

**Democratic Services**

Riverside, Temple Street, Keynsham, Bristol BS31 1LA

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 395090 Fax: 01225 394439

Web-site - <http://www.bathnes.gov.uk>

Date: 6 March 2013

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto: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, 14th March, 2013**

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Thursday, 14th March, 2013 at 10.30 am** in the **Chandos Room - Fry Club and Conference Centre**.

A private briefing session for Members will be held at 10.00am in the **Chandos Room - Fry Club and Conference Centre**.

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, 14th March, 2013**

**at 10.30 am in the Chandos Room - Fry Club and Conference Centre**

**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

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. MINUTES: 29 JANUARY 2013 (Pages 5 - 12)

7. MINUTES: 8 FEBRUARY 2013 (Pages 13 - 24)

8. LICENSING PROCEDURE (Pages 25 - 28)

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

9. APPLICATION FOR A PREMISES LICENCE FOR QUALITY WINES SOMERSET LTD, 3 MANSBROOK HOUSE, 15 HIGH STREET, MIDSOMER NORTON BA3 2HW (Pages 29 - 56)

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

This page is intentionally left blank

**BATH AND NORTH EAST SOMERSET**

**LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE**

Tuesday, 29th January, 2013

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

**Also in attendance:** 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**

There were none.

**4 DECLARATIONS OF INTEREST**

There were none.

**5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**6 MINUTES: 13 NOVEMBER 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 TO VARY A PREMISES LICENCE FOR THE WARWICK ARMS, UPPER BRISTOL ROAD, CLUTTON, BS39 5TA**

Applicant: Greene King Retailing Ltd, represented by Matthew Phipps (TLT Solicitors), Simeon Baker (Development Manager, Greene King), Alex Tryfonos (Mezze Restaurants, DPS)

Interested Party: Mr John Bishop

The licensing officer summarised the application. She said this was quite a complex variation, and for the sake of clarity read out all the proposed changes. She asked members to note that no changes were proposed to regulated entertainment outside

the premises. She reported that representations had been received from interested parties in relation to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance; only one of the Interested Parties had been able to attend today's hearing. She circulated a document tabulating all the proposed changes.

Mr Phipps stated the case for the applicant. He said that that last year statutory provisions relating to live music in licensed premises had been amended, so that now a premises licence automatically conferred the right for live music up to 23.00. This would be sufficient for the applicant, who would accordingly withdraw the part of the application relating to live music. In fact, he said, there would probably not be live music at the premises very often at all. In business terms the extended hours were most important for Fridays and Saturdays and less so for Sundays to Thursdays, though the applicant was not withdrawing this part of the application.

Mr Phipps noted that none of the Interested Parties had objected to the proposed change to the layout of the premises. The applicant, Greene King, was leasing the premises to Mezza Restaurants, who were proposing to invest a significant amount. A copy of the full-size floor plan was provided to members by the Licensing Officer. Referring to the plan, Mr Phipps said that it should be envisaged that most of the floor area would be filled with tables and chairs. Without the change to the plan of the premises, Mezza's proposal could not go ahead. Mr Phipps said that Greene King operated a risk-register system in which problems relating to their premises were logged and addressed by additional measures until they were resolved.

Mr Phipps noted that the responsible authorities had not made representations to the application.

Mr Phipps stated that Mezza Restaurants already operate premises in Downend, Thornbury and Congresbury exactly as they planned to operate the Warwick Arms. The premises would have eight guest rooms, including two family rooms and breakfast would be served. New premises at Portishead would be opened later in the year. He believed that the phrase "community pub" encapsulated what Mezza Restaurants was all about; they specifically sought premises outside cities and their clientele was not drawn from far and wide but from the surrounding community. He stated that Mr Tryfonos would be in attendance at the premises continuously for the first three months after Mezza had begun their operation there. He stated that all the other premises operated by Mezza are cheek by jowl with residential premises and that Mezza have extensive experience of operating premises with extended hours. He said that it was fundamental to Mezza's operation that they are good neighbours; they wanted customers to arrive and leave in an orderly manner.

Mr Phipps stated that Mezza wanted the extended hours because that is what would make the premises commercially viable; they did not want customers leaving at 22.00 to go to other premises. There was evidence that people came to Mezza premises because of the later hours. Food sales accounted for more than 60% of the business.

Mr Phipps noted the points made in the representations about road traffic. He submitted that the premises had adequate parking. The A37 on to which the premises abutted, he said, was a road that never becomes quiet and is used by

commercial vehicles day and night; the premises were fitted with triple glazing, to keep noise out, not to prevent it escaping, though as an ancillary benefit it helped prevent nuisance. He said that all music would be played through the in-house system, which had noise limiters and Mezze would be quite happy for the Sub-Committee to set a maximum level. It was management's policy that entertainment should not prevent conversation. Music in the premises was zoned, so that it was louder in some parts and softer in others. He submitted that any fears of noise nuisance were unfounded.

Mr Phipps said that Mezze were very strict about the admission of customers. There was a booking system for tables and a guest list compiled, which was closed at 19.00. Anyone not on the guest list would not be admitted after 00.00 (midnight). Management did not want the premises to be a late-night resort for those who had had to leave other premises. He stated that a doorman was employed from 20.00 every Friday and Saturday to monitor entry and exit from the premises. There was only one exit at night, as the other exit was designated as a fire exit. People who appeared to be under the influence of drink or who were not properly dressed would not be admitted. Experience at the other Mezze premises suggested that the departure of customers took place over an extended period. Staff called taxis for customers. A floor manager was employed. Staff who had not previously served at table were mentored for a period of two weeks.

Mr Phipps said that he believed that he addressed all the concerns raised by the Interested Parties. He asked Mr Tryfonos and Mr Baker to give evidence. Mr Tryfonos said that good relations with the community were crucial to the success of Mezze's business, because their customers were drawn from the community. Previous licence applications by Mezze had raised more concerns among residents than this one had. There had been about a hundred residents present at the hearing of the application for the Thornbury premises, but now he believed that most local residents would give the premises a good reference. He said that he would check in the first few weeks of operation that noise was at an acceptable level and would give his personal mobile number to residents to contact him if there were problems. His main safety concern was not cars driven by customers, but customers leaving the premises directly onto the busy A37. This entrance would therefore be closed at 22.00, so that customers would have to leave by the rear entrance. A dog leg had also been added to the corridor so that there was no exit directly onto the road. Signs had been erected at the entrances and exits requesting customers to be mindful of local residents. He said that there was a degree of noise at other Mezze premises when large parties were being catered for, but operational procedures allowed customers to disperse slowly. He believed that the previous layout of the Warwick Arms had led to more noise than would occur in future.

Mr Bishop put questions to the applicants. He asked about dancing at the premises. Mr Phipps said that the premises licence did not permit the provision of facilities for dancing, so there could be no dancing by customers. The management wished to allow the possibility of providing a dance show, e.g. belly dancing. Mr Bishop said that there was a great deal of noise and shrieking when events were held at the football club, which was situated behind the Warwick Arms. Since people are people, could not the same be expected at the Warwick Arms? Mr Phipps suggested that the presence of a doorman would have a moderating effect. Mr Tryfonos added that a doorman was employed, even though it was not a licence condition to have one. The

doorman was there to prevent unsuitable people from entering the premises. Mr Bishop wondered about the behaviour of customers who were refused admission, adding that the premises were a long way from a police station. Mr Phipps replied that the Police had made no representation to the application and Mezza's experience was that as word got round about the price level and dress code, unsuitable people would cease to seek admission.

Members put questions to the applicants. In reply they stated:

- there was a designated area for smokers; Mr Tryfonos pointed to this on the plan
- the Parish Council had initially expressed concerns about the application; Mezza had not been able to attend a meeting of the Parish Council because it had been rescheduled twice; there would be an open day to which residents and members of the Parish Council would be invited
- many residents of the sheltered housing were hard of hearing and it was unlikely that they would be affected by noise from the premises; concerns that the premises would be a nightclub were misplaced and this needed to be clarified
- about 80% of Mezza's revenue came from sales of food and the business was family-orientated; being able to accommodate a second sitting for meals in the evening made the business much more viable
- not a lot of money was taken after 00.00, but Mezza wanted to encourage customers to stay; in the early weeks of operation some people would come to the premises just because it was open late; entry would not be permitted after 23.00, except for people who had previously arranged to join a party in progress;

A Member sought clarification about dancing at the premises. The Licensing Officer explained that the provision of facilities for dancing had been removed from the licence by the Live Music Act 2012. Mr Phipps explained that Mezza were not interested in providing facilities for dancing, though did want to be able to provide the occasional dance show.

In reply to questions from officers, Mezza stated

- they would accept a condition of no admission after 00.00
- live music should be removed from the application, as it was no longer required because of statutory reform
- they would accept a condition requiring the employment of one door supervisor after 00.00
- Mezza would accept a condition requiring the provision of notices requesting patrons to leave quietly

Mr Bishop stated his case. He said that local residents would be monitoring the operation of the premises carefully and would let the management of Mezza know if there were any problems. There would be, in effect, a trial period. He wished Mezza well with their new venture. A Member asked whether it was possible to distinguish between noise was possible to distinguish between noise emanating from the football club and noise emanating from the Warwick Arms. Mr Bishop replied that it

was; noise only came from the football club on match days. Mr Tryfonos explained that the football club had a right of way across the lower car park of the Warwick Arms. Mezze would endeavour to control football fans using this. In response to further questions from the Member Mr Bishop stated:

- he felt much heartened by the evidence given by the applicants; if the application was granted, he was sure that residents would give feedback if there were problems
- there had been a number of traffic accidents in the vicinity and he was concerned that the consumption of alcohol would increase their likelihood

The parties were invited to sum up.

Mr Bishop said that he had nothing to add. Mr Phipps said that it might be considered unusual to seek an extension of hours for licensed premises in a residential area, but it was, he suggested, a special application. He submitted that the changes to the internal layout of the premises would promote the licensing objectives. He requested the Sub-Committee to grant the extended hours for seven days a week, even though it was the Friday and Saturday hours that were most critical for the business.

The Sub-Committee adjourned and then reconvened. A Member told the applicants that the Sub-Committee was concerned that the premises might be transformed into a nightclub, under future management if not under the present management. He quoted the example of premises in Bath which were licensed as a restaurant, but turned themselves into a nightclub after 22.00 by the removal of tables and chairs to create a dance floor. He asked whether they would accept a condition requiring that tables and chairs remained in position at all times and a condition requiring recorded music and the performance of dance to cease at 00.00. Mr Phipps replied that the applicants would be happy to accept a condition about the number of tables and chairs, but that not to be able to move them would be a problem. The management would also like to have recorded music after midnight on Fridays and Saturdays. The Sub-Committee could, if it wished, refuse authority for the performance of dance. He also suggested that the whole licence could be made conditional on maintaining the restaurant operation, so that a future license holder who wished to discontinue this would have to apply for a variation. Alternatively, a condition could specify that not less than 80% of the floor area should be covered by tables and chairs, which would prevent the creation of an area large enough for a dance floor. Members agreed that the refusal of authority for the performance of dance and the suggested condition about tables and chairs would provide sufficient guarantee against the premises becoming a nightclub and in those circumstances they would not wish to restrict the playing of recorded music.

The Sub-Committee adjourned again, and after reconvening, **RESOLVED** to grant the variation as applied for, subject to the deletion of that part of the application related to live music and the performance of dance and to the additional conditions proposed by the applicant. They also imposed the conditions consistent with the Operating Schedule in addition to those already on the Premises Licence.

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

## REASONS

Members have today determined an application for the variation of a Premises Licence for The Warwick Arms, Upper Bristol Road, Clutton.

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 must only do what is appropriate and proportionate to promote the licensing objectives based on the evidence before them.

Members took account all of the relevant oral and written representations from the applicant Company, its solicitor, and the Interested Parties and were careful to balance their competing interests.

Members noted that the relevant representations, made by the Interested Parties, related to existing nuisance in the form of noise emanating from customers leaving the premises, anti-social behaviour, and crime and disorder.

There is also a warden assisted home for the elderly opposite the premises and representations were made by residents on the basis that they could be disturbed by the late hour and extension in activities. Members also took into account a letter from the applicant's solicitor dated 23 January 2013 addressing the concerns raised by the Interested Parties and which stated in detail the style of the operation and management of the premises. In that letter the company proposed that two conditions be imposed on the premises licence, in relation to the risk assessment of noise, in order to keep any noise nuisance caused to residents to a minimum, and the keeping of a written complaints log to be produced to the Police and the Council on demand.

Representations were also made on the fact that there is no late night bus service from Clutton and noise from cars in the street. Members were aware that these matters did not fall to be considered under the Licensing Act and therefore disregarded them.

Members were aware that once patrons were away from the premises they were no longer in the control of the applicant and that any problems caused by patrons in this respect could be controlled by other means such as informing the Police with regard to anti-social behaviour.

Members noted that no representations to the application had been made by the Police or Environmental Health Officer.

Members also noted the modification of the application to exclude live music and agreement of the applicant to remove the performance of dance from the application.

They considered the merits of the application and considered that the provision of such a facility would provide the local community with a new licence concept focussed on food and family.

Members noted that the Supervisor of Mezze would provide his personal mobile number but noted that it could not be imposed as a condition.

Members did not consider it appropriate to impose the two conditions proposed in the letter dated 23 January 2013 as they considered that the premises licence had adequate controls in place.

The meeting ended at 1.09 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

This page is intentionally left blank

**BATH AND NORTH EAST SOMERSET**

**LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE**

Friday, 8th February, 2013

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

**Also in attendance:** Terrill Wolyn (Senior Licensing Officer), Jonathan Smith (Solicitor, Poppleston Allen Solicitors) 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 MINUTES: 15 JANUARY 2013**

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

**7 LICENSING PROCEDURE**

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

**8 APPLICATION FOR THE SUMMARY REVIEW OF PREMISES LICENCE FOR BLUE ROOMS, ROYAL YORK HOTEL, 1 YORK BUILDINGS, GEORGE STREET, BATH BA1 2EB**

Applicant for Review: Avon and Somerset Police, represented by Dan Johnson (Solicitor), Inspector Steven Mildren, Detective Inspector Janice Pearson, Detective Chief Inspector Nicholas Papuca, Martin Purchase (Police Licensing Officer)

Licence Holder: Kambiz Shayegan, represented by David Holley (Licensing Agent), Blair Ruddick (Designated Premises Supervisor)

Other Persons: Ian Perkins (The Abbey Residents' Association), Sally Rothwell (Circus Area Residents' Association)

The parties confirmed that they had received and understood the Review Procedure.

The Sub-Committee had received notice before the commencement of the hearing that the Police and Licence Holder had been discussing new licence conditions and might require further time to reach agreement. The Police and the Licence Holder confirmed that this was the case.

Mr Smith asked Mr Holley why his clients had not submitted a representation to today's hearing. Mr Holley replied that his clients were very interested to see what was in the papers, which they had received the previous Monday, 4<sup>th</sup> February. Mr Holley stated that the Licence Holder intended to comment in detail on the allegations at today's hearing.

The Licensing Officer explained that the last day for representations had been 29<sup>th</sup> January and that she had personally delivered all representations received including a DVD of CCTV footage, which was part of the Police evidence, to the Licence Holder on 30<sup>th</sup> January.

Mr Smith said that he had advised the Sub-Committee on the provisions of the Human Rights Act, which would require that the Licence Holder be allowed to make representations in a process that might affect his right to a livelihood. Mr Johnson said that he had no objection to the Licence Holder being allowed to make representations, though he noted that the applicant had scrutinised the minutiae of the representations of the other parties, which he thought was a little unfair and not in keeping with the spirit of the process.

The Sub-Committee **RESOLVED** to adjourn the hearing for 20 minutes to allow discussions between the Police and the Licence Holder to continue.

When the hearing was reconvened, Mr Johnson addressed the Sub-Committee. He said that he was grateful for the granting of an adjournment, which had allowed the Police and the Licence Holder to agree on new licence conditions. He requested that the three Police witnesses be excused from giving evidence, as this was no longer necessary.

Mr Smith asked whether the Other Persons had been involved in discussions. When Mr Perkins said they had not, Mr Smith said that as a matter of law the fact that the Police had agreed conditions with the Licence Holder did not determine the process.

Copies of the proposed conditions were provided to Members and the Other Persons. The Sub-Committee **RESOLVED** to adjourn the hearing again to allow Members and the Other Persons to study them.

When the hearing reconvened, the Chair asked the Other Persons whether they were content with the proposed conditions. Mr Perkins said they were, but had suggested a couple of additional conditions, which the Licence Holder had agreed to accept. Mr Smith said that Members wished to hear the parties state their cases, as they wished to pose a number of questions.

Mr Johnson said that the Police case was simple and concerned acts of violence committed at the premises over the past 6 months and the dealing of Class A drugs at the premises. The Police wished that conditions were imposed on the licence that would ensure effective management of the premises. It was stated that the proposed conditions were intended to replace existing conditions. They were stronger versions of the conditions which exist on the premises licence combined with the conditions imposed at the hearing for the summary review where interim steps were imposed by the Sub Committee. It was stated that a couple of the conditions made mandatory practices that the Licence Holder admitted should be happening already, such as the keeping of a door staff register and an incident book.

A Member noted the first proposed condition, which dealt with CCTV, and recalled that at the hearing of the summary review it had been stated that a new CCTV system had been installed. Mr Johnson confirmed that a new CCTV system had been installed, which met the requirements of the Police and confirmed that the Licence Holder had listened to the views of the Police and been cooperative. However, the condition was intended to strengthen the existing licence condition with respect to CCTV.

Mr Johnson said that the Police wished to amend the proposed condition relating to door staff, so that the 2 additional door staff proposed for Thursdays would commence duty at 00.00. A Member recalled that at the summary review hearing the Sub-Committee had rejected the idea that door staff should commence duty at 00.00, and had been of the view that they should be present from opening to closing. Mr Johnson responded that the amendment recognised that additional door staff were required on Thursdays, but only after 00.00 when people were leaving other premises and there was a need to cope with a sudden influx of new customers.

Mr Perkins stated his case. He said that he was speaking both as Chairman of The Abbey Residents Association and as a resident of George Street. He stated that he witnessed breaches of the licensing objectives by the Blue Rooms on a nightly basis. He stated that it was a large premises and had an important effect on the lives of local residents. He proposed two additional conditions to those proposed by the Police. The first would require the management to clear up mess and litter in a designated area in front of the premises. The second would require the management to have a quarterly meeting with residents to discuss their concerns and provide them with information, to which the Premises Licence Holder had agreed that day.

Mr Smith asked the parties whether they had seen the DVD of CCTV footage. Mr Holley replied that he had not seen it personally, though his client had. Mr Smith asked Mr Perkins whether he thought that there was an effort by the management of the premises to move people along the street and disperse them effectively. Mr Perkins said that he did not think so, and that in fact queue management was worse than at other premises. He stated that the premises were the last licensed premises at the end of the street, so by the time that customers, who had started at the other end of the street, arrived at the premises they had already drunk a good deal. He considered that there appeared to be little attempt to manage queues, and complaints were regularly received from elderly residents passing by who had been forced off the pavement. The issue was one of culture and management issues that were difficult to address through specific conditions.

Mr Smith asked Mr Perkins if residents had concerns about the hours at the premises. Mr Perkins replied that the Blue Rooms had a 24-hour licence, which he was not sure was needed. He stated that there many people living in George Street and the surrounding area, and noise at 2 or 3am was not easy to put up with. He stated that, ideally, premises would not open that late on weekdays. However, having spoken to the Police that day, he would be reluctant to suggest restricting the hours.

Mr Smith observed that it was not proposed to retain the existing condition concerning Pubwatch membership, or the prohibition on regulated entertainment in the sub- basement area after 23.30. Mr Johnson stated that the condition about Pubwatch membership was regarded as aspirational, rather than as enforceable, while the removal of 23.30 terminal hour for regulated entertainment in the basement area should be understood in the light of the new lower capacity limits proposed.

A Member noted that Mr Perkins had only mentioned noise nuisance on weekdays and not at weekends. Mr Perkins responded that though there were noise-limiting conditions for many of the premises in George Street, in practice they proved unenforceable. The Member asked whether noise was associated with students. Mr Perkins thought not, and stated that drinking establishments in George Street were very tribal. He said that students tended to frequent Moles, which did not often impact on local residents but that one major problem experienced by residents was drinkers arriving by train in Bath from Wiltshire and making for the night spots. He stated that such persons tended to be already drunk on arrival in Bath, and it was often difficult to decide on the appropriate moment for police intervention.

Mr Holley stated the case for the Licence Holder. He said that the Licence Holder accepted the conditions that had been proposed by the Police. Members asked whether the Licence Holder would be prepared to accept conditions relating to

- proof of age
- no admission to people under the age of 18 years.
- a dispersal policy
- door staff being outside the premises at certain times to control queues and dispersal
- cleaning in a designated area outside the premises
- membership of Pubwatch
- meeting regularly with local residents

Member asked where the smoking area was located and whether it was possible to avoid customers having to go outside to smoke and then being readmitted. They also asked whether there were gaps in the coverage of CCTV cameras.

Mr Holley wondered whether picking at many small specific issues was the most effective means of improving the situation. He stated that as part of stronger management of the premises a number of customers had recently been asked to leave and some door staff had also been asked to leave. He confirmed that new door staff had been employed and had assisted with the dispersal of customers and that the previous evening a gradual dispersal of customers had taken place. He

stated that a CCTV camera monitored the car park and the basement area, which was below the car park.

Mr Smith asked whether there was a dispersal management and queue management policy. Mr Holley replied that there was, and it had been put into effect the previous evening. Mr Smith asked whether these policies were written down. Mr Holley replied that they were not at present, but this could be easily done. In response to a request from Mr Smith, Mr Holley and Mr Ruddick indicated, on a large-scale plan of the premises, where the smoking area was located. They demonstrated that it was unnecessary to leave the premises in order to smoke.

In response to a question from a Member, they stated that customers should not go to the Broad Street Car Park in order to smoke; there was access to the car park only through a fire exit. Mr Johnson said that the Police would be very concerned about the use of the car park by smokers; it was not well lit and there would be an adverse impact on residents. Mr Perkins said that the de facto smoking area was the area in front of the main entrance to the premises and downstairs in a lobby area. He said that this was a source of noise nuisance and of obstruction inside the premises and door staff appeared to do little to control it.

Mr Smith asked whether the Police had inspected the CCTV system at the premises. Mr Purchase said they had not, but it would be inspected. Mr Smith asked whether the Licence Holder would accept a condition requiring any necessary work to the CCTV system to be completed within 7-14 days. His representatives indicated that they would. Mr Smith asked whether any incidents had occurred at the premises since the summary review hearing. Mr Purchase said that there had been none, but this was only to be expected after a summary review hearing.

The Chair noted that there was a condition prohibiting irresponsible drink offers and asked about 2-for-1 offers. Mr Ruddick said that as far as he knew there had never been a 2-for-1 offer. The only offer now made was that of a spirit or liqueur mixed with a non-alcoholic drink for 99p. Mr Perkins said that concerns about this kind of offer had been expressed in his representation; there was a worldwide concern that alcohol mixed with energy drinks produced intoxication faster. Mr Ruddick said that such a drink would never be sold to anyone who was thought to be irresponsible, but it was a popular drink and 99p was a common price to charge for it.

Mr Smith suggested that if the Sub-Committee was considering the imposition of a dispersal policy it would be helpful to view the DVD of CCTV footage. The DVD was played and Inspector Mildren commented on it. The DVD showed scenes on the street immediately outside the premises comprising the incidents listed on page 194 of the agenda. Mr Perkins commented on the close proximity of residential premises to these incidents. Mr Smith asked whether the incidents were typical or whether they had been selected for effect. Inspector Mildren replied that they had been selected because they related to Police investigations, but in his view they were also typical. Mr Perkins said the incidents shown were in his view "par for the course" and were the kind of thing were frequently seen when representatives of The Abbey Residents Association walked around to observe the night scene.

Mr Ruddick said the film shown of a street fight on 7<sup>th</sup> September 2012 involved local residents as well as customers and that it had been a very difficult situation to

manage, but it was an isolated incident. He stated that the incident had started inside the premises, and if a similar situation was to occur now the presence of door staff inside and outside the premises would make it much easier to contain.

Mr Ruddick said that the Police statistics appeared to show that a very high percentage of incidents were connected with the Blue Rooms, but they had to be put in perspective by understanding that a high number of reported incidents in the summer months would inevitably be associated with the Blue Rooms, because most other clubs in Bath were closed then.

A Member said that he had been interested to hear that recently there had been greater management of customers leaving the premises and wondered whether this task would be easier if customers were advised that readmission to the premises would be at the discretion of management. Mr Ruddick agreed with this. Mr Smith commented on the complete absence of door staff when the fight on 7<sup>th</sup> September 2012 had occurred. Mr Ruddick said that some door staff had gone home because the club had closed and that this would not occur again.

Mr Perkins said that it was clear that people sometimes emerged from the premises in a very drunken condition. Since people did not become drunk all at once, he wondered how this could occur. He suggested that it must be the case that people who were already drunk were served with more alcohol. Mr Ruddick responded that people had different tolerance levels for alcohol and some people could change from one condition to another very suddenly. He said that there used to be staff at the premises who took advantage of the previous layout to serve drinks to customers who should not have been served, but now all staff received training on the effects of alcohol.

The Licensing Officer said that in her view the condition prohibiting regulated entertainment in the basement area after 23.30 should not be removed in the light of a complaint that had been received from the neighbouring hotel. Mr Johnson said that the Police had no objection to it remaining on the licence.

The parties were invited to sum up.

Mr Holley said that the Licence Holder wanted to put matters right. He stated that the Blue Rooms were patronised by older people as well as young people. Two company directors over 40 had written letters of support to the Licence Holder. He hoped that the conditions agreed would address the problems of the past. He certainly believed that the foundations to their resolution had been laid.

Neither the Police nor the Other Persons wished to add to what they had already said.

Following an adjournment, it was **RESOLVED** to modify the premises licence by the imposition of the following conditions:

- A. Conditions proposed by the Police and agreed to by the applicant with some modification which replace existing conditions:

1. CCTV shall be installed to the satisfaction of the Police and maintained in good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the Police or Licensing Authority for evidential purposes on request. If the CCTV equipment fails the Police and Licensing Authority must be informed as soon as possible and immediate steps shall be taken to affect a repair. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.
2. A minimum of 6 Door Supervisors shall be employed on all days from opening to half an hour after closing save for Thursdays when 8 Door Supervisors shall be employed from 00.00 (midnight) to half an hour after closing. One Door Supervisor shall be female and at least one Door Supervisor shall be stationed at the top of the steps. All Door Supervisors employed under this condition shall only perform a security function.
3. CCTV monitors will be watched at all times the premises are open. The person monitoring the CCTV will be SIA trained and registered and will be in radio contact at all times the premises are open with a member of Door staff and will report any illegal activity they see to the Door Supervisor,
4. Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open, a written record of such checks will be maintained at the premises and will contain the name of the person carrying out such check this record will be made available to the Police and Licensing Authority on request.
5. A register will be kept on the premises showing the full name, full SIA badge number, time on duty and time off duty of each Door Supervisor. The register will be retained for 12 months and made immediately available for inspection by the Police or Licensing Authority.
6. An incident book shall be maintained at the premises which all incidents of crime and disorder and any ejections by Door Supervisors shall be recorded. The incidence book shall be completed on a daily basis regardless of whether any incidents have taken place. The incident book shall be retained on completion for 12 months and shall be made available to the Police and Licensing Authority immediately on request.
7. A Personal Licence Holder shall be at the premises during all opening hours
8. A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area.
9. Upon leaving the premises there will be signage advising that persons do so quietly.
10. A phone service to local taxi services will be offered and persons will be asked to remain the foyer of the premises until the taxi arrives.

11. All staff will be trained every three months in matters concerning illegal drug use and sale of alcohol to persons under 18 and to persons who are intoxicated and records kept of such training. The records will be made available to the Police or Licensing Authority on request. Any new members of staff shall be trained in accordance with this condition and within two months will have attended and completed the Award in Responsible Alcohol Retailing (or equivalent)
12. There will be no entry or re-entry to the premises after 2.00 am each morning.
13. All persons entering the premises will be searched for drugs, weapons or other illegal items on both entry and re-entry.

B. Additional New Conditions

14. Patrons will only be permitted to smoke in the area designated "outside area" on the plan with drawing number 1234/L0018.
15. Patrons leaving the premises through the entrance lobby shall be permitted to re-enter only at the discretion of the management up to 2.00 am on all days that the premises are open to the public.
16. No persons under the age of 18 shall be permitted to enter the premises on all days that the premises are open to the public.
17. The Premises Licence Holder shall devise a dispersal and queuing policy with the Police which shall be operational on all days that the premises are open to the public. The policy must include the provision that those Door Supervisors who remain on duty outside for half an hour after the premises close to the public to wear high visibility jackets.
18. All litter and associated debris shall be cleared away at the frontage of the premises from the boundary outside the premises to Bar Revolution and the junction with George Street and Broad Street on closing on all days that the premises are open to the public.
19. All bar staff shall attend and complete accredited training in the Award in Responsible Alcohol Retailing (or equivalent) within two months of the date of this decision.
20. The Premises Licence Holder shall complete all recommendations made in the Crime Prevention Report within 28 days of the date of this decision.
21. The Premises Licence Holder shall arrange quarterly meetings with representatives of the Circus Area Residents Association and The Abbey Residents Association, or their successor organisations, and the Police unless they are not required by the Residents 'Associations.

C. Existing conditions to remain on the Premises Licence

22. Regulated entertainment on the Basement Floor (entry level) shall cease at 23.30 hours each day.

23. Premises shall be member of any organisation that exists locally to assist in safer bars, clubs and the circulation of information from one Premises to another.

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

The Chair advised the Licence Holder that the Sub-Committee had been so concerned about poor management at the premises that it had seriously considered removing the Designated Premises Supervisor.

## **REASONS**

Members have today determined a full review of a premises licence, following a summary review, of The Blue Rooms, 1 York Buildings, Bath.

In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Home Office Guidance on Summary Reviews, the Council's Policy and the Human Rights Act 1998.

A hearing was held on 15 January 2013 in order for the Sub Committee to consider what interim steps should be taken pending the full hearing. The Sub Committee determined to take interim steps by imposing additional conditions on the premises licence, with immediate effect, in order to ensure that the management and operation of the premises could be immediately improved in light of the representations made by the Police on serious crime.

Members also considered today if some, or all, of those additional conditions remain on the premises licence as part of their consideration of the review.

The review has been held on the basis of concerns of serious crime and serious disorder in respect of drug dealing on the premises and violence. Arrests had been made and charges laid in the Magistrates' Court. Since the hearing on the interim steps some of the defendants had been convicted.

The Members took into account all of the relevant oral and written representations made by the parties which also included a DVD as part of the Police evidence. They listened carefully to the representations made by the parties and were careful to balance their competing interests.

The Premises Licence Holder had not made any relevant representations but the Members considered that he should be permitted to speak as he had the right to a fair hearing. Members were very concerned with the evidence presented by the Police which showed a pattern of crime and disorder associated with the premises in the form of assaults, serious violence, thefts, very drunk persons entering and leaving the premises, lack of control of patrons entering and leaving the premises, noise and other anti-social behaviour such as vomiting in the street.

Whilst Members noted that there was some duplication in the Police records, and disregarded evidence where it was repeated. They considered that the evidence indicated that the Designated Premises Supervisor had not taken his responsibilities seriously as he should have and did seriously consider removing him as the Designated Premises Supervisor. The Police and the Premises Licence Holder had come to an agreement on the imposition of a number of conditions which were designed to replace the existing conditions on the premises licence.

Members also took into account the relevant representations from the Residents' Associations who had stated that their residents experienced noise, crowding outside the premises which could be intimidating for their members, anti-social behaviour, vomiting, drunkenness and shouting in the street by patrons; all of which could be directly attributed to the Blue Rooms.

They noted that both Police and Licensing Enforcement Officers had conducted visits to the premises since the interim steps were imposed and had found that the Premises Licence Holder had fully complied with these additional conditions.

Members were pleased to note the improvement in the operation of the premises in the last four weeks and the agreement between the Police and the Premises Licence Holder. They considered that the Premises Licence Holder had clearly demonstrated that he could operate the premises in a responsible manner. They also noted that the residents did not request a reduction in the hours at this stage. Members therefore did only what was appropriate and proportionate to promote the licensing objectives in light of the representations made to them today.

Members did seriously consider revoking the premises licence as the Designated Premises Supervisor had stated that the premises were not being managed.

However, they took into consideration the proposed conditions and those already in existence on the premises licence together with the interim steps taken.

They therefore decided to modify the conditions of the licence by imposing all of the conditions proposed by the Police and agreed by the Premises Licence Holder, with some modification, together with additional new conditions and the retention of two conditions already on the premises licence.

In their reasons for the decision on the interim steps they decided not to suspend the licence but do want to send a strong message that the supply, use and possession of drugs will not be tolerated and repeat that statement today.

The meeting ended at 2.48 pm

Chair(person) .....

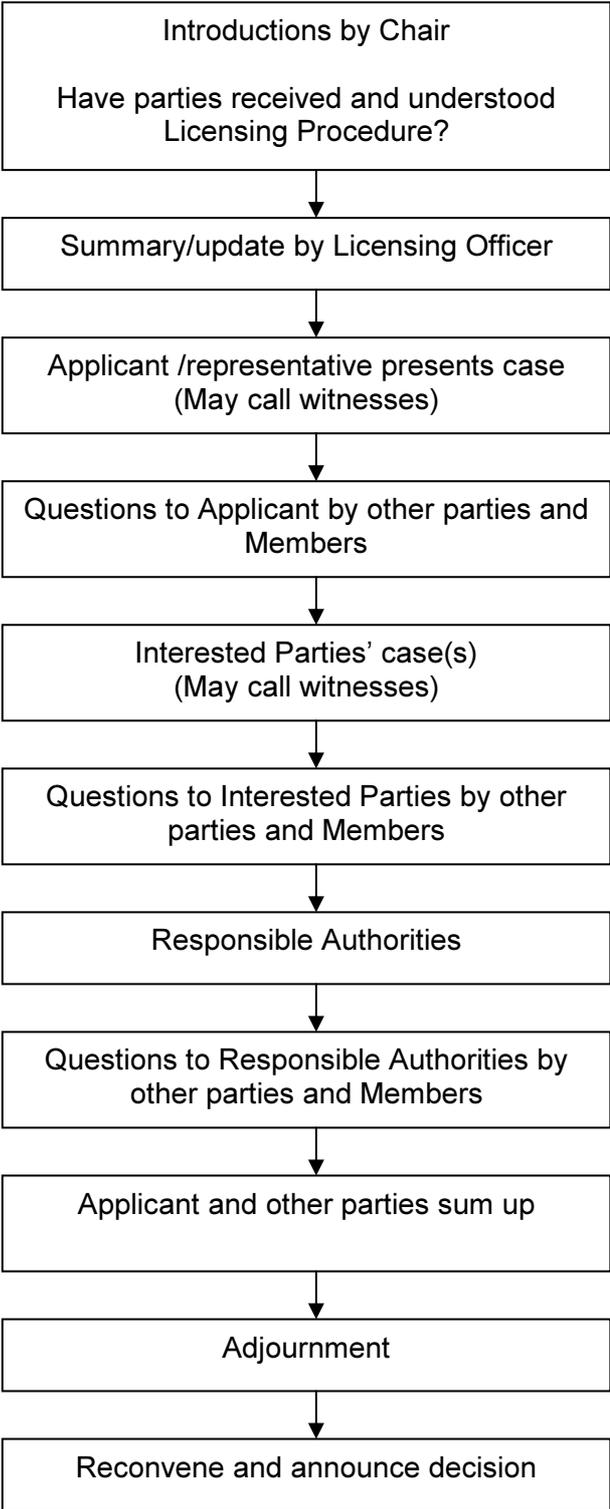
Date Confirmed and Signed .....

**Prepared by Democratic Services**



This page is intentionally left blank

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



This page is intentionally left blank



## **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.

<b>Bath &amp; North East Somerset Council</b>		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	<b>Thursday 14 March 2013</b>	
TITLE:	Application for a Premises Licence for <b>Quality Wines Somerset Ltd</b> , 3 Mansbrook House, 15 High Street, Midsomer Norton BA3 2HW	
WARD:	Midsomer Norton	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Annex A Application for a new premises licence		
Annex B Site plan		
Annex C Police Representation		
Annex D Applicant's agreement to proposed Police conditions		

## 1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of Quality Wines Somerset Ltd, 3 Mansbrook House, 15 High Street, Midsomer Norton BA3 2HW.

## 2 RECOMMENDATION

- 2.1 That the sub committee determines this application.

## 3 FINANCIAL IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.

## 4 THE REPORT

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

- 4.2 The application is for:

- 1) The **Sale of Alcohol** for consumption **off** the premises:

Monday - Thursday 09:00 to 19:00

Friday 09:00 to 20:00

Saturday 09:00 to 19:00

2) **Opening hours**

Monday – Thursday 09:00 to 19:00

Friday 09:00 to 20:00

Saturday 09:00 to 19:00

4.3 A site plan is attached at Annex B.

4.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm.

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

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

4.6 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, 15 - 20, 23, 24, 28, 33 - 37, 41 to 44 of the 2011 policy.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised in October 2012).
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, 183, and Schedule 2 of the Act.

4.7 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.

4.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court.

On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or

remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 4.9 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, health authority and the child protection agency.
- 4.10 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 days for submitting the application to the licensing authority.
- 4.11 A representation has been received from the Police (Annex C) on the grounds that the application does not sufficiently forward the licensing objectives. To promote the licensing objectives, the following conditions have been proposed by the Police and agreed in writing by the applicant (Annex D):

**“A CCTV system will be installed at the premises in consultation with the Police. The system will be in operation during all periods of licensable activity, it will be maintained in working order. The images will be kept of evidential standard and recordings will be kept for 31 days and made available to the Police on reasonable request.”**

**“All spirits and fortified wines will be displayed in an area not subject to self-service”**

**“All staff will be trained in the sale of alcohol and records kept at the premises of such training and made available to the Police and Licensing Authority for inspection.”**

**“A refusal of sales register will be maintained and kept at the premises and made available to the Police and Licensing Authority for inspection.”**

**“A Challenge 25 policy will operate at the premises.”**

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

## **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 (Eq1A) 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 A 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), section 151 Officer (Divisional Director-Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Kirsty Morgan, Licensing Officer, 01225 396719
<b>Background papers</b>	Licensing Act 2003, Guidance issued under s.182 of the Licensing Act 2003, Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005, B&NES Statement of Licensing Policy

(Insert name and address of relevant licensing authority and its reference number (optional)) 15 JAN 2013

**LICENSING SERVICES**  
**BATH & NORTH EAST SOMERSET COUNCIL, LEWIS HOUSE**  
**MANVERS STREET, BATH, BA1 1JF** RECEIVED  
 Application for a premises licence to be granted  
 under the Licensing Act 2003

PAID £190 CHEQUE  
 15/1/13 567696  
 JC

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We QUALITY WINES SOMERSET LTD  
 (Insert name(s) of applicant)

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
3 MANSBROOK HOUSE MIDSOMER NORTON			
Post town	RADSTOCK	Postcode	BA3 2HW

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 8300

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |

**ENVIRONMENTAL SERVICES**

15 JAN 2013

Post Log No: .....

Receipt No: 567696

CH/CA £ 190.00

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

## SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

## (B) OTHER APPLICANTS

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

Name	QUALITY WINES SOMERSET LTD
Address	ONE NEW STREET WELLS SOMERSET BA5 2LA
Registered number (where applicable)	8359796
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	stefan@q.wines.co.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
16 02 2013

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

DD MM YYYY  
[ ][ ][ ][ ][ ][ ][ ][ ][ ]

Please give a general description of the premises (please read guidance note 1)

GROUND FLOOR COMMERCIAL UNIT, USED AS  
RETAIL SHOP. WE INTEND TO RUN FINE WINES  
SHOP, TO SELL ALCOHOL BY RETAIL.

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

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

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

Provision of regulated entertainment

Please tick any that apply

- 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 late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

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

## B

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

C

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

D

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

## E

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

## F

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

## G

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

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

## I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	9.00	19.00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	9.00	19.00			
Wed	9.00	19.00			
Thur	9.00	14.00			
Fri	9.00	20.00			
Sat	9.00	19.00			
Sun					
			<b>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</b> (please read guidance note 5)		

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

Name	STEFAN GORDA
Address	21 ALLYN SAYON DRIVE SHEPTON MALLET
Postcode	BA4 5QH
Personal licence number (if known)	PEL 01042
Issuing licensing authority (if known)	MENDIP DISTRICT COUNCIL

K

**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).**

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	8.00	12.00	<p><b>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</b> (please read guidance note 5)</p>
Tue	9.00	14.00	
Wed	9.00	19.00	
Thur	9.00	19.00	
Fri	9.00	20.00	
Sat	11.00	19.00	
Sun			

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

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

- HAVING A PERSONAL LICENCE HOLDER ON THE PREMISES AT ALL TIME
- STAFF TRAINING ON LICENSING ISSUES

**b) The prevention of crime and disorder**

- PROVIDING ADEQUATE LIGHTING
- AGE RESTRICTION
- ROLLER SHUTTER INSTALLED COVERING WHOLE FRONTAGE

**c) Public safety**

- A RISK ASSESSMENT
- A FIRE ASSESSMENT
- A W ASSESSMENT OF THE MAXIMUM NUMBER OF PERSONS PERMITTED ON THE PREMISES

**d) The prevention of public nuisance**

- CONSIDERATE LOADING/UNLOADING ARRANGEMENTS

**e) The protection of children from harm**

- ALL STAFF TO BE TRAINED WITH RESPECT TO UNDER AGE SALES  
 - A CHALLENGE 25 POLICY WITH RESPECT TO PROOF OF AGE IMPLEMENTED WITH RELEVANT SIGNAGE DISPLAYED.  
 - A REFUSAL REGISTER IMPLEMENTED

**Checklist:**

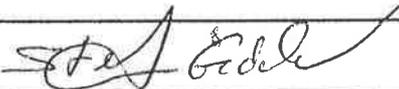
Please tick to indicate agreement

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

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	
Date	15.01.2013
Capacity	DIRECTOR

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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 postal address for correspondence associated with this application (please read guidance note 13)			
STEFAN GORDA 21 ALLYN SAXON DRIVE			
Post town	SHEPTON MALLET	Postcode	BA4 5QH
Telephone number (if any)	07777 683 640		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

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 the 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



and any premises licence to be granted or varied in respect of this application made by

[name of applicant]

concerning the supply of alcohol at

3 MANSBROOK HOUSE  
MIDSOMER NORTON  
RADSTOCK  
BA3 2HW

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PEL 01042

[insert personal licence number, if any]

Personal licence issuing authority

MENDIP DISTRICT COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

STEFAN GORDIA

Date

15.01.2013

Bath and North East Somerset:  
District Online

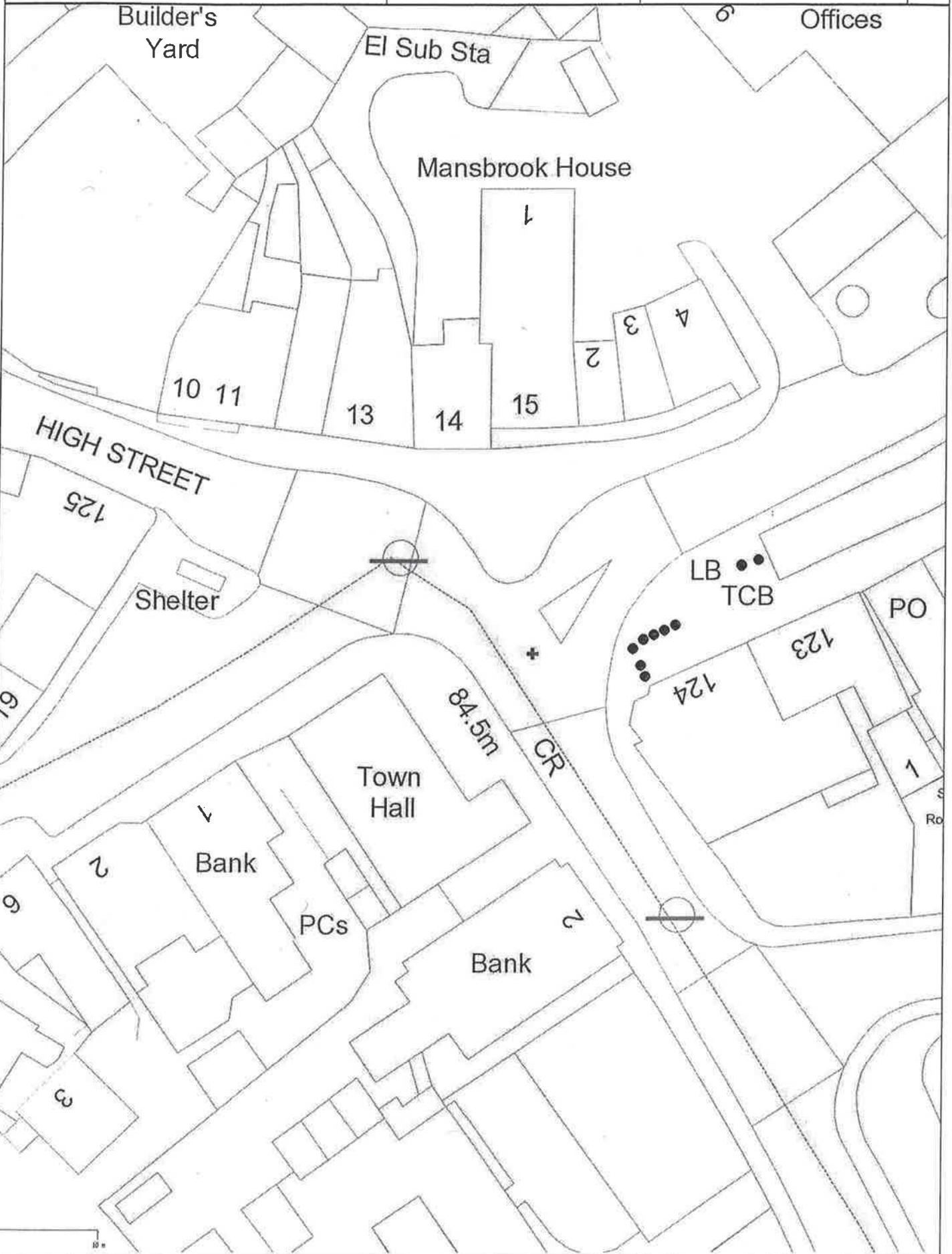
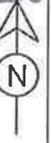
Date: 12-2-2013  
Scale: 1:500

Bath & North East  
Somerset Council

Quality Wines Somerset Ltd

Map Centre - easting / northing:  
366423 / 154166

© Crown copyright and database right. All  
rights reserved (100023334) 2013





## Representation Form

05 FEB 2013

 Post Loc: .....  
 Receipt No .....  
 CH/CA £.....
**Responsible Authority.** (Please delete as applicable.)
 Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures /  
 Planning Authority / Marine Agency.

Your Name	Martin Purchase
Job Title	Police Licensing Officer
Postal and email address	Bath Police Station Manvers Street Bath BA1 1JN
Contact telephone number	01225842475

Name of the premises you are making a representation about.	Quality Wines Somerset Ltd
Address of the premises you are making a representation about.	3 Mansbrook House Midsomer Norton Bath BA3 2HW

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	YES	The premises are situated in the High Street Area of Midsomer Norton. This is a very busy area with local business premises and used by local residents and visitors to the area. The high Street is frequented by young persons during all hours of the day and evening and there are incidences where they try to obtain alcohol. The area suffers from crime and anti social behaviour.much of which is drink related. The application is for an off licence premises and to forward the licensing objectives the police feel that a number of conditions should be attached to the licence. The applicant has agreed to a number of measures to forward the licensing objectives.
Public safety		

To prevent public nuisance	YES	
The prevention of harm to children	YES	
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"> <li>1. A cctv system will be installed at the premises in consultation with the Police .The system will be in operation during all periods of licensable activity, it will be maintained in working order. The images will be of evidential standard and recordings will be kept for 31 days and made available to the police on reasonable request</li> <li>2. All Spirits and fortified wines will be displayed in an area not subject To self service.</li> <li>3. All staff will be trained in the sale of alcohol and records kept at the Premises of such training, and made available to the police and licensing authority for inspection.</li> <li>4 A refusal of sales register will be maintained and kept at the premises And made available to the police and licensing authority for inspection</li> <li>5 A challenge 25 policy will operate at the premises.</li> </ol>	

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

Signed:



**Martin Purchase**

Date: 6-2-13.

Please return this form along with any additional sheets to:

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

Quality Wines Somerset Ltd  
 3 Mansbrook House  
 Midsomer Norton  
 BA3 2HW  
 Bath.

ENVIRONMENTAL SERVICES	
06 FEB 2013	
Post Log No:	.....
Receipt No:	.....
CH/CA £	.....

Ref: Premises Licence application

Date 31<sup>ST</sup> Jan 2013

Dear Sir / Madam,

As you are aware, I am in the process of applying for a premises licence for the above named premises.

Having been in consultation with the Police Licensing department, I have decided that I want to amend my application.

As a result I wish to formally agree to the conditions suggested in the Police representation as below. Therefore, can I ask that this letter be submitted with my application for the consideration of the Licensing sub-committee, prior to the licence being granted.

1. A cctv system will be installed at the premises in consultation with the Police. The system will be in operation during all periods of licensable activity, it will be maintained in working order. The images will be of evidential standard and recordings will be kept for 31 days and made available to the police on reasonable request
2. All Spirits and fortified wines will be displayed in an area not subject To self service.
3. All staff will be trained in the sale of alcohol and records kept at the Premises of such training, and made available to the police and licensing authority for inspection.
4. A refusal of sales register will be maintained and kept at the premises And made available to the police and licensing authority for inspection
5. A challenge 25 policy will operate at the premises.

Yours Truly

Stefan Gordan By and on behalf of the licence holder.

