

Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 28 February 2012	
TITLE:	Application to Vary a Premises Licence for Mr D's , 8 St George's Place, Upper Bristol Road, Bath, BA1 3AA	
WARD:	Kingsmead	

AN OPEN PUBLIC ITEM

List of attachments to this report:

- Annex A Application to Vary the Premises Licence
- Annex B Current Premises Licence
- Annex C Site Plan
- Annex D Representations from Interested Parties
- Annex E Additional Information received from Applicant

1 THE ISSUE

- 1.1 An application has been received for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of Mr D's, 8 St George's Place, Upper Bristol Road, Bath, BA1 3AA (Annex A).

2 RECOMMENDATION

- 2.1 That the sub committee determine the application to vary the licence.

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 the variation of a Premises Licence.

- 4.2 The current Premises Licence permits the following licensable activities:

- 1) **Late Night Refreshment** between the following hours:

Monday to Thursday	23.00 to 01.00
Friday and Saturday	23.00 to 03.00
Sunday	23:00 to 23:30

2) The **Opening Hours** for the premises are as follows:

Monday to Thursday	10.00 to 01.00
Friday and Saturday	10.00 to 03.00
Sunday	10:00 to 23:30

3) The licence is subject to the following conditions:

- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- The premises shall be no smoking.
- Free drinking water shall be available at all times.
- CCTV to be in operation at the premises. Tapes shall be changed daily and retained for 30 days.
- All packaging shall be paper or card.
- All drinks shall be served in paper cups or aluminium cans.
- Customers carrying open bottles of glasses shall not be admitted to the premises.
- A fixed Council bin is sited outside the premises. Should this be removed, the licence holder shall replace it.
- A prominent sign shall be displayed asking customers to refrain from making excess noise when leaving the premises.
- An appeal was heard at the Bath and Wansdyke Magistrates' Court on 10 and 11 April 2006. The decision given on 1 May 2006 was that the licence should be subject to the following conditions:
 - Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St George's Place to the West of Mr D's, and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr D's.

4.3 The **variation** application seeks to:

extend the terminal hour in respect of Late Night Refreshment and closing time to 02:00 hours Monday to Wednesday, 03:00 hours on Thursday, 04:00 on Friday and Saturday and 01:00 hours on Sunday;

amend opening hours from 10:00 hours to 09:00 hours daily;

remove the Annex 3 condition that states:

"Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St George's Place to the West of Mr D's, and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr D's."; and

amend the conditions relating to CCTV, packaging and the serving of soft drinks as detailed in Annex 2, to read:

CCTV to be in operation at the premises. Recordings shall be retained for 30 days.

All packaging shall be of either card, paper or polystyrene.

All soft drinks shall be served in either plastic or paper cups, aluminium cans or plastic bottles. No alcoholic drinks to be sold on the premises.

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

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

- 4.6 The Licensing Authority may vary and grant the application with or without additional conditions.
- 4.7 The Licensing Authority can refuse the variation or part of the variation as it considers necessary for the promotion of the licensing objectives.
- 4.8 The Licensing Authority may not however do anything to reduce the effect of the rights guaranteed by the existing premises licence.
- 4.9 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, 10, 16, 17, 18, 19, 20, 23(5), 24, 28, 30, 33, 35, 36, 37, 41 to 44 of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised October 2010)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 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 it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 4.11 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. No representations have been received from any of the Responsible Authorities.
- 4.12 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 4.13 Representations have been received from two interested parties in relation to the prevention of public nuisance licensing objective (Annex D). They raise concern that the applicant's proposals are likely to increase litter and noise nuisance.
- 4.14 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Ruby Jordan, Licensing Support Officer, 01225 477531
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.

12/00128

ANNEX A

ENVIRONMENTAL SERVICES

Application to vary a premises licence under the Licensing Act 2003 - 3 JAN 2012

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Post Log No:
Receipt No: 412014
Price: £00.00

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 David John Amos & Mrs June Amos

(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 05/03108/LAPRE
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 8 St. Georges Place Upper Bristol Road			
Post town	Bath	Post code	BA1 3AA

Telephone number at premises (if any)	01225 425204
Non-domestic rateable value of premises	£3100

Part 2 – Applicant details

Daytime contact telephone number	07733 101912		
E-mail address (optional)	mrdstakeaway@aol.com		
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day			Month			Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. Amendment to Annex 2. - Conditions consistent with Operation Schedule

Amend; CCTV to be in operation at the premises. Recordings shall be retained for 30 days.

Amend: All packaged shall be of either card, paper or polystyrene.

Amend: All soft drinks shall be served in either plastic or paper cups, aluminium cans or plastic bottles. No alcoholic dinks to be sold on the premises.

2. Amendment to Annex 3:

Removal of the condition which states that " Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St. George's Place to the West of Mr.D's, and the Hotel Monmoth to the East shall be cleared of any litter associated with Mr.D's" .

This is an unworkable condition as it takes no account if refuse is blown into the specific area after closing the premises, due to weather conditions. We have always operated an end of night litter patrol , but it is onerous to make this a condition of the Premises Licence. As we understand it, no other takeaway has a condition like this imposed.

3. Amendment of opening hours restriction:

Having owned and operated from the Premises for 30 years, we have proven to be a responsible business operating within a residential area. By amending this restriction, it allows us to be more flexible, especially in these challenging trading times, without having to resort to regular applications for the Variation of the Premises Licence or the use of TEN's (Temporary Event Notices).

We have no interest or intention in selling alcohol from the Premises.

We are not in close proximity to any Licensed Premises selling alcohol.

Licensing Department.

We contacted the Licensing Department and there have been no complaints received in the last five years.

Environmental Health.

We contacted the Environmental Health Department and there have been no complaints received in the last five years.

Planning.

The Premises has unrestricted hours of operation for A5 use (Takeaway)

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

0

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)**Sale by retail of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed			<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 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed			<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 5)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<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 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 3)	
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<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 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<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 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed			<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 5)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
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 4)		
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 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
Thur			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment <u>take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23.00	02.00			
Wed	23.00	02.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23.00	03.00			
Fri	23.00	04.00	<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 5)		
Sat	23.00	04.00			
Sun	23.00	01.00			

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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

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)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	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 5)
Tue	09.00	02.00	
Wed	09.00	02.00	
Thur	09.00	03.00	
Fri	09.00	04.00	
Sat	09.00	04.00	
Sun	09.00	01.00	

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

Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire shop, 15 St. George's Place to the West of Mr. D's and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr. D's.

CCTV to be in operation at the Premises. Tapes shall be changed daily and retained for 30 days.

All packaging shall be paper of card

All drinks shall be served in paper cups or aluminium cans.

P 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,e) (please read guidance note 9)

Free drinking water shall be available at all times.
The premises shall be non smoking as required by Law.
Customers carrying open bottles or glasses shall not be admitted to the Premises.
A prominent sign shall be displayed asking customers to refrain from making excess noise when leaving the Premises.

b) The prevention of crime and disorder

CCTV to be in operation at the Premises. Recordings shall be retained for 30 days
No alcohol will be served on the premises either on or off the Premises.

c) Public safety

All non alcoholic drinks shall be served in either plastic or paper cups, aluminium cans or plastic bottles.
All packaging is to be made of either card, paper or polystyrene. Recyclable packaging to be used where possible.
Regular gas safety checks are made by a Gas Safe registered Company.

d) The prevention of public nuisance

A fixed Council refuse bin is sited outside the Premises. Should this be removed, the Licence holder shall replace it.
An end of night, a litter patrol is carried out in the vicinity of the Premises .All associated litter is collected. This is recorded and signed. Records to be kept for three months.

e) The protection of children from harm

No glass bottles or containers allowed on the Premises.

Please tick yes

- 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 failed to enclose the premises licence or relevant part of premises licence

Apologies, have mislaid original Premises Licence

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON 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

Part 5 – Signatures (please read guidance note 10)

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

Signature	<i>enclosed</i>
Date	3 rd . January 2012
Capacity	Mr David John Amos - Partner

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 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>enclosed</i>
Date	3 rd . January 2012
Capacity	Mrs June Amos - Partner

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

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)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Schedule 12
Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	05/03108/LAPRE
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Part 1 – Premises Details

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

Mr D's
8 St George's Place
Upper Bristol Road
Bath
BA1 3AA

Telephone number 01225 425204

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

Late Night Refreshment	Monday to Thursday	23:00 - 01:00
Late Night Refreshment	Friday and Saturday	23:00 - 03:00
Late Night Refreshment	Sunday	23:00 - 23:30

The opening hours of the premises

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	10:00 - 23:30

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

Not applicable

Part 2

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

Mr David John Amos
Ashlar Grange
Claverton Down Road
Bath
BA2 7AS
01225 448589
david@djamos.com

Mrs June Amos
Ashlar Grange
Claverton Down Road
Bath
BA2 7AS
01225 448589
june@djamos.com

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

Registered Business Number - Not applicable

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

Not applicable

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

Not applicable

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 24 November 2005

Annex 1 – Mandatory conditions

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

Annex 2 – Conditions consistent with the Operating Schedule

The premises shall be no smoking.

Free drinking water shall be available at all times.

CCTV to be in operation at the premises. Tapes shall be changed daily and retained for 30 days.

All packaging shall be paper or card.

All drinks shall be served in paper cups or aluminium cans.

Customers carrying open bottles of glasses shall not be admitted to the premises.

A fixed Council bin is sited outside the premises. Should this be removed, the licence holder shall replace it.

A prominent sign shall be displayed asking customers to refrain from making excess noise when leaving the premises.

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

An appeal was heard at the Bath and Wansdyke Magistrates' Court on 10 and 11 April 2006. The decision given on 1 May 2006 was that the licence should be subject to the following conditions:

Staff are to ensure that at the close of business each day, the publicly accessible areas along both sides of the A4 road between the HSS Hire Shop, 15 St George's Place to the West of Mr D's, and the Hotel Monmouth to the East shall be cleared of any litter associated with Mr D's.

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number

05/03108/LAPRE

Premises Details

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

Mr D's
8 St George's Place
Upper Bristol Road
Bath
BA1 3AA

Telephone number 01225 425204

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

Late Night Refreshment	Monday to Thursday	23:00 - 01:00
Late Night Refreshment	Friday and Saturday	23:00 - 03:00
Late Night Refreshment	Sunday	23:00 - 23:30

The opening hours of the premises

Monday	10:00 - 01:00
Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00
Thursday	10:00 - 01:00
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	10:00 - 23:30

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

Not applicable

Name, (registered) address of holder of premises licence

Mr David John Amos
Ashlar Grange
Claverton Down Road
Bath
BA2 7AS

Mrs June Amos
Ashlar Grange
Claverton Down Road
Bath
BA2 7AS

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

Registered Business Number - Not applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

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

As per Operating Schedule at Annex 2.



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

Mr D's Variation

Scale 1/1250
 Date 9/2/2012
 Centre = 374336 E 165020 N
 Drawn by:
 Ruby Jordan



Ruby Jordan

Subject: FW: Premises Variation - Mr D's**From:** Andrew Furse (Cllr)**Sent:** 09 January 2012 22:22**To:** Licensing**Cc:** Douglas Nicol (Cllr); 'rose@waltonsguesthouse.co.uk'**Subject:** RE: Premises Variation - Mr D's

As ward councillor I feel there will be negative impact for local residents and the local B&B accommodation. There will be additional litter created along the UBR more than there is currently.

Over a number of years have been complaints from residents about noise. Mainly people gathering around the front of the premises. In addition it is a regular occurrence that litter from this outlet is found all the way down the Upper Bristol Road. Providing one bin outside does not address this problem.

The extended hours are likely to cause greater disturbance for residents along the UBR especially the new dwellings adjacent to Mr D's and the B&B's opposite. In addition there is a greater likelihood that people with gather at this location rather than meet the current night time policy of encouraging people to go home after a night out in the city centre. Extending these hours will bring no benefit to the local community or even those requiring late night food.

I therefore object to the increase in hours which many would say are sufficiently late enough weekdays, weekends and Sundays nights at the moment.

Regards

Andy



Cllr Andrew Furse CEng

Kingsmead Ward,

25 Tennyson Rd, Bath, BA1 3BG

Direct: +44 (0) 1225 483218

andrew_furse@bathnes.gov.uk

ANNEX D

ENVIRONMENTAL SERVICES
27 JAN 2012
Post Log No:
Receipt No:
CH/CA £

Mr. R.J. Walton.
 17, Crescent Gardens
 Upper Bristol
 Road Bath

Dear Wendy Stokes.
REF: MR D'S

people in Crescent Gardens do not want this
 extended hours.

reasons: more noise

- " " car i.e. Radio on & slamming doors)
- " " shouting.
- " " letter,

with 6/6 & residents and now the new flats same
 side of road, end of story no, no, no,

P.S. smell now again from Mr D's.

Alan Bartlett

From: Licensing
Sent: 30 January 2012 07:46
To: Terrill Wolyn
Subject: FW: Application No: 12/00128/LAPRE

From: Mr.D's [mailto:mrdstakeaway@aol.co.uk]
Sent: 29 January 2012 14:42
To: Licensing
Subject: Re: Application No: 12/00128/LAPRE

8 St. George's Place
Upper Bristol Road
Bath

Ref: 128/00128/LAPRE

Dear Sirs,

in relation to the above application for varying the conditions of the Premises Licence.

I have contacted the Freedom of Information officer at Bath & N.E. Somerset Council, who confirmed that there have been no reports of any incidents in regard to Environmental Services or Licensing in the last 5 years.

Please also note that our Planning Permission is unrestricted.

This is not the case with some other takeaways, who have been granted extended Licensing hours to which they are trading, without the benefit of the necessary planning permission.

Yours sincerely,

David J Amos

For Mr.D's

