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Date: 10 January 2014

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**To: All Members of the Licensing Sub-Committee**

**Councillors:-** Manda Rigby, Anthony Clarke and Roger Symonds

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Licensing Sub-Committee: Thursday, 16th January, 2014**

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Thursday, 16th January, 2014 at 10.00 am** in the **Council Chamber - Guildhall, Bath.**

**Briefing**

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, 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.**

*This Agenda and all accompanying reports are printed on recycled paper*

## 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 Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic\_services@bathnes.gov.uk 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 Enfys Hughes, 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 Sub-Committee - Thursday, 16th January, 2014**

**at 10.00 am in the Council Chamber - 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. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. 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 or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES 17TH DECEMBER 2013 (Pages 7 - 12)

6. LICENSING PROCEDURE - VARIATION (Pages 13 - 16)

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

7. APPLICATION TO VARY THE PREMISES LICENCE FOR ZERO ZERO NIGHTCLUB, YORK BUILDINGS, GEORGE STREET, BATH (Pages 17 - 82)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on 01225-395090 or email [democratic\\_services@bathnes.gov.uk](mailto:democratic_services@bathnes.gov.uk).

# Protocol for Decision-making

## Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Tuesday, 17th December, 2013, 10.00 am

**Councillors:** Manda Rigby (Chair), Roger Symonds and Anthony Clarke

**Officers in attendance:** Enfys Hughes, Kirsty Morgan (Licensing Officer), Michael Dando (Public Protection Officer), Shaine Lewis (Principal Solicitor) and Simon Elias (Legal Adviser)

**68 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services read out the procedure.

**69 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Gabriel Batt sent his apologies, Councillor Anthony Clarke was his substitute.

**70 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**72 MINUTES**

There were no minutes to be considered at the meeting.

**73 EXCLUSION OF THE PUBLIC**

**RESOLVED** "that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended."

**74 LICENSING PROCEDURE - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS COMPLAINT HEARING PROCEDURE**

**RESOLVED** that the procedure for this part of the meeting be noted.

**75 CONSIDERATION OF INFORMATION AND COMPLAINTS RECEIVED:- MR A V S**

The Sub-Committee considered the report which sought consideration of information and complaints received regarding the behaviour of Mr S during the term of his

hackney carriage/private hire driver's licence. Then to consider what action, if any, should be taken.

Mr S was present. The Chair read out the procedure to ensure Mr S understood the process of the meeting.

The Public Protection Officer presented the report and stated that he had some photographs of screen shots from Mr S's mobile phone of texts sent to a female. The Public Protection Officer circulated the photographs. The applicant and the officer withdrew from the meeting while Members took some time to consider these.

Mr S put his case and was questioned as to what had happened. Mr S then made a closing statement.

Following an adjournment it was

**RESOLVED** that the hackney carriage/private hire driver's licence in respect of Mr AVS be revoked.

#### Reasons for decision

Members have had to consider what action to take, if any, as a result of complaints received against Mr AVS the holder of a combined hackney carriage and private hire driver's licence.

In doing so, they took account of the Local Government (Miscellaneous Provisions) Act 1976, the Human Rights Act 1998, Home Office guidelines and the Council's adopted policies.

Members had to consider whether Mr S remained a fit and proper person to hold a drivers licence and therefore asked themselves whether they would allow their son, daughter, spouse, partner or anyone they cared about to travel alone in a vehicle driven by Mr S.

Members heard that Mr S had been the subject of the following complaints: On 12 October 2012 allegations were made that he made physical advances towards a lone female passenger. On 5 December 2012 Mr S was arrested on suspicion of kidnap following an allegation that a female was taken against her will. On 6 August 2013 the police were called to an incident over a phone lost in Mr S's taxi by one of two female passengers. Mr S found the phone, returned it but demanded further payment claiming he had restarted the taximeter. On arrival the police noted the females surrounded by three large male taxi drivers. On 28 October 2013 the Licensing Authority was notified of an allegation that Mr S pressurised a lone female to get into his car then pestered her for her phone number following which he texted and called her. Members noted those text messages were retained by the complainant who brought these to the attention of the Taxi Company and police. Members also noted that that this incident left the complainant feeling 'totally freaked out' and uncomfortable when alone in her home given Mr S knew where she lived.

Whilst the Crown Prosecution Service decided not to take matters further Members noted the following correspondence from the Licencing Officer. On 8 January 2013 Mr S was advised a report had been received from the Police regarding his conduct,



the matter had been placed on file and any further complaint might lead to him appearing before the Licensing sub-Committee. On the 16 September 2013 Mr S was issued with a final warning as a result of a further complaint. On 16 October 2013 Mr S was advised in writing that due to an allegation relating to kidnap, he was referred to the Licensing Sub-Committee to determine whether he continued to be suitable to hold a licence. Since that letter the Authority had been notified of a further incident of inappropriate behaviour towards a lone female and on 7 November 2013 Mr S attended Council offices to make a statement.

Mr S stated he did not make any advances towards females. On 5 December 2012 he recalled some confusion over the destination and that they all got out of his taxi somewhere in Oldfield Park. With regard to the incident on 4 October 2013 Mr S accepted he offered a female a lift and insisted she gave him her phone number. He also accepted he phoned and texted her a number of times.

Members were very concerned by the nature of the complaints against Mr S. Whilst he was not convicted, or cautioned, for any offence Members took these complaints extremely seriously. Mr S had been warned on previous occasions and each of these three additional matters showed a pattern of unacceptable behaviour. Members found it unacceptable for a licensed driver to approach a lone female and, having persuaded her to get into his car, insist she give him her phone number. Members therefore had doubts about Mr S's fitness particularly having had the opportunity of reading the content of the text messages which was not in dispute. For example '...I felt so pressured into giving you my number. You scared me last night. Please delete my number.' Members further noted that whilst Mr S accepted it was not normal behaviour it was not until he was confronted by his manager and the Licensing Officer that he deleted the complainant's number from his phone.

Licensed drivers provide a valuable public service and in particular for lone, vulnerable females. Members consider that the behaviour demonstrated by Mr S called the Licensed Taxi trade into disrepute and, moreover, Mr S's fitness to continue to hold a licence. Accordingly, as Members' priority was public safety, Mr S's licence was revoked. This step was taken because of the nature and seriousness of the allegations resulting in Members not being satisfied that their son, daughter, spouse, partner or anyone they cared about would be safe traveling alone in a vehicle driven by Mr S.

Therefore the hackney carriage/private hire driver's licence of Mr S was revoked.

## **76 RETURN TO OPEN SESSION**

The meeting returned to open session.

## **77 LICENSING PROCEDURE -HEARING AN APPLICATION FOR A NEW PREMISES LICENCE OR FOR A VARIATION OF A PREMISES LICENCE**

**RESOLVED** that the procedure for this part of the meeting be noted.

## **78 APPLICATION FOR A PREMISES LICENCE FOR THE POST OFFICE, PENSFORD HILL, PENSFORD, BRISTOL, BS39 4AF**

The Sub-Committee considered the report which sought determination of an application for a new premises licence, under Section 17 of the Licensing Act 2003, in respect of the Post Office, Pensford.

The applicant Mr Patel was present with his agent Mr Leahy. The applicant confirmed he had read and understood the procedure for the meeting.

The Public Protection Officer presented the report and explained that the application was for:

Sale of Alcohol for consumption off the premises:

Monday - Saturday	08:00 to 22:00
Sunday	08:00 to 20:00

and opening hours:

Monday - Saturday	08:00 to 22:00
Sunday	08:00 to 20:00

The Public Protection Officer continued to explain that the application had been served on all appropriate responsible authorities and two representations had been received from local residents in respect of crime and disorder and public nuisance.

The applicant's agent presented the case and explained that Mr Patel currently ran a similar convenience store in Whitchurch and had bought the freehold of the premises and wished to add the sale of alcohol at the store. He stressed it was the only convenience store in the village. The agent stated that there were no restrictions on trading times and they had offered some conditions on the operating schedule.

In response to questions the applicant or his agent made the following points:-

- the applicant had done some research prior to purchase and since and as it was the only convenience store in the village wanted to add alcohol and be able to open later in the future if he wished,
- the applicant sold alcohol at his Whitchurch store and there had been no issues,
- it was the only convenience store and there were three public houses.

The Public Protection Officer stated that neither of the two residents who made representations were present and no representations were made by the responsible authorities.

The applicant's agent was invited to sum up. In respect of the representations he stated that the impact on traffic and noise was referred to but there was no evidence of this. Traffic would tend to be local and the hours were reasonable for a convenience store. Mr Patel added that he wished to enhance what was on offer for sale to local customers from his shop and believed one objection was from another business. Relating to public safety, he stated that Pensford tended to have older residents and youngsters were in the minority. He agreed it was a busy road but

people already parked there for the pub and shop. He added that many local residents wanted him to be an off licence.

The Legal Adviser stated that road traffic matters were irrelevant to the application and so should be disregarded and there was no objection on public safety grounds.

Following an adjournment it was

**RESOLVED** that delegated authority be given to Public Protection Officers to issue a premises licence in respect of The Post Office, Pensford, as applied for and with conditions consistent with the operating schedule.

Members have today determined an application for a new premises licence at the Post Office Pensford. 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 were aware that the proper approach under the Licensing Act was to be reluctant to regulate in the absence of evidence and must only do what was appropriate and proportionate to promote the licensing objectives based on the evidence before them. However, in reaching their decision Members took account of relevant representations, disregarded irrelevant representations and were careful to balance the competing interest of the Applicant and Interested Parties.

Members heard the applicant had acquired the Post Office in Pensford and would like to sell alcohol products to supplement existing lines. The business would be family run and the family would live in accommodation above the premises becoming part of the local community. The applicant suggested a number of steps to promote the licensing objectives in the operating schedule and these would form conditions on any licence.

Members noted that whilst two representations were received there were none from Responsible Authorities. However, references to opening hours and road traffic were disregarded as these are irrelevant. Members noted that whilst the representations made reference to crime and disorder no evidence was presented connecting current levels of crime and disorder to the sale of alcohol in Pensford. Accordingly it was difficult to envisage this premises giving rise to an increase in alcohol related crime and disorder or indeed public nuisance.

In the circumstances Members found that the grant of a premises licence at this village convenience store would not have a detrimental effect on the licensing objectives and delegated authority to the Public Protection Officer to issue a licence with conditions consistent with the operating schedule.

The meeting ended at 11.15 am

Chair(person) .....

Date Confirmed and Signed .....



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

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

*The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.*

1. The Chair will introduce Members of the Sub-Committee, the 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.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.  
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.  
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.*

*Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.*

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits or advise that the decision will be

released in writing with reasons within the statutory time limit, in this instance, 5 working days.

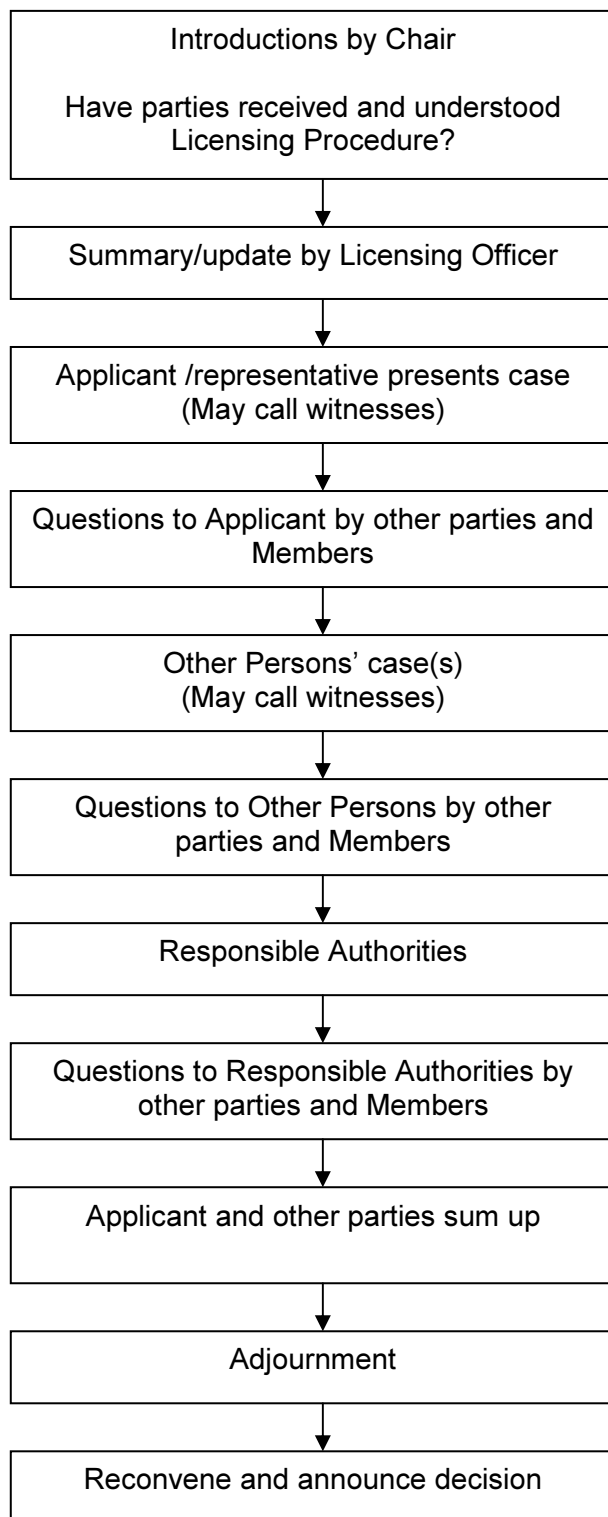
**PLEASE NOTE:**

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations 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 and parties will be able to ask questions as set out above. However, 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.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

## LICENSING SUB-COMMITTEE

### PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS



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## Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	<b>Thursday 16 January 2014</b>	
TITLE:	Application to Vary the Premises Licence for <b>Zero Zero Nightclub</b> , York Buildings, George Street, Bath BA1 2EB	
WARD:	Abbey	
<b>AN OPEN PUBLIC ITEM</b>		
<p><b>List of attachments to this report:</b></p> <p>Annex A Application to Vary the Premises Licence</p> <p>Annex B Current Premises Licence</p> <p>Annex C Site Plan</p> <p>Annex D Representation from Avon Fire &amp; Rescue Service</p> <p>Annex E Representation from Avon &amp; Somerset Constabulary</p> <p>Annex F Representation from The Abbey and The Circus Area Residents' Associations</p>		

### 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 **Zero Zero Nightclub, York Buildings, George Street, Bath BA1 2EB** (Annex A).

### 2 RECOMMENDATION

2.1 That the Licensing Sub-Committee determines the application.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £315.00.

### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

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

4.3 The Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

## 5 THE REPORT

5.1 An application has been received to vary an existing premises licence (Annex A).

5.2 The current premises licence as detailed in Annex B, permits the following licensable activities:

1) **Sale of Alcohol** for consumption both on and off the premises from 10:00 hours on Monday through to 23:30 hours on Sunday.

2) **Regulated Entertainment** by way of the performance of Dance, the exhibition of **Film**, the performance of Live Music, the playing of Recorded Music and any other similar entertainment within the Act, indoors only from 10:00 hours on Monday through to 23:00 hours on Sunday.

3) The provision of **Late Night Refreshment** between the following hours:

Monday to Saturday                      23:00 – 05:00 the following morning

4) **Non-Standard Timings**

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

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

From 10:00 hours on Monday through to 23:30 hours on Sunday

6) **Non-Standard Opening Times**

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

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

### Annex 1 – Mandatory conditions

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

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

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

### From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible

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

- 2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.
- 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

#### **From 1 October 2010:**

- 4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

#### **Annex 2 – Conditions consistent with the Operating Schedule**

- Regulated entertainment on the Basement Floor (entry level) shall cease at 23:30 hours each day.

- The Premises shall be a member of any organisation that exists locally to assist in safer bars, clubs and the circulation of information from one premises to another.
- A minimum of five Door Supervisors shall be employed on all days the premises trades from the time of opening until close of business. Two Door Supervisors will remain after close for 30 minutes at street level to ensure the efficient dispersal of patrons thus reducing the potential for nuisance.
- Persons will be searched at random for drugs, weapons and other illegal items when entering or re-entering the premises.

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

- CCTV shall be installed to the satisfaction of the Police and maintained in good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the Police or Licensing Authority for evidential purposes on request. If the CCTV equipment fails the Police and Licensing Authority must be informed as soon as possible and immediate steps shall be taken to effect a repair. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.
- One Door Supervisor shall be female and at least one Door Supervisor shall be stationed at the top of the steps. All Door Supervisors employed under this condition shall only perform a security function.
- Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open; a written record of checks will be maintained at the premises and will contain the name of the person carrying out such checks. This record will be made available to the Police and Licensing Authority on request.
- A register will be kept on the premises showing the full name, full SIA badge number, time on duty and time off duty of each Door Supervisor. The register will be retained for 12 months and made immediately available for inspection by the Police or Licensing Authority.
- An incident book shall be maintained at the premises which all incidents of crime and disorder and any ejections by Door Supervisors shall be recorded. The incidence book shall be completed on a daily basis regardless of whether any incidents have taken place. The incident book shall be retained on completion for 12 months and shall be made available to the Police and Licensing Authority immediately on request.
- A Personal Licence Holder shall be at the premises during all opening hours.
- A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area.
- Upon leaving the premises there will be signage advising that persons do so quietly.
- A phone service to local taxi services will be offered and persons will be asked to remain the foyer of the premises until the taxi arrives.
- All staff will be trained every three months in matters concerning illegal drug use and sale of alcohol to persons under 18 and to persons who are intoxicated and records

kept of such training. The records will be made available to the Police or Licensing Authority on request. Any new members of staff shall be trained in accordance with this condition and within two months will have attended and completed the Award in Responsible alcohol Retailing (or equivalent).

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

### 5.3 The variation application seeks to:

- **Remove** the condition requiring

"A minimum of five Door Supervisors shall be employed on all days the premises trades from the time of opening until close of business. Two Door Supervisors will remain after close for 30 minutes at street level to ensure the efficient dispersal of patrons thus reducing the potential for nuisance"

**Replace** the condition with:

"A minimum of two Door Supervisors shall be employed on all days from 22:00 hours until 30 minutes after trading, when they shall remain at street level to ensure the efficient dispersal of patrons. In addition, a minimum of three Door Supervisors shall be on duty from 23:30 hours until the close of business".

- **Remove** the condition:

“One Door Supervisor shall be female”.

- **Remove** the condition:

“Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open; a written record of checks will be maintained at the premises and will contain the name of the person carrying out such checks. This record will be made available to the Police and Licensing Authority on request”

**Replace** the above condition with:

“Checks will be made of the male and female toilets every 15 minutes by members of staff whilst the premises are open, with a written record of checks being maintained, except on occasion when toilet attendants are employed at the premises”.

- **Remove** the condition requiring

“A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area”

**Replace** the above condition with:

“The maximum capacity shall be in line with a risk assessment”.

- **Remove** the following two conditions:

“All bar staff shall attend and complete accredited training in the Award in Responsible Alcohol Retailing (or equivalent) **within two months of the date of this decision**”

“All staff will be trained every three months in matters concerning illegal drug use and sale of alcohol to persons under 18 and to persons who are intoxicated and records kept of such training. The records will be made available to the Police or Licensing Authority on request. Any new members of staff shall be trained in accordance with this condition and within two months will have attended and completed the Award in Responsible alcohol Retailing (or equivalent)”

Replace the conditions with:

“All staff will be trained in matters concerning illegal drug use and the sale of alcohol to persons under 18 and to persons who are intoxicated Records shall be kept of such training and produced upon reasonable request of the Police or Licensing Authority”.

## **ALL LICENSABLES ACTIVITIES AND HOURS ARE TO REMAIN THE SAME**

5.4 A site plan is attached at Annex C.

5.5 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 or notifications, the Licensing Authority will have regard to these licensing objectives.

- 5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.8 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 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 health authority and the child protection agency.
- 5.13 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.
- 5.14 A representation has been received from **Avon Fire & Rescue Service** in respect of the Public Safety licensing objective. It objects to the removal of the existing capacity limit, stating it is necessary to promote the safety of the public, in this specific basement premises (Annex D).
- 5.15 A representation has been received from **Avon & Somerset Constabulary** in respect of the prevention of crime and disorder licensing objective and the public safety objective. It

states that the applicant's proposal to "water down" selected conditions attached by the Licensing Sub-Committee following the Summary Review of the premises licence, will undermine the licensing objectives. As the premises is located within Bath's Cumulative Impact Area, it is the opinion of the Police that those conditions proposed by the applicant within the operating schedule do not re-but the presumption that the application will be refused (Annex E).

5.16 A joint representation has been received from **The Abbey Residents' Association (TARA)** and the **Circus Area Residents' Association (CARA)** in respect of the prevention of crime and disorder, the prevention of public nuisance and the public safety licensing objectives.

The representation expresses concern that the proposed removal of several of the existing conditions and the implementation of "less effective" conditions, will have an adverse effect on the aforementioned objectives. It states the stringent conditions have created "a significant improvement" in the level of nuisance caused by the operation of the premises (Annex F).

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

## 6 RATIONALE

6.1 As relevant representations have been received the Licensing Sub-Committee must determine the application in accordance with the Licensing Act 2003.

## 7 OTHER OPTIONS CONSIDERED

7.1 None

## 8 CONSULTATION

8.1 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.

## 9 RISK MANAGEMENT

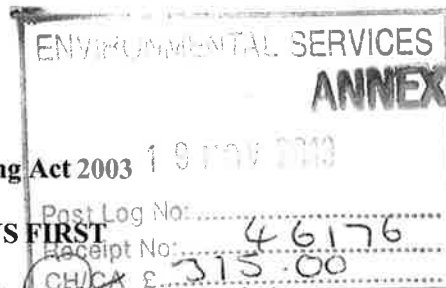
9.1 A risk assessment related to the issue and the recommendations has been undertaken in compliance with the Council's decision making risk management guidance.

## 10 ADVICE SOUGHT

10.1 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.

<b>Background papers</b>	Licensing Act 2003; Guidance issued under s.182 of the Licensing Act 2003; Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005; B&NES Statement of Licensing Policy.
<b>Contact person</b>	Terrill Wolyn, Senior Licensing Officer - 01225 396939





**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 **TECHNOV LIMITED**

*(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 <b>13/02323/LAPRE</b>
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description  <b>Zero Zero Nightclub Royal York Hotel 1 York Buildings George Street</b>			
Post town	<b>BATH</b>	Postcode	<b>BA1 2EB</b>
Telephone number at premises (if any)	<b>01225 470040</b>		
Non-domestic rateable value of premises	£	<b>Band C</b>	

**Part 2 – Applicant details**

Daytime contact telephone number	<b>07414 566 611</b>		
E-mail address (optional)	<b>info@clubzerozero.com</b>		
Current postal address if different from premises address	<b>as above</b>		
Post town		Postcode	

**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			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

- To amend the conditions relating to the use of door supervisors at the premises;
- To remove the capacity limits;
- To amend condition relating to training requirements
- To remove obsolete conditions which have "timed-out".

Please note there will be no charge to permitted hours or activities.

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:

N/A
-----

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

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

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

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

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

## B

Films Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<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 6)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		



## F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>				
					Outdoors	<input type="checkbox"/>				
					Both	<input type="checkbox"/>				
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)							
Mon										
Tue										
Wed							<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)			
Thur										
Fri							<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat										
Sun										

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Sat					
Sun					
			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue					
Wed					
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**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 9).

None.

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
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.

- " A minimum of 5 door supervisors shall be employed on all days the premises trades, from the time of opening until close of business" (Annex 2).
  - " one door supervisor shall be female" (Annex 3)
  - " Checks will be made of the female and female toilet . . . . . licensing Authority on request" (Annex 3)
  - " A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area" (Annex 3)
- Remove Annex 3 conditions relating to training and replace with amended condition

" To remove the following 2 conditions which have timed out: " The premises licence holder shall complete accredited training in the Award in Responsible Alcohol Retailing (or equivalent) within two months of the date of this decision "

all bar staff shall attend and complete . . . . . within 2 months of the date of this d.

- I have enclosed the premises licence *Part B only*
- I have enclosed the relevant part of the premises licence

Please tick as appropriate

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.

*Part A mislaid.  
and Part B*

## 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 10)

All staff will be trained in matters concerning illegal drug use and the sale of alcohol to persons under 18 and to persons who are intoxicated and records kept of such training and produced upon reasonable request of Police or Licensing Authority

### b) The prevention of crime and disorder

A minimum of two door supervisors shall be employed on all days from 22:00 hours until 30 minutes after trading where they shall remain at street level to ensure efficient dispersal of patrons;  
In addition a minimum of 3 door staff shall be on duty from 23:30 hours until close of business.

### c) Public safety

Checks will be made of the male and female toilets every 15 mins. by members of staff whilst premises are open, with a written record of checks being maintained except on occasion when toilet attendants are employed at the premises.

Maximum capacity to be in line with risk assessment.

### d) The prevention of public nuisance

### e) The protection of children from harm



**Checklist:**


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	19/11/13
Capacity	Director

**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 13). **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 14)

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

## 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. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

## Schedule 12 Part A

Regulation 33, 34

### Premises Licence

<b>Premises Licence Number</b>	13/02323/LAPRE
--------------------------------	----------------

#### Part 1 – Premises Details

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

Zero Zero Nightclub  
Royal York Hotel  
1 York Buildings  
George Street  
Bath  
BA1 2EB

**Telephone number**            01225 470040

**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	10:00 - 00:00
Tuesday to Saturday	00:01 - 00:00
Sunday	00:01 - 23:30

#### **Performance of Dance (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:01 - 00:00
Sunday	00:01 - 23:00

#### **Exhibition of a Film (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:01 - 00:00
Sunday	00:01 - 23:00

#### **Performance of Live Music (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:01 - 00:00
Sunday	00:01 - 23:00

**Performance of Recorded Music (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:01 - 00:00
Sunday	00:01 - 23:00

**Other Entertainment within Act (Indoors only)**

Monday	10:00 - 00:00
Tuesday to Saturday	00:01 - 00:00
Sunday	00:01 - 23:00

**Late Night Refreshment (Indoors only)**

Monday to Saturday	23:00 - 05:00
--------------------	---------------

**Non Standard Timings**

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

**The opening hours of the premises**

Monday	10:00 – 00:00
Tuesday to Saturday	00:01 - 00:00
Sunday	00:01 - 23:30

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

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

Alcohol is supplied for consumption both on and off the premises

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Technov Ltd  
 George Street  
 Bath  
 BA1 2EB  
 01225 339004 (agent)  
 info@bluerooms.net

## Bath & North East Somerset Council

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

Registered Business Number - Not applicable

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

Mr Joseph Santino Baio  
89 Penn Lea Road  
Lower Weston  
Bath  
BA1 3RQ  
01225 470040

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

B&NES/13/01794/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: *Terrill Wolyn*.....

Dated 29 August 2013



## 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.

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

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From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

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

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

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

From 1 October 2010:

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

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

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**Annex 2 – Conditions consistent with the Operating Schedule**

Regulated entertainment on the Basement Floor (entry level) shall cease at 23:30 hours each day.

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

A minimum of five Door Supervisors shall be employed on all days the premises trades from the time of opening until close of business. Two Door Supervisors will remain after close for 30 minutes at street level to ensure the efficient dispersal of patrons thus reducing the potential for nuisance.

Persons will be searched at random for drugs, weapons and other illegal items when entering or re-entering the premises.

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

CCTV shall be installed to the satisfaction of the Police and maintained in good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the Police or Licensing Authority for evidential purposes on request. If the CCTV equipment fails the Police and Licensing Authority must be informed as soon as possible and immediate steps shall be taken to effect a repair. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

One Door Supervisor shall be female and at least one Door Supervisor shall be stationed at the top of the steps. All Door Supervisors employed under this condition shall only perform a security function.

Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open; a written record of checks will be maintained at the premises and will contain the name of the person carrying out such checks. This record will be made available to the Police and Licensing Authority on request.

A register will be kept on the premises showing the full name, full SIA badge number, time on duty and time off duty of each Door Supervisor. The register will be retained for 12 months and made immediately available for inspection by the Police or Licensing Authority.

An incident book shall be maintained at the premises which all incidents of crime and disorder and any ejections by Door Supervisors shall be recorded. The incidence book shall be completed on a daily basis regardless of whether any incidents have taken place. The incident book shall be retained on completion for 12 months and shall be made available to the Police and Licensing Authority immediately on request.

A Personal Licence Holder shall be at the premises during all opening hours.

A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area.

Upon leaving the premises there will be signage advising that persons do so quietly.

A phone service to local taxi services will be offered and persons will be asked to remain the foyer of the premises until the taxi arrives.

All staff will be trained every three months in matters concerning illegal drug use and sale of alcohol to persons under 18 and to persons who are intoxicated and records kept of such training. The records will be made available to the Police or Licensing Authority on request. Any new members of staff shall be trained in accordance with this condition and within two months will have attended and completed the Award in Responsible alcohol Retailing (or equivalent).

Patrons will only be permitted to smoke in the area designated "outside area" on the plan with drawing number 1234/L0018.

There will be no entry or re-entry to the premises after 2.00 am each morning.

Patrons leaving the premises through the entrance lobby shall be permitted to re-enter only at the discretion of the management after 2.00 am on all days that the premises are open to the public.

No persons under the age of 18 shall be permitted to enter the premises on all days that the premises are open to the public.

The Premises Licence Holder shall devise a Dispersal and Queuing Policy with the Police which shall be operational on all days that the premises are open to the public. The policy must include the provision that those Door Supervisors who remain on duty outside for half an hour after the premises close to the public to wear high visibility jackets.

All litter and associated debris shall be cleared away at the frontage of the premises from the boundary outside the premises to Bar Revolution and the junction with George Street and Broad Street on closing on all days that the premises are open to the public.

All bar staff shall attend and complete accredited training in the Award in Responsible Alcohol Retailing (or equivalent) within two months of the date of this decision.

The premises licence holder shall complete all recommendations made in the Crime Prevention Report within 28 days of the date of this decision.

The Premises Licence Holder shall arrange quarterly meetings with representatives of the Circus Area Residents Association and The Abbey Residents Association, or their successor organisations, and the Police unless they are not required by the Residents' Associations.

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# Bath & North East Somerset Council

## Annex 4 – Plans

As submitted with application.



<p><b>Bath and North East Somerset: District Online</b></p>	<p><b>Date:</b> 16-12-2013 <b>Scale:</b> 1:1250</p>	<p>Bath &amp; North East Somerset Council</p>	
<p><b>Zero Zero Nightclub</b></p>	<p><b>Map Centre - easting / northing:</b> 374964 / 165164</p>	<p>© Crown copyright and database right. All rights reserved (100023334) 2013</p>	









Licensing Services, 9-10 Bath Street, Bath, BA1 1SN

**Representation Form**

**Responsible Authority.** (Please delete as applicable.)

Fire

Your Name	Nigel Jagger
Job Title	Fire Safety Officer
Postal and email address	Avon Fire & Rescue Service Temple Back Bristol BS1 6EU  Nigel.jagger@avonfire.gov.uk
Contact telephone number	0117 9262061 Ext 269

Name of the premises you are making a representation about.	Zero Zero Nightclub
Address of the premises you are making a representation about.	Royal York Hotel 1 York Buildings George Street Bath

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder		
Public safety	Yes	The condition specifying the capacity of the premises must not be removed. Although the Fire safety Order requires premises to have sufficient exit routes for the occupants, an emergency evacuation of the premises could be required without a fire situation occurring. It is therefore outside of the remit of the Fire Safety Order but within the remit of Public Safety that the capacity of the premises be agreed with relevant responsible authorities. In this case a basement night club has limited emergency exit routes and therefore the safe capacity should be identified and agreed with all relevant responsible authorities

To prevent public nuisance		
The prevention of harm to children		
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.		Satisfactory condition already in place. However a safety audit of the premises will be carried out at the convenience of the Occupier to confirm the safe capacity of the premises

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

**Signed: Nigel Jagger**

**Date: 22 November 2013**

Please return this form along with any additional sheets to:

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

**Terrill Wolyn**

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**From:** Nigel Jagger <Nigel.Jagger@avonfire.gov.uk>  
**Sent:** 16 December 2013 09:34  
**To:** Terrill Wolyn  
**Subject:** Zero Zero  
**Attachments:** 1112201314300337.doc

Morning Terrill,

Please find attached a copy of the letter sent to Zero Zero.

I was disappointed to note that whilst they had employed the services of a decent risk assessor and had paid for a Fire Risk assessment, they had not carried out any of the works recommended in the action plan.

I did however have to query the Occupancy figure of 382 that he calculated. I had a meeting with the risk assessor and pictured him on where he went wrong in his calculations. He agreed that he had not followed accepted methodology in carry out the calculation and that the existing occupancy figure was correct.

I have noted my diary for a reinspection to take place on the 3<sup>rd</sup> January, however, a couple of random checks over the Christmas period would be useful as I know he feels his capacity is too low ( 100 on lower floor, 213 on main floor).

Hope you had a nice weekend.

Nigel

This email and any attachments should only be read by the person or people to whom it is addressed, and to be used by them for its intended purpose. Avon Fire & Rescue Service cannot accept liability for statements or legally binding obligations, which are the sender's and not made on behalf of Avon Fire & Rescue Service or Avon Fire Authority. Replies to this email address may be monitored under lawful business purposes. This email and any attachments are believed to be free from viruses, but it is your responsibility to carry out all necessary virus checks and Avon Fire Authority accepts no liability in connection therewith.

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This e-mail has been scanned for all viruses by Star on behalf of Avon Fire & Rescue Service. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

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Our reference: FSNC3/NJ/NJ/00049058/406746

11 December 2013

Zero Zero (formerly the Bluerooms)  
York Buildings  
George Street  
Bath  
BA1 2EB

Dear Sir

**The Regulatory Reform (Fire Safety) Order 2005  
Zero Zero (formerly the Bluerooms), BA1 2EB**

Following an inspection of the above premises on 03 December 2013, I am writing to advise you of the significant findings of the Inspecting Officer.

The overall aim of the inspection was to seek evidence that the risk to people due to fire has been suitably and sufficiently assessed and is being effectively managed by the Responsible Person.

This letter is not an Enforcement Notice but constitutes a formal request for action to be taken by you to comply with the Regulatory Reform (Fire Safety) Order 2005.

The following findings should be considered and an Action Plan formulated. The Action Plan should indicate the course of action to be taken to provide compliance to the above Order. Attached to this letter is a Remedial Action Plan format for your use if you so wish. The suggested actions below may not constitute the only solution to the findings. You may wish to consider other options.

The Action Plan should be forwarded to this Authority for review within 28 days of the date of this letter. Failure to comply with this request and any other request under the Regulatory Reform (Fire Safety) Order 2005 could result in legal proceedings being commenced. You may forward a paper copy by post to the address at the foot of this letter, or a scanned copy by email to [fire.safety@avonfire.gov.uk](mailto:fire.safety@avonfire.gov.uk).

**PREVENTING PROTECTING RESPONDING**

Avon Fire & Rescue Service is provided by Avon Fire Authority  
Chief Fire Officer/Chief Executive Kevin Pearson MA MCGI MIFireE  
Chair of Avon Fire Authority Councillor Terry Walker

Page 61  
Fire Safety, Avon Fire & Rescue Service Headquarters, Temple Back, Bristol BS1 6EU  
Telephone 0117 926 2061 Fax 0117 925 0980

## Findings

### Principles of Prevention to be applied

#### **Failure**

Preventative and protective measures have not been implemented.

Legislation Applicable.

Article 10 and as specified in Part 3 of Schedule 1 of the Regulatory Reform (Fire Safety) Order 2005.

#### **Steps to Remedy the failure**

The works detailed in the action plan that resulted from the Fire risk assessment carried out by M Radcliff have not been carried out within the timescales allocated.

### Fire Safety Arrangements

#### **Failure**

There was no evidence of the recording of maintenance and/or testing of the Emergency Lighting system.

Legislation Applicable

Article 11 (1) (2) of the Regulatory Reform (Fire Safety) Order 2005

#### **Steps to Remedy the failure**

The arrangements detailed above relating to the preventative and protective measures provided to ensure the safety of relevant persons and to ensure the premises are safe, must be recorded, the recording being capable of inspection to determine whether the said arrangements are appropriate. This may be achieved by keeping a log book in which inspection and maintenance is recorded.

(Part 2 Section 8 of the Fire Safety Risk Assessment guide refers)

### Emergency Routes and Exits

#### **Failure**

The escape routes and exits could not be used as quickly and as safely as possible.

Legislation Applicable.

Article 14 (2) (b) of the Regulatory Reform (Fire Safety) Order 2005

#### **Steps to Remedy the failure**

In the event of danger it must be possible for persons to evacuate the premises as quickly and safely as possible. The door sets at the base of the stairs leading to the sub basement should be fitted with automatic door release devices connected to the fire alarm system, thereby enabling the doors to be held open under normal conditions provided:

- a) Automatic smoke detection to an L3 standard is provided in accordance with British Standard 5839: Part 1.
- b) The devices comply with British Standard 5839: Part 3.
- c) The devices are arranged to release the door sets at the base of the stairs leading to the sub basement in the event of the fire alarm being activated, a fault

condition occurring within the installation or a power failure affecting the fire alarm system.

- d) A local testing facility is provided for each device.
- e) The fire warning system and each device is subject to an effective maintenance contract.
- f) An "AUTOMATIC FIRE DOOR - KEEP CLEAR" notice is affixed to both sides of the door.
- g) Doors are inspected monthly to ensure an adequate fit within the frame.

### **Failure**

The escape routes are not provided with adequate signage.

Legislation Applicable

Article 14 (2) (g) of the Regulatory Reform (Fire Safety) Order 2005

#### **Steps to Remedy the failure**

Emergency routes and exits must be indicated by signs conforming to the Health and Safety (Safety Signs and Signals) Regulations 1996.

(Part 2 Sections 4, 5 and 6 of the Fire Safety Risk Assessment guide refers)

### **Procedures for Serious and Imminent Danger and for Danger Areas**

#### **Failure**

Insufficient evacuation procedures and / or safety drills to be followed in the event of serious and imminent danger are not established.

Legislation Applicable.

Article 15 (1) of the Regulatory Reform (Fire Safety) Order 2005.

#### **Steps to Remedy the failure**

Establish and where necessary give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons.

(Part 1 Step 4 and Part 2 Section 7 of the Fire Safety Risk Assessment guide refers)

### **Maintenance**

#### **Failure**

The facilities, equipment and devices provided in respect of the premises are not being maintained in an adequate state of repair.

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005

#### **Steps to Remedy the failure**

The emergency lighting system should be tested in accordance with the current British Standard which should include a monthly function test and an annual full-duration discharge test and examination by a competent person.

### **Provisions of Information to Employees**

#### **Failure**

To provide comprehensible and relevant information to employees on appropriate procedures and drills to be followed in the event of serious and imminent danger.

Legislation Applicable.

Article 19 (1) (c) of the Regulatory Reform (Fire Safety) Order 2005.

#### **Steps to Remedy the failure**

The Responsible Person must provide his employees with comprehensible and relevant information on appropriate procedures, and safety drills to be followed, in the event of serious and imminent danger.

(Part 2 Section 7 of the Fire Safety Risk Assessment guide refers)

#### **Failure**

To provide comprehensible and relevant information to employees on persons nominated for fire fighting on and / or assisting in evacuation procedures from, the premises.

Legislation Applicable.

Article 19 (1) (d) of the Regulatory Reform (Fire Safety) Order 2005.

#### **Steps to Remedy the failure**

The Responsible Person must provide his employees with comprehensible and relevant information on the identities of those persons nominated for fire fighting, and those persons nominated to effect safety drills in the event of serious and imminent danger.

(Part 2 Section 7 of the Fire Safety Risk Assessment guide refers)

### **Provision of Information to Employers and the Self-employed from an Outside Undertaking**

#### **Failure**

The provision of instruction and / or understandable and relevant information on risks to an employee from an outside undertaking is inadequate.

Legislation Applicable

Article 20 (2) of Regulatory Reform (Fire Safety) Order 2005

#### **Steps to Remedy the failure**

The Responsible Person must ensure any person working in his undertaking who is not his employee is provided with appropriate instructions and comprehensible and relevant information regarding any risks to the person.

(Part 2 Section 7 of the Fire Safety Risk Assessment guide refers)

A follow up inspection of the premises will take place in approximately 03 January 2014.

In the meantime, you should be aware that you have an ongoing responsibility to maintain fire safety standards and to carry out periodic reviews to ensure that fire safety provisions remain adequate. In the event of circumstances changing, your fire risk



assessment should be amended to take account of the changes and any necessary reinforcement of the fire safety package implemented.

Should you require any further information, please contact the Officer named below.

Yours sincerely

Nigel Jagger  
Watch Manager  
Technical Fire Safety Officer  
Telephone 0117 9262061 Ext 269

Enclosure:  
Remedial Action Plan

**Remedial Action Plan**

Address of Property: **Zero Zero (formerly the Bluerooms), York Buildings, George Street, Bath, BA1 2EB**

Responsible Person: .....

For Remedial Actions, you may refer to the *Steps to Remedy failure* paragraph of the attached letter. However, you may provide a suitable and sufficient alternative.

Ref	Failure	Action Required to Resolve the Failure	Person Responsible	Remarks/Completion Date
01	Preventative and protective measures have not been implemented.	Carry out the works detailed in the fire risk assessment action plan		
02	There was no evidence of the recording of maintenance and/or testing of the Emergency Lighting system.	Ensure emergency lighting systems are tested in accordance with the recommendations of BS 5266, and the results of these tests recorded		
03	The escape routes and exits could not be used as quickly and as safely as possible.	Ensure the fire door sets at the base of the stairs leading to the dance floor are able to function correctly and be able to hold back the effects of a fire in the lower basement for 30 minutes		
04	The escape routes are not provided with adequate signage.	Provide signage that can be seen by occupants of the premises at all times the premises is operating		
05	Insufficient evacuation procedures and / or safety drills to be followed in the event of serious and imminent danger are not established.	Evacuation procedures need to be written up and explained to all members of the staff working in the licensed areas		

06	To provide comprehensible and relevant information to employees on appropriate procedures and drills to be followed in the event of serious and imminent danger.	See 05		
07	To provide comprehensible and relevant information to employees on persons nominated for fire fighting on and / or assisting in evacuation procedures from, the premises.	See 05		
08	The provision of instruction and / or understandable and relevant information on risks to an employee from an outside undertaking is inadequate	Ensure that outside contractors have a briefing on the fire safety measures and expectations of the responsible person		

1. Any structural work undertaken may require Building Regulations approval prior to the work being carried out.
2. Please complete this form and return it to Avon Fire & Rescue Service within 28 days of receipt of the attached letter.

Signature: ..... Date: .....





## Licensing Services, Lewis House ,Manvers St., Bath, BA1 1JG

## Representation Form

**Responsible Authority.** (Please delete as applicable.)

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

Your Name	Steven Mlildren	<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>ENVIRONMENTAL SERVICES</b>   <b>1 6 DEC 2013</b>   Post Log No: .....  Receipt No: .....  CH/CA £..... </div>
Job Title	Police Inspector	
Postal and email address	Bath Police Station Manvers St. Bath.	
Contact telephone number	01225842425	

Name of the premises you are making a representation about.	Zero Zero
Address of the premises you are making a representation about.	1 York Buildings George Street, Bath. BA1 2EB


Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	yes	The premises club Zero Zero ( formally known as The Blue Rooms) is situated to the north of the city centre within George Street. This area is a "hot spot" for crime and disorder and anti-social behaviour. George Street and its immediate environs have a large number of licensed premises .The variation application is to amend the conditions relating to the use of door supervisors at the premises. To remove the capacity limits and to amend conditions relating to training requirements. They are replaced by conditions that, in the view of the Police, do not further the licensing objectives. Some of the history of the premises and applications is necessary to show our concerns. The premises were subject to an expedited review, and a full review on 8 <sup>th</sup> February 2013 at which hearing this committee placed a number of conditions on the licence to further the licensing objectives. A licence was produced Fig 1,( schedule) this was as a

result of drug dealing and crime and disorder. On 26<sup>th</sup> July an application was made to vary the licence removing certain conditions, reducing the number of door supervisors and to only randomly search persons entering the club. A policy for searching was provided at the request of the police. A licence was produced Fig 2(schedule). While it is accepted that there have been a reduced number of reports of incidents associated with the premises since this time, it is the opinion of the Police that this is due to the stringent conditions on the premises licence put on by this committee and feel the likely effect of a watering down of the conditions can lead to increases in crime and disorder, and would do nothing to further the licensing objectives. This application does nothing other than erode that position. The amended door staff condition removes the need for a female door supervisor, so the random searching can only involve males. It reduces the number of door supervisors to a minimum of two for the first one and a half hours, this does not cater for early arrivers. On entry to a night club they do and can set the tone for the evening. The door supervisors are an integral part of the overall management of the premises, other than having duties on the doors, the walking of the club to ensure early intervention in relation to drunken persons and tension, is an essential part of their role. The training requirement condition removes the word 'accredited'. For the training to be effective it has to have some substance and be delivered in a professional way. The capacity limits have been on the licence since the club was opened, they no doubt formed a basis when the number of door staff was decided by this committee, and there is insufficient information provided in the operating schedule, which undermines public safety. There is no mention of security or care measures at any point. Capacity limits can have a far greater part to play than that under the fire regulations, They have a part to play in the good order of the premises. The condition that has been offered in respect of the toilet checks is not clear. The times when the toilet attendants are present also needs to be entered in the register of checks. The club would appear to still have some way to go in its overall management as on a recent evening (Thursday 28<sup>th</sup> November 2013) multi agency visits were taking place when their attention was drawn to noise emanating from the premises which caused the group to cross the

		<p>road. The source of the noise (voice and recorded music) was emanating from the area used by smokers. This identified a breach of the following condition." Regulated entertainment on the basement floor ( entry level) shall cease at 23;30hrs each day". The DPS Jo Baio was present and his response was that he was unaware that this had to take place, albeit this and all other conditions had been pointed out and discussed with him at a multi-agency visit to the premises in September of this year.</p> <p>This is within the cumulative impact area the policy which specifies that applications for the grant or variation of licensed premises will normally be refused if representations are received unless the applicant demonstrates in their operating schedule that there will be no adverse impact on one or more of the licensing objectives. There is nothing in this application that in any way addresses this.</p>
Public safety	yes	
To prevent public nuisance		
The prevention of harm to children		

<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>The view of the Police is that the application should be refused.</p>
--	--

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

Signed:  INSPECTOR 621 Date: 13/12/13  
MILNER

Please return this form along with any additional sheets to:

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

E-mail address: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)

***This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.***



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

CCTV shall be installed to the satisfaction of the Police and maintained in good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the Police or Licensing Authority for evidential purposes on request. If the CCTV equipment fails the Police and Licensing Authority must be informed as soon as possible and immediate steps shall be taken to effect a repair. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

A minimum of 6 Door Supervisors shall be employed on all days from opening to half an hour after closing save for Thursdays when 8 Door Supervisors shall be employed from 00.00 (midnight) to half an hour after closing. One Door Supervisor shall be female and at least one Door Supervisor shall be stationed at the top of the steps. All Door Supervisors employed under this condition shall only perform a security function.

CCTV monitors will be watched at all times the premises are open. The person monitoring the CCTV will be SIA trained and registered and will be in radio contact at all times the premises are open with a member of Door staff and will report any illegal activity they see to the Door Supervisor.

Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open, a written record of such checks will be maintained at the premises and will contain the name of the person carrying out such check this record will be made available to the Police and Licensing Authority on request.

A register will be kept on the premises showing the full name, full SIA badge number, time on duty and time off duty of each Door Supervisor. The register will be retained for 12 months and made immediately available for inspection by the Police or Licensing Authority.

An incident book shall be maintained at the premises which all incidents of crime and disorder and any ejections by Door Supervisors shall be recorded. The incidence book shall be completed on a daily basis regardless of whether any incidents have taken place. The incident book shall be retained on completion for 12 months and shall be made available to the Police and Licensing Authority immediately on request.

A Personal Licence Holder shall be at the premises during all opening hours.

A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area.

Upon leaving the premises there will be signage advising that persons do so quietly.

A phone service to local taxi services will be offered and persons will be asked to remain the foyer of the premises until the taxi arrives.

All staff will be trained every three months in matters concerning illegal drug use and sale of alcohol to persons under 18 and to persons who are intoxicated and records kept of such training. The records will be made available to the Police or Licensing Authority on request. Any new members of staff shall be trained in accordance with this condition and within two months will have attended and completed the Award in Responsible Alcohol Retailing (or equivalent)

There will be no entry or re-entry to the premises after 2.00 am each morning.

All persons entering the premises will be searched for drugs, weapons or other illegal items on both entry and re-entry.

Patrons will only be permitted to smoke in the area designated "outside area" on the plan with drawing number 1234/L0018.

Patrons leaving the premises through the entrance lobby shall be permitted to re-enter only at the discretion of the management up to 2.00 am on all days that the premises are open to the public.

No persons under the age of 18 shall be permitted to enter the premises on all days that the premises are open to the public.

The Premises Licence Holder shall devise a dispersal and queuing policy with the Police which shall be operational on all days that the premises are open to the public. The policy must include the provision that those Door Supervisors who remain on duty outside for half an hour after the premises close to the public to wear high visibility jackets.

All litter and associated debris shall be cleared away at the frontage of the premises from the boundary outside the premises to Bar Revolution and the junction with George Street and Broad Street on closing on all days that the premises are open to the public.

All bar staff shall attend and complete accredited training in the Award in Responsible Alcohol Retailing (or equivalent) within two months of the date of this decision.

The Premises Licence Holder shall complete all recommendations made in the Crime Prevention Report within 28 days of the date of this decision.

The Premises Licence Holder shall arrange quarterly meetings with representatives of the Circus Area Residents Association and The Abbey Residents Association, or their successor organisations, and the Police unless they are not required by the Residents' Associations.

## **Annex 2 – Conditions consistent with the Operating Schedule**

Regulated entertainment on the Basement Floor (entry level) shall cease at 23:30 hours each day.

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

A minimum of five Door Supervisors shall be employed on all days the premises trades from the time of opening until close of business. Two Door Supervisors will remain after close for 30 minutes at street level to ensure the efficient dispersal of patrons thus reducing the potential for nuisance.

Persons will be searched at random for drugs, weapons and other illegal items when entering or re-entering the premises.

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

CCTV shall be installed to the satisfaction of the Police and maintained in good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the Police or Licensing Authority for evidential purposes on request. If the CCTV equipment fails the Police and Licensing Authority must be informed as soon as possible and immediate steps shall be taken to effect a repair. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

One Door Supervisor shall be female and at least one Door Supervisor shall be stationed at the top of the steps. All Door Supervisors employed under this condition shall only perform a security function.

Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open, a written record of such checks will be maintained at the premises and will contain the name of the person carrying out such check this record will be made available to the Police and Licensing Authority on request.

A register will be kept on the premises showing the full name, full SIA badge number, time on duty and time off duty of each Door Supervisor. The register will be retained for 12 months and made immediately available for inspection by the Police or Licensing Authority.

An incident book shall be maintained at the premises which all incidents of crime and disorder and any ejections by Door Supervisors shall be recorded. The incidence book shall be completed on a daily basis regardless of whether any incidents have taken place. The incident book shall be retained on completion for 12 months and shall be made available to the Police and Licensing Authority immediately on request.

A Personal Licence Holder shall be at the premises during all opening hours.

A capacity limit of 300 persons will be maintained with no more than 100 persons using the sub-basement area.

Upon leaving the premises there will be signage advising that persons do so quietly.

A phone service to local taxi services will be offered and persons will be asked to remain the foyer of the premises until the taxi arrives.

All staff will be trained every three months in matters concerning illegal drug use and sale of alcohol to persons under 18 and to persons who are intoxicated and records kept of such training. The records will be made available to the Police or Licensing Authority on request. Any new members of staff shall be trained in accordance with this condition and within two months will have attended and completed the Award in Responsible Alcohol Retailing (or equivalent)

There will be no entry or re-entry to the premises after 2.00 am each morning.

Patrons will only be permitted to smoke in the area designated "outside area" on the plan with drawing number 1234/L0018.

Patrons leaving the premises through the entrance lobby shall be permitted to re-enter only at the discretion of the management up to 2.00 am on all days that the premises are open to the public.

No persons under the age of 18 shall be permitted to enter the premises on all days that the premises are open to the public.

The Premises Licence Holder shall devise a dispersal and queuing policy with the Police which shall be operational on all days that the premises are open to the public. The policy must include the provision that those Door Supervisors who remain on duty outside for half an hour after the premises close to the public to wear high visibility jackets.

All litter and associated debris shall be cleared away at the frontage of the premises from the boundary outside the premises to Bar Revolution and the junction with George Street and Broad Street on closing on all days that the premises are open to the public.

All bar staff shall attend and complete accredited training in the Award in Responsible Alcohol Retailing (or equivalent) within two months of the date of this decision.

The Premises Licence Holder shall complete all recommendations made in the Crime Prevention Report within 28 days of the date of this decision.

The Premises Licence Holder shall arrange quarterly meetings with representatives of the Circus Area Residents Association and The Abbey Residents Association, or their successor organisations, and the Police unless they are not required by the Residents 'Associations.

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**LICENSING ACT 2003**

**INTERESTED PARTY REPRESENTATION**

**Please read the notes at the back of this form prior to completing it.**

**I/We object to the following application:**

Application number:	<b>13/03643/LAPRE</b>
Applicant's name:	<b>Technov Ltd (Zero Zero)</b>
Premises name and address:	<b>Royal York Hotel, 1 York Buildings, George Street, Bath, BA1 2EB</b>
Application for a:	<b>Variation of Premises Licence</b>

**Objector Details:**

Objector's Name:	<b>Ian Perkins &amp; Sally Rothwell</b>
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	<b>11 Pierrepont Street Bath BA1 1LA</b>
Organisation name if applicable:	<b>Tara and CARA</b>

**Objection Details:**

My/our representation is relevant to the following licensing objective(s):

Prevention of crime and disorder



Prevention of public nuisance



Protection of children from harm



Public safety



Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I/We have already made a written representation and have no further comments

This is a joint representation on behalf of the two major Residents' Associations in the area affected by these premises. Between us we have more than 400 members including a significant number in the area surrounding these premises, indeed the chairman of TARA lives in George Street.

We are writing to oppose this application.

Most, if not all the conditions the applicant is seeking to remove or modify, were imposed only this year after the committee had heard and seen evidence of appalling scenes of noise, disorder and drunkenness resulting from the trading at these premises. The police also gave evidence of drug dealing over an extended period of time for which successful criminal prosecutions had been brought.

The imposition of these new conditions has created a significant improvement in the level of nuisance generated by the operation of these premises.

Given the relative success of these conditions we are very concerned to see the management of these premises seeking to have them removed or made less effective.

A brief visit to their social media site shows that the rebranded Zero Zero primarily targets young people and does this on the basis of cheap drink offers. A sample offer from their Facebook site being:

- ✦ £1 Smirnoff & Red Bull (Before Midnight)
- ✦ £1 BOMBS ALL NIGHT
- ✦ £2.50 Corona Beer or £10 for bucket of 5
- ✦ £3 House Doubles

We are particularly concerned about the emphasis on cheap bombs and mixture of spirits with high caffeine drinks as these are frequently associated with drunkenness and disorder.

The information provided on the web site is very limited, but as we understand it the applicants are seeking to:

1. Lift capacity limits based on a risk assessment which they have commissioned. We are not clear what the basis of this assessment is but we would expect it include:
  - risks of drunk customers not being observed and continuing to be served alcohol
  - risks of early signs of disorder being missed
  - risks of injury to customers if disorder breaks out in a crowded club



-risks of drug dealing being unobserved as the number of people in the club increases  
If it does not include these things, we would oppose it being used as the basis for setting capacity limits.

2. Relaxing the recording conditions around toilet checks and staff training. We believe these should remain as a component of monitoring the compliance of premises that have shown such catastrophic failures of management in the recent past.

3. Reducing the numbers of door staff in attendance. This is a premises which, until these conditions were imposed, had an appalling track record on keeping good order in the premises, keeping illegal substances out of the premises and maintaining order when customers dispersed at the end of trading. We know of no substantive changes that the premise's management have made which are likely to make up for the reduction in door staff.

4. Removing the need to have a female door supervisor. We do not see how adequate checks can be made for dangerous or illegal substances or objects being brought into the premises if all door supervisors are male.

5. Removing the need for staff training to be provided by accredited providers. We can see no justification for this at all. Alcohol licensing law and practice are complex and subject to frequent change and this is a premise where in-house training has in the very recent past demonstrably failed to deliver best or even adequate practice in this area.

**I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.**

Signed

Ian Perkins & Sally Rothwell

Date

17.12.2013

Contact telephone number(s)  
(This is essential as we may need to contact

07905 4951617

you at short notice)

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name Ian Perkins

I will be attending the hearing  I will not be attending the hearing

I will be represented at the hearing by \_\_\_\_\_

I will be calling the following witness(es):

<u>Name and signature of each witness</u>	<u>Details of evidence to be produced by witness</u>

Please delete as appropriate: I consider a hearing to be necessary / unnecessary

Form to be returned to:

Licensing Team  
Public Protection  
9-10 Bath Street  
Bath  
BA1 1SN