

Democratic Services

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Date: 18 April 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: Friday, 26th April, 2013

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

A private briefing session for Members will be held at 10.00am in the **Aix en Provence 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 - Friday, 26th April, 2013

at 10.30 am in the Aix en Provence 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: 26 MARCH 2013 (Pages 5 - 10)

7. LICENSING PROCEDURE (Pages 11 - 14)

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

8. APPLICATION TO VARY A PREMISES LICENCE FOR YAMMO!, 66 WALCOT STREET, BATH BA1 5BD (Pages 15 - 46)

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

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BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Tuesday, 26th March, 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: 14 MARCH 2013

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 those attending the meeting.

8 APPLICATION TO VARY A PREMISES FOR THE CO-OPERATIVE, 79-81 BRADFORD ROAD, COMBE DOWN, BATH BA2 5BP

Applicant: Co-operative Group Food Ltd, represented by Richard Arnot (Ward Hadaway Solicitors) and Angela Bain (Operations Manager)

Other Persons: Patricia Griffin (Foxhill Point Community Group) and Mr and Mrs Cogdell (local residents)

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

The Senior Licensing Officer summarised the application. She explained that the applicant was seeking an additional hour for the sale of alcohol on Mondays to Saturdays and an additional 3½ hours on Sundays. The applicant was also seeking the removal of embedded Licensing Act 1964 conditions and the removal of any existing conditions that conflicted with the application. No new opening hours to replace those on the current licence of 08:00 – 20.00 had been specified.

Representations had been received from the Foxhill Point Community Group and local residents relating to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Additional information had been circulated since the publication of the agenda, namely a petition organised by the Foxhill Point Community Group, a copy of the judgment in the case of *Matthew Taylor v Manchester City Council and TCG Bars Limited* and a copy of an email from a Bath and North East Somerset Environmental Health Officer provided by the applicant.

Mr Arnot stated the case for the applicants. He said the Co-operative Group owned 3,900 local stores and had long experience in the sale of alcohol. Each region of the Group had a risk manager, who liaised with local communities. He stated that if the Group acted outside its policies with regard to age-related products this would constitute a risk for the Group, and so one of the risk manager's responsibilities was to ensure that stores followed the procedures laid down for these products. He stated that there was a rigorous staff training programme and that all staff had two refresher courses per year regardless of their length of service. All staff received basic training and some were personal licence holders. There was a "buddy" system for mentoring new staff and a "lock down" facility on tills, so that individual members of staff could be prevented from selling alcohol. There was a Challenge 25 policy in force and, whenever the bar code for an age-restricted product was scanned at the till, the sales assistant was required to certify that the customer was over 25. The identity of the sales assistant was recorded, so that the stores supervisor could monitor the pattern of sales for each member of staff.

He stated that the store in Bradford Road had traded for so many years that it was difficult to ascertain when it had commenced trading, that the store had only one entrance and exit and that spirits and high-value alcoholic products were stored behind the counter; wines and beers were stored at the left side of the counter on the side of the store furthest away from the door.

He stated that it was natural for a convenience store to want longer trading hours, because people were working longer hours and wanted somewhere where they could shop before and after work. He submitted that the question which had been asked by Patricia Griffin as to "Why do people need to buy alcohol early in the morning?" was not legally relevant. He stated that the applicant did not want to have to tell customers that alcohol could not be sold early in the morning and that they would have to come back later.

He stated that the store was currently trading till 20.00, but this might be reviewed.

He noted that the Police had made no representation to the application and referred to the email from the Environmental Health Officer, in which the EHO had stated that there had been only three reported incidents relating to the store since 2005: two

incidents of an alarm sounding, both of which had been rectified, and one report of noise from a banging door, which had not been substantiated.

He then turned to the representations made by the Other Persons. He said that they mentioned noise disturbance to residents living above the shop and other local residents, but submitted that this was not borne out by the information provided by the EHO. The representations also referred to the blocking of access by delivery vehicles which, he submitted, was not relevant to a licensing application. In fact the number of deliveries to the store had been reduced following the establishment by Co-operative Group of a new delivery depot in the South West in an effort to minimise their environmental footprint.

The representations also expressed concern that the increased hours for the purchase of alcohol would lead to an increase in rough sleeping and street drinking. However, as far as he knew, there was only one local rough sleeper, who had been barred from the store, but loitered in the vicinity.

He confirmed that there had been only seven incidents of shop lifting and all waste was put into a bin at the rear of the store. He submitted that the case of *Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008]* had established that licensing decisions had to be based on evidence, not speculation.

The Other Persons were invited to put questions to the applicant. Patricia Griffin asked what the definition of a convenience store was. Angela Bain replied that it was a store situated in a local community, which people could visit before and after work, but at which they did not do their main shopping.

Members put questions to the applicant's representatives. In reply, Ms Bain explained that "lock down" meant that the till could be set to prevent an individual member of staff making sales of age-related products. When such a product was scanned at the till the supervisor, or another member of staff authorised to make such sales, would have to be called to complete the transaction and take responsibility for it. She also stated that there was not a problem with some staff being more inclined to make sales to minors, because all staff received alcohol training and took exams on licensing law and Group procedures. The "lock down" was designed to prevent any individual member of staff about whom there were doubts from making alcohol sales at all. She said that security staff were only ever employed by the Group when there was a concern about possible damage to assets or injury to staff. No security staff were employed at the Bradford Road store. No incidents had been reported when she had visited the store the previous week, though she had been told about the rough sleeper.

Patricia Griffin stated her case. She said that she thought the application to extend the hours was based on economic considerations and fear of competition from Tesco's. She stated that, particularly in the summer, young people congregated in the area and tried to purchase alcohol and that delivery vehicles caused obstruction. Mrs Cogdell said that she and her husband lived above the store. They were concerned that there would be more noise if the store stayed open longer. She stated that there was already nuisance caused by youths congregating, drinking and urinating near her and other people's homes. She stated that youths were in the habit of congregating in the area and asking adults to buy alcohol for them; there

were several stores in the area selling alcohol and there was a McColl's right next to the Bradford Road Co-op.

A Member asked her about the number of rough sleepers in the area, recalling that the applicant had stated that they only knew of one. She replied that she feared that there would be an increase in rough sleepers if alcohol was available for longer hours. The parties were invited to sum up. Mr Arnot said that the Secretary of State's Guidance acknowledged that licensed premises could have no control over customers when they had left the premises. He referred to statements in paragraphs 77 and 78 of the judgment in *Matthew Taylor v Manchester City Council and TCG Bars Limited* about the nature of variation applications and about a licensing authority's powers in relation to them.

The Senior Legal Adviser asked Mr Arnot to comment on the application to remove the Licensing Act 1964 embedded conditions. He replied that there were conditions in the current licence which had been transferred when it had been converted that would not be mandatory under the current law.

Ms Griffin said that residents simply wanted their concerns to be taken into account. They did not want the premises to be allowed extra hours, because they felt there were enough problems in the area already.

The Senior Legal Adviser referred to the statement in paragraph 93 of the *Taylor* judgment that licensing authorities could not extend the scope of a licence beyond the extant licence and the proposed variation and noted that the applicant sought no change to the current opening hours of 08:00 to 20:00 although the hours sought for the sale of alcohol were 07:00 to 23:00.

The Senior Licensing Officer suggested that the applicant's proposal to remove any other condition that conflicted with the application, was an indirect means of securing a change to the opening hours. She pointed out that there was no offence of breach of opening hours and that opening hours were only enforceable if they were considered a condition of the licence.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application as applied for. Authority was delegated to the Licensing Officer accordingly.

REASONS

Members have today determined an application for the variation of a Premises Licence for The Cooperative, 79-81 Bradford Road, Combe Down, Bath.

In doing so they have reminded themselves of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and 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, including its Training Guide, its solicitor, and the Other Persons and were careful to balance their competing interests.

Members noted that the relevant representations, made by members of the Foxhill Point Community Group, expressed concern that the applicant's proposal would undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Their concerns were based on the perceived increase in noise experienced by residents both living above the shop and at the back of the premises, that delivery lorries for the premises would cause increased difficulties for other delivery vehicles in accessing the other shops in Bradford Road, that there would be an increase demand for litter and cleansing services, that the variation would have the effect of encouraging rough sleepers, street drinking, proxy purchasing, under-age drinking and increased shop lifting.

A petition had also been submitted by the Community Group and sent to the parties as additional information in support of the representations made. Members attached no weight to this as it did not relate to any specific evidence

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.

They noted that there were problems associated with the area but were not related to the Co-op and that the Co-op itself had issues but these were not related to the licensing objectives.

Members also noted that part of the application related to the removal of the embedded conditions which were transferred from the licence on transition from the Licensing Act 1964 to the 2003 Act.

They considered the merits of the application and considered that the evidence they had been presented with in respect of the Co-op's policies and practices would uphold the licencing objectives especially with respect to under-age drinking and that the removal of all of the embedded conditions would not have a detrimental effect on the promotion of the licensing objectives. They were satisfied that the proposed conditions in the Operating Schedule would control the sale of alcohol. Further that deliveries were becoming less frequent and did not affect other stores in the street.

Members therefore granted the licence as applied for and imposed the conditions consistent with the Operating Schedule in addition to those already on the Premises Licence and removed the embedded conditions in their entirety.

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

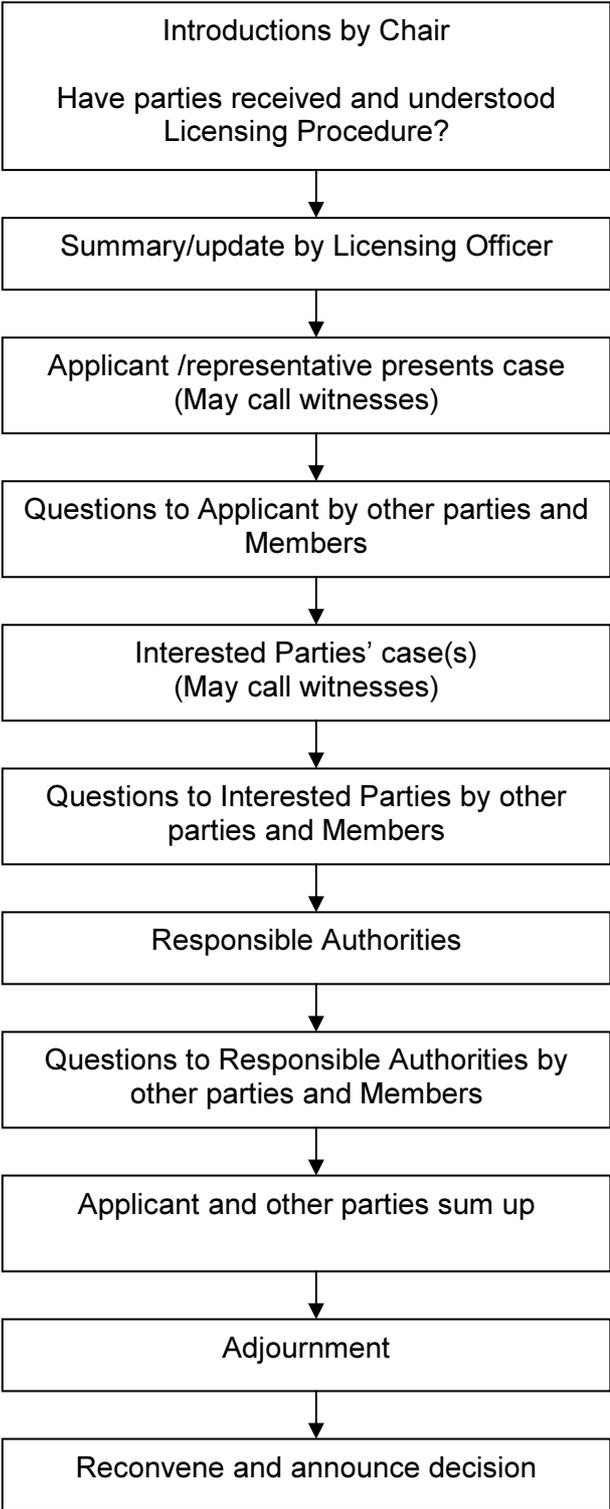
The meeting ended at 12.06 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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



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LICENSING ACT 2003

LICENSING 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:	Friday 26th April 2013	
TITLE:	Application to Vary a Premises Licence for Yammo! , 66 Walcot Street, Bath, BA1 5BD	
WARD:	Abbey	
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 Representation		

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 **Yammo!**, 66 Walcot Street, Bath, BA1 5BD (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 detailed in Annex B, permits the following licensable activities:

1) **Late Night Refreshment (Indoors only):**

Friday and Saturday	23:00 - 01:00
Sunday to Thursday	23:00 – 00:00 (midnight)

2) The licence is subject to the following conditions:

ANNEX 1 (mandatory)

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

ANNEX 2 (consistent with operating schedule)

- No dangerous items such as dinner knives and glass containers to be left within the reach of customers.
- Staff to advise groups congregating outside the premises to disperse.

4.3 The Variation application seeks to:

- **Add** the exhibition of a film, indoors only every day from 11:00 to 00:00 hours;
- **Increase** the terminal hour for late night refreshment on Monday by one hour to 01:00 hours;
- **Increase** the terminal opening hours on a Monday by one hour to 01:00 hours;
- **Add** the sale of alcohol for consumption both on and off the premises every day from 12:00 – 00:00 hours;
- **Amend** the plan supporting the application to show a new counter;
- **Remove** Annex 2 conditions:

'No dangerous items such as dinner knives and glass containers to be left within the reach of customers.'

'Staff to advise groups congregating outside the premises to disperse.'

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 a local resident concerned that the applicant's proposals will undermine the licensing objective relating to the prevention of public nuisance (Annex D).
- 4.15 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

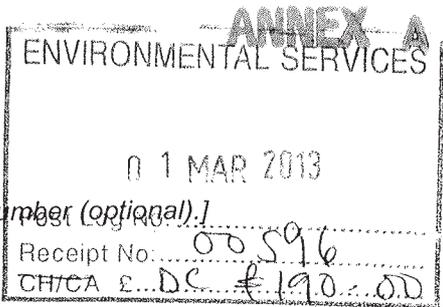
8.1 When reaching a decision, the licensing authority must carry out its functions with a view to promoting the four licensing objectives.

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	Kirsty Morgan, Licensing Officer - 01225 396719



[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 Charlie's Burger T/A Yammo!

(Insert name(s) of applicant)

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

Premises licence number 11/04+12/LAPRE 13/00673/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Yammo 66 Walcot Street			
Post town	Bath	Postcode	BA1 5BD

Telephone number at premises (if any)	07730 538841
Non-domestic rateable value of premises	£19750

Part 2 – Applicant details

Daytime contact telephone number	07730 538841
E-mail address (optional)	Ellen.potter@hotmail.co.uk

Current postal address if different from premises address	82 Walcot Street		
Post town	Bath	Postcode	Ba1 5BD

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Allow sale of alcohol 1200 – midnight daily.

Allow occasional film viewing events in mezzanine level room.

Please see attached plan – counter shown as dotted lines on original plan is now removed. Please see attached file showing new counter layout.

Extend Late night refreshment on Monday by 1 hour

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

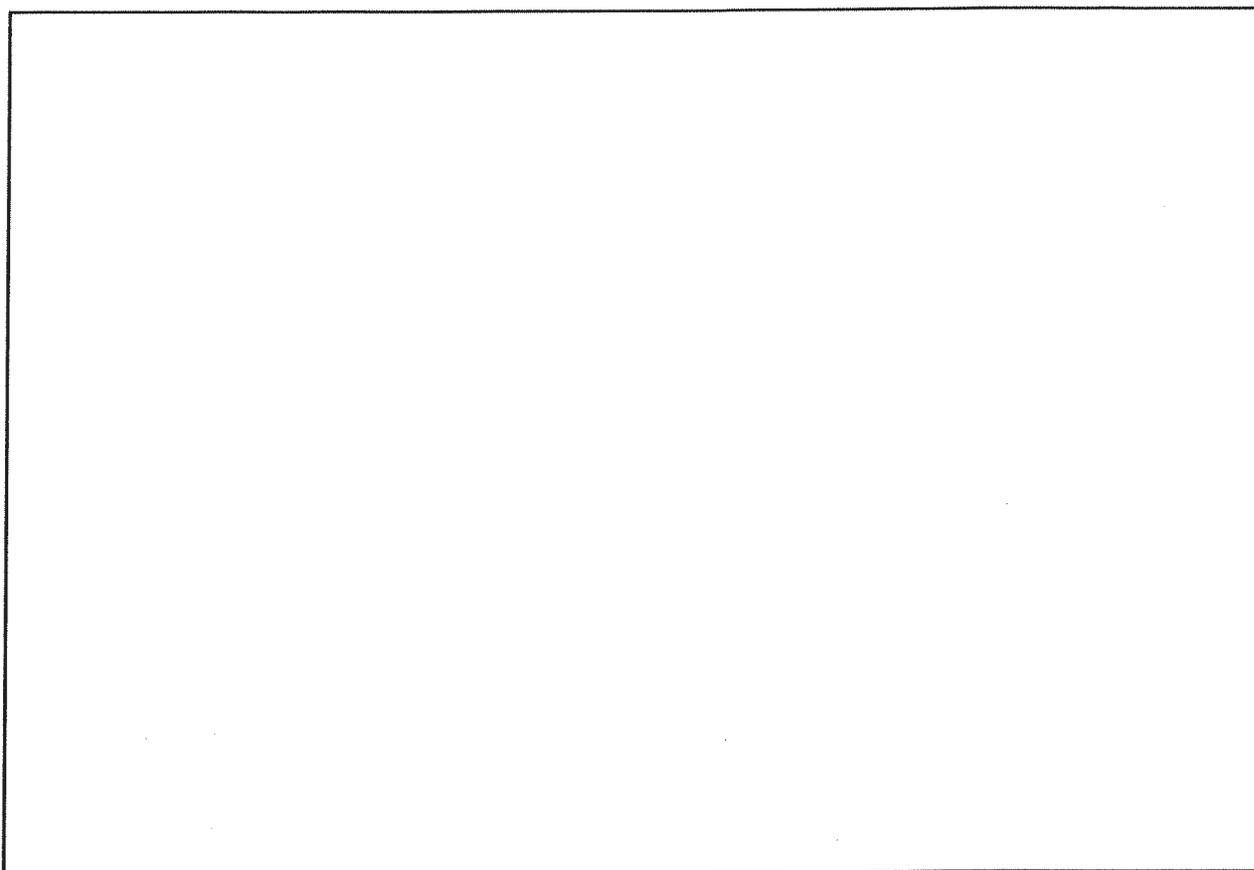
Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input 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



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:

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		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 performing plays</u> (please read guidance note 4)		
Thur					
Fri			<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)		
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1100	0000	Please give further details here (please read guidance note 3) Occasional 'film & burger' events in mezzanine level room. Would be monthly events or more frequently during relevant periods such as Bath Film Festival, Bath children's Festival, or Bath Fringe Festival		
Tue	1100	0000			
Wed	1100	0000	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	1100	0000			
Fri	1100	0000	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	1100	0000			
Sun	1100	0000			

C

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

D

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

E

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11000	0100	<u>Please give further details here</u> (please read guidance note 3)		
Tue	No change				
Wed	No change				
Thur	No change		<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Fri	No change				
Sat	No change				
Sun	No change		<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		

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 type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	1200	0000			
Tue	1200	0000			
Wed	1200	0000			
Thur	1200	0000			
Fri	1200	0000			
Sat	1200	0000			
Sun	1200	0000	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

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	1100	0100	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)
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.

Remove all annex 2 Conditions and replace with proposed conditions

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)

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. 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. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.
2. There will be no bar at the premises at which persons may consume alcohol without menu based food.

b) The prevention of crime and disorder

1. Password system to be used between staff to prompt emergency call to police (999), in the case of a criminal or disorderly event occurring or being anticipated.
2. Glass bottles not to be sold off-premises except for wine.
3. Rear of shop to be closed to takeaway customers after 2200, a chain between counter and wall will prevent the public from passing through to rear, downstairs or first floor or mezzanine level. (see plan)

c) Public safety**d) The prevention of public nuisance**

1. A refusal of sales register will be maintained and kept at the premises and will be made available for inspection by the police and licensing authority.
2. Signs will be displayed at the premises asking patrons to leave quietly.
3. Alcohol will only be supplied for off consumption from the takeaway if sold with menu based to the minimum value of £10
4. Rubbish will be removed regularly from 2m surrounding the property

e) The protection of children from harm

1. A challenge 21 policy will operate at the premises
2. Deliveries of food with alcohol will only be delivered to persons over the age of 18.
3. Films viewings in 1st floor room completely separated from ground floor public area with door closed.
4. Age rating will be advertised on any film event notices.
5. Children under 18 wanting to view films will be booked in by their parents and parents will sign form confirming consent to view and age of child. Forms will be kept in a file for inspection by Licensing Authority.
6. Children will only be permitted to viewings of films rated below their age.

7. During childrens' events a crb certified adult will be present at all times to supervise.

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	Ellen Potter
Date	28 feb 2013
Capacity	Directors

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	Daniele Quaglietta
Date	28 feb 2013
Capacity	Director

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on 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.

Bath & North East Somerset Council

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	13/00673/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

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

Yammo
66 Walcot Street
Bath
BA1 5BD

Telephone number

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Late Night Refreshment (Indoors only)

Friday and Saturday	23:00 - 01:00
Sunday to Thursday	23:00 - 00:00

The opening hours of the premises

Friday and Saturday	11:00 - 01:00
Sunday to Thursday	11:00 - 00:00

Various shop opening times. The hours the premises are open from Friday to Sunday when licensable activities take place are shown above.

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

n/a

Part 2

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

Charlies Burger
Yammo
66 Walcot Street
Bath
BA1 5BD

ellen.potter@hotmail.co.uk

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

Registered Business Number - 08132207

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

n/a

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

n/a

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 20 February 2013

Bath & North East Somerset Council

Annex 1 – Mandatory conditions

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

Bath & North East Somerset Council

Annex 2 – Conditions consistent with the Operating Schedule

No dangerous items such as dinner knives and glass containers to be left within the reach of customers.

Staff to advise groups congregating outside the premises to disperse.

**Bath & North East
Somerset Council**

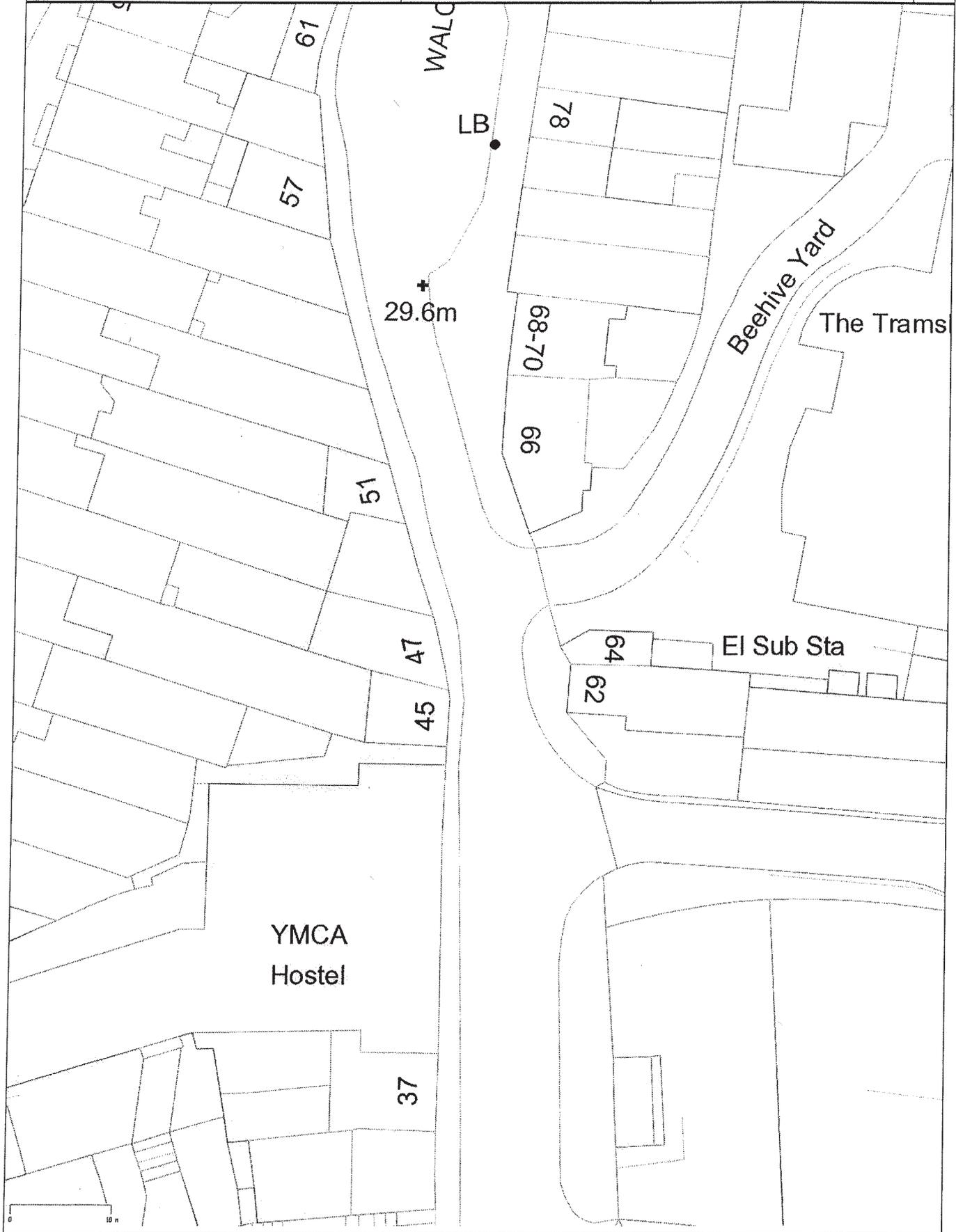
Annex 3 – Conditions attached after a hearing by the licensing authority

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.

Bath and North East Somerset: District Online	Date: 4-4-2013 Scale: 1:500	Bath & North East Somerset Council	
Yammo	Map Centre - easting / northing: 375069 / 165215	© Crown copyright and database right. All rights reserved (100023334) 2013	



Flat 2
47A Walcot Street
BATH BA1 5BN

Tel: 01225 424629

20th March, 2013

21 MAR 2013

For the attention of:
Licencing Department
Bath & N.E. Somerset Council
Lewis House
Manvers Street
BATH BA1 1JG

ENVIRONMENTAL SERVICES
21 MAR 2013

C.C.: Avon and Somerset Constabulary, Liquor Licencing Dept
Bath & North East Somerset Council, Planning Dept
Councillors Manda Rigby and Brian Webber
TARA – Bath Resident’s Association

Subject: Variation of Premises Licence – 66 Walcot Street, Bath, BA1 5BD

Ref.: Licence Variation applications Nos. 13/01154/LAPRE and 13/00673/LAPRE

Dear Sirs,

My wife and I live in a flat directly opposite the above premises. Until recently, this shop was used by Domino’s Pizza. During their time there, we suffered severe noise and inconvenience due to their late hours, people milling outside the premises late at night, and cars parked on the pavement outside our front door blocking our entrance, not to mention the litter. We complained to the Police about cars parking on double-yellow lines and on the pavement but this matter was never resolved.

Moreover, we also have to put up with the rowdy behaviour of late night revellers who frequent nearby nightclubs, pubs and restaurants until the early hours and these people using our doorway, and other shop doorways, as a urinal and litter bin, or depository for bottles/glasses.

We realise that Friday/Saturday are very busy evenings for Bath businesses but we object to the level of disturbance now reached in this area and it cannot continue to increase without some thought to the residents.

We are disappointed to hear that the new owners have requested permission for late licences, not only Friday/Saturday but also during the week. This would only compound an already difficult situation. Walcot Street is a semi-residential area, with several flats located above the shops.

We do not object to the premises being used to serve food indoors, but a take-away, and also a late licence during the week, would make life intolerable for those who live here, especially for us living opposite.

We would ask you to please take into consideration our objection to granting any more late-night and/or take-away licences in Walcot Street.

I look forward to hearing from you.
Yours sincerely,



Giovanni Belli

26/03/13 Receipt Acknowledged JSW

