

Democratic Services

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Date: 1 August 2012

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: Thursday, 9th August, 2012

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Thursday, 9th August, 2012 at 10.30 am** in the **Kaposvar Room - Guildhall, Bath.**

A private briefing session for Members will be held at 10.00am in the **Kaposvar Room - Guildhall, Bath.**

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. 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.

- 3. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 5. 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 - Thursday, 9th August, 2012

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: 24 JULY 2012 (Pages 5 - 8)

7. LICENSING PROCEDURE (Pages 9 - 12)

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

8. APPLICATION TO VARY A PREMISES LICENCE FOR THE TRINITY INN, 49 JAMES STREET WEST, BATH BA1 2DA (Pages 13 - 64)

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

Tuesday, 24th July, 2012

Present:- Councillors:- Douglas Nicol (Chair), Bryan Chalker and Gerry Curran

Also in attendance: Kirsty Morgan (Licensing Officer), Terrill Wolyn (Senior Licensing 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

Apologies were received from Cllr Gabriel Batt, for whom Cllr Bryan Chalker substituted.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 24 MAY 2012

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 attending the meeting.

8 APPLICATION FOR A PREMISES LICENCE FOR PKT STORES, 11 FORTESCUE ROAD, RADSTOCK, BATH BA3 3PJ

Applicant: Mrs Kajinthiny Kanesarasa, accompanied by Mr Kanesarasa

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

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

The Licensing Officer summarised the application. She explained that the application was for a new premises licence conferring authority to sell alcohol for consumption off the premises every day from 06:00 to 23:00. A representation had been received from the Police on the ground that the application did not sufficiently promote the licensing objectives. The Police had proposed additional conditions, as detailed in paragraph 4.11 of the covering report. The applicant had agreed in writing to the imposition of these conditions on the premises licence.

The applicant stated her case. In reply to questions from Members Mr Kanesarasa stated:

- 2 staff were employed in the shop
- the minimum age for staff was 21
- staff would receive training on the sale of alcohol

Mr Purchase stated the case for the Police. He said that Mr and Mrs Kanesarasa were experienced in the sale of alcohol, because they owned other premises about a mile away which sold alcohol. He had been concerned about the lack of conditions to promote the licensing objectives contained in the Operating Schedule, which he thought probably arose from an oversight on the part of the applicant. He had a meeting with them to discuss the application at which he had proposed conditions to which they had readily agreed. In reply to a question from a Member he stated that he did not have concerns about the long hours proposed for the sale of alcohol, because he knew Mr and Mrs Kanesarasa and the manner in which they ran their other businesses.

The parties were invited to sum up, but said they had nothing to add to what they had already stated.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application, subject to the mandatory conditions for the sale of alcohol, the additional conditions proposed by the Police, and accepted by the applicant, and to the conditions consistent with the Operating Schedule. Authority was granted to the Licensing Officer to issue the licence accordingly.

REASONS

Members have today determined an application for the grant of a new premises licence for P.K.T Stores, 11 Fortescue Road, Radstock, Bath.

In doing so they have taken account of the Licensing Act, Human Rights Act, the Council's Policy and the Statutory Guidance.

Members are aware that the proper approach under the Licensing Act is to do only what is appropriate and proportionate to promote the licensing objectives in light of what is presented to them.

Members considered the relevant representations and took account of the evidence put before them. They were careful to balance the competing interests of the applicant and those of the Responsible Authority, i.e. the Police in reaching a decision.

Members noted that the Police had made representations based on the fact that the area was subject to incidents of crime and disorder and anti-social behaviour particularly in the evenings and were alcohol related. The Police considered that this type of premises tended to fuel crime and disorder and anti-social behaviour. It was also stated that the area was partly residential.

The Police considered that the application did not sufficiently forward the licensing objectives and therefore proposed that several conditions were imposed on the premises licence in order to promote the licensing objective of the prevention of crime and disorder to which the applicant had agreed.

Members therefore granted the licence as applied for together with the mandatory conditions for the sale of alcohol, the conditions consistent with the Operating Schedule and the conditions proposed by the Police and agreed to by the applicant.

The meeting ended at 10.48 am

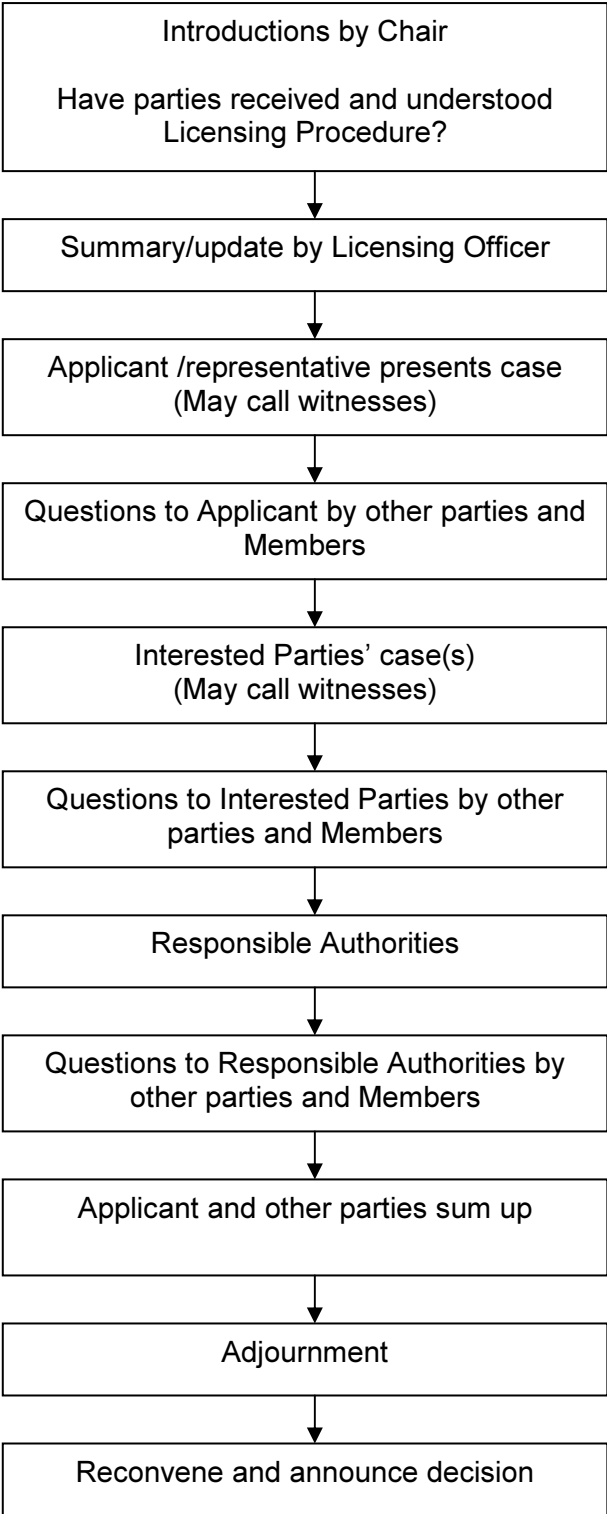
Chair(person)

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: | Thursday 9 August 2012 | |
| TITLE: | Application to Vary a Premises Licence for The Trinity Inn , 49 James Street West, Bath BA1 2DA | |
| 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 Police Representation | | |
| Annex E Correspondence 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 The Trinity Inn, 49 James Street West, Bath BA1 2DA (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 detailed in Annex B, permits the following licensable activities:

1) **Sale of Alcohol** for consumption both on and off the premises between the following hours:

Monday to Saturday 10:00- 00:00 midnight

Sunday 12:00 – 23:30

- 2) **Regulated Entertainment** by way of the Performance of Dance, the Performance of Live Music, and Other Entertainment within the Act, indoors only, between the following hours:

Monday to Saturday 11:00 – 23:00

- 3) **Regulated Entertainment** by way of Recorded Music, indoors only, between the following hours:

Monday to Saturday 10:00 – 00:00

Sunday 12:00 – 22:30

- 4) **Non-Standard Timings**

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend,

A further additional hour every Christmas Eve and Boxing Day.

From normal activity start time on New Year's Eve until normal activity finish time on 1 January.

- 5) The **Opening Hours** of the premises are:

Monday to Saturday 10:00 – 00:30

Sunday 12:00 – 00:00 midnight

- 6) **Non-Standard Opening Times**

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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

- 7) The licence is subject to the following conditions:

ANNEX 1 (mandatory)

- No supply of alcohol may be made under the premises licence:
 - a) At a time when there is no designated premises supervisor in respect of the premises licence, or

- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

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

From 6 April 2010

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

- 1. (1) The responsible person shall take all responsible steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 15 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not reoccurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
NB This condition does not apply to off sales.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability). **NB This condition does not apply to off sales.**

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. **NB This condition does not apply to off sales.**

From 1 October 2010:

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

5. The responsible person shall ensure that (a) where any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whiskey: 25ml or 35ml; and (iii) still wine in a glass: 125ml; and (b) customers are made aware of the availability of these measures. **NB This condition does not apply to off sales.**

ANNEX 2 (consistent with operating schedule)

- CCTV installed and maintained to cover the external drinking area. Recordings to be kept for a minimum of one month.
- The outside drinking area not to be used after 22:00 hours.
- No unaccompanied children allowed on the premises.
- No children allowed on the premises after 18:00 hours.
- No striptease, nudity or restricted films allowed on the premises.

ANNEX 3 (attached after hearing)

- The licence shall be subject to the condition that the entrance doors will be locked, and there will be no new admissions to the premises after 23:00 hours from Monday to Saturday and 22:30 hours on Sunday.
- Good Friday opening hours shall be 12:00 - 00:00

4.3 The **Variation** application seeks to:

extend the terminal hour in respect of Live Music, Recorded Music, Performance of Dance, Anything of a Similar Description and the Sale of Alcohol on Thursday, Friday and Saturday to 03:00 hours the following morning;

extend the closing time on Thursday, Friday and Saturday until 03:30 hours the following morning to allow 30 minutes drinking up time after the last proposed sale of alcohol;

permit the sale of alcohol from 10:00 hours on a Sunday morning;

permit opening from 10:00 hours on a Sunday

add the provision of Facilities for Making Music on Thursday, Friday and Saturday from 11:00 hours to 03:00 hours the following morning (indoors only);

add the provision of Facilities for Dancing on Monday to Wednesday from 11:00 hours to 23:00 hours and on Thursday to Saturday from 11:00 hours to 03:00 hours the following morning (indoors only);

add Late Night Refreshment on Monday to Wednesday until 00:00; on Thursday to Saturday until 03:00 hours the following morning and on Sunday until 23:30 hours;

remove the condition the outside drinking area not to be used after 22:00 hours;

remove the condition no children allowed on the premises after 18:00 hours;

remove the condition the entrance door will be locked, and there will be no new admissions to the premises after 23:00 hours from Monday to Saturday and 22:30 hours on Sunday;

add the conditions offered by the applicant as detailed in the operating schedule;

amend the non- standard timings in respect of licensable activities to read:

On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00 hours

On Christmas Eve and Boxing Day until 03:00 hours

From the start of permitted hours New Year's Eve until the end of permitted hours New Year's Day; and

amend the non- standard opening times to read:

On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends to 03:30 hours

On Christmas Eve and Boxing Day until 03:30 hours

FOR THE SAKE OF CLARITY PLEASE NOTE THAT THE ONLY OUTSIDE AREA THIS PREMISES HAS IS THE HIGHWAY.THE PREMISES HAS BENEFITED FROM A TABLES CHAIRS PERMIT TO ALLOW USE OF THIS AREA.

- 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 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9,10, 16, 17, 18, 19, 20, 23, 24, 28, 30, 33, 35, 36, 37, 41 to 44 inclusive of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised April 2012)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 4.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.
- If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 4.12 In accordance with the requirements of the Act the applicants served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Director of Public Health and the Child Protection Agency.
- 4.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 4.14 A **representation** has been received from the **Police** expressing concern that the applicant's proposals will undermine both the prevention of crime and disorder and the prevention of public nuisance objectives, especially as the premises is situated within Bath's Cumulative Impact Area (Annex D).

The Police have proposed the following conditions to address their concern:

- 1 A digital CCTV system will be fitted and maintained in consultation with the Police. The recordings will be of evidential quality and kept for a minimum of 31 days. They will be time and date marked and made available to the police on request. Notices are to be displayed at the entrance to the premises advising that CCTV is in operation.
- 2 Where a risk assessment by the DPS identifies as necessary, and/or at the written request of the police or licensing authority, door staff will be on duty to supervise all patrons entering and leaving and to ensure the good order of the premises.
- 3 There will be no new entry to the premises after 00:30 each day.
- 4 There will be no live or recorded music after 12:00 midnight on any day.

5 All windows and doors (except for entry and departure) will remain closed during the performance of live music.

4.15 The applicant has agreed to the conditions and timings proposed by the Police (Annex E).

4.16 This report has not been sent to the Trades Union because they would have no involvement in this application.

5 RISK ASSESSMENT

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

6 EQUALITIES

6.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

7 CONSULTATION

7.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

8 ISSUES TO CONSIDER IN REACHING DECISION

8.1 When reaching a decision, the licensing authority must carry out its functions with a view to promoting the four licensing objectives.

8.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

| | |
|--------------------------|---|
| Background papers | Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003; Licensing Act 2003 (Hearing Regulations) 2005, B&NES Statement of Licensing Policy. |
| Contact person | Terrill Wolyn, Senior Licensing Officer |



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS

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 Punch Taverns Plc

(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 05/02903/LAPRE |
|--|

Part 1 – Premises Details

| | | | |
|--|------|------------------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description Trinity Inn 49 James Street West | | | |
| Post town | Bath | Post code | BA1 2DA |

| | |
|---|--------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £14600 |

Part 2 – Applicant details

| | | | |
|--|--------------------------------|-----------------|----------|
| Daytime contact telephone number | 01283 501 600 | | |
| E-mail address (optional) | n/a | | |
| Current postal address if different from premises address | Jubilee House Second Avenue | | |
| Post Town | Burton Upon Trent | Postcode | DE14 2WF |

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)

To permit live music, recorded music, performance of dance, karaoke and the sale of alcohol
Thursday to Saturday until 03:00h (current permission until 00:00h).

To permit the sale of alcohol on a Sunday from 10:00h.

To permit the provision of facilities for making music and provision of facilities for dancing
Thursday to Saturday 11:00h until 03:00h (currently no permission).

To permit late night refreshment Monday to Wednesday 23:00h until 00:00h, Thursday to
Saturday 23:00h until 03:00h and Sunday 23:00h until 23:30h (currently no permission).

To open the premises from 10:00 on a Sunday.

To maintain an additional thirty minutes drinking up time on top of the last permitted sale of
alcohol.

Replace the condition "The outside drinking area not to be used after 22.00 hours" with "No
consumption of alcohol or licensable activities to take place outside after 23:00h".

Replace the condition "No children allowed on the premises after 18.00 hours" with "No children
allowed on the premises after 21:00h".

Remove the condition "The entrance door will be locked, and there will be no new admissions
to the premises after 23.00 hours from Monday to Saturday and 22.30 hours on Sunday".

Add the condition "Signs will be displayed asking customers to leave the premises quietly and
to respect the neighbours".

Add the condition "The premises will be a member of the local pubwatch scheme".

Add the condition "A member of staff will supervise the entrance and exit of customers to and
from the premises during busy times".

Add the condition "Facilities will be provided to enable customers to dispose of cigarette ends".

Add the condition "Taxi's will be called for customers upon their request. A preferred taxi service
will be used and they will be asked to turn off their engines and not to use the horn when
waiting for customers".

All other hours, licensable activities and conditions are to remain unchanged.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick yes**

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input 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 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 type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | |
| | | | | | |
| Tue | | | State any seasonal variations for performing plays (please read guidance note 4) | | |
| | | | | | |
| Wed | | | 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) | | |
| 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 | <u>Please give further details here</u> (please read guidance note 3) | | | | | |
| Mon | | | | | | | | |
| Tue | | | | | | | | |
| Wed | | | | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) | | |
| Thur | | | | | | | | |
| Fri | | | | | | | | |
| Sat | | | | | | <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) | | |
| Sun | | | | | | | | |
| | | | | | | | | |

C

| | | | |
|--|-------|--------|--|
| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) |
| Day | Start | Finish | |
| Mon | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| Tue | | | |
| Wed | | | |
| Thur | | | 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 (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 | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <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) | | |
| 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 checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) As per current licence permission. | | |
| Mon | | | | | |
| Tue | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | 11:00 | | 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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. | | |
| Fri | 11:00 | 03:00 | | | |
| Sat | 11:00 | 03:00 | On Christmas Eve and Boxing Day until 03:00h. From the start of permitted hours new years eve until the end of permitted hours new years day. | | |
| Sun | | 03:00 | | | |

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 checked="" 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) As per current licence permission. | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) | | |
| Thur | 10:00 | | | | |
| Fri | | 03:00 | <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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. On Christmas Eve and Boxing Day until 03:00h. From the start of permitted hours new years eve until the end of permitted hours new years day. | | |
| | 10:00 | | | | |
| Sat | | 03:00 | | | |
| | 10:00 | | | | |
| Sun | | 03:00 | | | |
| | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 6) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|---|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) As per current licence permission. | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 4) | | |
| Thur | 11:00 | | | | |
| Fri | | 03:00 | 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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. On Christmas Eve and Boxing Day until 03:00h. From the start of permitted hours new years eve until the end of permitted hours new years day. | | |
| | 11:00 | | | | |
| Sat | | 03:00 | | | |
| | 11:00 | | | | |
| Sun | | 03:00 | | | |
| | | | | | |

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> As per current licence permission. | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input checked="" 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 | 11:00 | | <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 | | 03:00 | | | |
| | 11:00 | | | | |
| Sat | | 03:00 | <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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. | | |
| | 11:00 | | | | |
| Sun | | 03:00 | On Christmas Eve and Boxing Day until 03:00h. | | |
| | | | From the start of permitted hours new years eve until the end of permitted hours new years day. | | |

I

| 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) | | Indoors |
| | | | Outdoors | <input type="checkbox"/> | |
| | | | Both | <input type="checkbox"/> | |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | 11:00 | | <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) | | |
| Fri | 11:00 | 03:00 | | | |
| Sat | 11:00 | 03:00 | On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. | | |
| Sun | | 03:00 | On Christmas Eve and Boxing Day until 03:00h. | | |
| | | | From the start of permitted hours new years eve until the end of permitted hours 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 checked="" type="checkbox"/> |
| | | | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | Please give a description of the facilities for dancing you will be providing Permission for customers to dance within the premises. | |
| Mon | 11:00 | 23:00 | Please give further details here (please read guidance note 3) | |
| Tue | 11:00 | 23:00 | | |
| Wed | 11:00 | 23:00 | State any seasonal variations for providing dancing facilities (please read guidance note 4) | |
| Thur | 11:00 | | | |
| Fri | | 03:00 | 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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. | |
| | 11:00 | | | |
| Sat | | 03:00 | On Christmas Eve and Boxing Day until 03:00h. | |
| | 11:00 | | | |
| Sun | | 03:00 | From the start of permitted hours new years eve until the end of permitted hours new years day. | |
| | | | | |

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) | | | Will the provision of late night refreshment <u>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 | 00:00 | Please give further details here (please read guidance note 3) Hot food and drink served on the premises. | | |
| Tue | 23:00 | 00:00 | | | |
| Wed | 23:00 | 00:00 | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| Thur | 23:00 | | | | |
| Fri | | 03:00 | 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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. On Christmas Eve and Boxing Day until 03:00h. From the start of permitted hours new years eve until the end of permitted hours new years day. | | |
| | 23:00 | | | | |
| Sat | | 03:00 | | | |
| | 23:00 | | | | |
| Sun | | 03:00 | | | |
| | 23:00 | 23:30 | | | |

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"/> |
|--|-------|--------|--|---------------------|-------------------------------------|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> |
| Mon | | | State any seasonal variations for the supply of alcohol (please read guidance note 4) | Both | <input checked="" type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | | |
| Thur | 10:00 | | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h. On Christmas Eve and Boxing Day until 03:00h. From the start of permitted hours new years eve until the end of permitted hours new years day. | | |
| Fri | | 03:00 | | | |
| Sat | | 03:00 | | | |
| Sun | | 03:00 | | | |
| | 10:00 | 23:30 | | | |

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) As per current licence.</p> |
|--|

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 | | | |
| Tue | | | <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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:30h. On Christmas Eve and Boxing Day until 03:30h. From the start of permitted hours new years eve until the end of permitted hours new years day. |
| Wed | | | |
| Thur | 10:00 | | |
| Fri | | 03:30 | |
| | 10:00 | | |
| Sat | | 03:30 | |
| | 10:00 | | |
| Sun | | 03:30 | |
| | 10:00 | 00:00 | |

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

Replace the condition "The outside drinking area not to be used after 22.00 hours" with "No consumption of alcohol or licensable activities to take place outside after 23:00h".

Replace the condition "No children allowed on the premises after 18.00 hours" with "No children allowed on the premises after 21:00h".

Remove the condition "The entrance door will be locked, and there will be no new admissions to the premises after 23.00 hours from Monday to Saturday and 22.30 hours on Sunday".

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
The original premises licence was sent to the Local Authority with a minor variation application submitted in April 2012.

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)

As per existing licence save for the conditions requested to be removed and the below.

b) The prevention of crime and disorder

The premises will be a member of the local pubwatch scheme.

A member of staff will supervise the entrance and exit of customers to and from the premises during busy times.

Taxi's will be called for customers upon their request. A preferred taxi service will be used and they will be asked to turn off their engines and not to use the horn when waiting for customers.

c) Public safety

d) The prevention of public nuisance

Taxi's will be called for customers upon their request. A preferred taxi service will be used and they will be asked to turn off their engines and not to use the horn when waiting for customers.

No consumption of alcohol or licensable activities to take place outside after 23:00h.

Signs will be displayed asking customers to leave the premises quietly and to respect the neighbours.

Facilities will be provided to enable customers to dispose of cigarette ends.

A member of staff will supervise the entrance and exit of customers to and from the premises during busy times.

e) The protection of children from harm

No children allowed on the premises after 21:00h.

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 | Solicitor to Applicant |

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) Barry Richards TLT Solicitors One Redcliff Street | | | |
| Post town | Bristol | Post code | BS1 6TP |
| Telephone number (if any) | 0117 917 7612 | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) barry.richards@tltsolicitors.com | | | |

Notes for Guidance

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

1. 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 | 12/02014/LAPRE |
|--------------------------------|----------------|

Part 1 – Premises Details

| | |
|---|--------------|
| Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code | |
| Trinity Inn 49 James Street West Bath BA1 2DA | |
| Telephone number | 01225 400042 |

| | |
|--|----------------|
| Where the licence is time limited the dates | Not applicable |
|--|----------------|

| | |
|--|---------------|
| Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities | |
| Sale of Alcohol | |
| Monday to Saturday | 10:00 - 00:00 |
| Sunday | 12:00 - 23:30 |
| Performance of Dance | |
| Monday to Saturday | 11:00 - 23:00 |
| Performance of Live Music | |
| Monday to Saturday | 11:00 - 23:00 |
| Performance of Recorded Music (Indoors only) | |
| Monday to Saturday | 10:00 - 00:00 |
| Sunday | 12:00 - 22:30 |
| Other Entertainment within Act | |
| Monday to Saturday | 11:00 - 23:00 |
| Non-Standard Timings | |
| A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend. | |
| A further additional hour in to the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. | |
| A further additional hour every Christmas Eve and Boxing Day. | |
| From normal opening activity time on New Years Eve until normal activity closing time on 1 January. | |

The Opening Hours of the Premises

| | |
|--------------------|---------------|
| Monday to Saturday | 10:00 - 00:30 |
| Sunday | 12:00 - 00:00 |

Non-Standard Opening Times

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour in to the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From normal opening time on New Years Eve until normal opening time on 1 January.

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

Punch Taverns Plc
Jubilee House
Second Avenue
Burton On Trent
Staffordshire
DE14 2WF

01283 501600

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

Registered Business Number - 03752645

Bath & North East Somerset Council

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

Mr Stephen Walter Shearing
The Trinity Inn
49 James Street West
Bath
BA1 2DA

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

05/02762/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 1 May 2012

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.

From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

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

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

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

From 1 October 2010:

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

5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

Annex 2 – Conditions consistent with the Operating Schedule

CCTV installed and maintained to cover the external drinking area. Recordings to be kept for a minimum of one month.

The outside drinking area not to be used after 22.00 hours.

No unaccompanied children allowed on the premises.

No children allowed on the premises after 18.00 hours.

No striptease, nudity or restricted films allowed on the premises.

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

The Licensing Committee granted the licence subject to the Mandatory and Operating Schedule conditions. In addition the licence will be subject to the condition that the entrance door will be locked, and there will be no new admissions to the premises after 23.00 hours from Monday to Saturday and 22.30 hours on Sunday.

Subject also to the following times:

Sale and Supply of Alcohol

| | |
|--------------------|----------------|
| Monday to Saturday | 10.00 to 00.00 |
| Sunday | 12.00 to 23.30 |

Opening hours -

| | |
|------------------------|----------------|
| Monday to Saturday | 10.00 to 00.30 |
| Sunday and Good Friday | 12:00 to 00.00 |

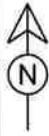
The above times shall be in addition to the seasonal variation as applied for and set out in the Operating Schedule.

The Sub-Committee delegates power to the Licensing Officer to issue the Licence accordingly.

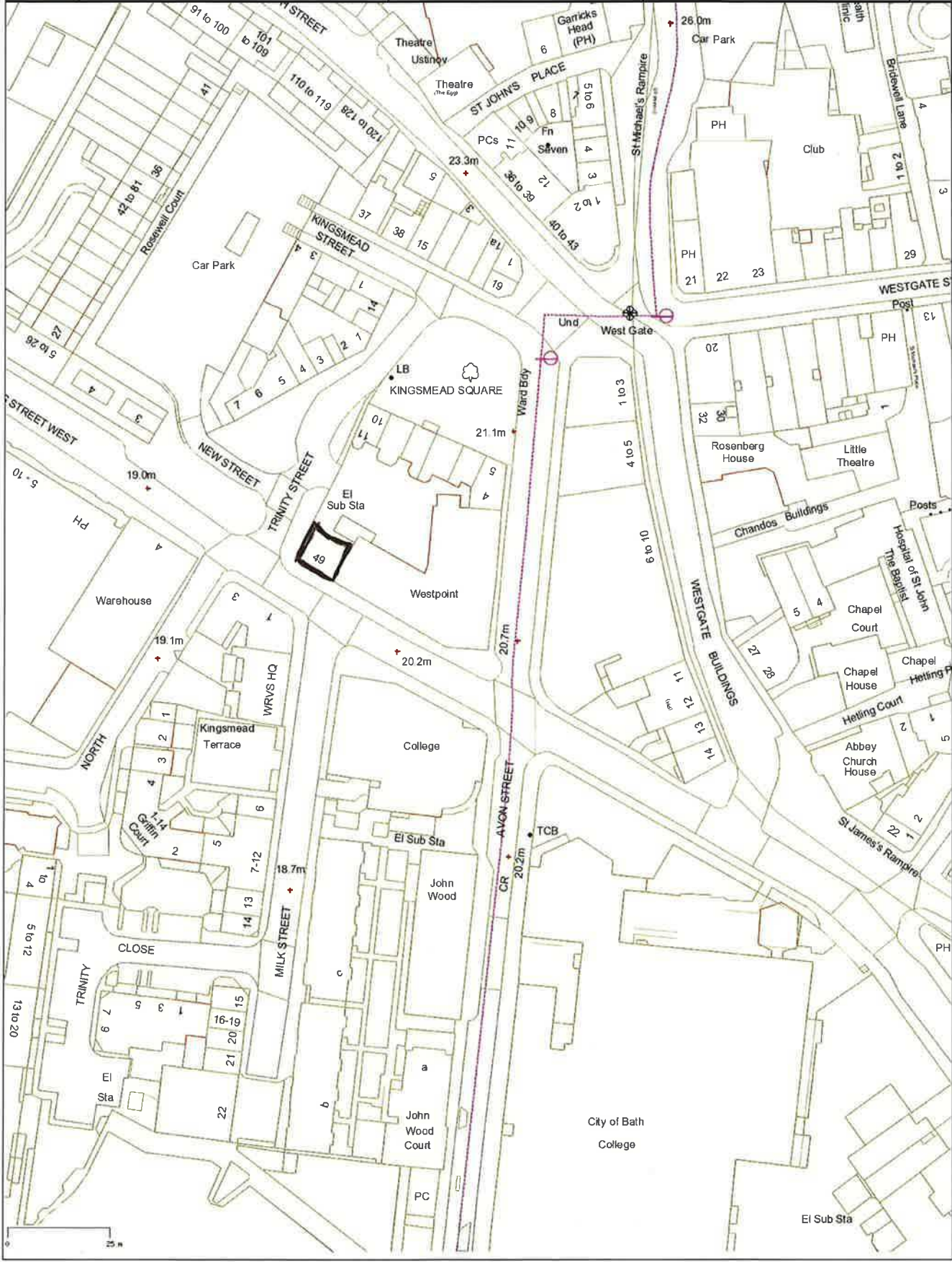
Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.

| | | | |
|--|--|---|---|
| <p>Bath and North East Somerset: District Online</p> | <p>Date: 20-7-2012 Scale: 1:1250</p> | <p>Bath & North East Somerset Council</p> |  |
| <p>GMIS Web Mapping PDF The Trinity Inn Variation</p> | <p>Map Centre - easting / northing: 374826 / 164704</p> | <p>© Crown copyright and database right. All rights reserved (100023334) 2012</p> | |

Terrill Wolyn





ENVIRONMENTAL SERVICES
ANNEX
1 3 JUL 2012
Post Log No:
Receipt No:
CH/CA £.....

Representation Form

Responsible Authority. (Please delete as applicable.)

Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures / Planning Authority / Marine Agency.

| | |
|--------------------------|--|
| Your Name | Steven Mildren |
| Job Title | Police Inspector |
| Postal and email address | Bath Police Station Manvers St. Bath |
| Contact telephone number | 012258462475 |

| | |
|--|---|
| Name of the premises you are making a representation about. | Trinity Inn |
| Address of the premises you are making a representation about. | James Street West 49-51 Bath, BA1 2DA |

| 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 within the city centre area... This area suffers from crime disorder and anti social behaviour revellers move from one premise to another, within the city centre many looking for the last premises open This can alter the dynamic of a premises causing tensions with already intoxicated persons entering premises late at night not gelling with the already established clientele. This location provides an arterial route for persons on foot leaving other parts of the city centre . This location falls within the cumulative impact area and with such a considerable number of licensed outlets within the city centre area experience has shown that coupled with persons who have consumed large amounts of alcohol provide a catalyst for crime and disorder and acts of anti social behaviour this situation developing during the course of the evening. The variation application is to extend the hours that the premises operate , and to add live music, this |

| | | |
|---|-----|---|
| | | the Police feel can add a different dimension and, as such the application does not forward the licensing objectives and negative any crime and disorder impact, and feel that conditions should be added to the licence to further this aim.Noise nuisance is a major concern within the city centre that has a considerable residential population and conditions in respect of this are requested.. |
| | | |
| To prevent public nuisance | yes | |
| The prevention of harm to children | | |
| 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. | | <ol style="list-style-type: none"> 1. A digital CCTV system will be fitted and maintained in consultation with the police. The recordings will be of evidential quality and kept for a minimum of 31 days. They will be time and date marked and made available to the police on request. Notices are to be displayed at the entrance to the premises advising that cctv is in operation. 2. Where a risk assessment by the DPS identifies as necessary, and /or at the written request of the police or licensing authority, door staff will be on duty to supervise all patrons entering and leaving and to ensure the good order of the premises. 3. There will be no new entry to the premises after 00.30 each day. 4. There will be no live or recorded music after 12.00 Midnight on any day. 5. All windows and doors (except for entry and departure) will remain closed during performance Of live music. <p>All conditions have been agreed by the licence holder.</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: 13-7-12.

Please return this form along with any additional sheets to:

Bath and North East Somerset Council
Licensing Services
Manvers Street.
Bath.
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.

Terrill Wolyn

From: Licensing
Sent: 12 July 2012 12:39
To: Kirsty Morgan; Terrill Wolyn
Subject: FW: Trinity Inn: Variation application: Amendment to application

From: Piers Warne [mailto:Piers.Warne@TLTsolicitors.com]
Sent: 12 July 2012 10:28
To: Licensing
Cc: martin.purchase@avonandsomerset.police.uk; Richard Pask
Subject: Trinity Inn: Variation application: Amendment to application

Dear Sir/ Madam

We act for Punch Taverns in relation to the above premises licence variation application. Further to meetings between the applicants, police and environmental protection, we can confirm that the following conditions have been agreed.

1. A digital CCTV system will be fitted and maintained at the premises in consultation with the police. The recordings will be of evidential quality and kept for a minimum of 31 days. They will be time and date marked and made available to the police on request. Notices are to be displayed at the entrance to the premises advising that CCTV is in operation.
2. Where a risk assessment by the DPS identifies as necessary, and /or at the written request of the police or licensing authority, door staff will be on duty to supervise all patrons entering and leaving and to ensure the good order of the premises.
3. There will be no new entry to the premises after 00.30 each day.
4. There will be no live or recorded music after 12.00 midnight on any day.
5. All windows and doors (except for entry and departure) will remain closed during performance of live music.

In view of the above, it is my understanding that subject to no other representations made, we will be asked to confirm to the Committee that agreement has been reached. I have copied in Martin Purchase for his confirmation that the conditions are as agreed.

Kindly acknowledge receipt of this email and I look forward to receiving notice of the hearing date.

Yours sincerely

Piers Warne
Solicitor
for TLT LLP
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F: +44 (0) 117 917 7566
www.TLTsolicitors.com

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