

Democratic Services

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Date: 18 March 2013

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

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

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing (Gambling and Licensing) Sub-Committee: Tuesday, 26th March, 2013

You are invited to attend a meeting of the **Licensing (Gambling and Licensing) Sub-Committee**, to be held on **Tuesday, 26th March, 2013** at **10.30 am** in the **Brunswick Room - Guildhall, Bath**.

A private briefing session for Members will be held at 10.00am in the **Brunswick 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 - Tuesday, 26th March, 2013

at 10.30 am in the Brunswick 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

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: 14 MARCH 2013 (Pages 5 - 8)

7. LICENSING PROCEDURE (Pages 9 - 12)

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

8. APPLICATION TO VARY A PREMISES FOR THE CO-OPERATIVE, 79-81 BRADFORD ROAD, COMBE DOWN, BATH BA2 5BP (Pages 13 - 50)

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

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BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Thursday, 14th March, 2013

Present:- Councillors:- Gerry Curran (Chair), Gabriel Batt and Dine Romero

Also in attendance: Shaine Lewis (Principal Solicitor)

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 Douglas Nicol, for whom Cllr Dine Romero substituted.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 29 JANUARY 2013

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

7 MINUTES: 8 FEBRUARY 2013

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

8 LICENSING PROCEDURE

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

9 APPLICATION FOR A PREMISES LICENCE FOR QUALITY WINES SOMERSET LTD, 3 MANSBROOK HOUSE, 15 HIGH STREET, MIDSOMER NORTON BA3 2HW

Applicant: Stefan Gorda

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, which was for a new premises licence authorising the sale of alcohol for consumption off the premises. A representation had been received from Avon and Somerset Police, who had proposed additional conditions to further the licensing objectives. The Applicant had agreed in writing to these additional conditions.

The applicant stated his case. He said that he wished to move the wine shop he currently operated in Bristol to Midsomer Norton. The premises were a small independent wine shop, which were intended to be upmarket; his philosophy was that people should drink less, but drink better quality drinks. He would not sell beer or cider in cans. His customers were not young people. He had met Mr Purchase and had a long discussion with him about the application and had accepted the additional conditions.

A Member asked the applicant if he would be prepared to move downmarket if the business was struggling. He replied that it that because of his overheads, it was not worth his while to sell cheap drink. Generally wines would not be sold for less than £10, though he might be able to stock one or two cheaper wines without affecting his business.

Mr Purchase stated the case for the Police. He said that he believed the conditions proposed by the Police were proportionate and necessary to further the licensing objectives in Midsomer Norton, which suffered alcohol-related crime and anti-social behaviour throughout the day.

A Member asked about the condition requiring spirits and fortified wines to be displayed in an area not subject to self-service. Mr Purchase replied that experience showed that these products were very attractive to a certain type of customer and could be subject to theft.

The parties were invited to sum up, but neither wished to.

Following an adjournment, it was **RESOLVED** to grant the license subject to the mandatory conditions, conditions consistent with the operating schedule and conditions agreed between the applicant and the Police as being appropriate and proportionate in furthering the licencing objectives.

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

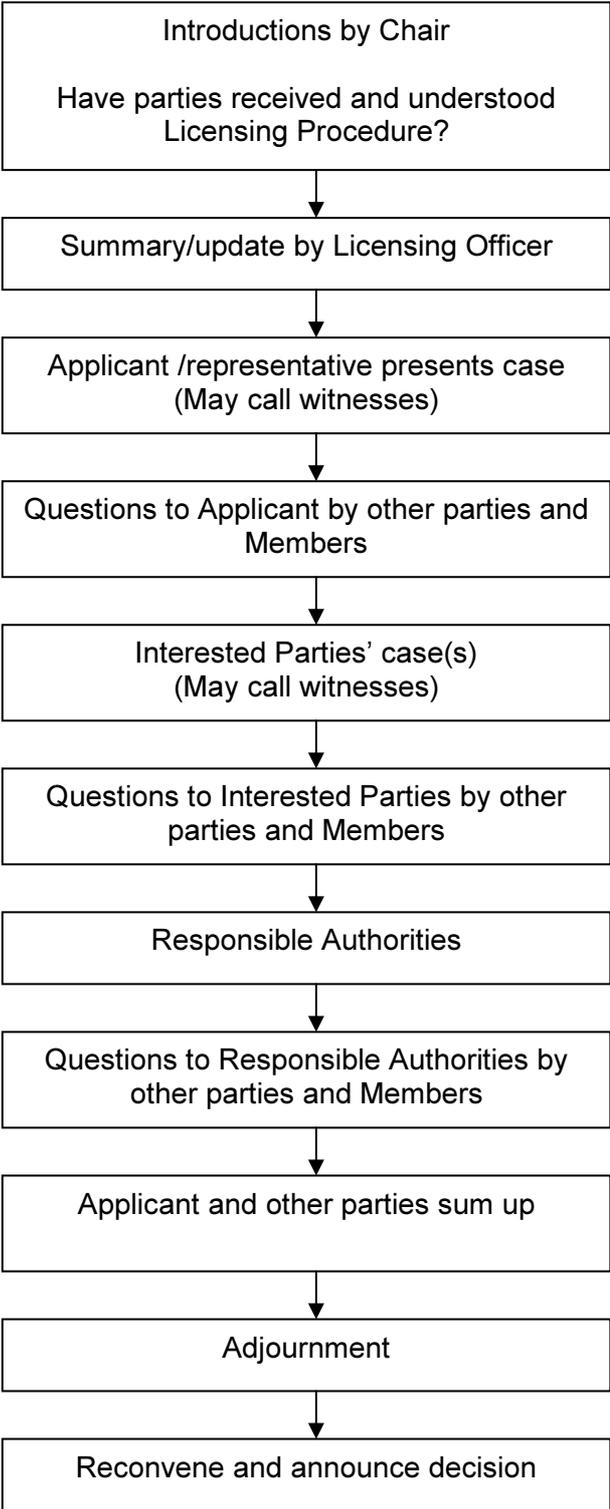
The meeting ended at 10.49 am

Chair(person)

Date Confirmed and Signed

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



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LICENSING ACT 2003

LICENSING AND GAMBLING SUB-COMMITTEE PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES LICENCE OR FOR A VARIATION OF A PREMISES LICENCE

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

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

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

PLEASE NOTE:

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

Bath & North East Somerset Council		
MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 26 March 2013	
TITLE:	Application to Vary a Premises Licence for Co-operative , 79-81 Bradford Road, Combe Down, Bath BA2 5BP	
WARD:	Combe Down	
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 Relevant Representations		

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 **Co-operative, 79-81 Bradford Road, Combe Down, Bath BA2 5BP** (Annex A).

2 RECOMMENDATION

2.1 That the sub committee determine the application to vary the licence.

3 FINANCIAL IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 THE REPORT

4.1 An application has been received for the variation of a premises licence.

4.2 The current premises licence as detailed in Annex B, permits the following licensable activity:

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

Monday to Saturday	08:00 - 23:00
Sunday	10:00 – 22:30
Good Friday	08:00 – 22:30
Christmas Day	12:00 – 15:00 & 19:00 – 22:30

2) Opening Hours are detailed as:

Every Day

08:00 – 20:00

Please note that the aforementioned opening times were detailed in the conversion application submitted to the Authority in 2005, and have appeared on every premises licence thereafter.

Therefore, as these proposed opening times effectively “varied” the permission granted under the 1964 Act, the following narrative that has since been carried over, should have fallen off the licence in 2005:

“a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel”.

Please note that this variation application does not propose any extension to the opening hours.

3) The licence is subject to the following Annex 1 **Mandatory Conditions**:

- No supply of alcohol may be made under the premises licence:
 - a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority;
- The Licensing Act hours will be as:

Licensing Act 1964 – sections 60, 63, 86. Off- licences.

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

- a) On weekdays, other than Christmas Day, 8 am to 11 pm
- b) On Sundays, other than Christmas Day, 10 am to 10.30 pm
- c) On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm
- d) On Good Friday, 8 am to 10.30 pm

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces.

Also the licence is subject to:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 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 .

- 4.3 The Variation application seeks to **increase** the hours for the **sale of alcohol** for consumption off the premises from 08:00 – 23:00 Monday – Saturday, and 10:00 – 22:30 on Sunday to:

07:00 – 23:00 hours daily

and to remove any embedded restrictions from the 1964 Act, including Good Friday and Christmas Day and further, any conditions which conflict with the terms of this application.

- 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 October 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 **Representations** have been received from local residents and from Patricia Griffin who is representing the Foxhill Point Community Group. They express concern that the applicant's proposals will undermine the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance (Annex D).
- 4.15 A **petition** submitted with the representation from the Foxhill Point Community Group has not been included in the report as those who have signed have not consented to their personal details being published. It has however been agreed with the Group's representative, Patricia Griffin that the petition be sent under separate cover to all parties as **additional information**.
- 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 - 01225 396939

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Co-operative Group Food Ltd

(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

09/04382/LAPRE

Part 1 – Premises Details

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

Co-operative
79-81 Bradford Road
Combe Down

Post town

Bath

Postcode

BA2 5BP

Telephone number at premises (if any)

Non-domestic rateable value of premises

£9,500.00

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if different
from premises address

1 Angel Square

Post town

Manchester

Postcode

M60 0AG

ENVIRONMENTAL SERVICES

30 JAN 2013

Post Log No:

Receipt No: 573355

CH/CA £ 150.00

Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

To vary the hours when licensable activities may take place from Mon-Sat 08:00-23:00 and Sun 10:00-22:30 to Mon-Sun 07:00-23:00.

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

--

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 all that apply**

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

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

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

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

E

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

F

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



G

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

H

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	07:00	23:00						
Tue	07:00	23:00						
Wed	07:00	23:00						
Thur	07:00	23:00				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)		
Fri	07:00	23:00						
Sat	07:00	23:00						
Sun	07:00	23:00						

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).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) No opening hours prescribed.
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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.

Any embedded restrictions from the 1964 Act, including Good Friday and Christmas Day and further, any conditions which conflict with the terms of this application.

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

M

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 and e) (please read guidance note 9)

Having had regard to the four licensing objectives and the locality, the following conditions are appropriate.

b) The prevention of crime and disorder

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 21 days. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
2. There shall be "CCTV in Operation" signs prominently displayed at the premises.
3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo.
5. The premises will be fitted with a burglar alarm system
6. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

c) Public safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

The premises licence holder will, upon request, provide the telephone number of their Customer Relations Contact Centre.

e) The protection of children from harm

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.
3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

Checklist:

Please tick to indicate agreement

- 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 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 5 – Signatures (please read guidance note 10)

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

Signature	<i>Ward Hadaway</i>
Date	29.01.2013
Capacity	Solicitors on behalf of the 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)

Miss Suzanne Blewitt
Ward Hadaway
Sandgate House
102 Quayside

Post town	Newcastle-upon-Tyne	Post code	NE1 3DX
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Telephone number (if any)	0191 204 4491
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
suzanne.blewitt@wardhadaway.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 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 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	09/04382/LAPRE
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Part 1 – Premises Details

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

Co-op
79 - 81 Bradford Road
Combe Down
Bath
BA2 5BP

Telephone number 01225 833650

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	08:00 - 23:00
Sunday	10:00 - 22:30
Good Friday	08:00 - 22:30
Christmas Day	12:00 - 15:00 and 19:00 - 22:30

The opening hours of the premises

Every Day 08:00 - 20:00

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

Alcohol is supplied for consumption off the premises

Part 2

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

Co-operative Group Food Limited
1 Angel Square
Manchester
M60 0AG

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

Registered Business Number - 26715R

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

Mrs Pauline Ann Tessier
80 Meare Road
Combe Down
Bath
BA2 5PX

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

05/02770/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 22 July 2010

Annex 1 – Mandatory conditions

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

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

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

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

The Licensing Act 2003 hours will be as:

Licensing Act 1964 - Sections 60, 63, 86. Off licences.

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

- a) On weekdays, other than Christmas Day, 8 am to 11 pm
- b) On Sundays, other than Christmas Day, 10 am to 10.30 pm
- c) On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm
- d) On Good Friday, 8 am to 10.30 pm

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
-

**Bath & North East
Somerset Council**

Annex 2 – Conditions consistent with the Operating Schedule

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

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.

Bath & North East Somerset Council

Part B

Premises Licence Summary

Premises Licence Number

09/04382/LAPRE

Premises Details

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

Co-op
79 - 81 Bradford Road
Combe Down
Bath
BA2 5BP

Telephone number 01225 833650

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	08:00 - 23:00
Sunday	10:00 - 22:30
Good Friday	08:00 - 22:30
Christmas Day	12:00 - 15:00 and 19:00 - 22:30

The opening hours of the premises

Every Day 08:00 - 20:00

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

Alcohol is supplied for consumption off the premises

Bath & North East Somerset Council

Name, (registered) address of holder of premises licence

Co-operative Group Food Limited
1 Angel Square
Manchester
M60 0AG

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

Registered Business Number - 26715R

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

Mrs Pauline Ann Tessier

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

As per Operating Schedule at Annex 2.

**Bath and North East Somerset:
District Online**

Co-operative

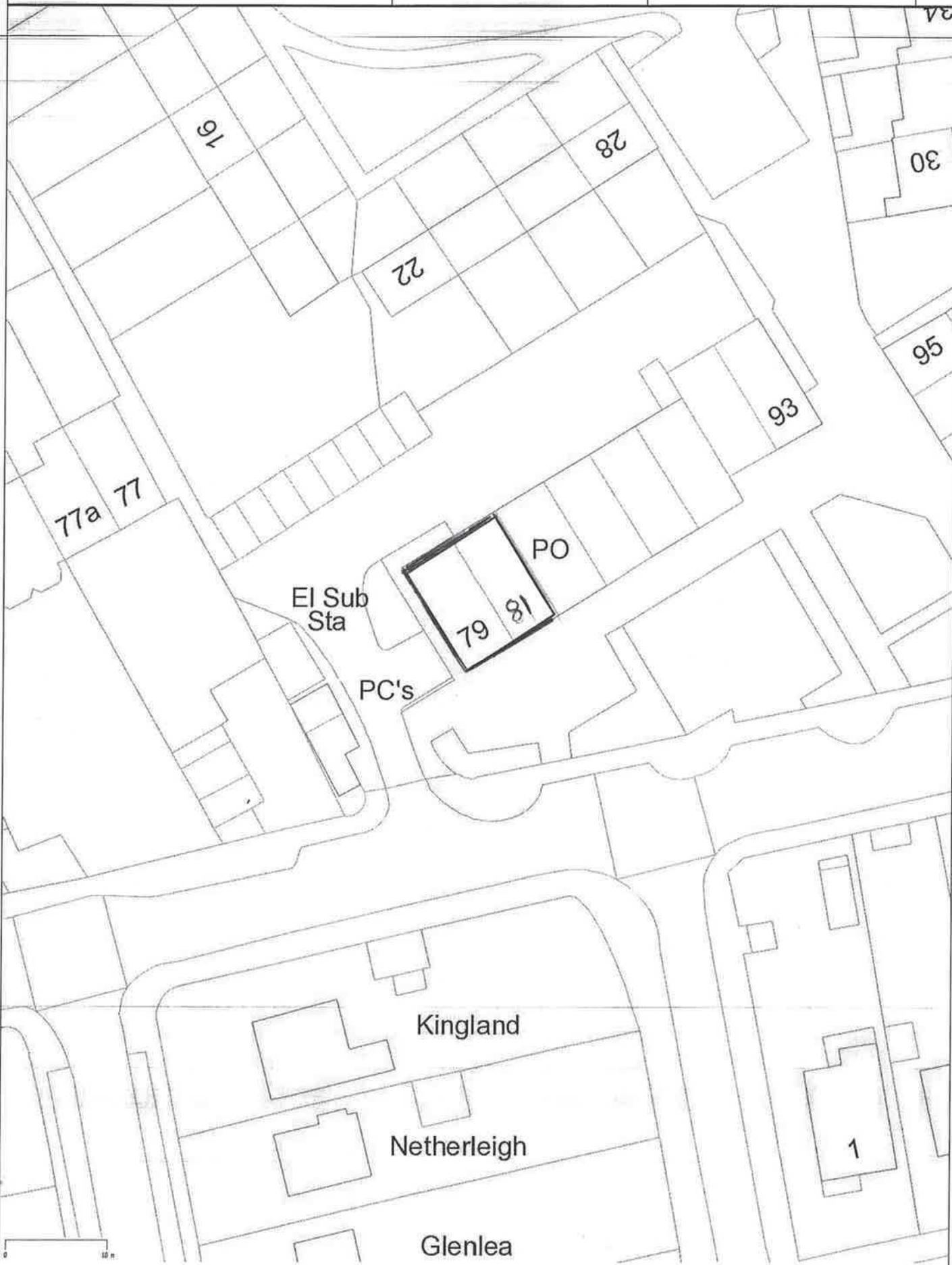
Date: 7-3-2013

Scale: 1:500

Map Centre - easting / northing:
375019 / 162285

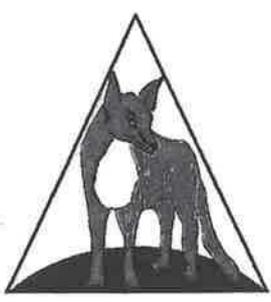
Bath & North East
Somerset Council

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LICENSING SERVICES
Bath & North Somerset Council
New House
Manvers Street
Bath BA1 1SG

28 Dunster House,
Meare Road,
Foxhill,
Bath,
BA2 5PY



FOXHILL POINT COMMUNITY GROUP

25 830004	
ENVIRONMENTAL SERVICES	
27 02 2013	
27 FEB 2013	
Post Log No:
Receipt No:
CH/CA £

To Whom it may concern.

We the undersigned residents of Foxhill & its environs wish to object to the granting of a licence for trading and the sale of alcohol (from 7am - 11pm) to the Co-Op store situated at 79-81 Bradford Road, extending their present hours of 8am - 8pm.

This would increase the noise disturbance to residents who live above the shop, and the residents who live in Dawn Avenue at the Back of the Bradford Road shops. It would also cause problems of access to the other shops in the block, access being decreased by the sheer size of the Co Op delivery vehicles. This would affect, the Pharmacy the Pet shop the Hardware shop, Mr Falls and the Bath Bakery. It would also increase the need for rubbish disposal and street cleaning with extra cost to the council.

Most important of all, it would increase the incidents of rough sleeping and street drinking which has become a problem here recently. Residents and other shoppers find the collection of street people outside the shops highly intimidating, some of them have chosen to shop elsewhere. Street drinkers
P.T.O.

ANNEX D

are obtaining alcohol through proxy buyers, which means they are accosting any passerby that look likely to oblige them. It could also increase the number of teenage drinkers which obtain alcohol in the trees stores (Co-Op + McColts) and take it to the local park, putting themselves at risk.

The Co-Op has recently suffered several incidents of shop-lifting and we are sure that would increase during the 4 hrs extra trading time - reducing the Co-Op's profits!

We hope that this has given you some idea of the day to day situation in this location.

Yours Sincerely
Patricia Griffin

Bath And North East
Somerset Council

27 FEB 2013

Received

81A BRADFORD ROAD

COMBE DOWN

BATH

BA2 5BP

27.2.13

TO WHOM IT MAY CONCERN - RE: PUBLIC NUISANCE

I am writing to say that I do not want the CO-OP open until 2300 every day. When they opened until 5 PM the slope at the side was used as a toilet because the W.C. was locked.

It is bad enough with lorries coming every early morning and the rubbish left behind every day.

We are woken every morning at 06.30 when the shutters are lifted and 20.15 when they close.

Yours sincerely

J. Haycock

