

Democratic Services

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Date: 29 July 2011

E-mail: Democratic_Services@bathnes.gov.uk

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

Councillors: Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Gambling and Licensing) Sub-Committee: Monday, 8th August, 2011

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Monday, 8th August, 2011** at **10.30 am** in the **Kaposvar Room - Guildhall, Bath**.

A private briefing session for Members will be held in the meeting room at 10.00am.

The agenda is set out overleaf.

Yours sincerely

Sean O'Neill
for Chief Executive

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

NOTES:

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

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

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

Appendices to reports are available for inspection as follows:-

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

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

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

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

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

Licensing (Gambling and Licensing) Sub-Committee - Monday, 8th August, 2011

at 10.30 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. MINUTES: 14 JULY 2011 (Pages 5 - 12)

7. LICENSING PROCEDURE (Pages 13 - 16)

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

8. APPLICATION TO VARY A PREMISES LICENCE FOR THE TYNING INN, WALNUT BUILDINGS, RADSTOCK BA3 3JL (Pages 17 - 66)

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

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BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Thursday, 14th July, 2011

Present:- Councillors:- Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Also in attendance: Terrill Wolyn (Licensing Officer) and Shaine Lewis (Senior Legal Adviser)

10 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

11 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

13 DECLARATIONS OF INTEREST

There were none.

14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

15 MINUTES: 16TH MAY 2011, 31 MAY 2011 AND 8 JUNE 2011

These were approved as a correct record and signed by the Chair.

16 LICENSING PROCEDURE

The Chair drew attention to the licensing procedure, copies of which had been made available to those attending the meeting.

17 APPLICATION TO VARY A PREMISES LICENCE FOR JIKA JIKA, 4 PRINCES BUILDINGS, BATH BA1 2ED

Applicant: Jika Jika Ltd, represented by David Holley (Licensing Agent) and Paul King (Manager)

Responsible Authorities: Avon and Somerset Police, represented by Martin Purchase (Police Licensing Officer) and Inspector Steve Mildren; Jeremy Lockley (Environmental Health Officer)

The parties confirmed that they had received and understood the licensing procedure.

The Licensing Officer summarised the application.

Mr Holley stated the case for the applicant. He introduced Paul King, the manager of the premises, who stated that he had been in post for 18 months. Mr Holley said that normally one of the directors of the company would have been present, but they were both engaged on other business. He said that the premises were unique among the licensed premises situated in George Street because of their layout and décor. They had been featured in the national press a couple of times. A lot of thought had been given to the application. The management of Jika Jika wished to address a business problem, which was that the early closure of the premises discouraged potential customers who wished to remain somewhere for the whole evening. There had been negotiations with the owners of the building, who had initially been opposed to longer hours, but had eventually expressed their contentment with the application. There had been discussions with The Abbey Residents Association and the Circus Residents Association, neither of whom had submitted a representation to the application. He said that the additional hours requested would allow the premises to have what would once have been normal licensing hours. He believed that conditions already on the licence would discourage those most likely to be involved in crime and disorder from entering the premises. The management did not wish to employ door staff as a matter of course, and were not enthusiastic about having them dressed in high-visibility jackets, which they felt would project the wrong image of the premises. However, they had offered a condition in the operating schedule that when regulated entertainment takes place on Friday or Saturday evenings a qualified security person may be employed at the entrance between the hours of 2100 till close at the discretion of the management and another condition that where a risk assessment by the DPS and/or at the written request of the Police, SIA door staff shall supervise all patrons queuing to enter the premises and when leaving to seek to ensure that they do so in a quiet and orderly manner and to wear yellow reflective jackets at all times when on duty. There was no opportunity for vertical drinking at the premises, because customers were seated at tables, though they might walk around occasionally. Food was available at all times. He felt it was noteworthy that the residents' associations had not made representations. He said that the applicant was happy to accept the condition proposed by the Environmental Health Officer that noise should not emanate from the premises so as to be audible or to cause a nuisance at the façade of the nearest residential premises. However, he submitted that the condition about keeping doors and windows closed at all times during performances of live music was too loose; doors would be opened when people were entering or leaving the premises. He submitted that the variation would not contribute to the problems occurring on George Street. Mr Holley then put questions to Mr King, who stated:

- after the closure of the kitchen, bar snacks would be available until the premises closed – people were always hungry, why would he not want to go on serving food?
- the aim was to operate the premises at night in the same way as they were operated during the day; the management did not wish to attract heavy drinkers

- several parties had been held under Temporary Event Notices without any complaints from residents
- music would not be loud, but gentle acoustic music, which the management would want to end by 22.30; the atmosphere in the premises would not be conducive to heavy drinking
- if they were problems with noise, the management would consider installing an acoustic curtain
- there were 96 tables in the premises

Mr Holley said that the applicant was now offering to terminate live entertainment at 22.30.

A Member noted Mr King's remark about wanting to sell food as long as the demand was there. However, he knew of another premises which changed from a restaurant during the day to a vertical drinking establishment at night. He wondered what safeguards were in place to prevent this happening at Jika Jika following a change of ownership. Mr Holley replied the application should be determined on the basis of the existing situation. The premises did not sell beer and, he suggested, there were other conditions in the licence which would stop it becoming just a drinking establishment.

A Member asked why the word "may" had been used in the condition about door staff when regulated entertainment was taking place. Why had the applicant not said that they will be used? Mr Holley replied that the management of Jika Jika did not like door staff because of the impression they gave and wanted the freedom to police their own premises.

A Member noted that in the current application stated that the premises would consider joining Pubwatch, but that at the hearing to consider the original licence application the management of Jika Jika had stated that they would join Pubwatch. Mr King replied that there had been another manager at the time of the previous application; Jika Jika would join Pubwatch if it was required to do so.

A Member asked about the meetings between Jika Jika and the residents' associations. Mr Holley replied that they had met with two members of both associations. It was an informal meeting to explain the application to them.

A Member asked about the provision of food. Mr King stated that it was intended to provide warm food until 22.00 and bar snacks afterwards.

Mr King agreed with a suggestion by the Chair that if staff were not available to meet customers at the door and escort them to a table, it was natural for them to head for the bar. The Chair suggested that it was therefore not correct to describe the premises as a "restaurant". Mr Holley explained that the "bar" was an area used for taking orders from customers for drinks and food, which were then served to them at a table, and from which serving staff collected food and drink orders before taking them to the tables. Drinks were not served directly to customers at the bar. Mr King said that he would describe the premises as a "lounge", where quality wines were

served. The Licensing Officer noted the reference to “bar snacks” and drew attention to the existing licence condition that alcohol could only be served when menu-based food was available. Mr Holley said that menu-based food would always be available, though it might not always be hot food.

In response to a question from Mr Purchase, Mr Holley reiterated that there would be no service of alcohol directly to customers at the bar. Mr Purchase suggested that groups of people from the street would want to enter the premises whenever there was live music and asked how they would be dealt with. Mr King said that management would employ door staff if necessary and live music would never be promoted as the main attraction. Mr Purchase and Inspector Mildren suggested that, as the Temporary Event Notices applied for by the premises had been for private parties, where people attending were known guests, the fact that there had been no problems gave no assurance that there would not be problems when there were live music events open to the general public. Mr King replied that the ambience and atmosphere within the premises would be unlikely to attract the kind of people who were causing problems in George Street.

The Chair asked that the applicant would do when more people were arriving at the premises than could be immediately seated at tables. Mr King replied that he would be pleased if it ever happened that all the tables were occupied, as that would ensure a very successful and profitable business. He did not think that it was likely to happen for some time, but if it did, the situation would be managed. Mr Holley added that the area in front of the bar was extremely busy and had to be kept clear to allow access by serving staff.

Mr Lockley asked about the condition about closing doors and windows. Mr Holley agreed that there was one window that could be kept shut when there was live music, but the door would be opened as people entered and left the premises. The Chair asked about fire exits. Mr King replied that there was a fire exit, which went down the side of the building on the inside.

Mr Purchase and Inspector Mildren stated the case for the Police. Mr Purchase submitted that the additional hours and licensable activities were granted, they would add to the problems in George Street, which was already a stressed area. Inspector Mildren submitted that Jika Jika was in fact a bar located in a crime and disorder hotspot. He suggested that the premises had changed over time from a coffee shop into a bar in an area where there were already many bars. He said that the information submitted by the Police showed a high concentration of crime and disorder incidents in the George Street area, particularly on Friday and Saturday nights.

The Senior Legal Adviser advised Members to focus only on the current application. Only an additional two or three hours for the sale of alcohol had been applied for, and it was not possible for the Sub-Committee to take away anything that was allowed by the current licence.

Mr Holley pointed out that the majority of incidents on George Street occurred during hours when, even with the variation, Jika Jika would be closed.

The Chair asked Inspector Mildren whether he believed door staff should be employed at the premises. He said he did.

Mr Lockely stated his case. He said that he was concerned about potential noise nuisance from live music to occupiers of the residential accommodation above the premises. He believed there should be a noise management plan containing an action plan, which could be activated if problems arose. He believed that doors and windows should be closed whenever there was live music at the premises. He noted that the applicant had indicated willingness to accept his proposed condition that there should be no noise nuisance at the façade of the nearest residential premises. In response to questions from Members, he stated:

- ending live music at 22.30, as offered by the applicant, would be helpful in reducing the possibility of noise nuisance
- it would be helpful if residents were given the telephone number of a supervisor at the premise whom they could ring if they were troubled by noise emanating from the premises

In reply to a question from Mr Holley, he said that a 22.30 cut off for live music would not absolutely guarantee that there would be no noise nuisance; a family with young children might be affected at an earlier hour. In his view, there should also be a noise management plan.

The parties were invited to sum up.

Mr Purchase said that the applicant was seeking to extend hours and add regulated entertainment to the licence of premises located in a stressed area. He requested the Sub-Committee to consider whether this could in fact be done without exacerbating existing problems in that area.

Mr Lockley said that the imposition of a condition requiring a noise management plan would encourage the applicant to give close attention to the impact on residents of activities at the premises.

Mr Holley said that the application was seeking only a meagre increase in hours. The Licensing Authority should not use the cumulative impact policy as a reason to refuse all new applications and variations. The premises had been well managed since the current licence had been granted and had not contributed to the problems on George Street. There was no bar at the premises, as had been clearly explained. The management considered that requiring door staff to wear high-visibility jackets would give a wrong impression of the nature of the premises. He submitted that it was significant that the residents' associations had made no representations to the application. The applicant had offered to terminate live music at 22.30. He submitted that the condition about there being no noise nuisance at the nearest domestic façade had proved effective when included in the licences of other premises. Only wine was sold at the premises.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application as applied for, subject to the following additional conditions:

- When regulated entertainment takes place and on Friday and Saturdays a SIA registered door supervisor shall be stationed at the premises from 21:00 till the close of the premises
- Notices shall be erected and maintained requesting patrons leave the premises quietly
- When Regulated Entertainment takes place doors and window shall be shut except for access and egress
- Noise shall not emanate from the premises so as to cause a nuisance at the façade of the nearest noise sensitive premises
- Regulated Entertainment shall cease Monday – Saturday at 22.30 hours

Authority was delegated to the Licensing Officer to issue the licence accordingly.

REASONS

Members have determined an application to vary a Premises Licence at Jika Jika, George Street, Bath. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act 2003 is to be reluctant to regulate in the absence of evidence and must only do what is necessary and proportionate to promote the licensing objectives based on the evidence before them.

Accordingly, Members listened carefully to the applicant, took account of the representations from the Responsible Authorities and were careful to balance the competing interests of all the parties.

Members reminded themselves of their Cumulative Impact Policy and noted it was not a 5th licensing objective. Instead, however, the Policy is a rebuttable presumption raised, by a relevant representation, that an application should be refused unless Members are satisfied that it is unlikely to add significantly to the cumulative impact of licensed premises in the area.

The applicant stated the premises are a model establishment in George Street and had been commended in the national press. However, due to the limitation of its current licence, which it has operated without problems for a number of years, it has been unable to offer meals into the evening which it would like to do. Moreover, the applicant would also like to provide live and recorded music situated to the rear of the premises and suited to the nature of the business that wouldn't extend beyond 22:30hrs. The applicant also stated that the premises would not become a high density vertical drinking.

The Police presented information showing reasons why the George Street, Broad Street and Milsom Street area included in the Cumulative Impact Policy, the area in which the premises are situated. The evidence suggested Saturday was the busiest

day and the busiest time in terms of Anti Social Behaviour was between 00:00 – 03:00. They also stated they are most often called to the area between 02:00 and 03:00. So far as particular reference to Jika Jika was concerned the Police representation stated the variation would change the nature of the premises to a bar and this could cause problems in the area.

Members noted the Police representation did not present any evidence attributing any of the incidences of Crime, Disorder or Anti Social Behaviour to Jika Jika. Moreover, Members consider the changing nature of premises without more was not a matter to be considered under the Licensing Act 2003 and in any event the premises remained a food led café without a stand-up bar and conditions to stop it becoming a high density vertical drinking establishment.

The Environmental Health Officer was concerned that regulated entertainment could lead to noise complaints because of the possibility that noise could leak causing nuisance. Although the Officer suggested a number of conditions Members did not find a noise management plan necessary, proportionate or enforceable from a licensing perspective considering that such matters fell to be dealt with under other statutory regimes.

Members find the premises are a food led café that has been nothing other than well managed. Members note the applicant is not seeking to remove the conditions preventing it from becoming a vertical drinking establishment but rather are seeking to extend that which they already offer with the addition of Regulated Entertainment appropriate to the venue. It would therefore be unnecessary to join the Pub Watch scheme.

Having considered all the evidence presented to them, Members find that with the existing conditions and those imposed by the Licensing Sub Committee as necessary, proportionate and enforceable to promote the licensing objectives the granting of this application is unlikely to add significantly to cumulative impact.

This is because the extension of hours does not put the premises inside the times of major concern to the Police. Moreover, the conditions remain in place of no bar service, no service without availability of menu food and service only by waiter/waitress to those seated at tables thereby preventing the premises becoming a late night stand up drinking venue. However, Members are concerned that given the nature of George Street a door supervisor stationed at the premise during regulated entertainment and on Friday and Saturday is necessary to the promote the licensing objective of crime and disorder and to ensure the continued good conduct of the premises through the control of patrons leaving and wishing to enter. Nevertheless, given the nature of the premises it would be unnecessary for door supervisors to wear yellow high visibility jackets.

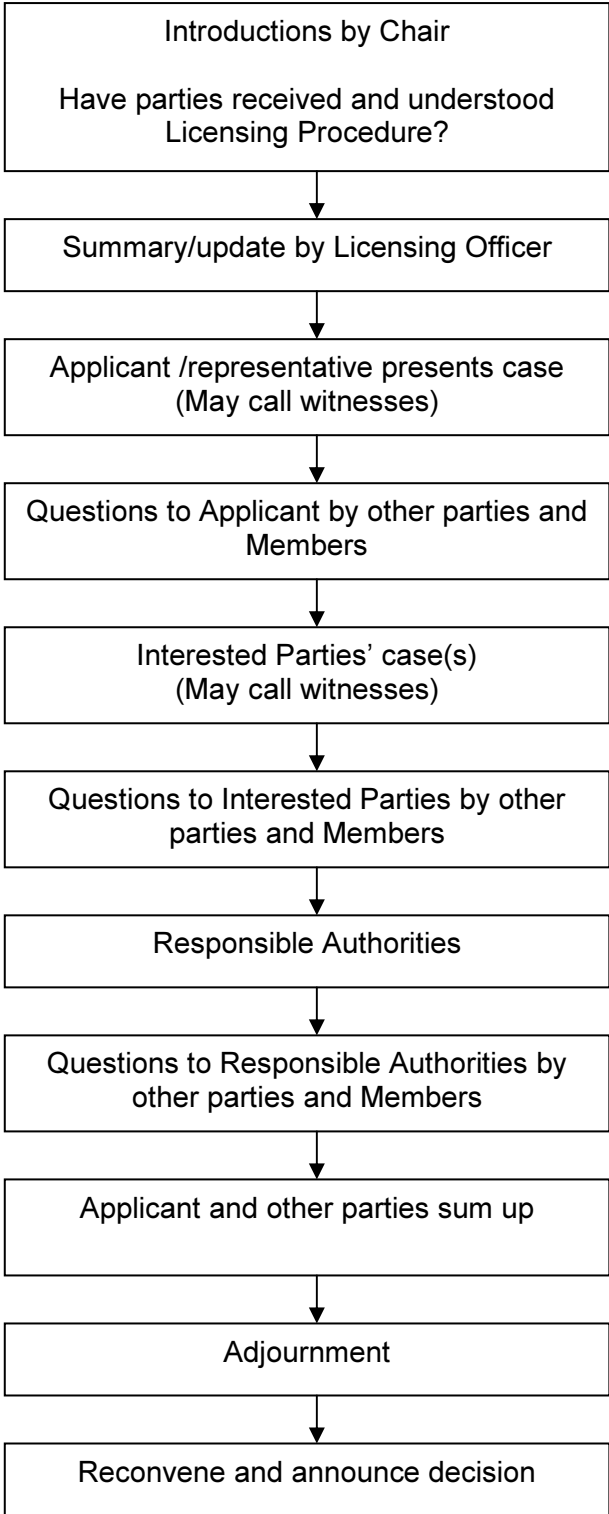
The meeting ended at 1.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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



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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 (Gambling and Licensing) Committee	AGENDA ITEM NUMBER	
MEETING DATE:	Monday 8 August 2011		
TITLE:	Application to Vary a Premises Licence for the Tynning Inn , Walnut Buildings, Radstock, BA3 3JL		
WARD:	Radstock		
	AN OPEN PUBLIC ITEM		
List of attachments to this report:			
Annex A Application to Vary the Premises Licence			
Annex B Current Premises Licence			
Annex C Site Plan			
Annex D Representation received from Police			
Annex E Applicant's agreement to Police conditions			
Annex F Representation received from Environmental Protection			
Annex G Applicant's agreement to conditions proposed by Environmental Protection			

1 THE ISSUE

1.1 An application has been received for the Variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of the Tynning Inn, Walnut Buildings, Radstock, BA3 3JL (Annex A).

2 RECOMMENDATION

2.1 That the sub committee determine the application to vary the 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 variation of a Premises Licence.

4.2 The current Premises Licence permits the following licensable activities:

- 1) Sale of alcohol indoors only, for consumption on and off the premises between the following hours:

Monday to Saturday 11:00 – 23:00

Sunday 12:00 – 22:30

Non Standard Timings:

Good Friday 12:00 – 22:30

Christmas Day 12:00 – 15:00 & 19:00 – 22:30

From 11:00 hours on New Year's Eve to 23:00 hours on New Year's Day

2) The opening hours for the premises are as follows:

Monday to Saturday 11:00 – 23:20

Sunday 11:00 – 22:50

3) The licence is subject to the following conditions:

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

at a time when there is no designated premises supervisor in respect of the premises licence, or

at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- The Licensing Act 2003 hours will be as Licensing Act 1964 – s.59, 60,67A, 68, 70, 74, 76 on licences.

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

- a) On week days, other than Christmas Day, Good Friday or New Year's Eve, 11am – 11 pm.
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10:30 pm.
- c) On Good Friday, 12 noon to 10:30 pm.
- d) On Christmas Day, 12 noon to 3 pm and 7 pm to 10:30 pm.
- e) On New Year's Eve from the start of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The above restrictions do not prohibit:

- A) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- B) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- C) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- D) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- E) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

- F) the sale of alcohol to a trader or club for the purposes of the club;
- G) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- H) the taking of alcohol from the premises by a person residing there; or
- I) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- J) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

4.3 The Variation application seeks to:

- **extend** the hours for the sale of alcohol for consumption on and off the premises :

Sunday to Thursday 09:00 - 00:00

Friday and Saturday 09:00 - 01:00

- **add** the provision of Regulated Entertainment by way of the exhibition of Films, Live and Recorded Music, the performance of Dance, any entertainment of a similar description, the provision of facilities for Making Music and facilities for Dancing and any facilities of a similar nature, both indoors and outdoors:

Sunday to Thursday 19:00 - 00:00

Friday and Saturday 19:00 - 01:00

- **add** the following non standard timings in respect of licensable activity:

All Bank Holiday Sundays and Mondays, Good Friday, Christmas Eve, Christmas Day, Boxing Day:

09:00 – 01:00

From the start of standard timing on New Year's Eve to the start of standard timing on New Year's Day.

An additional hour to the standard and non standard times, on the day when British Summertime commences.

- **add** the provision of Late Night Refreshment:

Sunday to Thursday 23:00 – 00:00

Friday and Saturday 23:00 – 01:00

- **extend** the opening hours to:

Sunday to Thursday 09:00 – 00:30

Friday and Saturday 09:00 – 01:30

The following non standard opening times have been proposed for all Bank Holiday Sundays and Mondays, Good Friday, Christmas Eve, Christmas Day, and Boxing Day:

09:00 – 01:30

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

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

- 4.6 The Licensing Authority may vary and grant the application with or without additional conditions.
- 4.7 The Licensing Authority can refuse the variation or part of the variation as it considers necessary for the promotion of the licensing objectives.
- 4.8 The Licensing Authority may not however do anything to reduce the effect of the rights guaranteed by the existing premises licence.
- 4.9 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, 23.5, 24, 28, 30, 33, 35 – 37 & 41 - 44 of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised on 28 June 2007)..
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 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.

- 4.11 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.
- 4.12 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 for submitting the application to the licensing authority.
- 4.13 A representation has been received from the **Police** in respect of the **Prevention of Crime and Disorder** licensing objective (Annex D). Conditions have been proposed by the Police, namely:
- All licensable activity will cease at 11pm from all outside areas;
 - There will be no new entry to the premises after 11pm.
- 4.14 The applicant has agreed in writing to the conditions proposed by the Police (Annex E).
- 4.15 A representation has been received from **Environmental Protection** in respect of the **Prevention of Public Nuisance** licensing objective (Annex F). The Environmental Health Officer has proposed the following conditions:
- No amplified music shall be allowed outdoors;
 - No more than 4 outdoor events shall take place in any 12 month period;
 - Regulated entertainment outdoors shall be no more than 4 hours duration unless agreed in writing with the Licensing Authority;
 - Regulated entertainment outdoors shall terminate no later than 23:00 hours;
 - The applicant to submit a noise management plan to the Licensing Authority. This plan will stipulate the number and type of events (indoor and outdoor) planned to take place. The terminal hour and the controls in place e.g. windows and doors to be kept closed, any improvements to the premises to prevent noise breakout, use of noise limiter.
- 4.16 The applicant has agreed in writing to the conditions proposed by the Environmental Health Officer (Annex G).
- 4.17 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Terrill Wolyn, Licensing Officer, 01225 396939
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 to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We ADMIRAL TAVERNS (PORTFOLIO NO 2) LIMITED

(Insert name(s) of applicant)

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

Premises licence number 11/00956/LAPRE
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description TYNING INN WALNUT BUILDINGS RADSTOCK			
Post town		Post code	BA3 3JL

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

Part 2 – Applicant details

Daytime contact telephone number	01244 321 171		
E-mail address (optional)			
Current postal address if different from premises address	ADMIRAL TAVERNS LIMITED SUITE H3 STEAM MILL BUSINESS CENTRE STEAM MILL STREET		
Post Town	CHESTER	Postcode	CH3 5AN

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day		Month			Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The proposed variation application will be for the following:

- To extend the opening hours to the public
- To extend the hours for sale of alcohol
- To add the Exhibition of films, Performance of live music, Playing of recorded music, Provision of facilities for making music, Performances of Dance, Anything of a similar description to that falling within (e), (f) or (g), Late night refreshment.

To authorise the provision of regulated entertainment to allow the following;

- Provision of facilities for dancing
- Entertainment of a similar description to that falling within (i) or (j)
- To extend the hours for sale of alcohol

New hours will be as follows:

Opening hours:

Sunday - Thursday 09:00 – 00.30

Friday & Saturday 09:00 – 01:30

Sale of Alcohol:

Sunday - Thursday 09:00 – 00:00

Friday & Saturday 09:00 – 01:00

Exhibition of films, Performance of live music, Playing of recorded music, Provision of facilities for making music, Performances of dance, Provision of facilities for dancing, Anything of a similar description to that falling within (e), (f) or (g) and Entertainment of a similar description to that falling within (i) or (j):

Sunday - Thursday 19:00 – 00:00

Friday & Saturday 19:00 – 01:00

Late night refreshment:

Sunday - Thursday 23:00 – 00:00

Friday & Saturday 23:00 – 01:00

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

0

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick yes**

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for performing plays (please read guidance note 4)		
Tue					
			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)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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	1900	0000	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	1900	0000			
Wed	1900	0000	State any seasonal variations for the exhibition of films (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	1900	0000			
Fri	1900	0100	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Sat	1900	0100			
Sun	1900	0000			

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			<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)
Thur			
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"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)			
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)				
Wed			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 (please read guidance note 5)				
Thur							
Fri							
Sat							
Sun							

E

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	1900	0000	Please give further details here (please read guidance note 3)		
Tue	1900	0000			
Wed	1900	0000	State any seasonal variations for the performance of live music (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	1900	0000			
Fri	1900	0100	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 (please read guidance note 5) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Sat	1900	0100			
Sun	1900	0000			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded 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	1900	0000	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	1900	0000			
Wed	1900	0000	State any seasonal variations for the playing of recorded music (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	1900	0000			
Fri	1900	0100	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 (please read guidance note 5) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Sat	1900	0100			
Sun	1900	0000			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance 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	1900	0000	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	1900	0000			
Wed	1900	0000	State any seasonal variations for the performance of dance (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	1900	0000			
Fri	1900	0100	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 (please read guidance note 5) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Sat	1900	0100			
Sun	1900	0000			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	1900	0000		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	1900	0000	<u>Please give further details here</u> (please read guidance note 3)		
Wed	1900	0000			
Thur	1900	0000	<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) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Fri	1900	0100			
Sat	1900	0100	<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) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Sun	1900	0000			

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 checked="" type="checkbox"/>
Mon	1900	0000	<u>Please give further details here</u> (please read guidance note 3)	
Tue	1900	0000		
Wed	1900	0000	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.	
Thur	1900	0000		
Fri	1900	0100	<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) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100	
Sat	1900	0100		
Sun	1900	0000	From the start of standard timing on New Years Eve to the start of standard timing on New Years Day	

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 checked="" type="checkbox"/>	
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1900	0000			
Tue	1900	0000	State any seasonal variations for providing dancing facilities (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Wed	1900	0000			
Thur	1900	0000	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Fri	1900	0100			
Sat	1900	0100			
Sun	1900	0000			

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	1900	0000		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	1900	0000	<u>Please give further details here</u> (please read guidance note 3)		
Wed	1900	0000	<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) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	1900	0000	<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) TO INCLUDE All Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Fri	1900	0100			
Sat	1900	0100			
Sun	1900	0000			

L

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 – <u>please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	0000	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	2300	0000			
Wed	2300	0000	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Thur	2300	0000			
Fri	2300	0100	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) TO INCLUDE Bank Holidays (Sunday & Monday) :- 2300 to 0100 Good Friday :- 2300 to 0100 Christmas Eve:- 2300 to 0100 Christmas Day :- 2300 to 0100 Boxing Day:- 2300 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		
Sat	2300	0100			
Sun	2300	0000			

M

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 type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.		
Mon	0900	0000			
Tue	0900	0000			
Wed	0900	0000			
Thur	0900	0000			
Fri	0900	0100			
Sat	0900	0100			
Sun	0900	0000	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) TO INCLUDE Bank Holidays (Sunday & Monday) :- 0900 to 0100 Good Friday :- 0900 to 0100 Christmas Eve:- 0900 to 0100 Christmas Day :- 0900 to 0100 Boxing Day:- 0900 to 0100 From the start of standard timing on New Years Eve to the start of standard timing on New Years Day		

N

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

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) ADDITIONAL HOUR TO THE STANDARD AND NON-STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.
Day	Start	Finish	
Mon	0900	0030	<p>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)</p> <p>TO INCLUDE</p> <p>Bank Holidays (Sunday & Monday) :- 0900 to 0100</p> <p>Good Friday :- 0900 to 0130</p> <p>Christmas Eve:- 0900 to 0130</p> <p>Christmas Day :- 0900 to 0130</p> <p>Boxing Day:- 0900 to 0130</p> <p>From the start of standard timing on New Years Eve to the start of standard timing on New Years Day</p>
Tue	0900	0030	
Wed	0900	0030	
Thur	0900	0030	
Fri	0900	0130	
Sat	0900	0130	
Sun	0900	0030	

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

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

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

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

b) The prevention of crime and disorder

THERE IS A ZERO TOLERANCE POLICY TO USE OF ILLEGAL SUBSTANCES ON SITE AND ANYONE SEEN TO BE PARTAKING IN ANY ILLEGAL ACTIVITY WILL BE ASKED TO VACATE THE PREMISES.

A DRUGS & INCIDENT BOOKLET WILL BE AVAILBALE ON SITE TO LOG ANY ISSUES THAT MAY ARISE.

c) Public safety

CUSTOMERS WILL BE MONITORED AND ASKED TO LEAVEIF THEY BEHAVE IN AN INAPPRPRIATE MANNER.

d) The prevention of public nuisance

CUSTOMERS ARE MADE AWARE VERBALLY AND BY USE OF SIGNS TO LEAVE THE PREMSIES QUIETLY.

ALL DOORS AND WINDOWS WILL REMAIN CLOSED WHEN REGULATED ENTERTAINMENT IS TAKING PLACE WHERE REASONABLY PRACTICABLE.

ANY NOISE FROM THE LICENSABLE ACTIVITIES PROVIDED IS MONITORED IN ORDER TO PREVENT A NUISANCE

e) The protection of children from harm

NO CHILDREN UNDER THE AGE OF 16 PERMITTED ON THE PREMISES UNLESS ACCOMPANIED BY AN ADULT. NO CHILDREN WILL BE PERMITTED ON THE PREMISES AFTER 21:00.

A CHALLENGE 21 SCHEME IS IN PLACE AT ALL TIMES.

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

NO CHILDREN UNDER THE AGE OF 16 PERMITTED ON THE PREMISES UNLESS ACCOMPANIED BY AN ADULT. NO CHILDREN WILL BE PERMITTED ON THE PREMISES AFTER 21:00.

A CHALLENGE 21 SCHEME IS IN PLACE AT ALL TIMES.

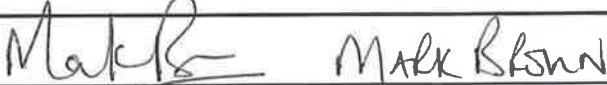
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

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

Signature	 MARK BROWN
Date	14 th JUNE 2011
Capacity	APPLICANT'S SOUTHERN.

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
CONTACT:...STEPHANIE ADAMS ADMIRAL TAVERNS LIMITED SUITE H3, STEAM MILL BUSINESS CENTRE STEAM MILL STREET			
Post town	CHESTER	Post code	CH3 5AN
Telephone number (if any)	01244 505433		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) STEPHANIE.ADAMS@ADMIRALTAVERNS.CO.UK			

Notes for Guidance

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

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

Schedule 12
Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	11/00956/LAPRE
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Part 1 – Premises Details

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

Tynning Inn
Walnut Buildings
Radstock
BA3 3JL

Telephone number 01761 432462

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 (Indoors only)

Monday to Saturday 11:00 - 23:00
Sunday 12:00 - 22:30

Non Standard Timings

Sale of Alcohol - Good Friday: 12:00 to 22:30 hours.
Christmas Day: 12:00 to 15:00 and 19:00 to 22:30 hours.
From 11:00 hours on New Year's Eve to 23:00 hours on New Year's Day.

The opening hours of the premises

Monday to Saturday 11:00 - 23:20
Sunday 11:00 - 22:50

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

Alcohol is supplied for consumption both on and off the premises

Part 2

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

Admiral Taverns (Portfolio No 2) Limited
150 Aldersgate Street
London
EC1A 4EJ

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

Registered Business Number - 05072654

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

Mrs Kathryn Rose Morris
53 Thicket Mead
Midsomer Norton
Radstock
BA3 2ST

07584 239282

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

10/01307/LAPER
Bath & North East Somerset Council

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

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



Dated 21 February 2011

Bath & North East Somerset Council

Annex 1 – Mandatory conditions

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

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

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

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

The Licensing Act 2003 hours will be as Licensing Act 1964 - sections 59, 60, 67A, 68, 70, 74, 76 On licences.

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

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 am to 11 pm
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 pm
- c) On Good Friday, 12 noon to 10.30 pm
- d) On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm
- e) On New Year's Eve from the start of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Annex 2 – Conditions consistent with the Operating Schedule

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

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number	11/00956/LAPRE
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Premises Details

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

Tynning Inn
Walnut Buildings
Radstock
BA3 3JL

Telephone number 01761 432462

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 (Indoors only)

Monday to Saturday 11:00 - 23:00
Sunday 12:00 - 22:30

Non Standard Timings

Sale of Alcohol - Good Friday: 12:00 to 22:30 hours.
Christmas Day: 12:00 to 15:00 and 19:00 to 22:30 hours.
From 11:00 hours on New Year's Eve to 23:00 hours on New Year's Day.

The opening hours of the premises

Monday to Saturday 11:00 - 23:20
Sunday 11:00 - 22:50

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

Alcohol is supplied for consumption both on and off the premises

Name, (registered) address of holder of premises licence

Admiral Taverns (Portfolio No 2) Limited
150 Aldersgate Street
London
EC1A 4EJ

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

Registered Business Number - 05072654

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

Mrs Kathryn Rose Morris

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

As per Operating Schedule at Annex 2.



Bath & North East Somerset Council

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

The Tying Inn



Scale 1/1250
 Date 25/7/2011
 Centre = 369321 E 155281 N
 Drawn by:
 Terrill Wolyn

1



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	Martin Purchase
Job Title	Liquor Licensing Officer
Postal and email address	Bath Police Station Manvers St. Bath. BA1 4BX
Contact telephone number	01225842475

Name of the premises you are making a representation about.	Tynning Inn
Address of the premises you are making a representation about.	Walnut Buildings Radstock BA3 3JL

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	Yes	The premises are situated in a residential area of Radstock. The area does experience sporadic crime and disorder and anti social behaviour. The problems are most frequent in the early evenings and are alcohol related. With the premises in such a high density of residential property , the Police are of the opinion that all licensable activity should cease in outside areas at 11pm to further the prevention of public nuisance objective. The movement of persons from one venue to another late at night also causes problems of tension within venues , and increases noise disturbance in the area. Conditions have been agreed with the licence holders that satisfy these concerns.
Public safety		

To prevent public nuisance		
The prevention of harm to children		
<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>1.All Licensable activity will cease at 11pm from outside areas. 2. There will be no new entry to the premises after 11pm.</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: 8-7-11

Please return this form along with any additional sheets to:

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



Martin Purchase

From: Darren Kelly [Darren.Kelly@AdmiralTaverns.co.uk]
Sent: 30 June 2011 12:05
To: Martin Purchase
Subject: RE: RESTRICTED: Re Tynning Inn, Walnut Buildings, Radstock. BA3 3JL Application to vary premises licence.
Follow Up Flag: Follow up
Flag Status: Red

Hi Martin,

I can confirm that Admiral Taverns agree to the below conditions being added onto the premises licence.

Many thanks

Darren Kelly
Licensing Supervisor

Admiral Taverns Ltd
Steam Mill Business Centre
Steam Mill Street
Chester
CH3 5AN

☎: 01244 505427
☎: 08450 582501
✉: darren.kelly@admiraltaverns.co.uk

From: Martin Purchase [mailto:Martin.Purchase@avonandsomerset.police.uk]
Sent: 30 June 2011 11:36
To: Darren Kelly
Subject: RESTRICTED: Re Tynning Inn, Walnut Buildings, Radstock. BA3 3JL Application to vary premises licence.

Darren

With ref the above, I have today spoken with the dps Kathryn Morris re this application, it had been agreed that two items under the licensing objectives would be included in the operating schedule, this had also been discussed with yourselves as the licence holders and full agreement was given. The matter will now have to go to a hearing, but hopefully you will agree by way of this email to the two conditions below.

1. All licensable activity will cease at 11pm from all outside areas.
2. There will be no new entry to the premises after 11pm.

An early reply would be appreciated.

Thank you Martin Purchase, Liquor Licensing Officer
Bath Police Station,
Manvers St

Bath. Mobile 07810555373

Avon and Somerset Constabulary aims to serve the communities of Avon and Somerset and help inspire greater confidence in the Police. For more information please visit our website at www.avonandsomerset.police.uk

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Avon and Somerset Constabulary

Working to make the communities of Avon and Somerset feel safe and be safe

~ADMIRAL TAVERNS~

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Representation Form

Responsible Authority. (Please delete as applicable.)

EP (noise)

Your Name	John Harvey
Job Title	Environmental Health Officer
Postal and email address	9-10 Bath Street BATH BA1 1SN
Contact telephone number	01225 396632

Name of the premises you are making a representation about.	The Tynning Inn
Address of the premises you are making a representation about.	Walnut Buildings Radstock Bath

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	Admiral Taverns have applied for live music outdoors. I appreciate the benefits of outdoors music events for the community. However, It is clear that amplified music outdoors at this location will be very clearly audible to residents living nearby as this premises is surrounded by residential property. This will be very intrusive and is contrary to the public nuisance objective of the Licensing Act 2003. I would propose that if a licence is granted that no amplified music is allowed outside and a limit of 4 outdoor events in any 12 month period to protect residential

		amenity. I am aware that drum and bass events have happened at this location. Drum and bass events outside is clearly an unacceptable situation for residents. In addition, I would suggest that as a condition, the applicant should submit a Noise Management Plan to demonstrate how they intend to control noise from music and the potential nuisance that may arise from regulated entertainment permitted.
The prevention of harm to children	No	
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>No amplified music allowed outdoors</p> <p>No more than 4 outdoor events in any 12 month period</p> <p>Regulated entertainment outdoors shall be no more than 4 hours duration unless agreed in writing with the Licensing Authority.</p> <p>Regulated entertainment outdoors shall terminate no later than 2300</p> <p>The Applicant to submit a Noise Management Plan to the Licensing Authority. This plan will stipulate the number and type of events (indoor and outdoor) planned to take place. The terminal hour and the controls in place e.g. windows and doors to be kept closed, any improvements to the premises to prevent noise breakout, use of noise limiter.</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:

1 July 2011

Please return this form along with any additional sheets to:

Licensing Team
Public Protection
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.



Printed on recycled paper

Terrill Wolyn

From: John Harvey
Sent: 06 July 2011 12:48
To: Terrill Wolyn
Subject: FW: Tynning Inn Radstock Bath

FYI

From: Darren Kelly [mailto:Darren.Kelly@AdmiralTaverns.co.uk]
Sent: 05 July 2011 12:42
To: John Harvey; martin.purchase@avonandsomerset.police.uk
Subject: RE: Tynning Inn Radstock Bath

Hi John,

I can confirm that Admiral Taverns are happy with the suggested conditions to be placed onto the premises licence.

Many thanks

Darren Kelly
Licensing Supervisor

Admiral Taverns Ltd
Steam Mill Business Centre
Steam Mill Street
Chester
CH3 5AN

☎: 01244 505427
☎: 08450 582501
✉: darren.kelly@admiraltaverns.co.uk

From: John Harvey [mailto:John_Harvey@BATHNES.GOV.UK]
Sent: 01 July 2011 15:18
To: 'martin.purchase@avonandsomerset.police.uk'; Darren Kelly
Subject: Tynning Inn Radstock Bath

Dear Both,

I have attached the representation I have made to the Licensing Team for your information.

Regards

John Harvey
Environmental Health Officer
Neighbourhood Services
Bath & North East Somerset Council
9-10 Bath Street
Bath
BA1 1SN

01225 396632

