
Bath & North East Somerset Council

Democratic Services

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Date: 25 April 2016

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To: All Members of the Licensing Sub-Committee

Councillors:- Paul Myers, Mark Shelford and Caroline Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 3rd May, 2016

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 3rd May, 2016 at 10.00 am** in the **Kaposvar Room - 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

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 Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Guildhall Bath (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - 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. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. 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.

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.

Licensing Sub-Committee - Tuesday, 3rd May, 2016

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. 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: 19TH APRIL 2016 (Pages 7 - 12)

6. TAXI PROCEDURE (Pages 13 - 16)

7. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“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 four items of business and the reporting of the meeting be prevented under

Section 100A(5A) because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended. “

8. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: MR AUA (Pages 17 - 30)
9. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: MR RCP (Pages 31 - 44)
10. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: MR MM (Pages 45 - 58)
11. CONSIDERATION OF CAUTION OBTAINED: MR MRC (Pages 59 - 72)
12. LICENSING PROCEDURE (Pages 73 - 76)
The Chair will, if required, explain the licensing procedure.
13. APPLICATION TO VARY THE PREMISES LICENCE FOR THE DARK HORSE, 7A KINGSMEAD SQUARE, BATH BA1 2AB (Pages 77 - 120)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on democratic_services@bathnes.gov.uk.

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 19th April, 2016, 10.00 am

Councillors: Paul Myers (Chair), Will Sandry and Caroline Roberts

Officers in attendance: Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer), Alan Bartlett (Public Protection Team Leader) and Terrill Wolyn (Senior Public Protection Officer)

152 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

153 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Mark Shelford had a non-disclosable pecuniary interest as a paid member of the Avon Fire Authority and decided not to participate in this meeting of the Sub-Committee, as he had been advised that a reasonable person may perceive the interest as likely to prejudice his judgement. Councillor Will Sandry substituted.

154 DECLARATIONS OF INTEREST

Councillor Roberts declared an interest as a season-ticket holder of Bath Rugby Club. Councillor Sandry declared an interest in that in his capacity as Mayor of Bath he had invited representatives of Bath Rugby Club to attend a future civic event. Both members declared that they would not be influenced by these interests and that they could determine the application on its merits.

155 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

156 MINUTES: 15 MARCH 2016

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

157 LICENSING PROCEDURE

The Chair drew attention to the procedure to be followed for the next item of business.

158 APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR BATH RUGBY CLUB, RECREATION GROUND, SPRING GARDENS, BATHWICK, BATH BA2 6PW

Applicant for Review: Avon Fire and Rescue Service, represented by John Brown (Technical Fire Safety Officer) and Nigel Jagger (Technical Fire Safety Officer)

Licence Holder: Bath Rugby Club, represented by Alex Cohen (Operations Manager)

The parties confirmed that they had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. She explained that Avon Fire and Rescue had applied for a review of the premises licence for Bath Rugby Club under section 51 of the Licensing Act 2003 on the ground that the matters alleged in paragraph 5.3 of the report undermined the licensing objectives of the prevention of crime and disorder and public safety. Bath Rugby Club had responded to the application. There were no representations to the application from other responsible authorities or from other persons.

Mr Brown stated the case for the Applicant for Review. He said that as part of his duties he had gone to the Recreation Ground for an inspection at the evening match with Gloucester on the 5th February 2016. As part of this inspection he had spoken to a steward at the clubhouse bar and asked her questions about the procedures in place and the capacity limit for the bar. She had been unable to answer these questions. He immediately spoke to a more senior member of staff, who issued clickers to the stewards to enable them to monitor the number of people entering the bar. He visited the bar half an hour later and found that people were queueing on the stairs leading up to the bar. There was jostling and people began falling backwards down the stairs. He and his colleague from the Fire Service began moving people from the staircase and a system of one-in one-out entry to the bar was imposed. His concerns about this incident had led him to request this licence review.

Subsequently he had spoken to Mr Cohen about safety procedures at the ground. He was pleased to note that Mr Cohen has appointed The Event Safety Shop, a company with extensive experience of managing events in the Bristol area, to provide safety advice and an independent fire consultant. Mr Cohen had agreed a new set of safety procedures with Mr Brown. However, the Fire and Rescue Service was proposing that for the two remaining games in this season a reduced capacity limit for the bar of 150 for the next game and 200 for the last game should be imposed. During the close season there would be a further review of procedures and structural changes at the ground, after which it was hoped that capacity limit would again be able to be set as near as possible to the current 300.

Members put questions to Mr Brown.

How was the original capacity limit calculated?

By a risk assessment. There are various guidance documents providing advice on calculating capacity limits. Floor space is one factor. The number of available exits is also taken into account. There are two exits from the clubhouse and one must assume in a worst-case scenario that the largest exit is lost and taken out of the equation.

Are you not fully assured by the new arrangements agreed with Mr Cohen?

There was already an agreement that clickers should be used at every game, for example, but they had not been provided to stewards on 5th February. There seemed to be a general failure of management.

How is access to the clubhouse controlled?

Entirely at the staircase, as far as I am aware. Separate capacities are set for the Riverview Suite and for the Clubhouse Bar. The passageway to the servery serves as an exit route.

Is the bar open to anyone in the ground?

I believe it is.

The Senior Public Protection Officer asked if Mr Brown would clarify what he was proposing for the permanent capacity of the bar, pointing out that it would revert to the current 300 after the expiry of any temporary condition reducing it. He replied that the current capacity limit should be removed and a new one fixed after a fresh risk assessment, with any dispute about it being referred to an independent safety adviser. Members and officers discussed the feasibility of this proposal. The Principal Solicitor advised that a licence condition had to be certain and enforceable, and that therefore he would advise the Sub-Committee against the two-stage process for setting the capacity limit proposed by Mr Brown. Mr Brown said that the limits of 150 and 200 for the next two games had been agreed with the club. In the close season there would be structural changes, and he believed that an additional exit would be provided. Officers advised Members that separate capacity limits could be imposed for the next two games.

Mr Cohen said that Bath Rugby Club intended to apply for a replacement licence after the completion of the West Stand. In reply to a question from a Member he stated that the only event planned to be held at the ground during the close season that would involve use of the clubhouse bar was a supporters' club dinner in August.

Mr Cohen stated the case for the licence holder. He said that he held the post of Head of Operation at the club for almost one year. He had previously had a career with the police and had wide experience in public safety and the control of public order. He said that extremely significant safety improvements had been introduced and he was intent on maintaining and improving safety at the ground. Avon Fire and Rescue had made requests for improvements at other locations in the ground, all of which were being complied with. He accepted that the situation witnessed in respect of the clubhouse bar on 5th February 2016 was not what it should have been. However, problems had been restricted to one isolated location in the ground. There was a large gate for the Friday evening local derby match against Gloucester. The incident occurred ten minutes before kick-off, which tends to be the peak time for movement within the ground. This was probably the most difficult moment in which to manage crowd safety during the entire season. That, however, does not excuse what happened, as standards should be set and maintained for the worst-case scenario. There are other records in the club's safety log of occasions when a one-in one-out entry system was imposed for the clubhouse. Sometimes this was done because of the numbers recorded on clickers and sometimes because door staff had made a judgment on the basis of what they observed. Since 5th February there had been three matches at the ground, which had taken place under a very different safety regime. There are more door staff, who are issued with electronic clickers so that they can share information quickly. There is increased scrutiny by the club's safety officer, and the number of people in the clubhouse is recorded every quarter of an hour. This information is constantly monitored by the door staff. All those measures were put in place after discussions with Mr Brown and before the club

knew that a review application would be made. The club took these issues very seriously. An independent fire safety consultant had also been engaged, who had provided half a day's training to thirty-three members of staff. At the remaining two matches of the season a specific member of staff based in the clubhouse would be allocated fire safety responsibilities. The club was working towards the creation of a third exit for the clubhouse. The club had a good safety record; there had been no injuries to spectators, fires, public disorder or crime at the ground, though they were not complacent about it.

Members put questions to Mr Cohen.

The other bars in the ground close ten minutes before kick-off. Why not apply that to the clubhouse as well?

There could be up to 3,000 spectators in total dispersing from the other bars immediately before kick-off, which would be very disruptive to spectators already in their places. Closing the clubhouse ten minutes before kick-off had been considered, but it was felt that the number dispersing from it is not really a problem. The important thing is to enforce the capacity limit very strictly.

What was the problem on 5th February?

There were too many people trying to enter the clubhouse and the control point should have been at the bottom, not the top, of the stairs.

The numbers in the clubhouse are being monitored at 15 minute intervals, yet you said that the most difficult time was the 10 minutes before kick-off.

There is a member of staff on both doors and spectators are able to enter or leave by either door. Previously the door staff had to click spectators in and out with manual clickers and then subtract to find the net figure, which is not easy. The club has now invested in electronic clickers so information about the net number of people present is available to both door staff. The staff monitoring numbers in the clubhouse are in permanent radio contact and can share information easily. The quarter of an hour refers only to the times at which they report back to the safety officer for recording in the match day log, and does not determine the process for taking action to prevent excess numbers in the clubhouse.

For a large attendance at the ground there are potentially 13,500 people who could seek access to the clubhouse.

Over 70% of spectators are regular attendees and tend to have regular habits. There are 4 other bars and it is possible to predict with some accuracy the numbers seeking access to the clubhouse. There was only one occasion on which there was an excess number of people in the clubhouse. The number never reached 300 at the 3 subsequent matches.

How will you notify people if the capacity limit is reduced?

Information will be given to appropriate people. It seems unnecessary to tell all spectators about something that affects only a few. Staff will be fully informed.

Have you agreed the proposed capacity limits of 150 and 200 for the next two games with the Fire and Rescue Service?

We want to have the confidence of the Fire and Rescue Service. We want people at the ground to feel safe and be safe. We are content with the capacity limits proposed for the matches on 23rd April and 7th May, but we do want the capacity limit to return to 300. There is no intention to seek in a future licence application any increase on 300.

The parties were invited to sum up.

Mr Cohen said he had nothing to add.

Mr Brown said that because of the failure of management on 5th February he was proposing a capacity limit of 150 on the clubhouse for the match on 23rd April and 200 for match on 7th May. The Fire and Rescue Service wished to assist the club in improving safety management procedures and in making adjustments to the layout of the premises.

Decision and Reasons

Members determined an application by Avon Fire and Rescue Service for a review of the Bath Rugby Club premises licence. In doing so they took account of the Licensing Act 2003, Statutory Guidance, the Council's Statement of Licensing Policy and Human Rights Act 1998.

Members are aware that the proper approach under Licensing is to be reluctant to regulate in the absence of information that the Licensing Objectives raised are being undermined. Further, that they must only do what is appropriate and proportionate in the promotion the Objectives.

The Fire Service applied for the review of the Premises Licence on the grounds of Public Safety and Crime and Disorder. The fire officer visited the premises on 05 February 2016 as part of a prearranged meeting and it became apparent that stewards were unaware of the agreed crowd control measures. Further, that the Clubhouse's capacity was 300. The Fire Officer therefore raised their safety concerns and 'clicker' devices were then issued to stewards so that the Clubhouse Bar capacity could be regulated.

When Officers returned some 30 minutes later it became clear that due to an increase in numbers it was necessary to instigate the agreed control measures and stop further persons entering the bar. At this point people began queuing on a staircase and a number of them began falling backwards causing a risk to public safety.

The fire officer stated that since that occasion the Club had made a number of appointments in terms of public safety, alterations to the building to address the emergency exit were proposed and an agreement reached reducing the capacity in the Bar over the next 2 games.

The Licensee stated it had made significant improvements over the last season and that they are not complacent when it comes to public safety. It was accepted that the

event management on 5 February 2016 was not up to standard and he apologised for this. It was stated that this was an isolated incident and since that time robust procedures have been put in place and specialist contractors employed to ensure the safety of all members of the public when using the ground.

In reaching their decision Members took account of all relevant oral and written representations and balanced the competing interests of the applicant and premises licence holder. Members took a dim view that circumstances were such on the 5 February 2016 that led to this review on the grounds of public safety. Nevertheless they were pleased to note the way in which both parties had negotiated and presented a way forward to improve public safety.

Members reminded themselves that the statutory guidance states safe capacities should only be imposed where appropriate for the promotion of public safety and that the current capacity of the Clubhouse Bar was 300.

Members determined that it was appropriate and proportionate in all the circumstances to modify the capacity condition on the basis of the protection of public safety. The condition is as follows:-

- The capacity in the main Clubhouse Bar shall be limited to 150 people until 25 April 2016
- The capacity in the main Clubhouse Bar shall be limited to 200 people from 26 April until 9 May 2016

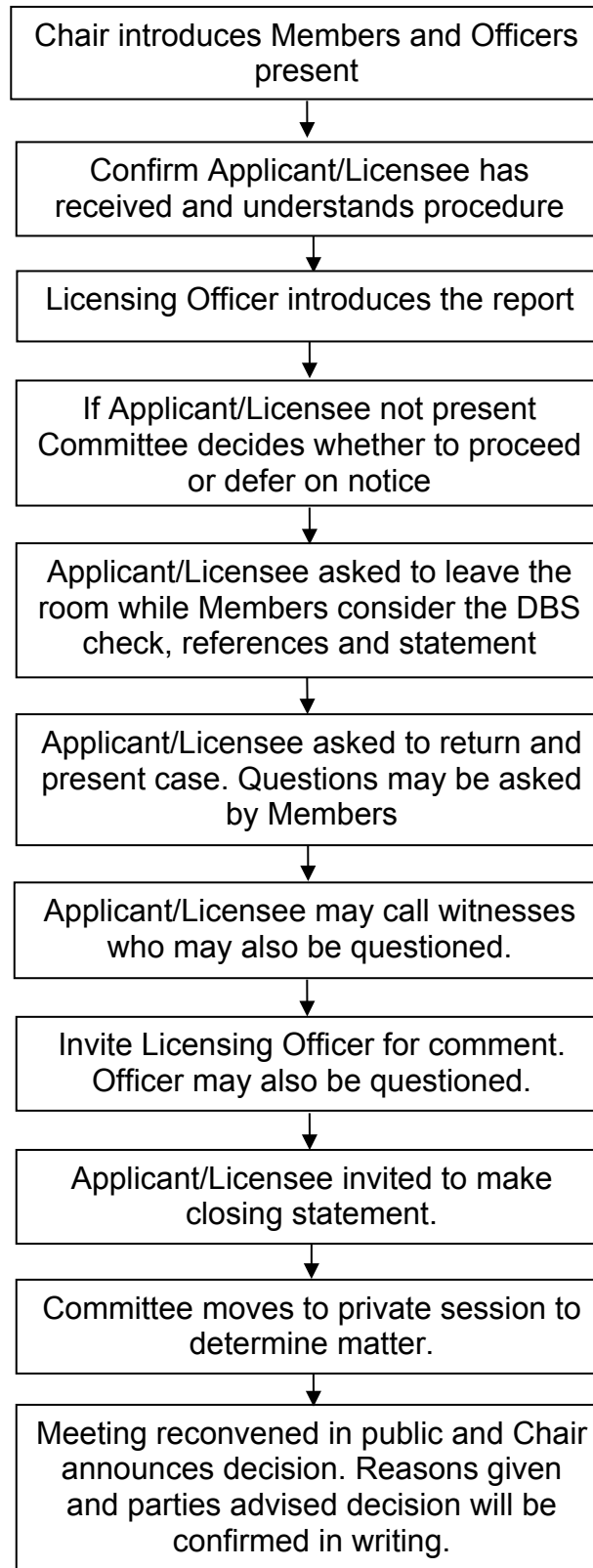
The meeting ended at 12.57 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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**Licensing Sub Committee
Hackney Carriage (taxi) and Private Hire
Driver Application Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. 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 meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. 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.

Updated November 2013

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. 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 account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents 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.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 0622/16

Meeting / Decision: Licensing Sub-Committee

Date: 03/05/2016

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:

Annex A – Application Form

Annex B – Policy on Previous Convictions, Cautions and Fixed Penalty Notices

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 0672/16

Meeting / Decision: Licensing Sub-Committee

Date: 03/05/2016

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:

Annex A – Application Form

Annex B – Policy on Previous Convictions, Cautions and Fixed Penalty Notices

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

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| Information Compliance Ref: LGA 0673/16 |
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| Meeting / Decision: Licensing Sub-Committee |
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| Date: 03/05/2016 |
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| Author: John Dowding |
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| Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence |
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| Exempt Appendix Title: |
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| Annex A – Application Form |
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| Annex B – Policy on Previous Convictions, Cautions and Fixed Penalty Notices |
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The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

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|------------------------|
| Stating the exemption: |
|------------------------|

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 735/16

Meeting / Decision: Licensing Sub-Committee

Date: Tuesday 3rd May 2016.

Author: John Dowding

Exempt Report Title: Consideration of Caution Obtained:

Exempt Appendix Title:

List of attachments to this report:

Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence.

Annex B – Current Council Policy.

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

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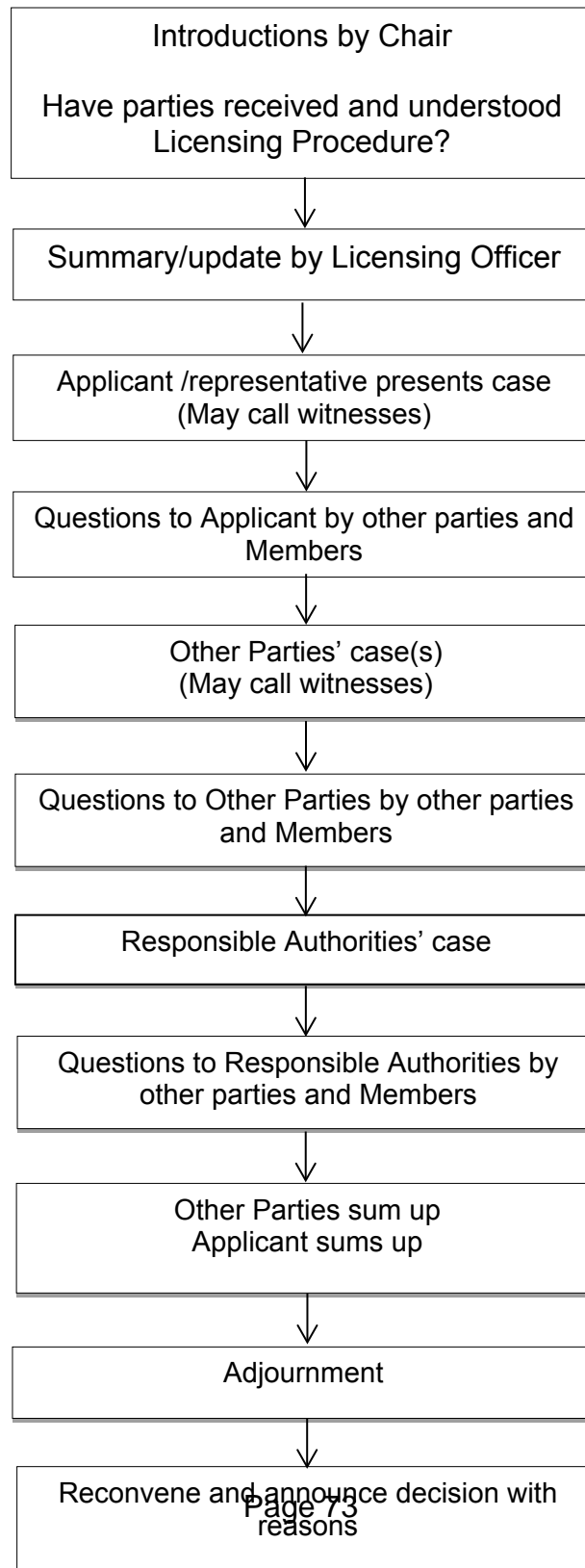
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
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.

V

Bath & North East Somerset Council

| | | |
|--|--|--------------------------|
| MEETING: | Licensing Sub-Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | Tuesday 3 May 2016 | |
| TITLE: | Application to Vary the Premises Licence for The Dark Horse, 7a Kingsmead Square, Bath, BA1 2AB | |
| WARD: | Kingsmead | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: | | |
| Annex A Application to Vary the Premises Licence | | |
| Annex B Current Premises Licence | | |
| Annex C Plan of premises | | |
| Annex D Representation received from the Police | | |
| Annex E Correspondence between Police and Applicant | | |

1 THE ISSUE

1.1 An application has been received for the variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of The Dark Horse, 7a Kingsmead Square, Bath, BA1 2AB.

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 £190.00.

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

Opening daily at 09:00 hours instead of 10:00 hours;

Closing Thursdays at 01:30 hours the following morning; and

Closing on Fridays and Saturdays at 02:30 hours the following morning.

- Increase the terminal hour for the provision of late night refreshment (currently midnight) on Thursdays to 01:00 hours the following morning and on Fridays and Saturdays to 02:00 hours the following morning;
- Remove the following condition from Annex 2 of the premises licence:

“Hot food will be available at all times the premises are open to the public”.

5.4 A plan of the premises 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 3-6, 8-10, 13-14, 15, 17-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised March 2015)
 - 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 Local Safeguarding Children Board.
- 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 the Police (Annex D) expressing concern that the applicant's proposals, in their current form, are likely to undermine the **Prevention of Crime and Disorder** licensing objective. Conditions have been proposed within the representation to further this objective.
- 5.15 Correspondence between the applicant and the Police concerning the proposed conditions have been included at Annex E.
- 5.16 The premises is situated within Bath's Cumulative Impact Area.
- 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.

- 8.2 Issues relating to Safeguarding have been considered in respect of this application.

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 (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Divisional Director-Business Support) and the Group Manager (Public Protection & Health Improvement) have had the opportunity to input to this report and have cleared it for publication.

| | |
|--------------------------|---|
| Background papers | Licensing Act 2003; Guidance issued under s.182 of the Licensing Act 2003; Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005; and B&NES Statement of Licensing Policy. |
| Contact person | Terrill Wolyn, Senior Public Protection 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 **THAT'S WHAT SHE SAID LTD**

(Insert name(s) of applicant)

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

| |
|---|
| Premises licence number 15/02837/LAPRE |
|---|

Part 1 – Premises Details

| | | | |
|--|--------------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description THE DARK HORSE, 7A KINGSMEAD SQUARE | | | |
| Post town | BATH | Postcode | BA1 2AB |
| Telephone number at premises (if any) | 01225 282477 | | |
| Non-domestic rateable value of premises | £18,100 | | |

Part 2 – Applicant details

| | | | |
|---|--------------|----------|--|
| Daytime contact telephone number | 01225 282477 | | |
| E-mail address (optional) | | | |
| Current postal address if different from premises address | | | |
| 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 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
THE HOURS OF SUPPLY OF INTOXICATING LIQUOR TO BE EXTENDED FROM 2400 TO LATER TIMES AS SHOWN ON THE MORNINGS OF FRIDAY, SATURDAY, SUNDAY.

THE NATURE OF THE USE OF THESE PREMISES BUSINESS HAS CHANGED FROM PURE RESTAURANT USE TO COCKTAIL BAR WITH REFRESHMENTS.

PLANNING CONSENT HAS BEEN GRANTED IN RESPECT OF THE USE OF THE PREMISES.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick all that apply**

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

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

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

In all cases complete boxes K, L and M

ANNEX A

A

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

B

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

ANNEX A

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 | | | |
| | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

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

ANNEX A

E

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

F

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

ANNEX A

G

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

H

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

ANNEX A

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | X |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 2300 | 2400 | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | 2300 | 2400 | | | |
| Wed | 2300 | 2400 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) NEW YEARS EVE TO PROVIDE LATE NIGHT REFRESHMENTS UNTIL 5AM ON NEWYEARS DAY | | |
| Thur | 2300 | 2400 | | | |
| Fri | 2400 | 0100 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | 2300 | 2400 | | | |
| Sat | 2400 | 0200 | | | |
| | 2300 | 2400 | | | |
| Sun | 2400 | 0200 | | | |
| | | | | | |

J

| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8) | On the premises | |
|---|-------|--------|---|------------------|--------------------------|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> |
| Mon | 1000 | 2400 | State any seasonal variations for the supply of alcohol (please read guidance note 5) HOURS OF SUPPLY EXTENDED NEW YEARS EVE UNTIL COMMENCEMENT OF HOURS ON NEW YEARS DAY | Both | X |
| Tue | 1000 | 2400 | | | |
| Wed | 1000 | 2400 | | | |
| Thur | 1000 | 2400 | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) SEE ABOVE RE NEW YEAR EVE | | |
| Fri | 2400 | 0100 | | | |
| | 1000 | 2400 | | | |
| Sat | 2400 | 0200 | | | |
| | 1000 | 2400 | | | |
| Sun | 2400 | 0200 | | | |
| | 1000 | 2300 | | | |

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).
NIL

ANNEX A

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | 0900 | 2400 | <p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> |
| Tue | 0900 | 2400 | |
| | 2400 | 0030 | |
| Wed | 2400 | 0030 | |
| | 0900 | 2400 | |
| Thur | 2400 | 0030 | |
| | 0900 | 2400 | |
| Fri | 2400 | 0130 | |
| | 0900 | 2400 | |
| Sat | 2400 | 0230 | |
| | 0900 | 2400 | |
| Sun | 2400 | 0230 | |
| | 0900 | 2400 | |

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.

HOT FOOD WILL BE AVAILABLE AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC

ANNEX A

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)

**TO ASSIST MANAGEMENT OF THE PREMISES:
1 WHERE A RISK ASSESSMENT BY THE DPS AND/OR AT THE WRITTEN REQUEST OF POLICE OR LICENSING AUTHORITY, SIA REGISTERED DOOR STAFF WILL BE ON DUTY TO SUPERVISE ALL PATRONS ENTERING AND LEAVING AND TO ENSURE THE GOOD ORDER OF THE PREMISES. ONLY TWO DRAUGHT BEERS/CIDER TO BE AVAILABLE.**

b) The prevention of crime and disorder

A DIGITAL CCTV SYSTEM WILL BE FITTED AND MAINTAINED ON THE PREMISES AND THE RECORDS WILL BE MADE AVAILABLE TO THE POLICE AND LICENSING AUTHORITY ON REQUEST.

NO CANS OF LAGER/BEER TO BE AVAILABLE.

c) Public safety

A COPY OF THE FIRE PREVENTION ASSESSMENT TO BE AVAILABLE TO ANY PERSON IN AUTHORITY.

d) The prevention of public nuisance

ALL OUTSIDE AREAS WILL BE CLEARED OF PATRONS BY 2300 ON EACH DAY.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

X THE LICENCE PART A AND B WILL BE DELIVERED TO THE LICENSING AUTHORITY.

e) The protection of children from harm

A CHALLENGE 21 SCHEME SHALL BE OPERATED AT ALL TIMES WHEN THE PREMISES ARE SELLING ALCOHOL. PROOF OF AGE WILL BE REQUIRED FROM ANY PERSON WHO APPEARS TO BE UNDER THE AGE OF 21

Checklist:

Please tick to indicate agreement

- | | |
|---|--------------------------|
| • I have made or enclosed payment of the fee; or | X |
| 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. | X |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable. | <input type="checkbox"/> |
| • I understand that I must now advertise my application. | <input type="checkbox"/> |
| • I have enclosed the premises licence or relevant part of it or explanation. | <input type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected. | <input type="checkbox"/> |

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.

ANNEX A

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 | DAVID C HOLLEY |
| Date | 7 TH MARCH, 2016 |
| Capacity | LICENSING AGENT |

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) DAVID C HOLLEY 25 BROAD STREET, BATH | | | |
| Post town | BATH | Post code | BA1 5LW |
| Telephone number (if any) | 07710 272 384 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Dholley_licensing@btinternet.com | | | |

ANNEX B

Part 2

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

That's What She Said Ltd
Basement Flat
3 Walcot Terrace
Walcot
Bath
BA1 6AB

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

Registered Business Number - 09711256

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

Mr Xavier Louis Lewis-Smith
Basement Flat
3 Walcot Terrace
Walcot
Bath
BA1 6AB

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/15/02637/LAPER
Bath & North East Somerset Council

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of
Bath & North East Somerset Council:

Dated 5 October 2015

15/02837/LAPRE

Annex 1 – Mandatory conditions

Mandatory conditions in respect of premises supplying alcohol for consumption on the premises only, or both on and off the premises:

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.

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)*;

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

15/02837/LAPRE

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b)*.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(a)* 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance Act 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991(c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act

1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b)* 1994 c. 23. Section 2 was amended by section 3 of the Finance (No.2) Act 2010 (c.31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No.3) Act 2010 (c.33). There are other amendments which are not relevant to this Order.

From 1 October 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must 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: (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 in a manner which carries a significant risk of undermining a licensing objective; (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 in a manner which carries a significant risk of undermining a licensing objective; (d) 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; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) 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 under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

ANNEX B

4. The responsible person must 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 whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the Operating Schedule

All staff to be trained in the sale of alcohol with training records kept on the premises, these records to be made available to the police and licensing authority for inspection.

Hot food will be available at all times the premises are open to the public.

All 'off sales' of alcohol to be sold in sealed containers unless it is to be consumed in the area covered by the Tables and Chairs Permit.

There will be signage clearly visible at all exits from the premises requesting persons to leave quietly.

A Challenge 21 policy will operate at the premises where any persons purchasing alcohol who appear under that age will be asked for identification that proves age.

ANNEX B

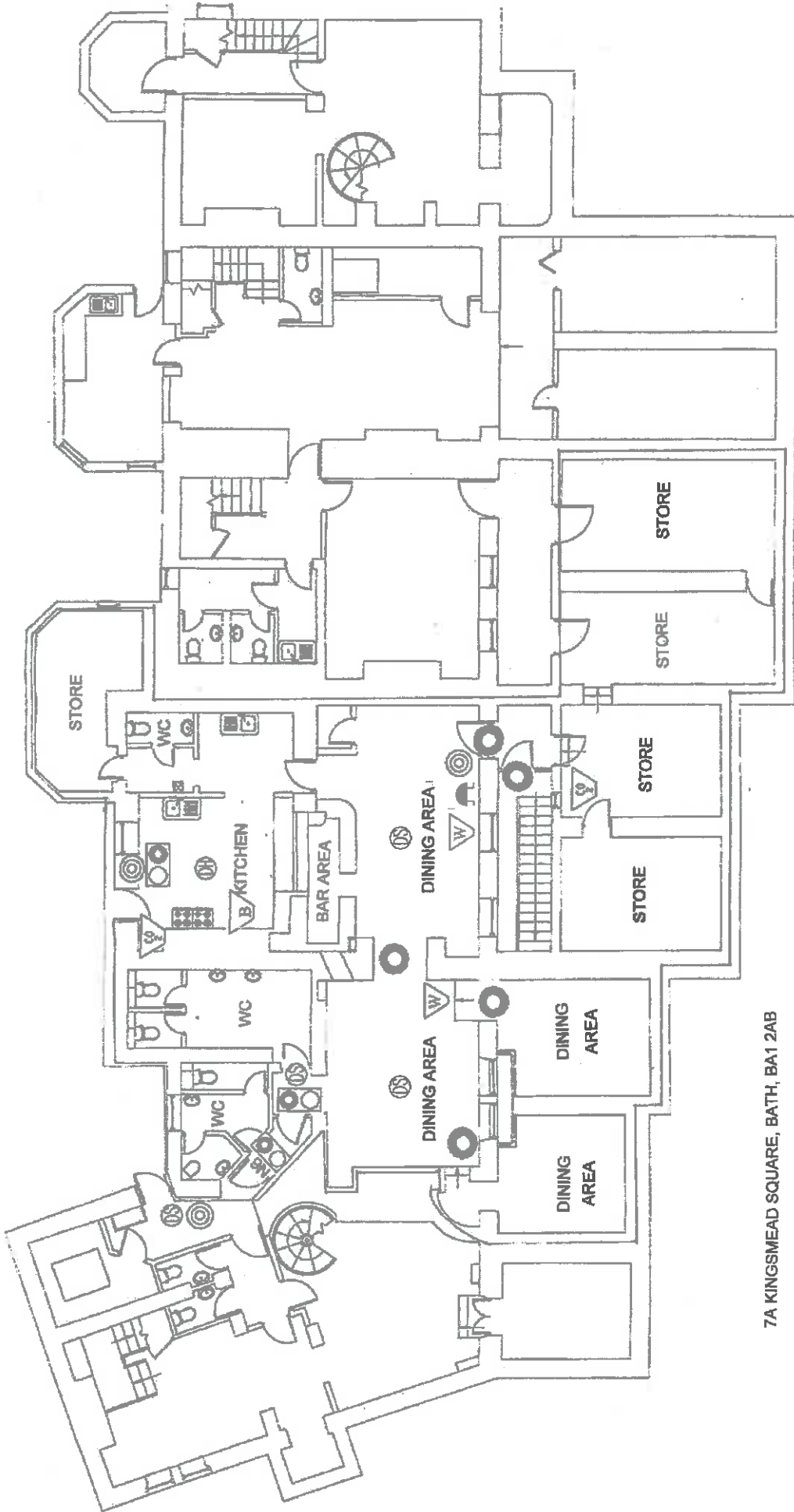
Annex 3 – Conditions attached after a hearing by the licensing authority

ANNEX B

Annex 4 – Plans

As submitted with application.

ANNEX B



7A KINGSMEAD SQUARE, BATH, BA1 2AB

SCALE 1:100

PLAN DRAWING SYMBOL SHEET

| | | | | | | | |
|--|-------------------------------|--|--|----|-----------------------------|--|----------------|
| | FIRE ALARM SOUNDER | | CARBON DIOXIDE EXTINGUISHER, 4 LITRE CAPACITY UNLESS OTHERWISE STATED | | EMERGENCY LIGHTING POINT | | SMOKE DETECTOR |
| | FIRE ALARM ACTUATING POINT | | FIRE BLANKET, 1M X 1M UNLESS OTHERWISE STATED | | ILLUMINATED EXIT SIGN | | HEAT DETECTOR |
| | | | WATER EXTINGUISHER, 9L CAPACITY UNLESS OTHERWISE STATED | N6 | FIRE DOOR, KEEP SHUT | | |



**Avon & Somerset Constabulary
Representations Licensing Act 2003.**

| | | |
|--|---|---|
| Your Name | Geoff CANNON | |
| Job Title | POLICE LICENSING OFFICER | |
| Postal and email address | 2 nd Floor REDBRIDGE HOUSE MIDLAND RD BATH BA2 3EW | |
| Contact telephone number/e-mail address | Geoff.Cannon@avonandsomerset.police.uk | |
| Name and address of the premises you are making representations about. | THE DARK HORSE 7A KINGSMEAD SQUARE BATH BA1 2AB | |
| 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 |
| The Prevention of harm to children | | |
| To prevent Public Nuisance | | |
| To prevent crime and disorder | YES | The Dark Horse is a small premises located below ground level in Kingsmead Square, Bath. It is marketed as a 'cocktail bar' which is reinforced in the variation application. Kingsmead Square becomes particularly busy when nearby licensed premises close their doors at 0200hrs. Kingsmead Square is also situated on a route that many late – night revellers use to walk from the City Centre to southern and western areas of Bath, particularly after city centre licensed premises have closed. There is also a take - away that stays open until 0300hrs every night in Monmouth Street which attracts custom from late – night drinkers. The premises fall within the cumulative impact area and there is a real risk of increased Anti – Social behaviour, crime and disorder and public nuisance by granting this variation as it stands. The police do not object to the variation of hours, allowing the supply of alcohol until midnight Mon – Wed, until 0100hrs on Thursdays and 0200hrs on Friday and Saturday nights. However, the Police feel that the application to vary the licence lacks detail and clarity to further the licensing objectives in respect of this type of application that has been applied for. For example, there is no indication of how long the applicant proposes to keep CCTV images in order to assist the police with any enquiries. The police are also concerned that the removal of the existing |

| | |
|---|---|
| <p>A N N E X D</p> | <p>condition "Hot food will be available at all times the premises are open to the public" would encourage drinkers from the Dark Horse to seek food after the premises has closed at the nearby take – away resulting in an increase in public nuisance and / or disorder. A number of conditions have been offered and agreed with the applicant to rectify this position,</p> |
| <p>Public Safety</p> | |
| <p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p> | <ol style="list-style-type: none"> 1. A digital CCTV system will be fitted and maintained at the premises in consultation with the Police. The images will be of evidential quality, time and date marked and will be kept for a minimum of 31 days. Images from this system will be made available to the Police on request. 2. The existing condition regarding hot food to be removed and replaced with: Light – menu based meals will be made available at all times during the opening hours of the premises. 3. Due to the premises operating predominantly as a "cocktail bar" and to prevent under-age drinkers trying something less mainstream, the existing condition relating to "Challenge 21" to be removed and replaced with the following: A Challenge 25 proof of age scheme shall be adopted, implemented and advertised at the premises. An accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo card driving licence and passport 4. To assist with reducing potential crime and disorder and to effectively control entry and exiting from the premises during the busiest and later nights: There will be at least one SIA registered member of door staff on duty at the entrance to the premises on Thursday, Friday and Saturday nights from 1900hrs until closing. |

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

Signed: G Cannon

Date: 21/03/16

This form must be returned within the Statutory Period. (With supporting evidence).

Terrill Wolyn

From: Geoff Cannon <Geoff.Cannon@avonandsomerset.police.uk>
Sent: 05 April 2016 15:32
To: Terrill Wolyn
Subject: Additional information in support of Police rep for the Dark Horse

Hi Terrill.

Could you please attach a copy of this e-mail to the papers for The Dark Horse Hearing as confirmation of acceptance of the proposed conditions. This was reinforced by phone later.

Thanks.

With kind regards,

Geoff Cannon

BANES Police Area Licensing Officer
Redbridge House
BATH BA2 3EW

☎ Ext: 01278 645524 Int: 45524

Mob: 07889 655950

✉ Geoff.Cannon@avonandsomerset.pnn.police.uk

From: Louis Lewis-Smith [mailto:louis@darkhorsebar.co.uk]
Sent: 18 March 2016 18:39
To: Geoff Cannon
Subject: Re: Variation application

Thanks Geoff,

I'm knee-deep into a Friday evening here already so will respond properly tomorrow, but just wanted to thank you for your time today. I felt that you understood well what I'm trying to achieve here at The Dark Horse and I'm appreciative of your reconsidering of the hours, truly.

I'm having a meeting with my business partner tomorrow (the brains!) and we'll discuss everything from today but in brief I'm fine with where we're at.

Have a great weekend.

Cheers,

Louis

Louis Lewis-Smith
Admiral
The Dark Horse
m: 0796 008 2200

----- Original message -----

From: Geoff Cannon <Geoff.Cannon@avonandsomerset.police.uk>

Date: 18/03/2016 15:06 (GMT+00:00)

To: "louis@darkhorsebar.co.uk" <louis@darkhorsebar.co.uk>

Subject: Variation application

Good afternoon Louis.

Many thanks again for meeting me today and having a fruitful discussion. Summarised below are the key points of the meeting which we agreed would form conditions consistent with the operating schedule that would operate under the proposed change of hours. The Police objection to the variation is not to the change of hours as such, but that the applicant needs to demonstrate more clearly how the variation will not impact on any of the 4 Licensing Objectives, particularly as the premises are situated in a Cumulative Impact Area. Everything we discussed from a Police perspective covers this. The proposed new conditions are as follows:

- At least one SIA registered door staff will be on duty at the main entrance to the premises on Thursday, Friday and Saturday from 1900 hours until closure.
- A digital CCTV system will be fitted and maintained at the premises in consultation with the Police. Images produced from this system will be of evidential quality, time and date marked and will be kept for a minimum of 31 days. Images will be made available to the Police on request with the minimum of delay.

The existing condition promoting Challenge 21 to be removed and replaced by:

- A Challenge 25 proof of age scheme shall be adopted, implemented and advertised at the premises. An accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo card driving licence and passport.

The existing condition "Hot food will be available at all times the premises are open to the public" to be removed and replaced by:

- Light menu – based meals will be available to customers at all times during the opening hours of the premises.

I will not be objecting to the following as recorded under section M of the application **A N N E v E**

- Only 2 draught beers and / or Cider to be available
- No cans of Lager or beer to be available for sale.

I will ask for these to be included as conditions.

Apart from the two changes mentioned above, all existing conditions will remain on the licence.

Please confirm you agree with all of the above and I will include this fact in my representation. If there are any concerns, feel free to ring me on the mobile no. below for a chat.

With kind regards,

Geoff Cannon

BANES Police Area Licensing Officer

Redbridge House

BATH BA2 3EW

☎ Ext: 01278 645524 Int: 45524

Mob: 07889 655950

✉ Geoff.Cannon@avonandsomerset.pnn.police.uk

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Working to make the communities of Avon and Somerset feel safe and be safe

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Working to make the communities of Avon and Somerset feel safe and be safe