

Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 29 July 2010	
TITLE:	Application for a Premises Licence for Gourmet Scoffs , 9 Terrace Walk, Bath, BA1 1LN	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application for a Premises Licence		
Annex B Site Plan		
Annex C Representation from Avon and Somerset Constabulary		
Annex D Letter of agreement from Applicant		

1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under the Licensing Act 2003 in respect of **Gourmet Scoffs, 9 Terrace Walk, Bath, BA1 1LN**

2 RECOMMENDATION

- 2.1 That the sub committee determines this application.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 THE REPORT

- 4.1 An application has been received for a **new** Premises Licence (Annex A).

- 4.2 The application is for:

- 1) The **Sale of Alcohol** for consumption on the premises, between the following hours:
Monday to Sunday 10.00 to 20.00
- 2) The **Opening Hours** are not specified.

- 4.3 A site plan is attached at Annex B.
- 4.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:-
- a) The Prevention of Crime and Disorder.
 - b) Public Safety.
 - c) The Prevention of Public Nuisance, and
 - d) The Protection of Children from Harm.

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

- 4.5 The Licensing Authority may grant the application with or without additional conditions.
- 4.6 The Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 15-20, 23, 24, 28, 33-37, 41 to 44 of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised on 28 June 2008).
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, 183, and Schedule 2 of the Act.
- 4.7 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.

On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 4.8 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, and the child protection agency.
- 4.9 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 days of submitting the application to the licensing authority.
- 4.10 A representation has been received from Avon and Somerset Constabulary in relation to the licensing objective of the Prevention of Crime and Disorder (Annex C). The representation states that the operating schedule of the application does not contain any satisfactory measures to promote this particular licensing objective. Following

consultation and agreement with the applicant the following conditions have been proposed:

1. Alcohol will only be served by waiter or waitress service to persons seated at tables.
2. Alcohol will only be served with menu based foods, which will be available at all times that licensable activity takes place.
3. All staff will be trained in the sale of alcohol by a personal licence holder or approved trainer.

4.11 The applicant has confirmed in writing that he agrees to the proposed conditions (Annex D).

4/12 This report has not been sent to the Trades Union because they would have no involvement.

Contact person	Emma Stoneman, Licensing Officer, 01225 396719
Background papers	Licensing Act 2003, Guidance Notes issued under section 182 of the Licensing Act 2003, Licensing Act 2003 Regulations, B&NES Statement of Licensing Policy.

Bath & North East
Somerset Council

27 MAY 2010

Post Log No: 211618
Receipt No:
CH/CA £Licensing Team, Public Protection,
9-10 Bath Street, Bath, BA1 1SN**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 GOURMET SCOFFS LTD apply
(insert name of applicant)

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

Including name and postal address of premises or, if none, ordnance survey map reference or description

GOURMET SCOFFS
9 TERRACE WALK

Post town BATH

Postcode BA1 1LN

Telephone number at premises (if any)

01225 471137

Non-domestic rateable value of premises

£ 9700

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

(Please select)

- | | |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> Please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company | <input checked="" type="checkbox"/> Please complete section (B) |
| ii. as a partnership | <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 | <input type="checkbox"/> Please complete section (B) |
| f) a health service body | <input type="checkbox"/> 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 | <input type="checkbox"/> Please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> Please complete section (B) |

*If you are applying as a person described in (a) or (b) please confirm:

(Please select)

- 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
 - a statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(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	GOURMET SCOFFS LTD
Address	9 TERRACE WALK BATH BA1 1LN
Registered number (where applicable)	7086691
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number (if any)	01225 471137
Email address (optional)	

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	08	2010

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

Day	Month	Year
		20

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

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

THE PREMISES IS A SANDWICH SHOP / CAFE SITUATED OVER 2 FLOORS WITH SEATING ON THE FIRST FLOOR. WE SELL TAKE AWAY SANDWICHES & PASTRIES AND LUNCHES BREAKFASTS AND AFTERNOON TEAS. IT IS SITUATED CENTRALLY WITH OTHER RETAIL OUTLETS, CAFES AND PUBS IN THE IMMEDIATE PROXIMITY. THE BUILDING IS PART OF A TERRACE.

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the
 Licensing Act 2003)

(Please select)

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if yes, fill in box I)
- j) dancing (if yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
 (if yes, fill in box K)

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

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

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" 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 4)		
Mon	10.00	20.00			
Tue	10.00	20.00			
Wed	10.00	20.00			
Thur	10.00	20.00			
Fri	10.00	20.00			
Sat	10.00	20.00			
Sun	10.00	20.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	PAUL McEVoy
Address	29 EASTOVER RD HIGH LITTLETON BRISTOL
Postcode	BS39 6TY
Personal Licence number (if known)	BANES-06-03794-LAPER
Issuing licensing authority (if known)	BANES

N

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

N/A

O

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon		
Tue		
Wed		
Thu		
Fri		
Sat		
Sun		

State any seasonal variations (please read guidance note 4)

N/A

Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)

N/A

P

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

a) General – all four licensing objectives (b, c, d, e) (see guidance note 9)

b) The prevention of crime and disorder

THE BUILDING IS SECURE AND ALL EXCESS STOCK WILL BE KEPT IN LOCKED STOREROOM. OUR CUSTOMERS ARE FAMILIES AND TOURISTS AND WILL ONLY BE DRINKING SMALL AMOUNTS WITH MEALS.

c) Public safety

THE PREMISES COMPLY WITH ALL STATUTORY FIRE CONTROLS & FOOD SAFETY REGULATIONS

d) The prevention of public nuisance

THERE WILL BE NO EXCESS NOISE, WE WILL NOT BE OPENING UNSOCIABLE HOURS

e) The protection of children from harm

NO ALCOHOL WILL BE SOLD TO ANYONE WHO'S AGE IS IN DOUBT WITHOUT LEGITIMATE IDENTIFICATION

Please select for Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application, by way of a notice displayed at the premises for 28 days and a notice in a local newspaper within 10 working days of submitting a valid application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) **If signing on behalf of the applicant please state in what capacity.**

Signature

Evans.

Date

25/05/10

Capacity

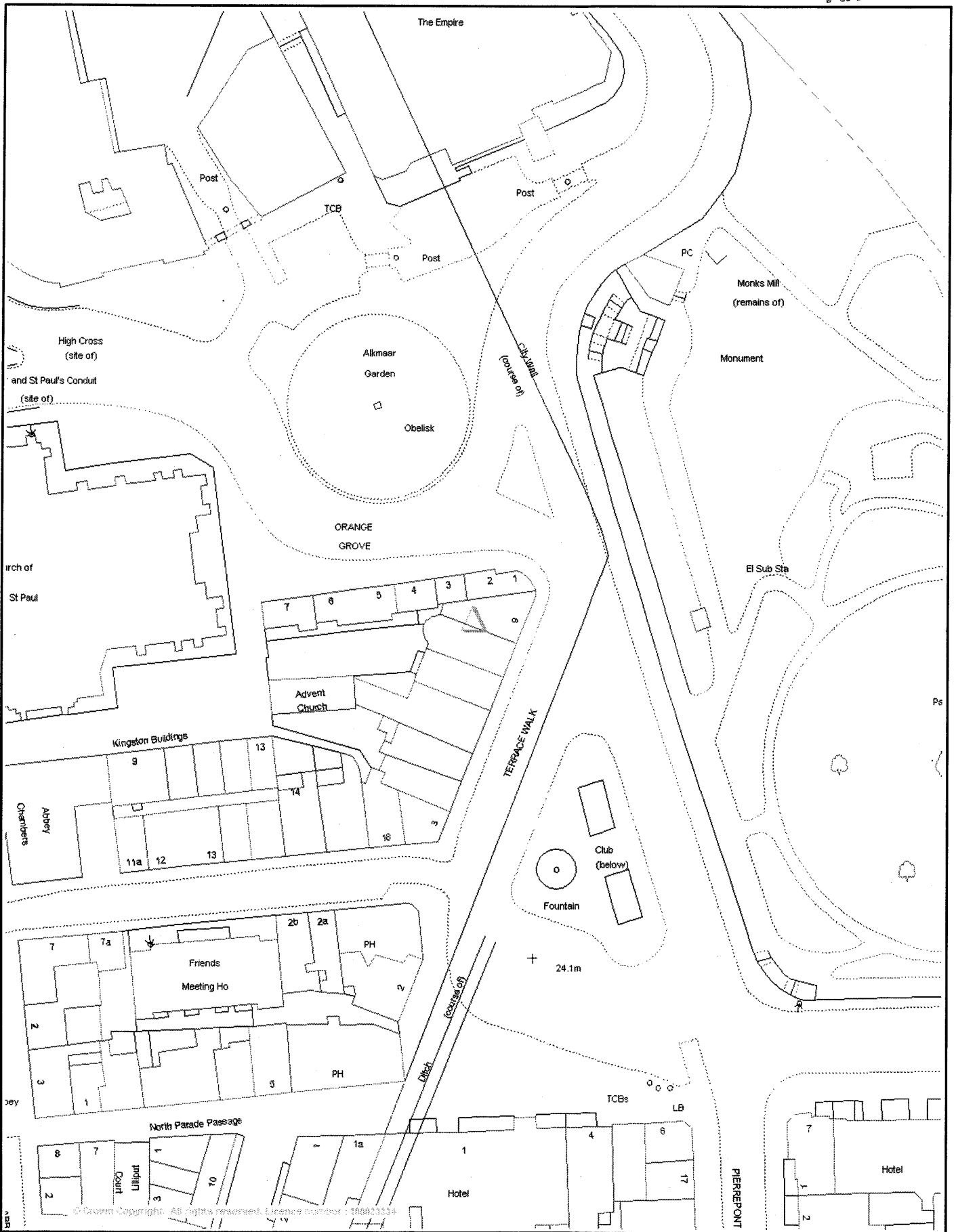
DIRECTOR

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity



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Bath & North East Somerset Council
 Bath & North East Somerset Council,
 Planning Services,
 Trimbridge House,
 Trim Street,
 Bath BA1 2DP

Gourmet Scoffs, 9 Terrace Walk, Bath

Scale 1/750
 Date 15/7/2010
 Centre = 375199 E 164764 N
 Drawn by:
 E Stoneman

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

Representation Form

Responsible Authority. (Please delete as applicable.)

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

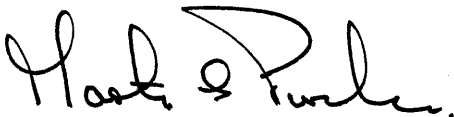
Your Name	Martin Purchase
Job Title	Liquor Licensing officer
Postal and email address	Bath Police Station Manvers St Bath.
Contact telephone number	012258462475

Name of the premises you are making a representation about.	Gourmet Scoffs
Address of the premises you are making a representation about.	9 Terrace Walk Bath BA1 1LN

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	yes	Gourmet scoffs is situated within the city centre in the cumulative impact area. The area experiences sporadic crime and disorder and anti social behaviour. The problems are most frequent from early evenings and are alcohol related. The operating schedule does not contain any measures that would negative the type of application that has been applied for, in respect of crime and disorder. A number of conditions have been negotiated and agreed with the applicant to rectify this position.
Public safety		
To prevent public nuisance		

The prevention of harm to children		
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	<ol style="list-style-type: none"> 1. Alcohol will only be served by waiter or waitress service to persons seated at tables. 2. Alcohol will only be served with menu based foods, which will be available at all times that licensable activity takes place. 3. All staff will be trained in the sale of alcohol, by a personal licence holder or approved trainer. 	

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

Signed: 

Date: 1-7-2010

Please return this form along with any additional sheets to:

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

E-mail address: licensing@bathnes.gov.uk

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

Gourmet Scoffs
9 Terrace Walk
Bath
BA1 1LN
Ref: Premises Licence application

Date: 30TH June 2010

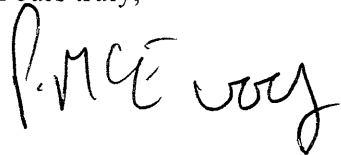
Dear Sir / Madam,

As you are aware, I am in the process of applying for a premises licence for the above named premises.

Having been in consultation with the Police ,I have decided that I want to amend my application.

As a result I wish to formally agree to the conditions suggested in the Police representation. Therefore, can I ask that this letter be submitted with my application for the consideration of the Licensing sub-committee, prior to the licence being, granted.

Yours truly,



Paul McEvoy
Gourmet Scoffs
9 Terrace Walk
Bath
BA1 1LN.

