

Licensing Sub-Committee

Date: Thursday, 14th July, 2022

Time: 10.00 am

Venue: Council Chamber - Guildhall, Bath

Councillors: Rob Appleyard, Steve Hedges and Sally Davis

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am.



Mark Durnford

Democratic Services

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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>

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.

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 can be found at:

<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, 14th July, 2022

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETING: 30TH JUNE 2022 (Pages 5 - 10)

6. LICENSING PROCEDURE (Pages 11 - 14)

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

7. APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR VINO VINO, 5 - 6 SEVEN DIALS, SAWCLOSE, BATH. BA1 1EN (Pages 15 - 54)

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

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BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 30th June, 2022

Present:- Councillors Rob Appleyard (Chair), Steve Hedges and Karen Warrington

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services), John Dowding (Lead Officer - Licensing) and Geoff Cannon (Public Protection Officer (Licensing))

23 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

25 DECLARATIONS OF INTEREST

There were none.

26 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

27 MINUTES OF PREVIOUS MEETING: 31ST MAY 2022 AND 8TH JUNE 2022

The Sub-Committee **RESOLVED** that the minutes of the previous meetings be agreed as a correct record and signed by the Chair.

28 LICENSING PROCEDURE

The Chair explained the procedure for the meeting and all parties confirmed that they had received and understood it.

29 APPLICATION FOR VARIATION OF A STREET TRADING CONSENT: PITCH 24, JIMMY'S KEBAB, TERRACE WALK, BATH.

The Public Protection Officer (Licensing) presented the report to the Sub-Committee. He explained that an application had been received to vary the Street Trading Consent times for Jimmy's Kebab, Pitch 24, Terrace Walk, Bath, from finishing at 03:00hrs to finishing at 04:00hrs every day (to trade an hour later).

He informed the Sub-Committee that a number of objections were received on the grounds of potential increase in Anti-Social behaviour, noise and litter which affects nearby residential and commercial premises.

Decision and Reasons

Members have had to determine an application to vary a Street Trading consent at Pitch 24, Terrace Walk, Bath, to increase the hours of operation by one hour at the end of each day. In determining the application, Members had regard to the Local Government (Miscellaneous Provisions) Act 1982, Council Policy and Human Rights Act 1998.

Mr Navarette addressed the committee on behalf of the applicant. He explained to members that the applicant is passionate about providing good food, he has been on site for 3, nearly 4 years and never had to call the police. He does not play music nor have flashing lights and always cleans up the area after they finish their work. He always pays his fees on time and ensures his paperwork is up to date. He tries to maintain a low level of noise. Mr Navarette explained that his client had recently installed CCTV to help reduce crime and anti-social behaviour, was passionate about providing a service in a good and safe manner and does not serve alcohol. On questioning regarding the CCTV, Mr Navarette explained that his clients feel CCTV is a good deterrent and the police had welcomed it, as it can help with other enquiries. He accepted that they see the need for it and recognise anti-social behaviour in and around the area.

Mr Navarette noted that there are two pitches very close to Mr Yilmaz's which have recently been granted extensions of time until 4am. He asked Members to consider allowing a trial period consent for the additional hour if needs be. Mr Navarette alluded to a petition that his client had in support of the application.

As this was late additional information and such information would only be admitted in exceptional circumstances, the Chair invited representations from the parties in relation to its late admission. Mr Cochrane, solicitor for The Abbey Hotel who had made an objection, objected to the late admission of this material on the basis that it would have to be examined carefully to identify who had signed it where they had come from. Councillor Craig echoed these observations, unless it could be established that the people who had signed the petition live or work in close proximity to the pitch, it would be of limited reliability. In the circumstances members decided not to allow the petition to be admitted into evidence but acknowledged its existence. Mr Navarette thanked members for considering the issue.

There was a written representation from Mr Josh Watts on behalf of 1-5 North Parade inclusive being The Abbey Hotel. The objection related to anti-social behaviour which Mr Watts said was disturbing their guests on a daily basis resulting in refunds and ruining their business reputation.

Mr Cochrane, solicitor for Abbey Hotel, addressed members with oral representations and indicated that his submissions were based upon the evidence of Mr Kiengsri, Night Manager of the Hotel for 8 ½ years. Mr Cochrane indicated that during the period of 3-4 years that Jimmy's had been there, substantial periods of which was in lockdown, they had noticed an increase in anti-social behaviour which had resulted from the presence of Jimmy's Kebabs.

The hotel has about 25 rooms that face out onto the pitch and they were receiving complaints from people being disturbed in the night as a result of people attracted to

pitch, largely from Labyrinth nightclub, also there was a tendency for people to come from Second Bridge nightclub causing disturbance with shouting, swearing and general chatter. The difference in the position now and before Jimmy's was there, is that the Labyrinth is pretty good at transiting people off, but it is not their responsibility to deal with people going to Jimmy's which acts as a magnet for people who cause disturbance. In 3 months or so, The Abbey Hotel had paid out approximately £2,000 in compensation, due to the disturbance they have been caused. The problem with noise and disturbance escalates from about 2:15am as people start to leave local nightclubs and gravitate towards the pitch and it is curtailed at 3:15am. By extension, if the additional hour is granted, this is likely to become exacerbated. Mr Cochrane submitted that evidentially, they can establish that there is a problem at the minute and logically this is likely to continue.

Mr Philip Pearce, owner of the Green Rocket Café, wrote to object against the application on the grounds of anti-social behaviour, noise, litter and vomiting. There was a written objection from Councillor Sue Craig who indicated that there had been noise and anti-social behaviour reports associated with this pitch which is directly opposite The Abbey hotel and causes disruption to guests in the early hours of the morning. In oral representations, Councillor Craig reiterated her written representations and explained that the pitch is near residential properties and a lot of buildings are listed, so cannot have double or triple glazing. Noise from the pitch is very disruptive, despite any efforts by pitch holder, and there are reports of littering and anti-social behaviour. Councillor Craig submitted that to increase the consent from 3am to 4am would be unacceptable in a place with residents.

Members noted that there were no representations from consultees such as the Police, Environmental Protection or Highways Department.

In reaching a decision Members took account of the relevant representations and balanced the competing interests of the applicant and the objectors. Members noted that the principle of the pitch has already been established and this application concerns an increase in hours of operation from 0300 to 0400 daily.

Members are mindful that their Policy anticipates a street trading environment that is sensitive to the needs of residents alongside providing diversity and consumer choice, amongst other things.

Members noted that Mr Yilmaz is a conscientious pitch holder who takes his business responsibilities and obligations under his existing consent seriously, but on balance, Members found on the evidence that they had heard and read as indicated above, that there was likely to be an increase in nuisance and annoyance to people using the street and otherwise, that could not be mitigated by the standard or additional conditions. For that reason, they did not think that a shorter period of consent as a trial was appropriate either. Accordingly, they refused the application.

30 EXCLUSION OF THE PUBLIC

The members of the Sub-Committee agreed that they were 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. They **RESOLVED** that the public should be excluded from the meeting for the following item(s) 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.

31 CONSIDERATION OF FIT AND PROPER - 22/00594/TAXI

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained that the Sub-Committee are asked to consider the matter, determine the issue and take any action it may consider suitable after hearing any representation from the licensee or any representative acting on their behalf.

The members of the Sub-Committee and Team Leader, Legal Services asked questions of the licensee regarding each of the complaints against him and he responded accordingly.

Decision and Reasons

Members have had to consider whether or not the applicant is fit and proper to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of a complaint regarding a number of incidents, received against him. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law, Council Policy, the written account of the complaint, the applicant's oral representations and the Local Authority Designated Officer's written representations.

Members heard from the licensee in oral representations who explained that he was no longer doing the Home to School runs and had no desire to go back to doing them. The licensee accepted that he had completed the safeguarding course in January this year and that covered how and who to report any safeguarding concerns to. He explained that he did not report anything because he thought it would have "fallen on deaf ears" and explained that the particular run needs an escort, something which he also admitted he had not reported. The licensee indicated in oral representations that things had been taken out of context but in hindsight he wishes he had not made the comment regarding the weed.

On questioning, the licensee was asked why he thought the girl had made an unprompted complaint and his explanation for this was that she had a reputation for telling tales and she had overreacted. On questioning, he accepted he was not there and could not comment on her reaction.

The licensee was taken through each of the allegations made against him and his oral representations were in accordance with his account in interview under caution at Annex C of the report. In essence, whilst he accepted some of the allegations, he

said they were taken out of context and with the benefit of hindsight he should have done some things differently. He accepted that he that should not have said the comment he did in relation to cannabis. He apologised to members if he had caused concern and could not understand why the allegations were made.

Members read a statement from BANES' Local Authority Designated Officer at Annex D of the report, which set out her concerns that the licensee had, broadly:

- Engaged in a conversation that was not appropriate
- Failed to report to the transport team or school, significant incidents during the journey which related to the children's behaviour being difficult to manage
- Been given information that suggests a child has suffered harm or is at risk of suffering harm and failed to report that, which should have been done immediately to school or the transport team
- Made no record of what the child said, which means the relevant agencies have no clarity as to what was said and when the incident may have taken place
- Despite recent safeguarding training he has failed to act upon safeguarding concerns
- Apparently not taken any responsibility for his lack of action or communication.

Members noted that:

- the licensee has continually held a combined Hackney Carriage/Private Hire Driver's Licence with BANES since 2008 but worked within the taxi trade on and off for 31 years.
- the licensee's conduct was such that a female child had broken down at school and talked about how she hates and dreads her taxi journeys to school each day and provided a report to a member of school staff as per Annex B of the report.
- the licensee admitted that a child had disclosed his mother's cannabis use to him and he had failed to report this as a safeguarding concern.
- the licensee admitted that one of the children disclosed watching porn hub (which was additional information that came to light during the hearing) and that his brother "tried to force his head on him" but had failed to report this safeguarding concern.
- The licensee said that in all the times he had been taxi-ing there had never been another complaint about him, but he then went on to say "*In all this time I can count all the incidents on one hand but never had any complaints*"

Members note that they can have regard to hearsay evidence. Weighing in the balance the complainants' evidence, the fact that another mother had reported similar concerns to the school and the number of admissions made by the licensee - albeit his claim was they were taken out of context - they prefer the complainants' evidence. They found that the licensee minimised the allegations and did not appreciate their seriousness.

The licensee had completed a compulsory approved Safeguarding Course approximately 2 months before the complaint but had failed to report numerous

matters, which in the view of the LADO were a safeguarding concern, one of which a child was alleged to have suffered harm or be at risk of suffering harm. Members noted that the licensee's operator had immediately taken him off Home to School contracts upon receipt of the complaint.

On balance, for the reasons noted above, the LADO's written observations, admissions recorded herein and in the interview under caution, Members find that the applicant is no longer fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence and revoke his licence on notice pursuant to section 61(2A) of Local Government (Miscellaneous Provisions) Act 1976.

Authority is delegated to the Licencing Officer to revoke the licence pursuant to section 61(2A).

The meeting ended at 1.21 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

The Sub-Committee will reconvene the meeting and the Chair will announce the Sub-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.

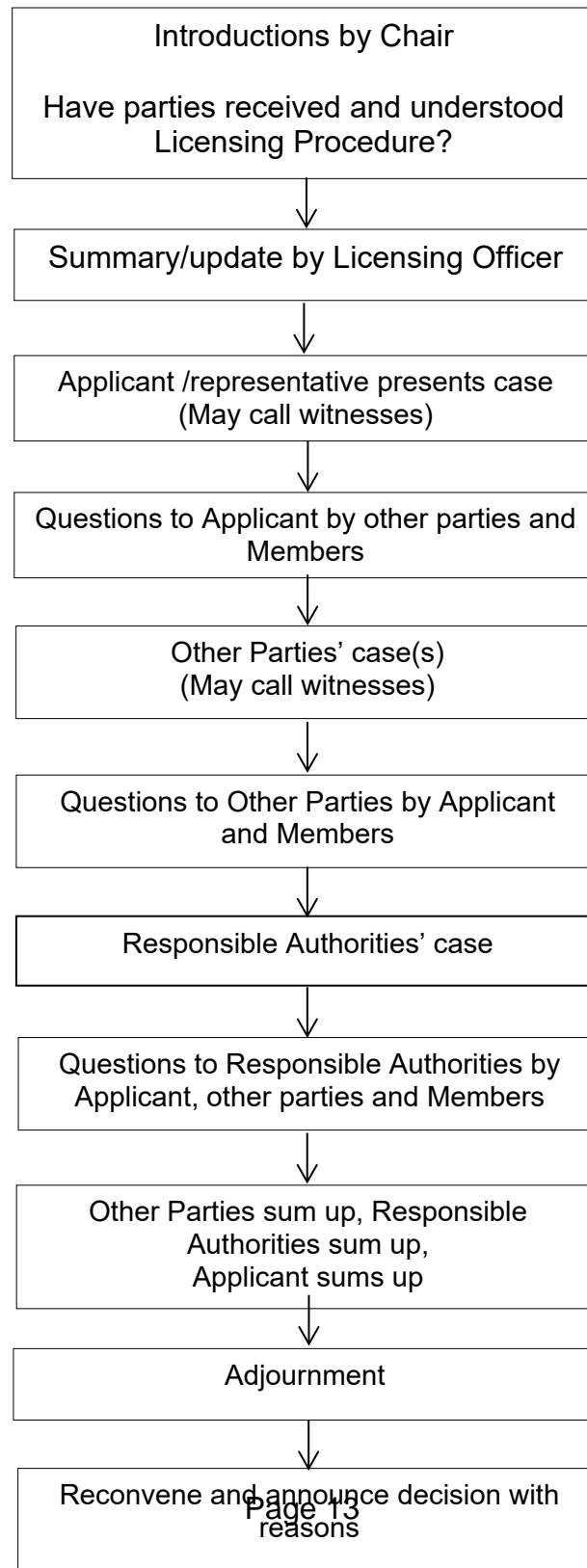
PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Sub-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 Sub-Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

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

**LICENSING SUB-COMMITTEE
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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Bath & North East Somerset Council		
MEETING	Licensing Sub Committee	
MEETING DATE	Thursday 14 July 2022	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Application for a Variation of a Premises Licence for: Vino Vino 5 - 6 Seven Dials Sawclose Bath BA1 1EN	
WARD:	KINGSMEAD	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Annex A Application for a Variation of the Premises Licence Annex B Current Premises Licence Annex C Plan of Licensable activities area Annex D Representation		

1 THE ISSUE

- 1.1 An application to vary the Premises Licence for VINO VINO restaurant, 5 – 6 Seven Dials, Saw Close, Bath has been made under s.34 Licensing Act 2003. The premises is located within the BANES Cumulative Impact Area and The Cumulative Impact Policy is relevant to this application.
- 1.2 A relevant representation has been received from the operators of a nearby premises 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 from Rosh Limited Suite 2, Gascoyne House, Upper Borough Walls Bath to vary the Premises licence for VINO VINO restaurant 5-6 Seven Dials, Saw Close, Bath (Annex A).

3.2 The application proposes the following variations to the existing licence:

Add Regulated Entertainment by way of Live and Recorded Music:
Monday to Saturday - 23:00 to 01:00 hours the following morning
Sunday - 23:00 until midnight.

Extend the terminal hour for the sale of alcohol on Monday to Saturday to 01:30 hours the following morning and on Sundays to midnight.

Vary the start time for the sale of alcohol on Sundays from 10:00 hours to 08:00 hours.

Extend the terminal hour for late night refreshment on Monday to Saturday to 01:30 hours the following morning, and on Sundays to midnight.

Extend the closing time Monday to Saturday to 02:00 hours the following morning and on Sunday to 00:30 the following morning thus providing a 30-minute drinking-up period after the last proposed sale of alcohol.

Vary the opening time on Sundays from 09:00 hours to 08:00 hours.

Add non-standard **activity timings** for regulated Live and Recorded Music, the Sale of Alcohol & Late-night Refreshment as detailed within the operating schedule.

Add non-standard **opening times** as detailed within the operating schedule.

Remove the following conditions as stated within the current operating schedule:

- There will be no use of outside areas after 00:30
- No cans of beer or lager shall be available.

Offer new conditions to further promote the licensing objectives, following pre-application consultation with the Police.

No change is proposed to the existing non-standard timings in relation to the sale of alcohol and late-night refreshment on New Year's Eve which shall remain as per the current licence.

3.3 The following measures have been offered by the applicant to promote the licensing objectives in addition to existing conditions attached to the operating schedule:

- Waiter/waitress service shall be available at the premises.
- Regulated Entertainment by way of the performance of live music or the playing of recorded music shall not be provided outdoors beyond midnight.
- The premises shall operate a "Challenge 21" age verification policy. A notice advising that such a policy is in operation shall be prominently displayed at the premises.

- 3.4 The floor plans detailing the extent of the licensed premises are attached **(Annex B)**.
- 3.5 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.
- 3.6 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.
- 3.7 The Licensing Authority may grant the application with or without additional conditions.
- 3.8 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 2020 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.
- 3.9 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.
- 3.10 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.
- 3.11 In accordance with the requirements of the Act, copies of the application were forwarded to the Police, the Fire Authority, the Environmental Protection Team, Development Control, Trading Standards, Health Authority and the Safeguarding Children and Young Persons Team.

- 3.12 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.
- 3.13 A Representation of objection has been received within the statutory period from the operators of a business in close proximity to the premises. They express concern that the applicant's proposals are likely to undermine the Public Nuisance , Prevention of Crime and Disorder and Public Safety licensing objectives **(Annex C)**.
- 3.14 As a relevant representation has 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 £ 190.00

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 (Head of Legal & Democratic Services and Council Solicitor), Section 151 Officer (Director of Finance) and Head of Building Control and Environmental Protection Team have had the 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	Geoff Cannon Public Protection Officer (Licensing) 07977 228120
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 B&NES Statement of Licensing Policy
Please contact the report author if you need to access this report in an alternative format	

Annex A

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.

We Rosh Limited

(Insert name(s) of applicant)

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

Premises licence number

18/00537/LAPRE

Part 1 – Premises Details

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

Vino Vino
5-6 Seven Dials
Sawclose

Post town

Bath

Postcode

BA1 1EN

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ Band B

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if
different from premises
address

Rosh Limited
Suite 2 Gascoyne House
Upper Borough Walls

Post town

Bath

Postcode

BA1 1RN

Part 3 - Variation

Please tick as appropriate

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

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"/>

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

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

This Variation of Premises Licence Application is proposing to:

- Add Regulated Entertainment by way of Live and Recorded Music:
Monday to Saturday 23:00 to 01:00 hours the following morning
Sunday 23:00 until midnight.
- Extend the terminal hour for the sale of alcohol on Monday to Saturday to 01:30 hours the following morning and on Sundays to midnight;
- Vary the start time for the sale of alcohol on Sundays from 10:00 hours to 08:00 hours;
- Extend the terminal hour for late night refreshment on Monday to Saturday to 01:30 hours the following morning, and on Sundays to midnight;
- Extend closing time Monday to Saturday to 02:00 hours the following morning and on Sunday to 00:30 the following morning thus providing a 30-minute drinking-up period after the last proposed sale of alcohol.
- Vary opening time on Sundays from 09:00 hours to 08:00 hours.
- Add non-standard **activity timings** for regulated Live and Recorded Music, the Sale of Alcohol & Late-night Refreshment as detailed within the operating schedule.
- Add non-standard **opening times** as detailed within the operating schedule.
- Remove conditions as stated within the operating schedule and offer new conditions within section M to further promote the licensing objectives, following pre-application consultation with the Police.

Please note that no change is proposed to the existing non-standard timings in relation to the sale of alcohol and late-night refreshment on New Year's Eve which shall remain as per the current licence.

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) 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) | Y |
| f) recorded music (if ticking yes, fill in box F) | Y |
| 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) Y

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

In all cases complete boxes K, L and M

A – n/a

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

B – n/a

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

C - n/a

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<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 7)
Sat			
Sun			

D - n/a

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		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 5)			
Mon						
Tue						
Wed						
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)			
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sun						

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	Y
Day	Start	Finish			
Mon	23:00	01:00	<u>Please give further details here</u> (please read guidance note 5) The provision of regulated entertainment by way of the performance of Live Music shall cease outdoors by midnight – please see section M.		
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	23:00	01:00			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) From normal activity start time on the Sunday preceding a Bank Holiday Monday until 01:00 hours the following morning. On occasion when Christmas Eve, Boxing Day or New Year's Eve fall on a Sunday the timings shall be from normal activity start time until 01:00 hours the following morning.		
Sat	23:00	01:00			
Sun	23:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	Y
Day	Start	Finish			
Mon	23:00	01:00	<u>Please give further details here</u> (please read guidance note 5) The provision of regulated entertainment by way of recorded music shall cease outdoors by midnight – please see section M.		
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	23:00	01:00			
Fri	23:00	01:00	<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 7) From normal activity start time on the Sunday preceding a Bank Holiday Monday until 01:00 hours the following morning.		
Sat	23:00	01:00			
Sun	23:00	00:00			

G - n/a

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H - n/a

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I – n/a

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	Y
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) Late night refreshment is the provision of hot food and/or hot non-alcoholic drink after 23:00 hours.		
Mon	23:00	01:30			
Tue	23:00	01:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed	23:00	01:30			
Thur	23:00	01:30	<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 7) From normal activity start time on the Sunday preceding a Bank Holiday Monday until 01:30 hours the following morning. On occasion when Christmas Eve or Boxing Day fall on a Sunday from normal activity start time until 01:30 the following morning.		
Fri	23:00	01:30			
Sat	23:00	01:30			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	Y
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	08:00	01:30			
Tue	08:00	01:30			
Wed	08:00	01:30			
Thur	08:00	01:30			
Fri	08:00	01:30			
Sat	08:00	01:30			
Sun	08:00	00:00	<u>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</u> (please read guidance note 7) From normal activity start time on the Sunday preceding a Bank Holiday Monday until 01:30 hours the following morning. On occasion when Christmas Eve or Boxing Day fall on a Sunday - from normal activity start time until 01:30 hours the following morning.		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	02:00	
Tue	08:00	02:00	
Wed	08:00	02:00	
			<u>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</u> (please read guidance note 7) From normal opening time on the Sunday preceding a Bank Holiday Monday until 02:00 hours the following morning. On occasion when Christmas Eve or Boxing Day fall on a Sunday from normal opening time until 02:00 the following morning.
Thur	08:00	02:00	
Fri	08:00	02:00	
Sat	08:00	02:00	
Sun	08:00	00:30	

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.

There will be no use of outside areas after 00:30
 No cans of beer of lager shall be available.

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.

As this is an electronic application the current premises licence shall be returned to:

Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

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 11)

Whilst existing conditions relating to CCTV, staff training, off sales supplied in sealed containers and the requirement to maintain an incident and refusals log continue to promote the licensing objectives, additional measures as detailed in boxes b), d) and e) will be taken to further promote these objectives should the variation be granted.

b) The prevention of crime and disorder

Waiter/waitress service shall be available at the premises.

c) Public safety

d) The prevention of public nuisance

Regulated Entertainment by way of the performance of live music or the playing of recorded music shall not be provided outdoors beyond midnight.

e) The protection of children from harm

The premises shall operate a “Challenge 21” age verification policy. A notice advising that such a policy is in operation shall be prominently displayed at the premises.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or Y
- 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. n/a
- I have sent copies of this application and the plan to responsible authorities and others where applicable. n/a
- I understand that I must now advertise my application. Y
- I have enclosed the premises licence or relevant part of it or explanation. Y
- I understand that if I do not comply with the above requirements my application will be rejected. Y

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Terrill Wolyn</i>
Date	23/05/2022
Capacity	Licensing Consultant for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **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 15)

Ms Terrill Wolyn
T Wolyn Licensing

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

**Licensing Act 2003
Premises Licence**

Premises Licence Number

18/00537/LAPRE

Premises Details

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

Vino Vino
5 - 6 Seven Dials
Sawclose
Bath
BA1 1EN

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Saturday	08:00 - 00:30
Sunday	10:00 - 22:30

Late Night Refreshment (Indoors only)

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

Sale of Alcohol - From normal activity start time on New Year's Eve until normal activity start time on New Year's Day.

Late Night Refreshment - From normal activity start time on New Year's Eve until 01:00 hours on New Year's Day.

The opening hours of the premises

Monday to Saturday	08:00 - 01:00
Sunday	09:00 - 23:00

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

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

Alcohol is supplied for consumption both on and off the premises

Name of holder of premises licence

.
Rosh Limited

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

Registered Business Number - 01711125

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

As per Operating Schedule at Annex 2.

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 14 November 2021

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

(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 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.

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

CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines. They will be maintained in full working order, when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data Protection legislation). Signs will be displayed that CCTV is recording.

All staff to receive training in relation to the Licensing Act, sale of alcohol. A record of such training shall be kept at the premises and produced at the request of an authorised officer.

No cans of beer or lager shall be available.

Only one draught product such as beer or lager shall be available at the premises.

All alcohol sold for consumption off the premises must be supplied in sealed containers.

An Incident and Refusals Log shall be maintained and kept at the premises and produced at the request of an authorised officer.

Exterior tables and chairs shall be secured outside of hours of use.

There will be no collection of alcohol waste before 09:00 hours on any day.

There will be no use of the outside area after 00:30 hours.

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

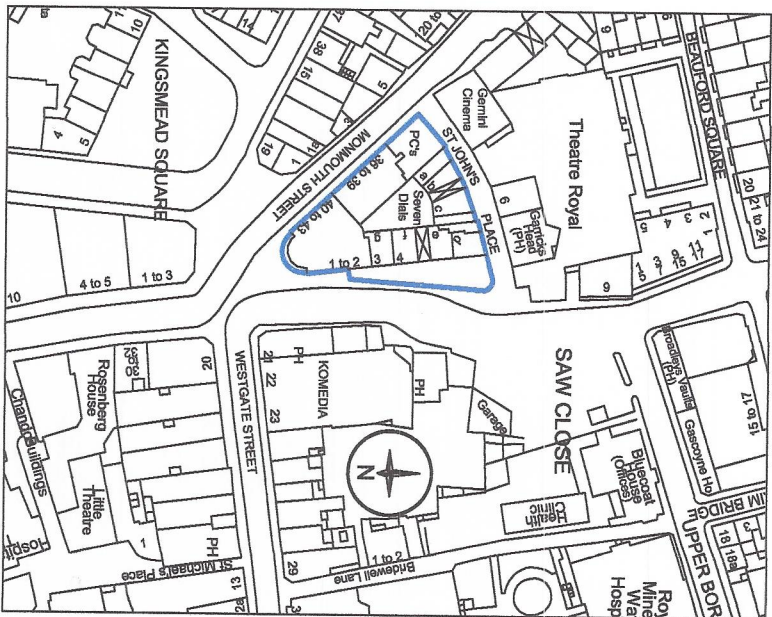
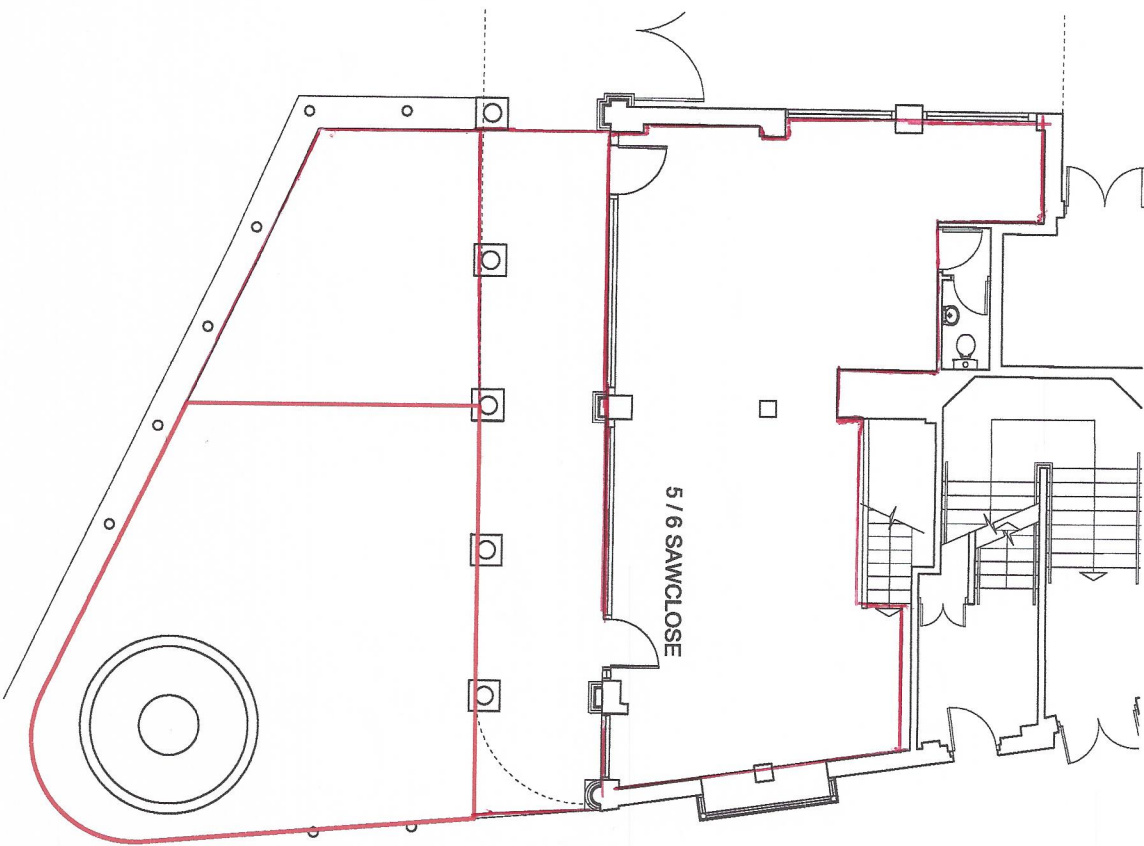
PUBLIC REGISTER COPY

Annex 4 – Plans

As submitted with application.

PUBLIC REGISTER COPY

GROUND FLOOR



LOCATION PLAN - Scale 1:1250

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Bath & North East Somerset Council

Property and Project Delivery
Lewis House
Manvers Street
Bath BA1 1JG

PROPERTY
5-6 SEVEN DIALS
SAWCLOSE
BATH BA1 2AN
DRAWING TITLE
LEASE PLAN FOR PIAZZA

PSR No
6753

Site No

Drawn DW
Date JAN 2018

Scale 1:100 @ A3
Rev

Drawing No
6753/ML01 piazza

Annex D

Linkenholt Leisure Lt
Trading as
Garrick's Head
7-8 St John's Place
Bath BA1 1ET

To Whom It May Concern:
2022

Thursday 9th June

Reference: Proposed variation of premises license Vino Vino Saw Close Bath BA1 1EN

We wish to strongly object to the above proposal on the following grounds:

The operator of this site has installed externally mounted speakers (without the necessary permissions) that regularly create a "club like" atmosphere, dominating the seating areas of adjacent businesses and Saw Close pedestrian areas. The other sites in the area are forced to listen to the music from Vino Vino whether they like it or not, it is often unacceptably loud.

The high proportion of wine and cocktails sold by this operation encourages drunken behaviour from its customers, this presents a real risk to patrons of the adjacent businesses and families with children accessing the Egg Theatre at the end of St John's Place.

The types of business and license restrictions in the Saw Close area currently attract a high proportion of families many with young children dining before and after the many theatre productions in the main house of the Theatre Royal or in the Egg Childrens' Theatre. Vino Vino discourage families by not allowing children under the age of 18 entry after 6pm as stated on their website. The extended trading hours proposed would make the business in question a destination for late night drinking types. This will fundamentally change the dynamic of the customer mix in the Saw Close area away from families and couples in favour of large groups of younger individuals.

The outside seating area of Vino Vino is currently enclosed with a barricade that is in violation of highways, planning, licensing and lease restrictions.

Vino Vino's policy of excluding families in the evening, its external sound system and the proposed extended licensed trading hours risk creating a high potential of violent and disorderly behaviour. This presents a real threat to both customers, staff and property of surrounding businesses as drunken groups leave the site before and after 2am in the morning.

Currently Saw Close is a destination for families and individuals wishing to dine and enjoy the award winning childrens' theatre The EGG, the Theatre Royal and the many historic sites including the city wall and former home of Beau Nash. Extending the licensed trading hours of this site will create a destination for large groups of hard drinking younger individuals encouraging the type of behaviour regularly witnessed at the top of Milsom Street at its intersection with George Street. This area is often described by residents of Bath as a "war zone" as patrons of the late night licensed establishments including Zero Zero (operated by Rosh limited), Sub 13, The Slug and Lettuce, Revolution and Circo spill out onto the pavements and road.

As residents of Bath and local business owners we strongly object to transforming the stunning street development that is Saw Close in to another “war zone” endangering families and staff as well as property

Please feel free to contact us if you have any queries regarding the contents of this letter.

Yours sincerely,

Mrs Amanda Digney Mr Charlie Digney

Directors

Linkenholt Leisure Ltd

LICENSING ACT 2003**REPRESENTATION FORM**

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

I/We object to the following application:

Application number:	
Applicant's name:	Rosh Limited
Premises name and address:	Vino Vino 5-6 Seven Dials Sawclose Bath
Application for a:	Variation of a premises licence

Objector Details:

Objector's Name:	Mr Charlie Digney & Mrs Amanda Digney
Objector's Address:	7-8 St John's Place Bath BA1 1ET
Organisation name if applicable:	Linkenholt Leisure Ltd

Objection Details:

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

- | | |
|----------------------------------|-------------------------------------|
| Prevention of crime and disorder | <input checked="" type="checkbox"/> |
| Prevention of public nuisance | <input checked="" type="checkbox"/> |
| Protection of children from harm | <input type="checkbox"/> |
| Public safety | <input checked="" type="checkbox"/> |

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

Try to be as specific as possible and detail how the applicant's proposal will have an adverse effect on one or more of the licensing objectives.

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

☐

We wish to strongly object to the above proposal on the following grounds:

The operator of this site has installed externally mounted speakers (without the necessary permissions) that regularly create a "club like" atmosphere, dominating the seating areas of adjacent businesses and Saw Close pedestrian areas.

The other sites in the area are forced endure the music from Vino Vino whether they like it or not, it is often unacceptably loud.

The high proportion of wine and cocktails sold by this operation encourages drunken behaviour from its customers, this presents a real risk to patrons of the adjacent businesses and families with children accessing the Egg Theatre at the end of St John's Place.

The types of business and license restrictions in the Saw Close area currently attract a high proportion of families many with young children dining before and after the many theatre productions in the main house of the Theatre Royal or in the Egg Childrens' Theatre.

The extended trading hours proposed would make the business in question a destination for late night drinking types. This will fundamentally change the dynamic of the customer mix in the Saw Close area away from families and couples in favour of large groups of younger individuals.

Vino Vino's policy of excluding families in the evening, its external sound system and the proposed extended licensed trading hours risk creating a high potential of violent and disorderly behaviour. This presents a real threat to both customers, staff and property of surrounding businesses as drunken groups leave the site before and after 2am in the morning.

Currently Saw Close is a destination for families and individuals wishing to dine and enjoy the award winning childrens' theatre The EGG, the Theatre Royal and the many historic sites including the city wall and former home of Beau Nash. Extending the licensed trading hours of this site will create a destination for large groups of hard drinking younger individuals encouraging the type of behaviour regularly witnessed at the top of Milsom Street at its intersection with George Street. This area is often described by residents of Bath as a "war zone" as patrons of the late night licensed establishments including Zero Zero (operated by Rosh limited), Sub 13, The Slug and Lettuce, Revolution and Circo spill out onto the pavements and road.

As residents of Bath and local business owners we strongly object to transforming the stunning street development that is Saw Close in to another "war zone" endangering families and staff as well as property

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

Signed

Amanda and Charlie Digney

Date

20.06.22

Contact telephone number(s)

(This is essential as we may need to contact you at short notice)

[REDACTED]

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

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

Name Amanda and Charlie Digney

I will be attending the hearing ☒ I will not be attending the hearing ☐

I will be represented at the hearing by

I will be calling the following witness(es):

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

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

Form to be returned to licensing@bathnes.gov.uk or:

Licensing Team
Public Protection Service
Lewis House
Manvers Street
Bath BA1 1JG

Important Information About Your Representation

Why do I need to fill in this form?

While we can accept any written representation, we ask that you complete this form in order to assist the Licensing Sub Committee at the hearing.

Representations made under the Licensing Act must be made public, and by signing this form you give permission for your details to be disclosed. That is why we ask you to complete this form even if you have already made a written representation.

What if I do not want my details to be disclosed?

Anonymous representations will not normally be accepted.

If you think there are exceptional circumstances that would justify you making an anonymous representation, such as the threat of intimidation or violence from the applicant, then please contact the Licensing Office on 01225 396719 to discuss the matter.

Alternatively, you can ask your Parish Council or local Residents' Association to make a representation instead. If you choose to do this, there is no need to complete this form; the Parish Council or Residents' Association will do it if they decide to make a representation.

What do I need to know when writing my representation?

The Licensing Act 2003 sets out four 'licensing objectives', which are listed on the front of this form. Your representation should state how you think the application will affect one or more of these licensing objectives.

What if I want to supply extra information in support of my representation?

You can include the information with your representation form. If you have already made a representation and now want to give us extra information in support of it, you need to send copies of it to the Licensing Office *and* the applicant. This should be done at least 5 working days before the hearing.

If you arrive at the hearing with extra information that has not been sent to the Licensing Office and the applicant, it will only be considered if the applicant and the Committee agree to it. We recommend that you bring at least 10 copies of the information with you to the hearing.

I want to make a representation about traffic/planning issues

Unfortunately, representations about traffic or parking can not be accepted. This is because the licence holder can not be held responsible for the use of the public highway outside of the premises.

The licensing regime is separate from other local government functions, including the planning department. If a Premises Licence is granted for a building, this will not exempt the licence holder from having to obtain the necessary planning permission. We are therefore unable to accept representations that simply refer to the need for planning permission.

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