left A+E that night at about 1.30 am, having been told [redacted] would be O.K.

I went back the next morning, and [redacted] was finally discharged at about 11 a.m. As a mother, I found the whole incident extremely upsetting. I was frightened for [redacted] safety when he was in the hospital, and seeing your son in a coma is very worrying and distressing. I also felt embarrassed and humiliated, as it was clear from the initial attitude of the nursing staff that they felt I was in some way responsible for what had happened to [redacted]. I do not condone [redacted] drinking alcohol at all. He has never drunk it in the house, and I was shocked and surprised by what happened.

I have since spoken with [redacted] at length about what happened on that day.

Signature



Signature Witnessed by

Continuation of Statement of: Catherine Anne CHOMÉ WILSON

He tells me that he went ~~with~~ friends to Bright's Stores on the Lower Bristol Road in Bath, at about 2-3 that afternoon. He bought a bottle of vodka and a few pack of Kronenbourg from the Indian shopkeeper. He says that the shopkeeper asked him how old he was, and he told him he was fifteen. He was not asked for any I/D, and the shopkeeper still served him.

I have since been told by others that Bright's Stores is well known among the school pupils in Bath as a place where underage people can buy alcohol. Apparently, as long as they take their own carrier bag in, he will serve them

Signature 

Signature Witnessed by

RESTRICTED - WHEN COMPLETE

WITNESS STATEMENT

(Criminal Justice Act 1967 s.9; Magistrates' Courts Act 1980, ss.5A (3)(a) and 5B; Magistrates' Courts Rules 1981 r.70)

Statement of: [REDACTED]

Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation: [REDACTED]

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 anything in it, which I know to be false or do not believe to be true.

Signature: [REDACTED] Date: 10/5/10

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

I am the above named person, and I live at the address overleaf.

I am the father of a thirteen year old son,

On Saturday, 1st May 2010, at about 6.10 p.m., [REDACTED] came home in a bit of a state, brought back by a friend. [REDACTED] was clearly drunk. He had fallen over in the mud, and looked like he'd been in a fight. We couldn't get a lot of sense out of him, and after a shower, he went to bed at about 7 p.m., and we didn't see him until the next morning.

The following day, [REDACTED] eventually told me that he had bought a two litre bottle of Blackthorn Cider from a shop in Newbridge Road, Bath. I took him down, and he pointed the store out to me, as Bright's Stores.

[REDACTED] told me that he had bought

Signature: [REDACTED] Signed and Witnessed by [REDACTED]

RESTRICTED

Form MG 11 (cont)

AVON AND SOMERSET CONSTABULARY

Page no. 2 of 2

Continuation of Statement of: [REDACTED]

the cider in there, and had not been asked for any kind of age verification by the person who served him. He told me that the person who served him was an Asian male, who was "baldish." He said the male ~~would~~ told him he would only serve him if he had any kind of bag to hide the drink in. As [REDACTED] had a school rucksack with him, he was allowed to buy the drink.

From what [REDACTED] told me, I understand that at least one of his similarly aged friends was also allowed to buy alcohol at the same time. I understand the shop has a reputation for selling drink to underage persons.

In my opinion, [REDACTED] looks about thirteen. There is no way he looks eighteen. P. L. Cressin.

Signature: [REDACTED]

Signature Witnessed by: [REDACTED]

RE Page 57 ED

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 _____

Age if under 18 Over 18 (if over insert 'over 18') Occupation Teacher

This statement (consisting of 1 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 14/05/2010

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

I am the above named person, and I live at the address overleaf.

I am the mother of a thirteen year old son named Harry. On Saturday, 1st May, 2010, Harry was out with friends. At about six pm, I received a call from the mother of one of Harry's friends, to say that Harry had taken her son home drunk. I was concerned by this, and so I phoned Harry and asked him to come home, which he did. Harry was not drunk, but I asked him what had happened, and he stated that they had been and bought alcoholic drink at the little shop on the Upper Bristol Road, just down from the cemetery. He told me that his friend had gone in and bought two litres of cider, and that he had gone in shortly afterwards and bought two litres of cider himself. Harry said he had only tried a sip of it, and didn't like it. During the course of our conversation, he mentioned that the person who served him had asked if he had a bag. When Harry said he had, the person told him to put the cider in the bag, and continued the transaction. I don't know if Harry was asked for any I/D, but he would not have had any at all. In my opinion Harry looks about thirteen, maybe fourteen or fifteen at the most, but never eighteen. _____

Signature: _____

Signature witnessed by: _____

2006:07 (1)

RESTRICTED (when complete)

Bath Police Station
Manvers Street, Bath BA1 1JN
Telephone: 0845 456 7000 Facsimile: 01225 842471
Office Hours: 0900-1700 Mon-Fri

Bright Stores
16A Windsor Villas
Lower Weston
Bath BA1 3DJ

Our Ref: EB/MP/mp

Your Ref:

Date: 7TH June 2010

Dear Mr Zaheer HUSSAIN

I write with reference to a visit I made to your shop on Thursday 3rd June 2010 , when I spoke with your brother who manages the store on you behalf. I informed him of a very serious situation that had occurred as a result of alcohol being purchased by a 14 year old boy at his shop, that resulted in treatment at the Royal United Hospital. This matter is very serious , and could have resulted in the death of a child through your total disregard in respect of underage sales of alcohol.

Yours sincerely



Martin Purchase
Licensing Officer
Bath Police Station
martin.purchase@avonandsomerset.police.uk

**To: BANES LICENSING TEAM
9-10 Bath Street, Bath,
BA1 1SN**

ENVIRONMENTAL SERVICES
ANNEX E
1 6 JUN 2010
Post Log No: 008225
Receipt No: 2
CH/CA £

SUBMISSION OF EVIDENCE

**REFERENCE - 10/02255/LAPRE
BRIGHT STORES, 16A WINDSOR VILLAS, LOWER WESTON, BATH BA1
3DJ**

The following constitutes my evidence towards a review of the alcohol licence at Bright Stores.

Virtually as soon as the sale of alcohol was permitted from the premises, there was a marked rise in gatherings of adolescents and younger children in Kelson's Field to the rear of my property. I have an unfettered view of the field and much of the adjacent play area from my kitchen and rear bedroom windows.

It was clear from what I saw, that alcohol was being consumed, often in a reckless manner, by many youngsters, most of whom appeared to be under the age of eighteen. Indeed some of them were clearly very young (pre-pubescent). I have observed on countless occasions, one or two of a large party of children leave the field in the direction of the shop only to return four or five minutes later with carrier bags. From these bags they would distribute bottles, identifiable even from a distance as cider, vodka and the like, to others in the group. Money would change hands between 'dealers' and recipients either before leaving for the shop or on return. I cannot confirm that the alcohol was purchased from Bright Stores; but the time lapsing between the children leaving my view and returning with purchases, suggests to me that there could be no other conclusion to reasonably draw than they had been sold alcoholic drinks at Bright Stores. The bottles would be carried in carrier bags which I believe to have been those used by Bright Stores.

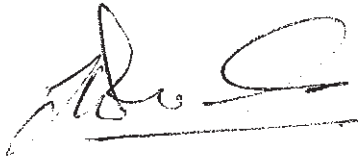
On one occasion in May this year, I was walking through the field with my dog, to overhear one boy, who appeared to be about fourteen, shout to one of the girls in his group, "How much did your litre cost you, was it £11.00?". She replied, "I didn't have enough money so he let me have it for half-price". He returned five minutes later with a bottle. One can draw one's own conclusions from this particular episode.

There has consequently been a marked deterioration in noise from Kelson's Field which has been unpleasant, loud and often offensive – swearing, screaming etc. This has been particularly so at weekends and during school holidays. Furthermore, anti-social behaviour has markedly increased, including young people urinating in full public view (this includes young girls who appear to have similarly relaxed inhibitions to the boys in this regard). The behaviour of these drunken children is not only offensive but is intimidating to witness. Whilst these are only children and I am

sure they are most of the time like any other child of this age group; when inebriated I do not view them as approachable or open to reason. I know my neighbours' children find them intimidating and are unable to play in the field themselves because of this habitual problem.

Litter pollution has increased dramatically over this period. It is now commonplace for my neighbours and I to have to clear the field of detritus in the mornings. Litter commonly found includes empty carrier bags blown across the field, empty beer cans, vodka and beer bottles/tops and plastic cider bottles. Broken glass is now much more common than hitherto, which is particularly concerning given that the field and adjacent play area are frequented by dog-walkers and parents with small children.

I have lived at this property for nearly 20 years. Never in that period have I known such a rapid and noticeable degeneration in noise, pollution and anti-social and no-doubt for the youngsters concerned, unhealthy behaviour. This has only occurred, in my view, because of the ability of Bright Stores to sell alcohol to undesirable and underage individuals.

A handwritten signature in black ink, consisting of a stylized first name and a surname, written over a horizontal line.

Bath & North East Somerset Council		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Friday 9 July 2010	
TITLE:	Application for a Premises Licence for Solo Burger , 10 Rivers Street Place, Julian Road, Bath, BA1 2RS	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a Premises Licence		
Annex B Site Plan		
Annex C Representations from Interested Parties		

1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under the Licensing Act 2003 in respect of **Solo Burger, 10 Rivers Street Place, Julian Road, Bath, BA1 2RS**.

2 RECOMMENDATION

- 2.1 That the sub committee determines this application.

3 FINANCIAL IMPLICATIONS

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

4 THE REPORT

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

- 4.2 The application is for:

- 1) The **Sale of Alcohol**, with food orders only, for consumption off the premises, between the following hours:

Monday to Sunday 11.00 to 23.00

- 2) The proposed **Opening Hours** are as follows:

Monday to Sunday 11:00 to 23.00

- 4.3 A site plan is attached at Annex B.

- 4.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:-
- a) The Prevention of Crime and Disorder.
 - b) Public Safety.
 - c) The Prevention of Public Nuisance, and
 - d) The Protection of Children from Harm.

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

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

4.6 The Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-

- a) Paragraphs 3, 5, 6, 9, 10, 15-20, 23, 24, 28, 33-37, 41 to 44 of the policy.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised on 28 June 2008).
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, 183, and Schedule 2 of the Act.

4.7 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.

4.8 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, and the child protection agency.

4.9 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 days of submitting the application to the licensing authority.

4.10 Representations have been received from a local resident and the Circus Area Residents' Association in relation to the licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children From Harm (Annex C).

4.11 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Emma Stoneman, Licensing Officer, 01225 396719
Background papers	Licensing Act 2003, Guidance Notes issued under section 182 of the Licensing Act 2003, Licensing Act 2003 Regulations, B&NES Statement of Licensing Policy.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

ENVIRONMENTAL SERVICES

26 MAY 2010

Post Log No: CN/AS 21596

Receipt No: 1052

I/We KAMBIZ SHAYEGANZADEH
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 10 RIVERS STREET PLACE, JULIAN ROAD, BATH BA1 2RS			
Post town	BATH	Post code	BA1 2RS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£6600

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

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

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SHAYEGANZADEH			First names KAMBIZ		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		1 HARRINGTON PLACE, BATH			
Post Town	BATH			Postcode	BA1 1HF
Daytime contact telephone number			01225 337286		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)
 GROUND AND FIRST FLOOR PREMISES, WITH WASH-UP FACILITIES AND STORE ON
 1ST FLOOR AND TAKE AWAY FACILITY ON GROUND FLOOR. A DELIVERY SERVICE IS
 ALSO AVAILABLE FOR PREPAID PRODUCTS. HAS BEEN ESTABLISHED IN EXCESS OF
 6 MONTHS SIX MONTHS. PROVIDES GOOD QUALITY BURGERS AND
 ACCOMPANIMENTS, PIZZAS ETC AND PROVIDES RELIABLE DELIVERY SERVICE.
 ADJACENT PREMISES ARE SHOPS WITH A BLOCK OF FLATS OPPOSITE. MENU WILL
 SHOW AVAILABILITY OF ALCOHOLIC DRINKS WHICH WILL BE STOCKED IN STORE
 ROOM. ALCOHOL WILL ONLY BE SUPPLIED TOGETHER WITH AN ORDER FROM THE
 FOOD MENU

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

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

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

- | <u>Provision of regulated entertainment</u> | Please tick yes |
|---|-------------------------------------|
| 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"/> |
|
<u>Provision of entertainment facilities:</u> | |
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box L) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box M) | <input checked="" type="checkbox"/> |

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<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 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</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 3)</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 4)</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 5)</p>		
Sun					

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

J

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

K

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed			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 (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	1100	2300			
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			

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

Name KAMBIZ SHAYEGANZADEH	
Address 1 HARRINGTON PLACE, BATH	
Postcode	BA1 1HF
Personal Licence number (if known) 05/03557/LAPER	

Issuing licensing authority (if known)
 BANES

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Mon	1100	2300	
Tue	1100	2300	
Wed	1100	2300	
Thur	1100	2300	
Fri	1100	2300	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) Saving occasions when the shop may open for non licensable activities, that is, when alcohol is not for sale.

Sat	1100	2300	
Sun	1100	2300	

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

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

The premises have been trading in takeaway food in excess of 6 months during the hours subject of this application and have not experienced any problems. The proposal to supply alcohol with a food order will promote the quality of the takeaway product and meet a growing demand for delivery of wine with food. The combined sale of food with alcohol historically has been considered quite minor risks to both crime and disorder, but conditions are needed to prevent sales of alcohol to children.

b) The prevention of crime and disorder

1. Only sample alcohols will be on display at the serving area.
2. All alcohol stock to be kept on the 1st floor.
3. CCTV system in agreement with Police.

c) Public safety

Fire risk assessment has been completed.

d) The prevention of public nuisance

None identified.

e) The protection of children from harm

All deliveries which include alcohol must only be received by a person not less than 18 years of age. Any doubt where the person looks under the age of 21 may only be removed by production of photographic identity.

Notices to be displayed within the premises indicating age limits for the sale of Alcohol also that a policy exists on the premises requiring identification from persons apparently under 21 years of age.

If suspicion exists on a persons age where photographic documentary evidence was not produced or if produced was not satisfactory, then no sale will be made.

Maintain a register to record sales of alcohol or deliveries which were refused by any staff. Allow the register to be inspected by any Police Officer or authorised person at all reasonable times.

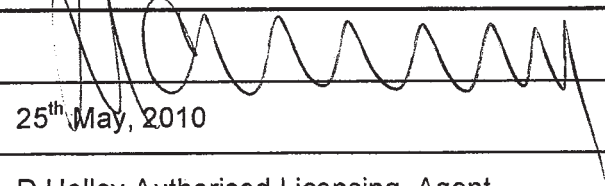
Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	25 th May, 2010
Capacity	D.Holley Authorised Licensing Agent

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



Bath & North East Somerset Council

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

Solo Burger, 10 Rivers Street Place, Julian Rd

Scale 1/1000
 Date 25/6/2010
 Centre = 374797 E 165468 N
 Drawn by:
 E Stoneman

ENVIRONMENTAL SERVICES
23 JUN 2010
Post Log No: 001AB 212136
Receipt No:
CH/CA £.....



DEPARTMENT OF THE ENVIRONMENT, FOOD AND RURAL AFFAIRS

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:	10/02340/LAPRE
Applicant's name:	Mr Kambiz Shayeganzadeh
Premises name and address:	Solo Burger 10 Rivers Street Place Julian Road BATH BA1 2RS
Application for a:	Premises Licence

Objector Details:

Objector's Name:	Mr Arnold Root
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>	26 Rivers Street BATH BA1 2QA
Organisation name if applicable:	N/a

Objection Details:

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

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

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

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

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

I live at 26 Rivers Street and my house is almost the closest of the many houses in the proximity of 10 Rivers Street Place.

I am writing to object to the application for a Premises Licence at 10 Rivers Street Place on the following grounds:

- the prevention of crime and disorder:

Rivers Street Place is at the centre of a densely populated residential area of mixed socio-economic character; the fact that there are shops (and now a take-away) open late at night means that the pavements around Lampards Buildings and Rivers Street Place become something of a gathering place, particularly late at night, and when the weather is warm. This can create noise and disturbance and can be intimidating for those passing through the area and living all around. Alcohol is already available in three premises in Rivers Street Place and Burlington Place and whilst the consumption of alcohol on the streets may be banned it still takes place. Fights and noisy altercations fuelled by alcohol on the pavements around Rivers Street Place are a regular occurrence. My own car parked in Rivers Street was recently vandalised by a party of drunken men walking down the street. The greater availability of alcohol will only increase this kind of behaviour.

- public safety:

For the reasons already stated public safety will be endangered by the greater availability of alcohol in the area. Julian Road is a busy through road and the greater incidence of alcohol consumption around Rivers Street Place will cause more accidents, more vandalism, more intimidation and make people feel unsafe: streets become safer and less intimidating when the majority are not frightened away by the antisocial and intimidating behaviour of a few.

- prevention of public nuisance:

The prevention of public nuisance can only be made more difficult by granting this licence. Urinating, vomiting and intimidation of passers by is already a regular occurrence in an around Rivers Street Place and the granting of a licence is likely to make this behaviour more prevalent.

- the protection of children from harm

Rivers Street Place is close to a primary school (which was attended by my own daughter) and close to the homes of many young children. The shops adjacent to 10 Rivers Street

place are frequented by small children particularly at the end of the school day, but also later at night, and any action which might needlessly increase the risk to a single one of these children should be avoided.

B&NES own Statement of Licensing Policy 2008 states that 'Bath City Centre experiences a significantly greater degree of alcohol related crime and disorder than the remainder of the authority area and that Bath City Centre can be defined as experiencing a significant amount of alcohol related crime'. 10 Rivers Street falls within the Cumulative Impact Zone and with three other licences premises within metres of 10 Rivers Street Place it is obvious that the granting of another licence can only increase the cumulative impact of the licensed premises on the vicinity.

Chief Superintendent Davies of Bath Police was reported as recently as 3 June 2010 as calling for urgent action over the problems caused by people "drinking themselves into oblivion" in the city. He is reported as saying he was "fed up" with people urinating in doorways and vomiting in the street and to have said "we can't continue to tolerate this level of anti-social behaviour". I believe his views reflect the views of the majority of people living in this part of Bath, and the city in general and I urge you to refuse this application.

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

ALH ROBT -

Date

23 June 2010

Contact telephone number(s)

LICENCE APPLICATION - SOLO BURGER BAR, 10 RIVERS PLACE,
JULIAN ROAD, BATH

The Circus Area Residents Association represents over 100 households in the area between George Street and Julian Road in Bath. Around a dozen of these are near the premises subject to this application.

We object to the application for a licence on the grounds that it will conflict with the licensing objectives of the prevention of crime and disorder, and prevention of public nuisance.

Julian Road passes through a densely populated area, and we believe that a licensed take-away is likely to become a focus of activity. To our observation the current premises are not very busy, and we are concerned that the underlying purpose of the application is to change the nature of the business and to drive sales through the inducement of cut-price liquor sales. This is likely to lead to problems.

Crime and disorder. There is a history of late night disorderly conduct. On more than one occasion, commercial refuse left outside McColls has been set alight, and the last occurrence nearly resulted in a serious fire. The Fire Brigade have warned businesses in Julian Road not to leave anything outside at night for fear of a repeat.

Although the applicant says they have experienced no problems, we understand the Police have been called to these premises on at least one occasion.

Anything which encourages people to hang around with alcohol in the late evening is undesirable.

Public nuisance. This area is somewhat intimidating for elderly residents in the late evening, with people hanging around for various purposes. It is already possible to buy liquor in McColls, the Coop and the Julian Road Stores, but these are well-ordered shops and they do not provide take-away food. We are concerned that the combination of take-away food and alcohol will lead to antisocial behaviour, with people consuming the food and drink in the street, and leaving litter, bottles and cans in the vicinity.

Cumulative impact. These premises fall within the Cumulative Impact Zone in Bath, and are close to three other shops in Julian Road which already sell liquor by off-licence. Another outlet can only add to the problems in the area.

For these reasons, we ask the Licensing Panel to refuse the application. If they are nevertheless minded to grant it, we would urge them to impose conditions to forestall potential problems:

- a condition to prohibit special offers/cut price sales /free drink offers.
- In view of the applicant's contention that there is increasing demand for delivery of wine with food, a condition that the only alcohol sold should be wine delivered to the customer's address through the delivery service.

Circus Area Residents Association
23 June 2010