

Licensing Sub-Committee

Date: Thursday, 4th July, 2019

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Manda Rigby, Sue Craig and Michael Evans

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am in the room where the meeting is to take place.



Sean O'Neill

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

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

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Licensing Sub-Committee - Thursday, 4th July, 2019

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 OF PREVIOUS MEETING: 6 JUNE 2019 (Pages 5 - 10)

6. LICENSING PROCEDURE (Pages 11 - 14)

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

7. APPLICATION FOR A PREMISES LICENCE FOR MUZZY KEBAB, PITCH 30
ORANGE GROVE, BATH BA1 1LP (Pages 15 - 46)

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

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 6th June, 2019, 10.00 am

Councillors: Manda Rigby (Chair), Sue Craig and Karen Warrington (in place of Michael Evans)

Officers in attendance: John Dowding (Senior Public Protection Officer) and Shaine Lewis (Team Leader Resources - Legal Team)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Cllr Michael Evans, for whom Cllr Karen Warrington substituted.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

5 MINUTES OF PREVIOUS MEETING: 25 APRIL 2019

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

6 EXCLUSION OF THE PUBLIC

The Committee having been satisfied that the public interest would be better served by not disclosing relevant information, **RESOLVED** in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, that the public should be excluded from the meeting for agenda items 8, 9 and 10 and that the reporting of this part of the meeting should 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.

7 TAXI DRIVER'S PROCEDURE

The Chair drew attention to the procedure to be followed for agenda items 8, 9 and 10.

8 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - 18/02743/TAXI

The applicant confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report and provided Members with a copy of a DBS certificate in respect of the applicant and a statement submitted by him. The hearing was adjourned to allow Members time to study these documents.

After the adjournment the applicant stated his case and was questioned by Members. The applicant made a closing statement.

Following a further adjournment the Sub-Committee **RESOLVED** that the applicant was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members have had to consider an application for a combined Hackney Carriage/Private Hire Driver's licence in light of a Disclosure and Barring Service certificate disclosing a number of previous convictions. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The applicant read his statement which showed his convictions resulted from a troubled upbringing. His last conviction was in 2007 and since then his life has been turned around working his way up through the licensing trade to hold a personal licence. He said Drugs and alcohol were no longer an issue for him and that he had moved on with my life and a licence would future proof his career.

Members heard that the applicant was not proud of his convictions and that he had moved on with his life. He had a positive attitude, was well presented and mature. In all the circumstances and as the convictions fell outside of the Policy Members found him a fit and proper person to hold a combined hackney Carriage/Private Hire Driver's licence. Authority was delegated to issue the licence subject to completion of the licensing process.

9 APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - CONSIDERATION OF CONVICTION - 19/00916/TAXI

The licence holder confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report. No additional documents were submitted. The hearing was adjourned to allow Members time to consider the applicant's written statement, which had been included in the report.

After the adjournment the licence holder stated his case and was questioned by Members. The licence holder made a closing statement.

After a further adjournment the Sub-Committee **RESOLVED** that the licence holder continued to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members have had to consider the renewal of a combined Hackney Carriage/Private Hire Driver's licence and determine whether the applicant continues to be a fit and proper person in light of a conviction received. In doing so Members had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The applicant stated that whilst he had been convicted of 2 common assaults he was appealing against these convictions. He further stated this was totally out of character, he was disgusted with himself and had since removed himself from a difficult domestic situation. He stated he was not a threat to the general public but rather is a good taxi driver doing a lot of work with children and vulnerable people.

Members noted that whilst the applicant had been a licensed driver since 2005 the convictions were fresh and they could not go behind them. Members noted that whilst the applicant had been drinking this may have been due to the pressures and stresses associated with very difficult personal circumstances from which he had now removed himself. Given the length of his career, his remorse and the way he presented himself members departed from their Policy and granted the licence subject to completion of the necessary processes.

10 APPLICATION TO RENEW COMBINED PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - CONSIDERATION OF CAUTION - 19/02507/TAXI

The licence holder confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report and provided Members with copies of a DBS certification in respect of the licence holder and a statement submitted by him. The hearing was adjourned to allow Members time to consider these documents.

The licence holder stated his case and was questioned by Members. He made a closing statement.

After a further adjournment the Sub-Committee **RESOLVED** that the licence holder continued to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members have had to consider the renewal of a combined Hackney Carriage/Private Hire Driver's licence and determine whether the applicant continues to be a fit and proper person to hold such a licence in light of a caution received. In doing so Members had regard to the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The applicant stated the incident happened after he had first applied for a licence and before it had been issued and had expected it to be picked up as part of the process. He said he did not intentionally hide the caution which arose as a result of a drunken incident involving some pushing and shoving.

He was embarrassed by it and realises now it should have been mentioned during the process. The applicant said he now fully understood and nothing like that will happen again.

Members noted that the applicant had been licensed since 2015 without complaint and was sorry and embarrassed by the incident. Members further noted that the failure to mention the caution was a genuine mistake rather than a deliberate attempt to deceive. Accordingly, Members find this a one off incident and the applicant a fit and proper person to hold a combined hackney Carriage/Private Hire Driver's licence. Authority is delegated to issue the licence subject to completion of the necessary process.

11 RETURN TO OPEN SESSION

The Sub-Committee returned to open session.

12 TAXI VEHICLE PROCEDURE

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

13 CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A HACKNEY CARRIAGE VEHICLE - 19/01557/HCVL

The applicant confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

The applicant stated his case and was questioned by Members.

The applicant made a closing statement.

After an adjournment the Sub-Committee **RESOLVED** that the vehicle was suitable to be licensed as a Hackney Carriage/Private Hire Vehicle.

Reasons

Members have had to determine an application for a Hackney Carriage Vehicle Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Town and Police Clauses Act 1847, Human Rights Act 1998, the Council's Policy adopted in December 2018 and the applicant's oral representations. Members also had the benefit of an inspection of the vehicle.

The applicant stated he had attended a meeting about the changes to vehicle specifications during the summer of 2018. He then sought clarification from the licensing office as to when these changes might come in and claims he was told they may come in in February 2019. Having purchased a vehicle it subsequently became clear the changes were effective from December 2018 and he feels hard done by and misled having sought to engage with the office throughout. He did, however, accept that the vehicle does not meet the requirements of the council's Policy.

The officer stated there was a widespread Policy consultation and did not accept the suggestion that the applicant was given incorrect information or prevented from applying for a vehicle licence. The officer confirmed he had written to the applicant on two separate occasions suggesting a way forward, however, the applicant did not respond. As far as the Policy introduction was concerned all the information and meeting dates were on the council's website and the licensees fully consulted with throughout. At no point were licensing officers obstructive, attempt to persuade the applicant not to apply or misinform the applicant.

Members noted the applicant acknowledged the vehicle did not meet the requirements of the council's Policy adopted in December 2018. Members also noted the applicant's suggestion he was misled through the process. Members do not accept this suggestion. Nevertheless, given the condition of the vehicle and the specifics of the timings Members take the exceptional step to depart from the Policy and grant the licence subject to all necessary checks.

The meeting ended at 12.04 pm

Chair(person)

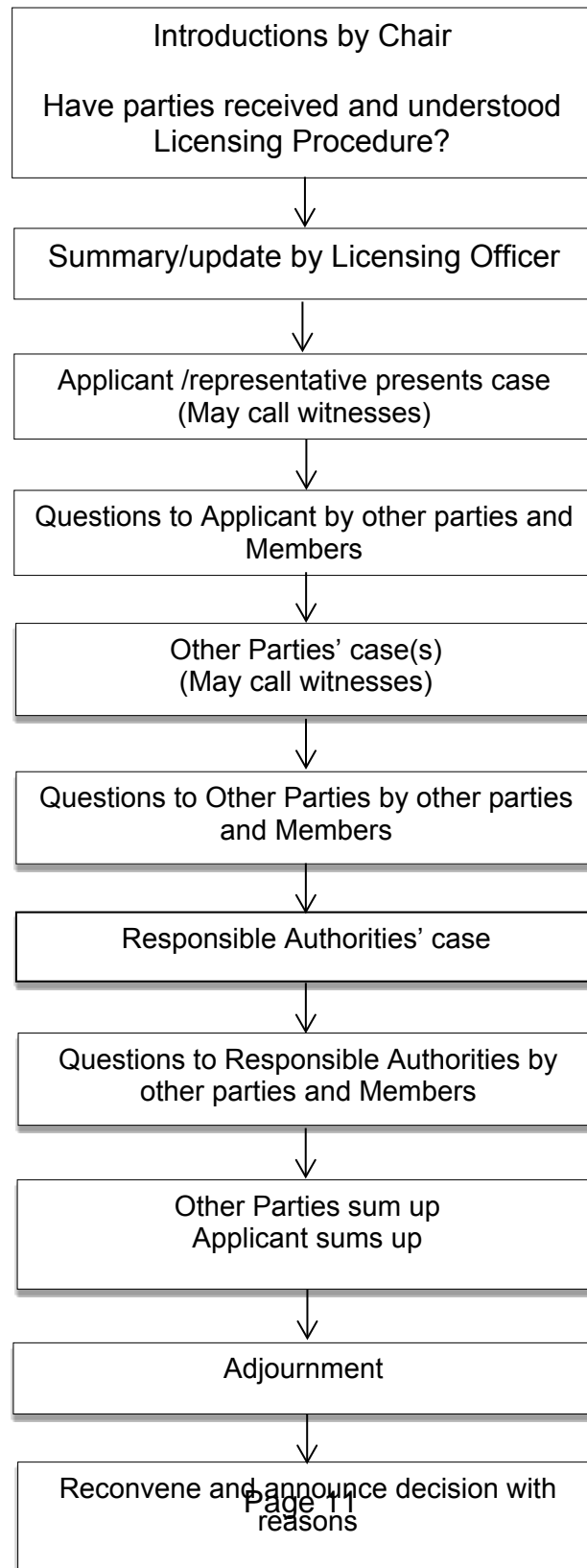
Date Confirmed and Signed

Prepared by Democratic Services

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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.

Bath & North East Somerset Council		
MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 4 July 2019	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a Premises Licence for Muzzy Kebab Pitch 30, Orange Grove, Bath BA1 1LP	
WARD:	Kingsmead	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a new premises licence		
Annex B Plan of premises and site plan		
Annex C Standard Street Trading Conditions		
Annex D Representations received from “other persons”		

1 THE ISSUE

- 1.1 An application has been made under s.17 Licensing Act 2003 by Mr Mehmet Yilmaz in respect of a premises licence for Muzzy Kebab, Pitch 30, Orange Grove, Bath BA1 1LP.
- 1.2 Relevant representations have been received within the statutory period.

2 RECOMMENDATION

- 2.1 The Committee is asked to determine the application.

3 THE REPORT

- 3.1 An application has been received for a new Premises Licence (Annex A).
- 3.2 The application proposes the following licensable activity:

The Provision of Late Night Refreshment (outdoors)

Sunday 23:00 to 01:00

Monday to Thursday 23:00 to 03:00

- 3.3 The application proposes the following opening times:

Sunday 18:00 to 01:00

Monday to Thursday 18:00 to 03:00

3.4 The following measures have been offered by the applicant to promote the licensing objectives:

- There shall be no alcohol sold at the unit which is a take-away catering unit;
- Signs shall be displayed requesting customers to refrain from making excessive noise;
- All packaging shall be paper or card;
- All drinks to be sold in aluminium cans or plastic cups;
- A litter bin shall be provided for use by customers;
- The area adjacent to the unit shall be regularly cleaned.

3.5 Plan of premises and site plans are attached at Annex B.

3.6 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

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

3.8 A Street trading consent has been issued under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Since 2002 there has been an established street trading pitch selling hot food and drink at this location, trading from 18:00 to 03:00 on Monday to Saturday and 10:00 to 01:00 on a Sunday. Any street trading consent is subject to the Council's Street trading policy conditions (Standard Conditions) which are attached at Annex C.

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

3.10 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, 17-24, 29, 33-36, 38-41 of the 2015 policy;
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised **April 2018**;
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act

3.11 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.

3.12 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

3.13 In accordance with the requirements of the Act, copies of the application were forwarded to the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, Health Authority and the Safeguarding Children and Young Persons Team.

3.14 The applicant was required to place a notice at the premises for a period of 28 consecutive days starting the day after the application was made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.

3.15 Two representations of objection have been received within the statutory period from residents living close to the premises. They express concern that the applicant's proposals are likely to undermine the Prevention of Public Nuisance licensing objective (Annex D).

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

4 STATUTORY CONSIDERATIONS

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

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

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

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

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The costs of processing licences are covered by the fees charged. The fee for this application is £100.00.

6 RISK MANAGEMENT

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

7 CLIMATE CHANGE

7.1 The licensing objectives do not require the applicant to specify steps to mitigate the impact of climate emergency. However, the applicant is encouraged to consider locally sourced ingredients and reducing single use plastic in the operation of their business.

8 OTHER OPTIONS CONSIDERED

8.1 None.

9 CONSULTATION

9.1 The Council's Monitoring Officer (Director – Legal & Democratic Services and Council Solicitor), Section 151 Officer (Director of Finance) and Head of Building Control and Public Protection have had opportunity to input to this report and have cleared it for publication.

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

Contact person	Terrill Wolyn, Senior Public Protection Officer - 01225 396939
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 Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 B&NES Statement of Licensing Policy
Please contact the report author if you need to access this report in an alternative format	

**Application for a premises licence to be granted
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 Mehmet Yilmaz

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Muzzy kebab Pitch 30 Orange Grove				Environmental Services 15 MAY 2019 Receipt No. 398340 CH/CA/DG/CC - £100.00
Post town	Bath	Postcode	BA1 1LP	
Telephone number at premises (if any)				
Non-domestic rateable value of premises		£		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Yilmaz			First names Mehmet		
Date of birth 27/02/1982 over		I am 18 years old or <input checked="" type="checkbox"/> Please tick yes			
Nationality Turkish					
Current residential address if different from premises address		28 Kimbolton Close			
Post town	Swindon			Postcode	SN5 8RE
Daytime contact telephone number			07465 727969		
E-mail address (optional)		Duran2008@yahoo.com			

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) A recognised club
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? ASAP

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Mobile catering unit selling hot take away food and soft drinks

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

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

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

Provision of regulated entertainment (please read guidance note 2)

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)

☐

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			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					

C

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

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					
Sat			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)		
Sun					

F

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

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"/>
				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 dance (please read guidance note 5)		
Thur					
Fri					
Sat			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)		
Sun					

H

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

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	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	2300	0300			
Tue	2300	0300	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	2300	0300	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Thur	2300	0300			
Fri					
Sat					
Sun	2300	0100			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			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)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

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	1800	0300	<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	1800	0300	
Wed	1800	0300	
Thur	1800	0300	
Fri			
Sat			
Sun	1800	0100	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

There will be no alcohol sold at the premises which is a take away catering unit

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Signs will be prominently displayed requesting customers refrain from making excessive noise

All packaging will be paper or card

All drinks to be sold in aluminium cans or plastic cups

A litter bin will be provide for use by customers

The area adjacent to the unit will be regularly cleaned

e) The protection of children from harm**Checklist:****Please tick to indicate agreement**


- I have made or enclosed payment of the fee. x
☐
- I have enclosed the plan of the premises. x
☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. x
☐
- I understand that if I do not comply with the above requirements my application will be rejected. x
☐
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). x
☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	15 th may 2019
Capacity	OWNER.

For joint applications, signature of 2nd applicant 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	

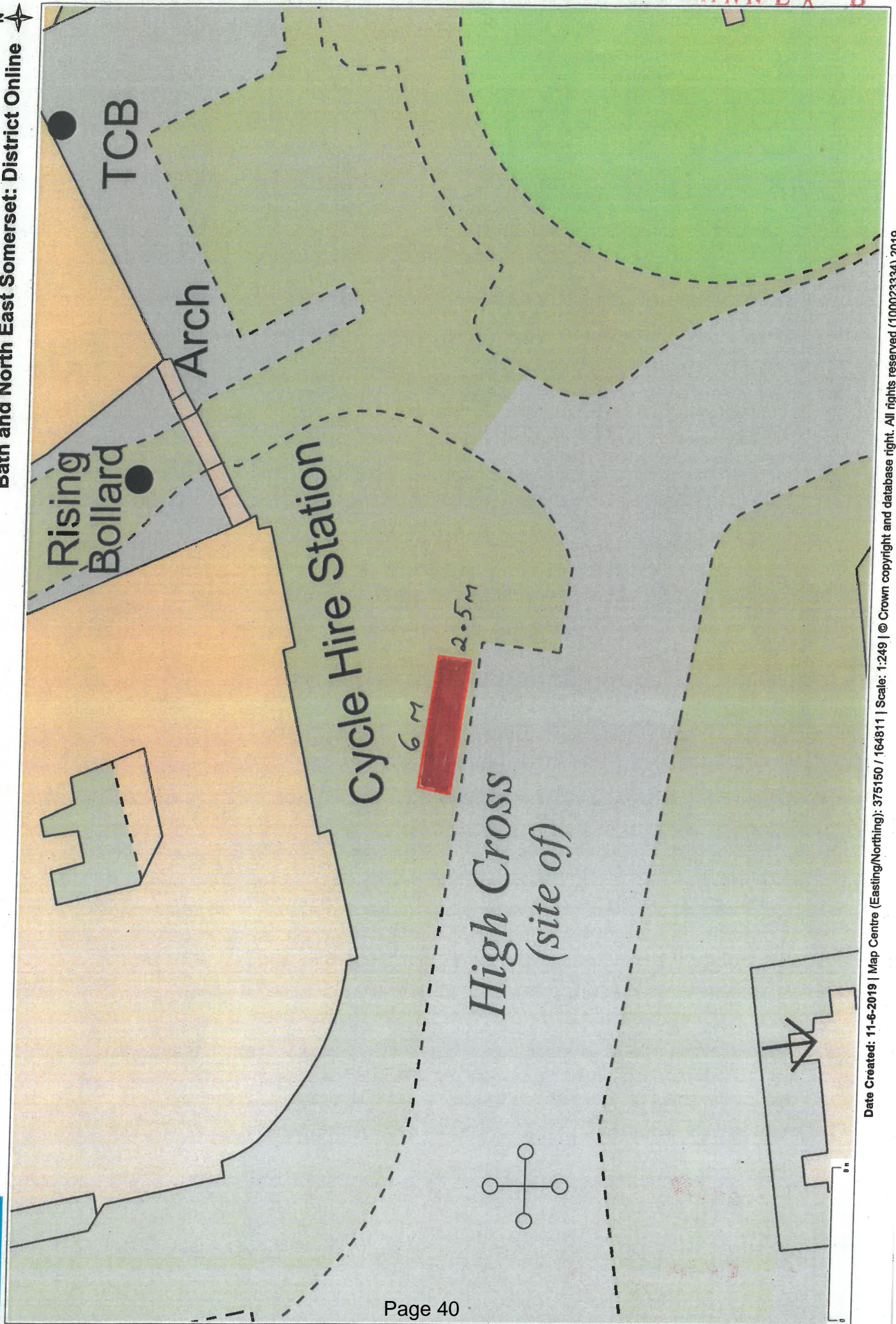
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

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









Street Trading Policy Conditions

Standard Conditions (attached to each Street Trading Consent)

1. The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed to assist on the Pitch shall produce the Consent on demand when so required by a Police Officer or a duly authorised officer of Bath & North East Somerset Council (the Council).
2. The holder shall return this Consent to the Council immediately on revocation or surrender of the Consent.
3. The holder shall not trade otherwise than strictly in accordance with this Consent.
4. The holder shall notify the Council's Licensing Team at Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG immediately of any convictions or cautions obtained by the holder of this Consent.
5. The holder shall not cause any obstruction of the street or danger to persons using it and shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance or annoyance or danger to any persons lawfully using the street and shall not park any such van etc. on the footway or verge of the street.
6. The holder shall not use or suffer or permit any music playing, music re-producing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent or in relation to Consents relating to buskers.
7. The holder shall not place on the street or affix to any equipment placed on the street any advertising material of any description whatsoever except with the consent, in writing, of the Council's Licensing Manager.
8. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or place or fix any equipment of any description in the said surface.
9. The holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
10. The holder shall not place on the street any furniture or equipment other than as permitted by the Consent and they must maintain the same in a clean and tidy condition and not place them so as to cause any obstruction.
11. The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, statutory or common-law nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.

12. The holder shall not assign underlet or part with his interest or possession under this Consent or any part thereof but they may surrender it at any time.
13. The holder shall observe and comply with any directions in relation to the use of the street given by any duly authorised officer of the Council.
14. The holder shall keep the trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
15. The holder shall provide at their own cost and expense litter bins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items and remove them and their contents at the end of each daily period of use under this Consent.
16. The holder shall retain with any van, cart, barrow, other vehicle or stall included within this Consent any water used or waste produced until the end of each daily period of use under this Consent and then remove it and dispose of it elsewhere, and in particular shall not deposit any such waste near or into any street drain or channel.
17. The holder shall indemnify and save harmless the Council and their agents, servants and workmen from and against all proceedings damages claims or expenses in respect of an injury (including personal injury) which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this Consent.
18. The Consent Holder shall arrange their own Public Liability Insurance for a minimum value of £5M.
19. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
20. The Consent holder or any person employed by them to assist them on the Pitch shall at all times wear the identification badge issued by the Council whilst trading from the pitch. The badge shall be worn in a conspicuous position on the upper body.
21. The holder shall return the identification badge(s) to the Council immediately on revocation or surrender of the Consent.

22. Street Trading Fees

All street trading fees are due in advance:

- i. Where fees are paid by cash or cheque then they need to be paid before the 1 January, 1 April, 1 July and 1 October each year unless;
- ii. The Consent Holder has in place arrangements to pay the street trading fee by monthly Direct Debit installment whereas the Consent will be renewed on an annual basis commencing on 1 April.
- iii. Failure to maintain Direct Debit payment as above may result in the consent being revoked or not renewed.

- iv. Where the payment fails to be made by the due date the Council may charge an administration fee as determined by the Licensing Manager.

Notes:

ANNEX C

1. Street trading in a consent street without a Street Trading Consent, or from a van, cart etc., not specifically permitted by Consent, or contravening certain conditions attached to a Consent, amounts to an offence for which proceedings may be instituted.
2. A Street Trading Consent does not confer immunity from the provisions of any Street Parking Places Order or General Traffic Restriction Order unless an exemption has been specifically approved. In case of doubt about the effect of any such Order, enquire at Licensing Services, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG. Any abuse of a specifically approved exemption may lead to the privilege being withdrawn for all traders.
3. The Local Government (Miscellaneous Provisions) Act 1982 provides as follows:

Schedule 4, paragraph 10

1. A person who:
 - b) engages in street trading in a consent street without being authorised to do so under this Schedule: or
 - d) being authorised by a street trading consent to trade in a consent street, trades in that street:
 - i) from a stationary van, cart, barrow or other vehicle; or
 - ii) from a portable stall,without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or
- e) contravenes a condition imposed under paragraph 7 (9) (of this Schedule), shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that they took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent, makes a false statement which they know to be false in any material respect, or which they do not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine.

ANNEX D

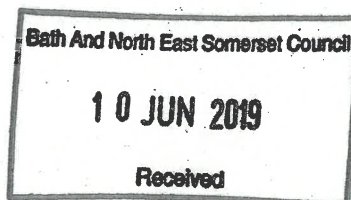
Wendy Stokes

Licensing

Lewis House

Manvers Street

Bath BA1 1JG



10 June 2018

Dear Ms Stokes,

Premises Licence Application Ref: 19/02472/LAPRE

I object strongly to the above application for a Kebab van to trade in the disabled space by the Pedestrian Crossing next to Brown's Restaurant.

I am a resident in the nearby Empire building, above Garfunkel's, and do not want a kebab van selling fast food to drinkers up until 3am. We object strongly to the cooking odours, the noise, the mess, vomiting and other anti-social behaviour that will attend this late night food outlet.

We already have drinkers buying fast food from nearby takeaways and eating it on the steps of our building, leaving their empty food containers, and destroying our flower pots. This proposed nearby kebab van, operating in to the early hours, will only attract more public nuisance to outside our residential building with a possible effect on public safety too for the elderly residents here. Also, Bath is a heritage city and we are in danger of losing this status if these mobile fast food outlets are allowed to proliferate.

Please take our concerns on board and keep us informed.

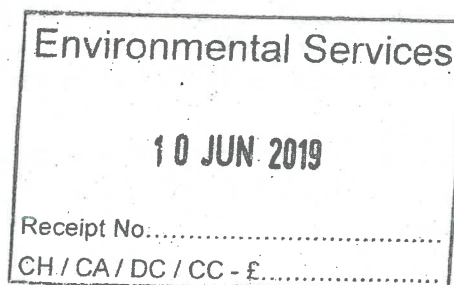
Yours sincerely,

Olive Newark (Mrs)

The Empire

Grand Parade

Bath BA2 4DF



From: Jeff Moore
Sent: 11 June 2019 19:36
To: Licensing
Subject: Application Ref. 19/02472/LAPRE

ANNEX D

The Empire
Grand Parade
BATH BA2 4DF

M:
E:
E:
10th June 2019

Wendy Stokes
Licencing
Lewis House
Manvers Street
BATH BA1 1JG

Application Ref. 19/02472/LAPRE

Dear Ms Stokes

We are writing to you in order to object in the strongest possible terms to the above application for a Kebab van to trade at / close to the Disabled Parking Bay adjacent to Browns Restaurant

This would not only be a very unsafe location, being close to the pedestrian crossing, but is going to spoil the outlook of such a beautiful area of Bath, being so close to the Abbey and the Guildhall

Furthermore, the location is close to The Empire, our home, and home of many elderly residents who value the peace and quiet of this area of Bath, especially after midnight. This peace will, no doubt, be disturbed every night by potentially hordes of people eating kebabs late into the early hours, shouting and generally make a great deal of noise, whilst a large number of us are trying to sleep. No doubt it will create a great deal of litter in the area to, never a pretty sight as it is most mornings

Please bear these comments in mind when considering this application. The location is **TOTALLY UNSUITABLE**, and I would implore you to turn down this application

Yours sincerely

Jeff & Kim Moore