

Democratic Services

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Date: 20 February 2012

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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: Tuesday, 28th February, 2012

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Tuesday, 28th February, 2012 at 10.30 am** in the **Kingston Room - Pump Room, 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 - Tuesday, 28th February, 2012

at 10.30 am in the Kingston Room - Pump Room, 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: 19 DECEMBER 2011 AND 5 JANUARY 2012 (Pages 5 - 22)

7. LICENSING PROCEDURE (Pages 23 - 26)

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

8. APPLICATION TO VARY A PREMISES LICENCE FOR MR D'S, 8 ST GEORGE'S PLACE, UPPER BRISTOL ROAD, BATH BA1 3AA (Pages 27 - 68)

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

Monday, 19th December, 2011

Present:- Councillors:- Douglas Nicol (Chair), Gabriel Batt, Dine Romero (In place of Gerry Curran) and Nathan Hartley (In place of Dine Romero for agenda items 9 and 10)

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

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

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

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Gerry Curran, for whom Councillor Dine Romero substituted. Councillor Nathan Hartley substituted for Councillor Romero for agenda items 9 and 10.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 4 NOVEMBER 2011

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

7 LICENSING PROCEDURE

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

8 APPLICATION TO VARY A PREMISES LICENCE FOR THE GREYHOUND, 1 HIGH STREET, MIDSOMER NORTON, BA3 2LE

Applicant: Punch Taverns, represented by Matthew Phipps (TLT Solicitors), Adrian Smith (Punch Taverns), Mark Ashman (Designated Premises Supervisor)

Responsible Authorities: Avon and Somerset Police, represented by Martin Purchase (Liquor Licensing Officer)

Interested Parties: Cllr Michael Evans, Terry Andrews, Jennifer Shore, Cllr Linda Dunford, Shaun Hughes, Mr and Mrs Harvey, Terry Bush

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

The Licensing Officer presented the report. She said that the applicant was seeking:

- to extend the terminal hour for the supply of alcohol from 01:00 to 02:00 on Fridays and Saturdays
- to maintain 30 minutes drinking up time following the last permitted sale of alcohol
- to permit the premises to open at 08:00 each day
- to remove the following condition rendered otiose by The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010:

There shall be no discounted prices on drinks, no drinks promotions and no "Happy Hours".

The Police had made a representation seeking the imposition of the following condition:

No alcohol will be consumed in any outside area after 12 midnight.

Mr Phipps stated the case for the applicant. He asked Members to focus on the essence of the application, which was a request to extend the terminal hour for the sale and supply of alcohol by one hour on Fridays and Saturdays. The application to be able to open the premises at 08:00 had nothing to do with the consumption of alcohol. The premises had recently been modernised in the style of a café. The premises were now under a new manager, with a long-term contract, unlike the temporary managers of the recent past. He believed that better management would have a positive effect on the conduct of customers. The applicant was willing to accept the condition proposed by the Police and the Police had indicated that they now supported the application. Mr Phipps suggested that some representations from Interested Parties appeared to indicate confusion about the nature of the application, which was not a review, but an application for a variation. However, having seen the representations, the applicant would now offer additional conditions should the variation be granted:

- no entry to the premises after 00:30
- two SIA-registered door staff to be employed from 9pm until the last customer left the premises on Fridays and Saturdays
- the side door not to be used by customers
- a contact phone number for the premises to be made available to local residents
- volume of music to be restricted to levels agreed with Environmental Health to encourage a process of winding down by customers before closing time

Mr Phipps responded to questions put by Members and Interested Parties.

Mr Purchase stated the case for the Police. He explained that the Police never “supported” applications; they played a neutral role and their stance was based on evidence and the feelings of the community. A major cause of concern for local residents had been the outside area. The current licence provided that “no drinking shall take place on the decking area outside the public house after 23.00 hours”, however the decking had been removed and the condition required updating.

The Interested Parties stated their cases and were questioned by Members and the Applicant.

Councillor Michael Evans said those residents who were not able to attend the hearing should have a voice. Midsomer Norton was a small market town and residents did not want people under the influence of alcohol urinating in the street and causing disturbance in the early hours. There were problems with litter. An extra hour on the licence would mean additional disturbance and nuisance for residents.

Councillor Linda Dunford said that she was speaking on behalf of many residents. She was concerned that an extra hour on the licence with half an hour’s drinking up time would mean that people would be leaving the premises and 2.30 and 3.30 in the morning. When the Greyhound had been closed for refurbishment there had been no noise or disturbance in the vicinity, but when a late event had been held under a Temporary Event Notice it had been noisier than ever. Customers of the Greyhound took their drinks outside and ran onto the main road with them. Bottles and glasses were scattered around. There had been sexual activity, vomiting and urination in the vicinity of the premises. She asked the Sub-Committee to reject the application. She felt that the application had not been properly advertised, because the notice at the premises had been obscured during the refurbishment work. An extra hour would mean that customers would be leaving the Greyhound at the same time as customers would be leaving other premises, increasing noise in the street and putting additional pressure on limited local transport services. She felt that the applicant had failed to address the licensing objectives in its application and suggested that if the licence were granted, additional conditions be attached to the licence. With the Chair’s permission a copy of her proposed conditions was tabled and a copy given to the applicant.

Terry Andrew said that he agreed with everything that Councillor Dunford had said. There was a great deal of crime and disorder in the area. Drunken people had banged on his windows and urinated against his property. Once a wounded man had been lying in the road following a drunken fight and the ambulance service had refused to attend until the police were present. He had seen three young people sitting on a wall sniffing drugs. Mr Purchase explained that the ambulance service had a policy of not attending violent incidents without a police presence.

Jennifer Shore said that she supported the attachment of the conditions proposed by Councillor Durnford. There had been shouting, violence and bad language emanating from customers of the premises. They had also been instances of public sex, drugs and underage drinking. Young people had increasing problems with alcohol. On Saturdays and Sundays she frequently had to clear mess left by drinkers

by her property. One evening there had been a large number of people sitting on a nearby wall making lots of noise.

Sean Hughes said that customers of the Greyhound ran into the street with drinks. A violent incident could flare up suddenly and be over by the time the Police, who sometimes had to come from as far away as Taunton, arrived. At premises he managed, the licence required him to have 3 door staff, but he always employed 6. He did not think that 2 door staff would be sufficient at the Greyhound. He was concerned that the premises did not comply with the Fire Regulations. There appeared to have been no noise tests carried out at the premises, and the sound insulation appeared inadequate. He was concerned about how the "winding down" period referred to by Mr Phipps would be managed. The Senior Legal Adviser noted that no representations had been received from the Fire Authority or Environment Health.

The Parties were invited to sum up.

Mr Phipps said that the applicant had no objection to the imposition of the majority of the conditions proposed by Councillor Durnford. He emphasised that today's hearing was not a review of the current operation of the premises, but the consideration of an application for an additional hour on Friday's and Saturdays for the sale and supply of alcohol only.

Councillor Evans and Councillor Durnford summed up.

Following an adjournment it was **RESOLVED** to grant the application as set out in the reasons below.

REASONS

Members have determined an application to vary a Premises Licence at The Greyhound, Midsomer Norton. 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 that which is appropriate and proportionate in the promotion of the licensing objectives on the evidence before them.

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

The applicant said the premises have been considerably refurbished and a new manager installed with a track record of turning problem premises around. He suggested that better management of the premises would lead to better conduct of its customers and that the real issue was the use of the outside areas. He therefore put forward a number of conditions to address this and promote the licensing objectives suggesting the extra hour would not have a detrimental effect on the licensing objectives. The applicant was clear in confirming that the further extra hour

referred to in the non-standard timings on the current licence would not be used on a Friday and Saturday, should the variation to extend the terminal hour for the sale of alcohol to 02:00 hours on these days be granted.

The Police stated that the premises are situated in an area which experiences incidents of antisocial behaviour, crime and disorder and residents are likely to be affected by noise nuisance from the premises. The Police therefore suggested a condition appropriate to address their concerns about crime and disorder with which the applicant agreed.

Interested parties also made representations which included a petition. However, that page of the petition that was not headed was disregarded. Nevertheless, Members noted that the representations stated the outside areas were a source of noise, particularly when drinking continued in the courtyard, and that groups of people often congregated on pavements outside causing noise and antisocial behaviour by shouting, urinating and vomiting in doorways and stepping into the path of oncoming traffic. The residents feared that granting the application would contribute to the noise and antisocial behaviour they already experienced although they did suggest a number of conditions had been suggested in the event the application were granted.

Members noted that the Police did not refer to any particular incidents of crime and disorder from customers of the premises and noted the absence of representations from the Environmental Protection team on public nuisance and the Fire and Rescue Service on public safety. Members do find a level of antisocial behaviour in the town associated with late night alcohol licensing however, none have been specifically attributed to the Greyhound.

Having considered all the evidence presented to them Members find that with the suggested conditions as appropriate and proportionate attached to the licence this will enable the premises to operate with the variation in a way that would promote the licensing objectives therefore the variation is granted subject to the following:-

1. No consumption of alcohol at the front of the premises at any time
2. No admission or re-admission after 12 midnight
3. No drinking outside the premises or in the courtyard after 11pm
4. All windows and doors to be kept closed after 10 pm except for access and egress
5. No bottles or glasses containing alcohol to be outside after 10 pm
6. No open containers of alcohol to leave the premises
7. A facility for people to dispose of cigarette ends before entering the premises to be provided
8. CCTV to be installed and maintained covering the bar, function room and courtyard areas. CCTV recordings to be kept for at least 30 days and made available to the police or licensing authority upon reasonable request
9. Signs to be erected and maintained at exits to remind people to leave quietly, to respect neighbours and not congregate in the street.
10. A sign to be erected and maintained on the exterior of the premises with a contact telephone number for the Designated Premises Supervisor
11. The Designated Premises Supervisor to invite residents and businesses to a quarterly meeting.

12. Two SIA registered door staff to be on duty on Friday and Saturday from 9 pm until the last customer has left the premises.
13. The Designated Premises Supervisor to maintain a log of complaints
14. No pedestrian access or egress through the rear courtyard
15. The side smoking area to be screened and lit.
16. No entry from or exit through the side door save for access and egress to the smoking area
17. The pavement frontage of the premises including at least 5 meters either side of the premises to be cleared of litter and detritus at the close of business each day.

Delegated authority to the licensing officer to issue the licence

9 APPLICATION TO VARY A PREMISES LICENCE FOR MIX GRILL, 4 CLEVELAND PLACE EAST, WALCOT, BATH BA1 5GJ

Applicant: Jamie Brian

Responsible Authority: Avon and Somerset Police, represented by Martin Purchase (Liquor Licensing Officer), Inspector Steve Mildren, WPC Gemma Kirby

Interested Parties: Alex Schlesinger and one other (name withheld following request for anonymity)

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

The Licensing Officer summarised the application, which was for a variation as set out in paragraph 4.3 of the report. She said that the Police strongly opposed the application, but suggested that if it were granted additional conditions should be attached to the licence as set out in paragraph 4.14 of the report. Representations had also been received from Interested Parties.

The applicant stated his case. He said that he had reopened his shop after it had been closed for a year. Usually not many people came to the shop, though it was patronised by tourists during the summer months. He mostly did home deliveries. He wished to sell alcohol because it had been requested by customers.

A Member asked the applicant to comment on the statement made by Inspector Mildren given on page 135 of the agenda that "the Police licensing officer made several attempts to discuss the application with the applicant but was told by the applicant that he was far too busy to undertake a meeting". Mr Brian replied that he worked till 5 am seven days a week. Attendance at today's hearing had cost him two hours trading. He had been unable to guarantee that he would be available at a specific time for a meeting with the Police.

A Member asked the applicant at what times customers came to the shop. Mr Brian replied that they generally came until midnight or later at the weekend. Working class people coming to the shop wanted to be able to buy a drink. He didn't think that people would be leaving nightclubs and then coming to his shop to buy alcohol.

Mr Schlesinger asked the applicant if he knew how many representations the application had received from interested parties and if he understood why there were so many? The applicant replied that he did not.

The other parties stated their cases.

Mr Purchase said that over a three week period he had tried to contact the applicant. He had left several messages on his ansaphone and had emailed, but the applicant had failed to reply. The premises were located on a busy arterial route and there was a high level of crime and disorder in the area. There were already two other licensed premises nearby. Inspector Mildren said that the premises were located within the zone where drinking on the street was forbidden. It was a densely populated area which was crossed late at night by people going home. It was his view that the granting of the application would add to the level of disorder in the area. The applicant said in response that that people had easy access to alcohol

Mr Schlesinger said that there was not a great deal to add to his written representation. He said he had moved to London Road in 1995. It was a somewhat fragile community. A recent survey of 700 people had said that they were concerned about the alcohol and drugs problems in the area. It would be perverse to increase the number of outlets selling alcohol. He had had to sweep up vomit outside his property and a neighbour had had a window broken. People had been too frightened to come to a meeting to discuss the problems of disorder and anti-social behaviour in the area. There had been a murder witnessed by forty people, yet no one had been willing to come forward to make a statement.

The parties summed up.

Following an adjournment, it was **RESOLVED** to refuse the application for the reasons set out below.

REASONS

Members have determined an application to vary a Premises Licence at Mix Grill, 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 that which is appropriate and proportionate in the promotion of the licensing objectives on the evidence before them.

Accordingly, Members listened carefully to the applicant, took account of the representations from the Responsible Authority and Interested Parties and were careful to balance these competing interests. However, Members were careful to disregard matters relating to planning, parking, necessity and the safety of members of the public in the vicinity of the premises as these matters fall outside of the Licensing Act.

The applicant stated that he wanted the variation to enable him to make the most of his business. He said he provided a service to late night workers who want to eat and have a drink on the way home. He said that much of his custom is delivery based and that 90% of people attending the premises were not drunk. He said that he had invested a lot in the business but that if the committee did not want him to sell alcohol than he agreed with that. He said the area was not as bad as people had said and he felt that doing the right thing by calling the police had not helped him as it made his premises look bad.

Interested Parties stated that the area suffers from a degree of crime and disorder and nuisance in the form of fighting and shouting from customers on and outside the premises. A number of incidences have also involved staff at the premises and has often resulted in police attendance. The residents felt that to allow the variation would lead to further incidents of damage, violence and litter given the applicant does not take responsibility for the operation of his premises at present and therefore would not in the future.

The Police stated that fast food outlets are flashpoints for alcohol related crime and disorder because of the convergence of intoxicated persons on such premises whether alcohol is supplied there or not. Accordingly the Police also provided a log of incidents directly attributable to the premises. These include examples of violence against person; 29/10/10 drunk male inside the shop trying to fight staff; 19/01/11 4 or 5 males being violent inside the premises; 6/10/11 members of staff assaulted and a female outside assaulted in a separate incident and 14/07/11 a male's head is stamped on inside the premises. There are also incidents of disturbance/threats and nuisance; 14/07/11 drunk male throws bottle at the premises window; 10/07/11 male inside Mix Grill shouting; 10/06/11 shouting and disturbance and allegation of a knife being pulled and numerous allegations of intimidating behaviour and threats by and towards members of staff at Mix Grill.

Members find the premises are situated on the busy London Road. This is a main arterial route in and out of the city. Members also find the premises are located in an area with a number of other fast food outlets, shops, convenience stores, a supermarket and petrol filling station. In the circumstances noise and litter could only be attributed to these premises in part. However, Members found a level of antisocial behaviour, nuisance and crime and disorder are associated with and occurring on these premises and the licence holder is unable to cope without police attendance. Members find the premises are a crime and disorder flashpoint and further find the applicant's failure to engage with the police in this process lamentable and a demonstration of a lack of commitment to his Licensing Act responsibilities. Members also find the crime and disorder and antisocial behaviour is beyond the applicant's control and with the applicant being reluctant to engage with the police the steps he proposes are inadequate. Therefore the application is refused as there are no conditions that could reasonably be attached to promote the licensing objectives.

10 APPLICATION FOR A PREMISES LICENCE FOR KEYNSHAM MEMORIAL PARK, KEYNSHAM, BRISTOL BS31 1DG

Applicant: Keynsham Town Council represented by Dawn Drury (Deputy Town Clerk)

The Licensing Officer presented the report. Environmental Health had requested that two of the conditions proposed in the operating schedule should be reworded in order to clarify the meaning and ensure the promotion of the licensing objective. The original conditions and the proposed amended conditions were given in paragraph 4,11 of the report. The applicant had confirmed in writing their willingness to accept the amended conditions.

RESOLVED to grant the licence as applied for, subject to the amended conditions as proposed by Environmental Health.

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

REASONS

Members have determined an application for a Premises Licence for Keynsham Memorial Park. 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 that which is appropriate and proportionate in the promotion of the licensing objectives on the evidence before them.

Members noted a Responsible Authority had suggested a rewording of the steps the applicant suggested they would take to promote the four licensing objectives and that the applicant had agreed to this rewording. Members amend that wording accordingly.

The meeting ended at 2.25 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Thursday, 5th January, 2012

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

Also in attendance: Terrill Wolyn (Senior Licensing Officer), Wendy Stokes (Licensing Support Officer) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

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

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 LICENSING PROCEDURE

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

7 APPLICATION FOR A PREMISES LICENCE FOR THE FAT FRIAR, 227 LONDON ROAD EAST, BATHEASTON, BATH BA1 7NB

Applicant: Roberto Mondim (not present and not represented)

Responsible Authority: the Police, represented by Martin Purchase (Liquor Licensing Officer)

The Licensing Support Officer presented the report. The Police had requested that seven additional conditions be attached to the licence as listed in paragraph 4.10 of the report. The applicant had agreed in writing to all of the conditions, but had subsequently written pointing out that, as he was not applying for off sales, two of the conditions were not appropriate and he requested that they should not be attached to the licence. These conditions were:

Alcohol will only be sold over the counter with food orders over £4.00.

and

All deliveries which include alcohol must only be received by a person aged 18 or over.

Mr Purchase stated the case for the Police. He said that the applicant was not present today as he was on a pre-booked foreign holiday. He had met the applicant to discuss the application, and the applicant had agreed to all the conditions proposed by the Police. Unfortunately the meeting had taken place before the Police had received the full documentation, and it had not been realised that off sales were not included in the application. Mr Purchase stated that there were other premises in the area where there had been problems with alcohol being supplied to people under the age of 18, which had been dealt with. He understood that the applicant was not planning to sell alcohol over the counter and that The Fat Friar could be described as a traditional fish and chip shop.

Following an adjournment, it was **RESOLVED** to grant the licence as applied for together with the mandatory conditions related to the sale of alcohol, the prevention of irresponsible drinks promotions, the dispensing of alcohol directly by one person into the mouth of another, the provision of free tap water, age verification policy, and the availability of alcohol in smaller measures.

They also imposed the conditions consistent with the Operating Schedule and those proposed by the Police and agreed to by the applicant save for the two which were irrelevant to the sale of alcohol on the premises.

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

REASONS

Members have today determined an application for a new Premises Licence for The Fat Friar, 227 London Road East, 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 is to be reluctant to regulate in the absence of evidence and that they must only do what is necessary and proportionate to promote the licensing objectives based on the evidence before them.

Members noted that the applicant was unable to attend the hearing today due to his being on holiday, for which he had given prior notice to the Council. Members proceeded in his absence and took account all of the oral and written representations from the applicant and Police, and were careful to balance their competing interests.

Members noted that the representations made by the Police were related to sporadic episodes of crime and disorder and anti-social behaviour already experienced in the area and that the applicant had not provided enough detail and clarity to address these matters in the Operating Schedule.

The Police had recommended that certain conditions were attached to the premises licence. These had been agreed to by the applicant save for the two conditions which were relevant to the sale of alcohol off the premises as the application was for the sale of alcohol on the premises only.

8 APPLICATION FOR A PREMISES LICENCE FOR PREMIER INN, 4 JAMES STREET WEST, BATH BA1 2BT

Applicant: Whitbread Group plc, represented by John Gaunt (John Gaunt and Partners, Solicitors), Richard Pearson (Whitbread Acquisition Surveyor), David MacMullen (Director of MacMullen Associates)

Interested Parties: Mr and Mrs Paul Dolan, represented by Mr Dolan

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

The Senior Licensing Officer presented the report.

Mr Gaunt stated the case for the applicants. He said that Whitbread would convert the premises into a Premier Inn, which was a well-known brand. The licensed area would be situated entirely on the ground floor, with the hotel accommodation located on the floors above. He stated that it was normal for all Premier Inns to apply for a 24-hour licence for sales of alcohol to residents, although it was not always implemented. However, the planning permission granted to the premises on appeal by the Planning Inspector required closure at 23.30 Mondays to Saturdays and at 23.00 on Sundays, therefore the applicant was prepared to modify the terminal hour for all licensable activities to non-residents to match these times.

He confirmed that the application for regulated entertainment by way of the exhibition of films did not mean that the premises would become a cinema. The films would comprise only pre-recorded TV shows and educational films. He drew attention to the absence of representations from the Responsible Authorities. He then turned to the representations made by the Interested Parties. Noting that Mr Dolan had expressed concerns about the size of the bar, he produced a full-scale plan, a reduced copy of which had been submitted with the application, pointed out the bar and said that, as there would be 108 bedrooms in the hotel, and large restaurant, a bar with a capacity for 100 persons would not be excessive. He stated that there was no hidden agenda; the premises would only be a Premier Inn, and that there was no example of a Premier Inn which had sub-let space to other operators of licensed premises. He noted that another concern expressed by Mr Dolan was the use of the rear entrance. He said that the whole site would be redeveloped and that it was intended that the James Street entrance would be the only public access to the premises. There would be an area at the rear for deliveries and other services, to which access would only be granted by application at the reception desk. The side entrance was for use in emergencies only and was alarmed, so smokers would have to use the front entrance. The hotel management would have every incentive to prevent nuisance, since residents at the hotel would be able to claim a refund if they suffered disturbance under the "Good Night Guarantee". The premises were only just within the cumulative impact area. Non-residents would be able to use the bar, but

they would have to pay the prices charged by Premier Inns, which would not be cheap compared with other licensed premises in the area.

Members put questions to the applicant, in reply to which he stated:

- the “Saints’ Days” referred to in the non-standard timings were the days of the “national” saints, i.e. St George, St David, St Andrew and St Patrick
- there was some inconsistency between licensing authorities in their approach to background music; while there was a general view that the broadcasting of background music was not a licensable activity, the broadcasting required the use of equipment, which some authorities regarded as “facilities for making music”, hence why this had been applied for. [The senior licensing officer advised that as no entertainment falling within sub-paragraph (2) of Schedule 1 to the Licensing Act had been applied for, the provision of “facilities for making music” was not necessary.]
- it would be possible to control the presence of non-residents outside of the permitted hours, as staff were trained to be alert to the presence of non-residents on the premises at inappropriate times; also, non-residents were given a receipt when they entered a Premier Inn, which they had to hand in when they left. In addition residents would have to produce their door key on request from staff
- the bar area would not be used after the terminal hour for licensable activities and would be cleared of all persons

Mr Dolan stated his case. He said that he was not opposed to the application in principle, and that it would be acceptable with certain additional constraints. Even though the applicant was prepared to make the terminal hour for the sale and supply of alcohol match the condition in the planning permission, a terminal hour of 11.30 pm, with half an hour’s drinking up time, would still mean that customers would be leaving the premises at midnight. Having seen the plan, he was quite happy with the size of the area to be licensed. He believed that a condition should be imposed restricting the use of the rear entrance and imposing a limit on the volume of music within the premises. He was concerned about the lack of controls on vehicles parking near the premises and that off-sales would allow people to congregate and drink in the courtyard at the rear of the bar.

Mr Gaunt submitted some points of clarification. Off-sales had been included in the application to allow guests to take alcohol to their rooms, which were outside the licensed area covered by the application. Music would be background music only, and there was condition included in the operating schedule that “noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties” to control nuisance. All fire escapes would be alarmed and there would be CCTV surveillance of the rear service area, as stated on page 74 of the Agenda. Whitbread would be quite happy for the CCTV surveillance to be a made a licence condition.

The Senior Licensing Officer asked the applicant for clarification of the term “Bank Holiday” used in the non-standard timings applied for. Mr Gaunt stated that the applicant was prepared to withdraw the non-standard timings applied for, except that

they would still like authority to sell and supply alcohol to residents 24 hours a day and retain the non –standard timings for New Year.

The parties summed up.

Mr Gaunt summarised his previous submissions.

Mr Dolan urged that the terminal hour for Mondays to Saturdays be 23.00 instead of 23.30

Following an adjournment, it was **RESOLVED** to grant the licence as applied for with amendments proposed by the applicant, i.e.

1. Sale of alcohol to non-residents and the exhibition of films:

10.00 am – 11.30 pm Monday to Saturday
10.00 am – 11.00 pm Sundays and Bank Holidays

From the start of licensable activity on New Year's Eve until the terminal hour for licensable activity on New Year's Day.

2. The sale of alcohol to hotel residents shall be permitted 24 hours a day

3. Late Night Refreshment

23.00 to 23.30 Monday to Saturday

4. The reference to facilities for making music is deleted from the application.

5. Opening hours for non-residents

06.00 am to 11.30 pm Monday to Saturday
06.00 am to 11.00 pm Sundays and Bank Holidays

From normal opening time on New Year's Eve until normal closing time on New Year's Day.

6. Opening Hours for residents – 24 hours every day

The premises licence was also granted subject to the mandatory conditions related to the sale of alcohol, the exhibition of films, Door supervisors, the prevention of irresponsible drinks promotions, the dispensing of alcohol directly by one person into the mouth of another, the provision of free tap water, age verification policy, and the availability of alcohol in smaller measures.

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

REASONS

Members have today determined an application for a new Premises Licence for Premier Inn, 4 James Street West, Bath. In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy, which contains a policy on cumulative impact, and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act 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.

Members listened carefully to the applicant's solicitor and to the Interested Party. The Members took account of both the oral and written representations from all of the parties and were careful to balance their competing interests.

Members noted that representations had been made with regard to planning, competition between licenced premises in the same locality as the Premier Inn, the type of clientele that may attend, parking and traffic. They noted that these were not matters which fell under the Licensing Act and therefore did not attach any weight to them save for some matters which overlapped between planning and licensing which were relevant to the application.

Representations had also been made with regard to fire safety. The Members recognised that these did not fall to be considered under the Licensing Act as this was dealt with by the Regulatory Reform (Fire Safety) Order 2005. They therefore did not attach any weight to these representations.

The Interested Parties had made representations related to the potential increase in crime and disorder and public nuisance in the area by way of noise disturbance, an increase in excessive drinking in the area and by staff and customers if they were allowed to congregate outside to drink and smoke. One representation was anonymous and therefore the Members did not attach any weight to it.

Members noted that no representations to the application had been made by the Police, Environmental Health, Health and Safety or Child Protection Officers.

The premises fall within the cumulative impact policy contained in the Council's Statement of Licensing Policy. Cumulative impact is not mentioned specifically in the Licensing Act 2003 but it means in the Statutory Guidance the potential impact, on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area. The effect of adopting a cumulative impact policy is to create a rebuttable presumption that applications for new premises licences will be refused if relevant representations are received. If the application is not to be refused then the applicant will have to demonstrate that the operation of the premises will not add to the cumulative impact in the area.

The Members were satisfied with the representations made by the applicant's solicitor as to the operation of the premises, once they were open, and considered that the measures proposed in the Operating Schedule would promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

They therefore considered that the premises would not add to the cumulative impact in the area and that no further modification was necessary.

The meeting ended at 12.11 pm

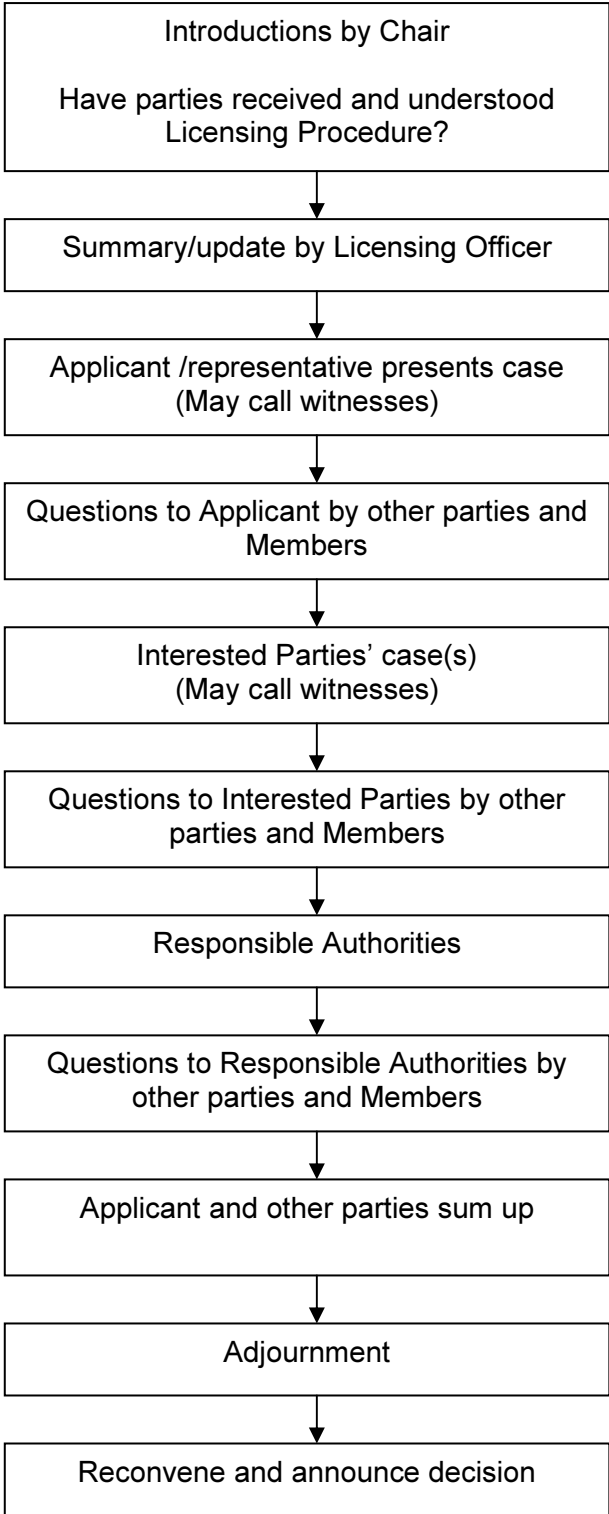
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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**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:	Tuesday 28 February 2012	
TITLE:	Application to Vary a Premises Licence for Mr D's , 8 St George's Place, Upper Bristol Road, Bath, BA1 3AA	
WARD:	Kingsmead	

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 Representations from Interested Parties
- Annex E Additional Information received from Applicant

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 Mr D's, 8 St George's Place, Upper Bristol Road, Bath, BA1 3AA (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) **Late Night Refreshment** between the following hours:

- Monday to Thursday 23.00 to 01.00
- Friday and Saturday 23.00 to 03.00
- Sunday 23:00 to 23:30

2) The **Opening Hours** for the premises are as follows:

Monday to Thursday	10.00 to 01.00
Friday and Saturday	10.00 to 03.00
Sunday	10:00 to 23:30

3) The licence is subject to the following conditions:

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- The premises shall be no smoking.
- Free drinking water shall be available at all times.
- CCTV to be in operation at the premises. Tapes shall be changed daily and retained for 30 days.
- All packaging shall be paper or card.
- All drinks shall be served in paper cups or aluminium cans.
- Customers carrying open bottles or glasses shall not be admitted to the premises.
- A fixed Council bin is sited outside the premises. Should this be removed, the licence holder shall replace it.
- A prominent sign shall be displayed asking customers to refrain from making excess noise when leaving the premises.
- An appeal was heard at the Bath and Wansdyke Magistrates' Court on 10 and 11 April 2006. The decision given on 1 May 2006 was that the licence should be subject to the following conditions:
 - Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St George's Place to the West of Mr D's, and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr D's.

4.3 The **variation** application seeks to:

extend the terminal hour in respect of Late Night Refreshment and closing time to 02:00 hours Monday to Wednesday, 03:00 hours on Thursday, 04:00 on Friday and Saturday and 01:00 hours on Sunday;

amend opening hours from 10:00 hours to 09:00 hours daily;

remove the Annex 3 condition that states:

"Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St George's Place to the West of Mr D's, and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr D's."; and

amend the conditions relating to CCTV, packaging and the serving of soft drinks as detailed in Annex 2, to read:

CCTV to be in operation at the premises. Recordings shall be retained for 30 days.

All packaging shall be of either card, paper or polystyrene.

All soft drinks shall be served in either plastic or paper cups, aluminium cans or plastic bottles. No alcoholic drinks to be sold on the premises.

- 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, 10, 16, 17, 18, 19, 20, 23(5), 24, 28, 30, 33, 35, 36, 37, 41 to 44 of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised October 2010)
 - 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. No representations have been received from any of the Responsible Authorities.
- 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 working days of submitting the application to the licensing authority.
- 4.13 Representations have been received from two interested parties in relation to the prevention of public nuisance licensing objective (Annex D). They raise concern that the applicant's proposals are likely to increase litter and noise nuisance.
- 4.14 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Ruby Jordan, Licensing Support Officer, 01225 477531
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.

12/00128

ANNEX A

ENVIRONMENTAL SERVICES

Application to vary a premises licence under the Licensing Act 2003 - 3 JAN 2012

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Post Log No:
Receipt No: 412014
Price: 4.00.00

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 David John Amos & Mrs June Amos

(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

05/03108/LAPRE

Part 1 – Premises Details

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

8 St. Georges Place
Upper Bristol Road

Post town

Bath

Post code

BA1 3AA

Telephone number at premises (if any)

01225 425204

Non-domestic rateable value of premises

£3100

Part 2 – Applicant details

Daytime contact telephone number

07733 101912

E-mail address (optional)

mrdstakeaway@aol.com

Current postal address if different from premises address

Post Town

Postcode

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)

1. Amendment to Annex 2. - Conditions consistent with Operation Schedule

Amend; CCTV to be in operation at the premises. Recordings shall be retained for 30 days.

Amend: All packaged shall be of either card, paper or polystyrene.

Amend: All soft drinks shall be served in either plastic or paper cups, aluminium cans or plastic bottles. No alcoholic dinks to be sold on the premises.

2. Amendment to Annex 3:

Removal of the condition which states that " Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St. George's Place to the West of Mr.D's, and the Hotel Monmoth to the East shall be cleared of any litter associated with Mr.D's" .

This is an unworkable condition as it takes no account if refuse is blown into the specific area after closing the premises, due to weather conditions. We have always operated an end of night litter patrol , but it is onerous to make this a condition of the Premises Licence. As we understand it, no other takeaway has a condition like this imposed.

3. Amendment of opening hours restriction:

Having owned and operated from the Premises for 30 years, we have proven to be a responsible business operating within a residential area. By amending this restriction, it allows us to be more flexible, especially in these challenging trading times, without having to resort to regular applications for the Variation of the Premises Licence or the use of TEN's (Temporary Event Notices).

We have no interest or intention in selling alcohol from the Premises.

We are not in close proximity to any Licensed Premises selling alcohol.

Licensing Department.

We contacted the Licensing Department and there have been no complaints received in the last five years.

Environmental Health.

We contacted the Environmental Health Department and there have been no complaints received in the last five years.

Planning.

The Premises has unrestricted hours of operation for A5 use (Takeaway)

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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (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			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
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"/>
				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			<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)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (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			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (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			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (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 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)			<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			<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 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					

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				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

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	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
			<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)	

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"/>			
			<u>Please give a description of the facilities for dancing you will be providing</u>					
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
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 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					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23.00	02.00			
Wed	23.00	02.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	03.00			
Fri	23.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23.00	04.00			
Sun	23.00	01.00			

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"/>	
Day	Start	Finish		Both	<input type="checkbox"/>	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Tue						
Wed						
Thur				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						
Sat						
Sun						

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)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	02.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue	09.00	02.00	
Wed	09.00	02.00	
Thur	09.00	03.00	
Fri	09.00	04.00	
Sat	09.00	04.00	
Sun	09.00	01.00	

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

Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire shop, 15 St. George's Place to the West of Mr. D's and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr. D's.

CCTV to be in operation at the Premises. Tapes shall be changed daily and retained for 30 days.

All packaging shall be paper of card

All drinks shall be served in paper cups or aluminium cans.

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)

Free drinking water shall be available at all times.
The premises shall be non smoking as required by Law.
Customers carrying open bottles or glasses shall not be admitted to the Premises.
A prominent sign shall be displayed asking customers to refrain from making excess noise when leaving the Premises.

b) The prevention of crime and disorder

CCTV to be in operation at the Premises. Recordings shall be retained for 30 days
No alcohol will be served on the premises either on or off the Premises.

c) Public safety

All non alcoholic drinks shall be served in either plastic or paper cups, aluminium cans or plastic bottles.
All packaging is to be made of either card, paper or polystyrene. Recyclable packaging to be used where possible.
Regular gas safety checks are made by a Gas Safe registered Company.

d) The prevention of public nuisance

A fixed Council refuse bin is sited outside the Premises. Should this be removed, the Licence holder shall replace it.
An end of night, a litter patrol is carried out in the vicinity of the Premises .All associated litter is collected. This is recorded and signed. Records to be kept for three months.

e) The protection of children from harm

No glass bottles or containers allowed on the Premises.

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

Apologies, have mislaid original Premises Licence

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	<i>enclosed</i>
Date	3 rd . January 2012
Capacity	Mr David John Amos - Partner

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	<i>enclosed</i>
Date	3 rd . January 2012
Capacity	Mrs June Amos - Partner

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

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

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	05/03108/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

Mr D's
8 St George's Place
Upper Bristol Road
Bath
BA1 3AA

Telephone number 01225 425204

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

Late Night Refreshment	Monday to Thursday	23:00 - 01:00
Late Night Refreshment	Friday and Saturday	23:00 - 03:00
Late Night Refreshment	Sunday	23:00 - 23:30

The opening hours of the premises

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	10:00 - 23:30

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

Not applicable

Part 2

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

Mr David John Amos
 Ashlar Grange
 Claverton Down Road
 Bath
 BA2 7AS
 01225 448589
 david@djamos.com

Mrs June Amos
 Ashlar Grange
 Claverton Down Road
 Bath
 BA2 7AS
 01225 448589
 june@djamos.com

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

Registered Business Number - Not applicable

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

Not applicable

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

Not applicable

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 24 November 2005

Annex 1 – Mandatory conditions

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

Annex 2 – Conditions consistent with the Operating Schedule

The premises shall be no smoking.

Free drinking water shall be available at all times.

CCTV to be in operation at the premises. Tapes shall be changed daily and retained for 30 days.

All packaging shall be paper or card.

All drinks shall be served in paper cups or aluminium cans.

Customers carrying open bottles or glasses shall not be admitted to the premises.

A fixed Council bin is sited outside the premises. Should this be removed, the licence holder shall replace it.

A prominent sign shall be displayed asking customers to refrain from making excess noise when leaving the premises.

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

An appeal was heard at the Bath and Wansdyke Magistrates' Court on 10 and 11 April 2006. The decision given on 1 May 2006 was that the licence should be subject to the following conditions:

Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St George's Place to the West of Mr D's, and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr D's.

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number

05/03108/LAPRE

Premises Details

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

Mr D's
8 St George's Place
Upper Bristol Road
Bath
BA1 3AA

Telephone number 01225 425204

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

Late Night Refreshment	Monday to Thursday	23:00 - 01:00
Late Night Refreshment	Friday and Saturday	23:00 - 03:00
Late Night Refreshment	Sunday	23:00 - 23:30

The opening hours of the premises

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	10:00 - 23:30

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

Not applicable

Name, (registered) address of holder of premises licence

Mr David John Amos
Ashlar Grange
Claverton Down Road
Bath
BA2 7AS

Mrs June Amos
Ashlar Grange
Claverton Down Road
Bath
BA2 7AS

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

Registered Business Number - Not applicable

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

Not applicable

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

As per Operating Schedule at Annex 2.



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

Mr D's Variation

Scale 1/1250
 Date 9/2/2012
 Centre = 374336 E 165020 N
 Drawn by:
 Ruby Jordan



Ruby Jordan

Subject: FW: Premises Variation - Mr D's**From:** Andrew Furse (Cllr)**Sent:** 09 January 2012 22:22**To:** Licensing**Cc:** Douglas Nicol (Cllr); 'rose@waltonsguesthouse.co.uk'**Subject:** RE: Premises Variation - Mr D's

As ward councillor I feel there will be negative impact for local residents and the local B&B accommodation. There will be additional litter created along the UBR more than there is currently.

Over a number of years have been complaints from residents about noise. Mainly people gathering around the front of the premises. In addition it is a regular occurrence that litter from this outlet is found all the way down the Upper Bristol Road. Providing one bin outside does not address this problem.

The extended hours are likely to cause greater disturbance for residents along the UBR especially the new dwellings adjacent to Mr D's and the B&B's opposite. In addition there is a greater likelihood that people with gather at this location rather than meet the current night time policy of encouraging people to go home after a night out in the city centre. Extending these hours will bring no benefit to the local community or even those requiring late night food.

I therefore object to the increase in hours which many would say are sufficiently late enough weekdays, weekends and Sundays nights at the moment.

Regards

Andy

**LIBERAL DEMOCRATS**

Cllr Andrew Furse CEng

Kingsmead Ward,

25 Tennyson Rd, Bath, BA1 3BG

Direct: +44 (0) 1225 483218

andrew_furse@bathnes.gov.uk

ANNEX D

ENVIRONMENTAL SERVICES
27 JAN 2012
Post Log No:
Receipt No:
CH/CA £

Mr. R.J. Walton.
 17, Crescent Gardens
 Upper Bristol
 Road Bath

Dear Wendy Stokes.
REF: MR D'S

people in Crescent Gardens do not want this
 extended hours.

reasons: more noise

- " " cars i.e. Radio on & slamming doors)
- " " shouting.
- " " letter,

with 6/8 residents and now the new flats same
 side of road, end of story no, no, no,

P.S. smell now again from Mr D's.

Alan Bartlett

From: Licensing
Sent: 30 January 2012 07:46
To: Terrill Wolyn
Subject: FW: Application No: 12/00128/LAPRE

From: Mr.D's [mailto:mrdstakeaway@aol.co.uk]
Sent: 29 January 2012 14:42
To: Licensing
Subject: Re: Application No: 12/00128/LAPRE

8 St. George's Place
Upper Bristol Road
Bath

Ref: 128/00128/LAPRE

Dear Sirs,

in relation to the above application for varying the conditions of the Premises Licence.

I have contacted the Freedom of Information officer at Bath & N.E. Somerset Council, who confirmed that there have been no reports of any incidents in regard to Environmental Services or Licensing in the last 5 years.

Please also note that our Planning Permission is unrestricted.

This is not the case with some other takeaways, who have been granted extended Licensing hours to which they are trading, without the benefit of the necessary planning permission.

Yours sincerely,

David J Amos

For Mr.D's

