

# Bath & North East Somerset Council

MEETING: Licensing (Gambling and Licensing) Committee

MEETING DATE: 16 September 2010

AGENDA  
ITEM  
NUMBER

TITLE: Application to Vary a Premises Licence for The Weir Lounge, Spring Gardens Road, Bath, BA2 4PW

WARD: Abbey

## 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 Representation from the Police

Annex E Representations from Interested Parties

## 1 THE ISSUE

1.1 An application has been received for the Variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of The Weir Lounge, Spring Gardens Road, Bath, BA2 4PW (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) **Sale of alcohol** for consumption **on and off** the premises between the following hours:

Monday to Saturday 10:00 – 04:00

Sunday 10:00 – 03:00

Non Standard Timings

From opening time on 31<sup>st</sup> December, when this date falls on a Sunday, to closing time on 1<sup>st</sup> January.

- 2) **Regulated entertainment** by way of the performance of **Live Music; Facilities for making Music; Other Entertainment within the Act; Facilities for other Entertainment (all indoors only)** between the following hours:

Monday to Saturday      10:00 – 04:00

Sunday      10:00 – 23:00

Non Standard Timings

From opening time on 31<sup>st</sup> December, when this date falls on a Sunday, to closing time on 1<sup>st</sup> January.

- 3) **Regulated entertainment** by way of **Recorded Music (indoors only)** and the provision of **Facilities for Dancing (indoors only)** between the following hours:

Monday to Saturday      10:00 – 04:00

Sunday      10:00 – 03:00

Non Standard Timings

From opening time on 31<sup>st</sup> December, when this date falls on a Sunday, to closing time on 1<sup>st</sup> January.

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

Monday to Saturday      23:00 – 04:00

Sunday      23:00 – 03:00

Non Standard Timings

From opening time on 31<sup>st</sup> December, when this date falls on a Sunday, to closing time on 1<sup>st</sup> January.

- 5) The **opening hours** for the premises are as follows:

Monday to Saturday      10:00 – 04:30

Sunday      10:00 – 03:30

Non Standard Timings

From normal opening time on New Year's Eve until normal opening time on 1<sup>st</sup> January.

- 6) The licence is subject to the following conditions:

- No supply of alcohol may be made under the premises licence:

at a time when there is no designated premises supervisor in respect of the premises licence, or

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.
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.
- CCTV to be installed and maintained to the satisfaction of the Licensing Authority and the Police.
- CCTV recordings to be kept for a minimum period of one month.
- A notice to be displayed at the entrance to the premises advising that CCTV is in operation.
- **A maximum number of 200 persons allowed on the premises at any one time.**
- On days that the premises trades for the sale of alcohol after midnight, there will be two to four door-staff on duty from 23:00 hours until closure.
- All door-staff to wear clothing that can be easily identified.
- A female supervisor to be on duty should searches be conducted on female customers.
- Door supervisors to be on duty at the entrance of the premises at least half an hour prior to the commencement of entertainment until the main exit doors are closed, and at any time when customers may be queuing for access.
- Door supervisors will ensure that patrons/customers will not congregate outside the premises and to control noise levels so as not to disturb nearby residents.
- The premises shall support the Bath Street Marshal Scheme.
- Free drinking water to be available at all times.
- Seats to be available to accommodate 30% of the maximum capacity of 200 persons, i.e. 60.
- On any day that the premise trades for the sale of alcohol beyond 23:00 hours, drinks will be decanted into toughened or plastic glasses.
- Customers carrying open bottles or glasses will not be permitted to enter the premises at any time.
- Customers are not permitted to take open containers of drinks from the premises.
- A poster to be displayed warning customers that if they act in an inappropriate manner they could be barred from all licensed premises in the vicinity who operate the Barsafe Scheme.

- Adequate and appropriate first aid equipment and materials to be available on the premises at all times.
- At least one trained First Aider to be on duty at all times when the premises are open to the public.
- An electrical inspection to be carried out annually and the appropriate NICEIC or ECA certificates to be sent to the Licensing Authority.
- If officers of the Council witness noise from amplified music at a level that causes unreasonable disturbance to the occupants of any premises in the vicinity, then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
- Any noise limiter installed shall be set at a level approved by the Council's Environmental Health Team within one month of receipt of notification of the requirement.
- Doors and windows to be kept closed whenever regulated entertainment is carried on and in any event after 23:00 hours.
- Prominent notices to be displayed on the premises requesting patrons to respect the needs of local residents, and to leave the area quietly.
- The placing of bottles into receptacles outside the premises is only permitted to take place between the hours of 09:00 – 17:00.

4.3 The variation applied for seeks to remove the condition on Annex 2 of the licence which restricts the maximum persons allowed on the premises at any one time.

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, 9, 10, 15 - 20, 23.5, 24, 28, 30, 33, 35 – 37 & 41 - 44 of the policy.
- b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised on 28 June 2007)..
- 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.

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 days for submitting the application to the licensing authority.

4.13 A representation has been received from the Police in relation to the following licensing objectives: the Prevention of Crime & Disorder and Public Safety (Annex D). The representation expresses concern that any increase in capacity at a venue already subject to alcohol crime, disorder and anti-social behaviour, will further undermine these statutory objectives.

4.14 Representations have been received from two local residents' associations in respect of the licensing objectives relating to the prevention of Crime & Disorder, the prevention of Public Nuisance and Public Safety (Annex E). Representations express concern that an increase in the club's capacity if granted, will "inevitably exacerbate the problem of anti-social behaviour and crime and disorder" at a premises already exhibiting evidence of "licensing breaches, disorder, drunkenness and violence".

4.15 This report has not been sent to the Trades Union because they would have no involvement in this application.

<b>Contact person</b>	Terrill Wolyn, Licensing Officer, 01225 396939
<b>Background papers</b>	Licensing Act 2003, Guidance Notes issued under Section 182 of the Licensing Act 2003, Licensing Act 2003 Regulations, B&NES Statement of Licensing Policy



## Application to vary a premises licence under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We DARRIUS HASSAN MOSAVI

*(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

<b>Premises licence number</b>
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07/02480/LAPRE
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> THE WEIRLOUNGE, SPRING GARDENS ROAD,
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<b>Post town</b>	BATH	<b>Post code</b>	BA2 4PW
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Telephone number at premises (if any)	01225 447 187
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Non-domestic rateable value of premises	£21250
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**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	01225 447 187
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<b>E-mail address (optional)</b>	
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<b>Current postal address if different from premises address</b>	40 GREENBANK GARDENS, WESTON
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<b>Post Town</b>	BATH	<b>Postcode</b>	BA1 4EE
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**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

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**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)  
**TO REMOVE THE CONDITION WHICH LIMITS THE NUMBER OF PERSONS WHO MAY BE PRESENT ON THE PREMISES WHEN THE AUTHORITY OF THE LICENCE IS IN USE.**

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

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## 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)<br>(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)<br>(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**

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

## B

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><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></b> (please read guidance note 5)
Fri			
Sat			
Sun			

## D

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

**E**

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

## F

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

**G**

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



## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		
Indoors	<input type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give a description of the facilities for dancing you will be providing</u></b>	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)	
Thur				
Fri			<b><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></b> (please read guidance note 5)	
Sat				
Sun				

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (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 take place indoors or outdoors or both – <b>please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>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</b> (please read guidance note 5)		

**N**

<p><b>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</b> (please read guidance note 8)</p>
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<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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  
**TO REMOVE THE CONDITION WHICH LIMITS THE NUMBER OF PERSONS WHO MAY BE PRESENT ON THE PREMISES WHEN THE AUTHORITY OF THE LICENCE IS IN USE.**

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  
THE ORIGINAL LICENCE HAS BEEN TEMPORARILY MISPLACED AND IT IS NOT  
POSSIBLE TO SUBMIT AT THIS TIME. ENQUIRIES ARE BEING MADE TO LOCATE IT.



**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)

**b) The prevention of crime and disorder**

**c) Public safety**

FIRE RISK ASSESSMENT COMPLETED AND IN POSSESSION OF A RESPONSIBLE PERSON ON THE PREMISES.

**d) The prevention of public nuisance**

**e) The protection of children from harm**

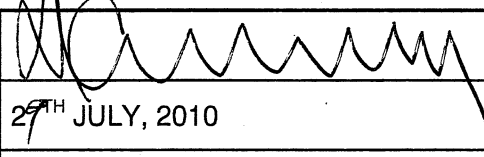
Please tick yes

- 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	
Date	27 <sup>TH</sup> JULY, 2010
Capacity	LICENSING AGENT ON BEHALF OF THE APPLICANT.

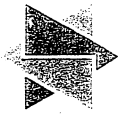
**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

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

DAVID HOLLEY  
25 BROAD STREET, BATH

Post town	BATH	Post code	BA1 5LW
Telephone number (if any)	01225 339004		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) dholley_licensing@btinternet.com			

Schedule 12  
Part A

Regulation 33, 34

## Premises Licence

<b>Premises Licence Number</b>	07/02480/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**

The Weir Lounge  
Spring Gardens Road  
Bath  
BA2 4PW

**Telephone number** 01225 447187

**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 (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 03:00

**Performance of Live Music (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Performance of Recorded Music (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 03:00

**Other Entertainment within Act (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Facilities for Dancing (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 03:00

**Facilities for Making Music (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Facilities for Other Entertainment (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Late Night Refreshment (Indoors only)**

Monday to Saturday 23:00 - 04:00  
Sunday 10:00 - 03:00

**Non Standard Timings**

From opening time on 31<sup>st</sup> when this date falls on a Sunday, to closing time on 1<sup>st</sup> New January

**The opening hours of the premises**

Monday to Saturday 10:00 - 04:30  
Sunday 10:00 - 03:30

From normal opening time on New Year's Eve until normal opening time on 1 January.

**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



**Part 2**

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

Mr Darius Hassan Mosavi  
40 Greenbank Gardens  
Weston  
Bath  
BA1 4EE  
01225 338552

**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**

Mr Darius Hassan Mosavi  
40 Greenbank Gardens  
Weston  
Bath  
BA1 4EE  
01225 447187

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

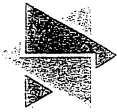
05/02841/LAPER  
Bath & North East Somerset Council

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

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

Dated 10 September 2007





### **Annex 1 – Mandatory conditions**

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.

-----  
Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.  
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## **Annex 2 – Conditions consistent with the Operating Schedule**

CCTV to be installed and maintained to the satisfaction of the Licensing Authority and the Police.

CCTV recordings to be kept for a minimum period of one month.

A notice to be displayed at the entrance to the premises advising that CCTV is in operation.

A maximum number of 200 persons allowed on the premises at any one time.

On days that the premises trades for the sale of alcohol after midnight there will be two - four doorstaff on duty from 23.00 hours until closure.

All doorstaff to wear clothing that can be easily identified.

A female supervisor to be on duty should searches be conducted on female customers.

Door supervisors to be on duty at the entrance of the premises at least half an hour prior to the commencement of entertainment until the main exit doors are closed, and at any time when customers may be queuing for access.

Door supervisors will ensure that patrons/customers will not congregate outside the premises and to control noise levels so as not to disturb nearby residents.

The premises shall support the Bath Street Marshal Scheme.

Free drinking water to be available at all times.

Seats to be available to accommodate 30% of the maximum capacity of 200 persons, i.e. 60.

On any day that the premises trades for the sale of alcohol beyond 23.00 hours, drinks will be decanted into toughened or plastic glasses.

Customers carrying open bottles or glasses will not be permitted to enter the premises at any time.

Customers are not permitted to take open containers of drinks from the premises.

A poster to be displayed warning customers that if they act in an inappropriate manner they could be barred from all licensed premises in the vicinity who operate the Barsafe Scheme.

Adequate and appropriate first aid equipment and materials to be available on the premises at all times.

At least one trained first aider to be on duty at all times when the premises are open to the public.

An electrical inspection to be carried out annually and the appropriate NICEIC or ECA certificates to be sent to the Licensing Authority.





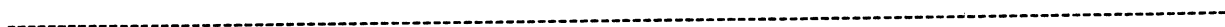
If officers of the Council witness noise from amplified music at a level that causes unreasonable disturbance to the occupants of any premises in the vicinity, then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.

Any noise limiter installed shall be set at a level approved by the Council's Environmental Health team within one month of receipt of notification of the requirement.

Doors and windows to be kept closed whenever regulated entertainment is carried on and in any event after 23.00 hours.

Prominent notices to be displayed on the premises requesting patrons to respect the needs of local residents, and to leave the area quietly.

The placing of bottles into receptacles outside the premises is only permitted to take place between the hours of 09.00 and 17.00.



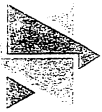
**Annex 3 – Conditions attached after a hearing by the licensing authority**



**Annex 4 – Plans**

As submitted with application.





## Part B

## Premises Licence Summary

Premises Licence Number

07/02480/LAPRE

## Premises Details

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

The Weir Lounge  
Spring Gardens Road  
Bath  
BA2 4PW

**Telephone number** 01225 447187

**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 (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 03:00

**Performance of Live Music (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Performance of Recorded Music (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 03:00

**Other Entertainment within Act (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Facilities for Dancing (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 03:00

**Facilities for Making Music (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Facilities for Other Entertainment (Indoors only)**

Monday to Saturday 10:00 - 04:00  
Sunday 10:00 - 23:00

**Late Night Refreshment (Indoors only)**

Monday to Saturday 23:00 - 04:00  
Sunday 10:00 - 03:00

**Non Standard Timings**

From opening time on 31<sup>st</sup> when this date falls on a Sunday, to closing time on 1<sup>st</sup> New January

**The opening hours of the premises**

Monday to Saturday 10:00 - 04:30  
Sunday 10:00 - 03:30

From normal opening time on New Year's Eve until normal opening time on 1 January.

**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, (registered) address of holder of premises licence**

Mr Darius Hassan Mosavi  
40 Greenbank Gardens  
Weston  
Bath  
BA1 4EE

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

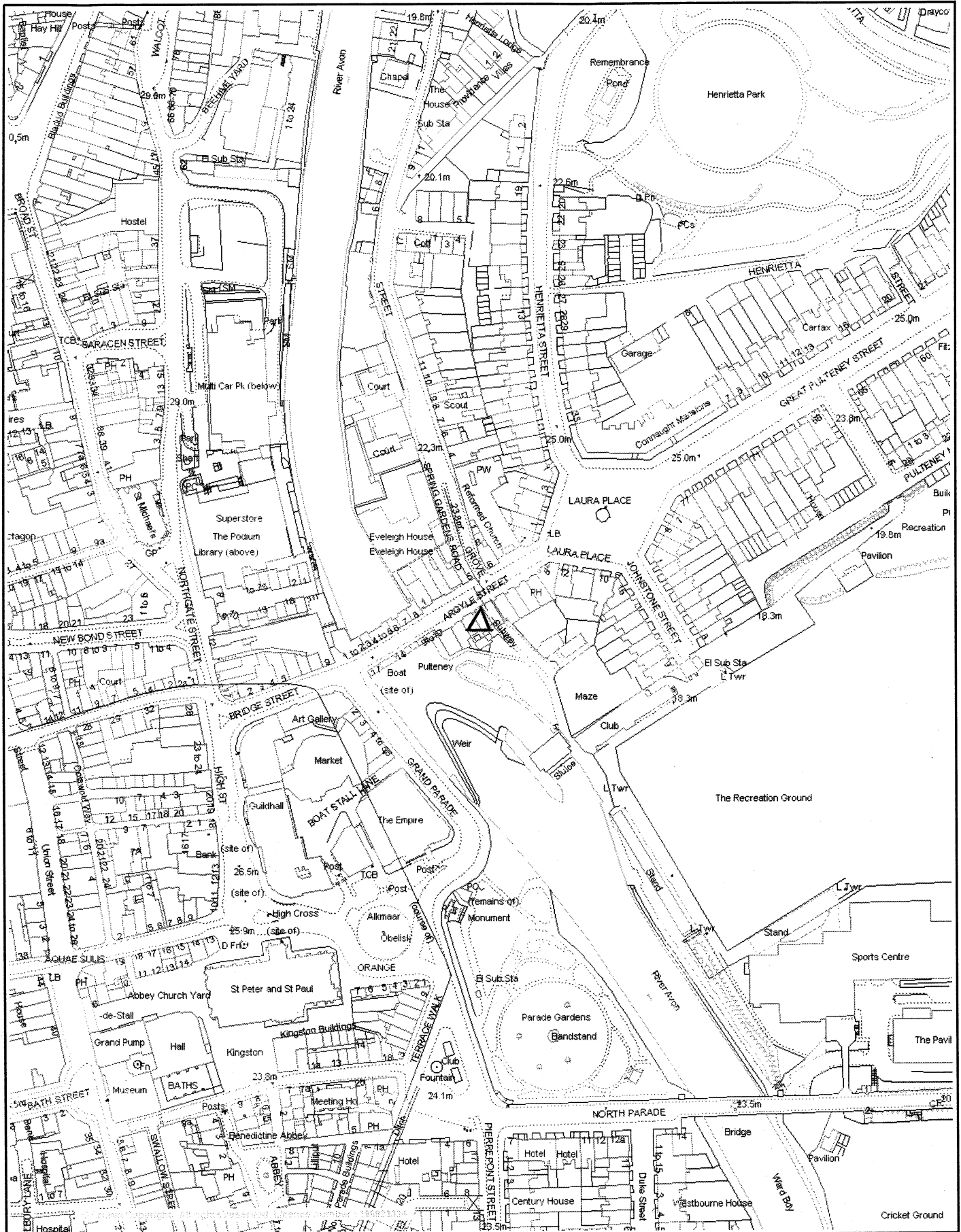
Registered Business Number - Not applicable

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

Mr Darius Hassan Mosavi

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

As per Operating Schedule at Annex 2.



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

**The Weir lounge**

Scale 1/2584  
 Date 1/9/2010  
 Centre = 375236 E 164961 N  
 Drawn by:  
 Terrill Wolyn







ENVIRONMENTAL SERVICES
<b>ANNEX 0</b>
23 AUG 2010
Post Log No: CC/AB.213395
Receipt No: <del>.....</del>
CH/CA £ <del>.....</del>

**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	Steven Mildren
Job Title	Police Inspector
Postal and email address	Bath Police Station Manvers St. Bath.
Contact telephone number	01225 8462475

Name of the premises you are making a representation about.	Weirlounge.
Address of the premises you are making a representation about.	1 Spring Gardens, Bath.

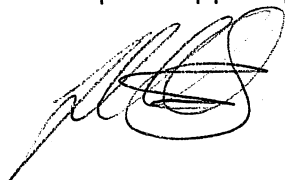
Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	Yes	The Weirlounge is a late night entertainment venue situated to the north east of the city centre on the bank of the river Avon close to Pultney Bridge. Weirlounge is one of the busiest late night venues in terms of reports of alcohol crime, disorder, and anti social behaviour. The attached list summaries these incidents since June 2009. Many occur as late as 0330hrs. A steady increase in the number and serious nature of incidents over the past 12 months has been noticed. Patrolling Police officers and officers attending incidents at the premises have also noticed an increase in non reported disorder, primarily due to queuing to enter and at closing time, but also to a lesser extent during opening hours. Customers using the adjacent restaurants have reported feeling threatened and intimidated by the large numbers of revellers, and reports have been made that patrons have actually been threatened with violence when attempting to

		<p>pass through the crowd. Patrons leaving Weir Lounge cause disorder in the immediate vicinity, and residents complain of being disturbed by late night disorder on the streets. The variation seeks to remove the condition that only 200 persons are allowed on the premises at one time. This was offered in the operating schedule to further the crime and disorder objective and was a significant factor of the police not making representations at the time of transition. The premises at that time had a history of crime and disorder and it was a consideration that control could be maintained with that number of patrons restricted to 200. The police view is that any increase in this number would increase the already significant incidents of crime and disorder and also add to the resident's complaints of local anti social behaviour and would seriously undermine the crime and disorder objective.</p> <p>The Police note that the operating schedule is totally silent in respect of any measures that have been considered by the applicant when making an application within a cumulative impact area</p>
Public safety	Yes	The removal of the condition would have a significant effect on public safety ( see statement of P.S. Daniel Smith.)
To prevent public nuisance		
The prevention of harm to children		

<p>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.</p>	<p>The Police do not consider there are any conditions that would significantly lessen the impact of this conditions being removed, and would recommend that the application be refused.</p>
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N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed:



Date:

16/8/10

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](mailto:licensing@bathnes.gov.uk)

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

## THE WEIRLOUNGE...VARIATION APPLICATION

1. Letter to Darius Molsavi ( history of licence)
2. Incidents at the premises
3. Statement of Sergeant Daniel Smith.

**Environmental Services**

9-10 Bath Street, Bath BA1 1SN  
www.bathnes.gov.uk

**Date:** 1 July 2010  
**Our ref:** 07/02480/LAPRE  
**Direct line:** (01225) 477531  
**Fax:** (01225) 477596  
**Email:** [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)

Mr Darius Mosavi  
The Weir Lounge  
Spring Gardens Road  
Bath  
BA2 4PW

Dear Mr Mosavi

**Licensing Act 2003****The Weir Lounge Spring Gardens Road Bath BA2 4PW**

I am writing to confirm my visit to the premises at 02.40 hours on 4 June and our follow up meeting at the Licensing Office at 15.00 hours on 10 June. Firstly I would like to thank you for taking the time to speak with me during the visit and for making time to meet with me the following week.

At the time of the visit there were 482 customers inside the premises which significantly exceeded the capacity limit of 200 persons in total which is set out on the premises licence. Your doorstaff were under the impression that the capacity limit was 500 and I understand that this is the figure you believed to be correct.

There has been some confusion regarding the capacity limit for some time which has presumably resulted from different advice being given to you. The premises licence states that the limit is 200 persons, Avon Fire and Rescue have told you that it is safe to have a maximum of 375 people and you have also received independent advice that suggests you may have up to 500 people. In addition I understand that your independent advisor has told you that capacity limits on premises licences no longer apply due to a change in law.

I am concerned about the independent advice that you have received as it is simply not accurate and it undermines clear advice that has been given to you by the lawful enforcing authorities, ie us and Avon Fire and Rescue.

For your information there was a change of law in 2007, the "Regulatory Reform (Fire Safety) Order 2005", which meant that it was no longer necessary for premises licences to include conditions about fire safety. Certain conditions which clearly only related to fire safety matters became irrelevant and no longer applied. However this did not automatically include capacity limits because they do not just relate to fire safety matters. Capacity limits may also be in place for other public safety reasons and/or in order to prevent crime and disorder.

Avon Fire and Rescue have assessed your premises and advised you that, from a fire safety point of view, it is safe for 375 persons to be present. They have

recently confirmed to you in writing that 500 people is excessive and have reiterated it should be 375.

However, your licence states that you may only have 200 people in the premises. In order to show you why the condition is still relevant we discussed the history of the premises and how this condition came to be on the licence. The history is as follows:

In August 2005 you applied to convert (under the Grandfather Rights provision) and then at the same time vary the existing permissions as was required by the Licensing Act 2003. The premises was then known as The Playground and did not have the extended area now used as the lobby. At the time of this application you possessed, under the Licensing Act 1964, a Justices' On Licence and a Special Hours Certificate for the sale of alcohol - neither of which specified any capacity limits for the premises. You also held, under the Local Government Miscellaneous Provisions Act 1982, a Public Entertainment Licence which did specify a capacity limit of 200 persons. I am sure at this stage this capacity would have been set based on fire safety advice.

The variation element of this application did not request to remove the 200 person capacity limit but instead reinforced it within the application by stating "We have a capacity limit of 200 to prevent overcrowding which could lead to crime and disorder, and compromise safety." The capacity limit was therefore detailed on the premises licence which was issued on 16 November 2005 and valid from 24 November 2005.

On 18 October 2006 we received two new premises licence applications from you, one for a property above the nightclub which was intended to be used as a restaurant and is named Food For Thought, the other for the nightclub. The covering letter explained that alterations would be taking place at the Playground nightclub comprising of a new entrance and reception foyer and the installation of a new bar servery. Also the foyer would give access to the new restaurant which would be licensed separately. The letter also confirmed that the premises would be changing its name to QT's Night Club.

The operating schedule of the new premises licence application offered the capacity limit of 200 (duplicating exactly the wording given on the previous application above). The condition was detailed in the general section for steps to promote the licensing objectives and also referred to in the sections relating specifically to the prevention of crime and disorder and public safety. Consequently when the premises licence for QT's Night Club was issued on 17 November 2006 we included the maximum capacity of 200 persons on annex 2 for conditions consistent with the operating schedule.

On 2 October 2007 we received an application to vary the premises licence (at this point known as The Weir Lounge) to increase the capacity limit from 200 to 375. The application was drafted by Marcus Baker and I had checked it for him prior to submission. I understood that Avon Fire and Rescue Service had agreed a new safe limit and had explained to you that if you wanted to make use of this larger capacity then you would first need to have the condition stating 200 persons max removed from the premises licence.

The variation application only asked for the removal of the 200 person capacity condition and offered a new maximum capacity limit of 375. (There were no requested changes to the hours or activities.)

There were however 27 objections from local residents and also the Police to the request to increase the capacity. Residents expressed concerns that an increase in the club's capacity, if granted, would result in an increase in the "appalling behaviour" exhibited by patrons of the establishment. They raised a variety of crime and disorder/anti-social behaviour issues such as vandalism to vehicles, damage to property, violence, noise and people urinating and defecating in the doorways within the vicinity of the premises.

The Police representation expressed concern that an increase in the capacity from 200-375 persons would undermine the crime and disorder objective and highlighted that the area was already subject to late night crime, disorder and anti-social behaviour (illustrated by incident logs supplied). The Police set out two conditions (relating to the use of doorstaff and improved outside lighting) that they felt were necessary should the variation application be granted.

A hearing had been scheduled for Monday 26 November 2007 but on Friday 23 November you withdrew the variation application. The capacity limit of 200 persons therefore stayed on the licence. By this point it was clear that the condition attached to the licence is not for fire safety reasons but for crime and disorder ones.

I understand that the capacity limit was discussed at the recent review hearing and your representative suggested the condition was no longer relevant and could be removed from the licence. As I have explained, the condition is still relevant because it relates to crime and disorder issues not fire safety ones. Therefore it wasn't an option to consider having the condition removed from the licence during the review. A review is not an opportunity for the licence to be improved, it is to decide if any further restrictions need to be added or any hours/permissions removed.

I realise that one of the conditions imposed by the Committee at the hearing may also have caused some confusion about this. The Committee imposed a condition which gave the required ratio of doorstaff to customers and gave examples of this using numbers of up to 400 patrons. The wording of this is confusing but it was intended as an example and it doesn't change the fact that the licence states clearly a maximum capacity of 200.

If you do wish to increase your capacity (up to the safe number that has been given by Avon Fire and Rescue) then you will need to apply to vary your licence (as you did in 2007). I strongly recommend that before you make an application to do this you talk with the Police to see if any of their concerns can be resolved.

I hope that our meeting helped you to understand why the condition is attached to your licence. I also hope that you will now ensure that the limit is not exceeded. As with any condition attached to the premises licence it must be complied with at all times the licence is in use. Please be aware that if the limit is exceeded again

then it would be an offence under section 136 of the Licensing Act 2003 and that we could take further action.

If you have any questions please feel free to contact me on 01225 396719.

Yours sincerely

Emma Stoneman  
Licensing Officer



Weir Lounge: reported incidents since 1<sup>st</sup> June 2009

Date	Time	Caller	Details
21.6.09	2156	Door staff	Females fighting outside club
21.6.06	0311	Door staff	Large number of people let out of the club, fighting. Dispersed prior to Police attendance.
28.6.09	0130	Victim	Assault by doorman. Victim declined to assist police or have the matter investigated.
21.8.09	0213	Ambulance control	Report from ambulance of male "bottled" following incident inside club. 11 stitches required. Negative reaction from staff who stated that as it had happened outside the club, it was not their responsibility. Unhelpful as to CCTV.
13.9.09	0334	MOP	Male ejected earlier, now o/s waiting to retaliate with the manager
13.9.09		Victim	Criminal damage to owner's car, and common assault. Problems with CCTV and witnesses during the investigation.
18.9.09		Police on Patrol	S9 Witness statement from PS 3198 STELL re. Drunken underage youths, following an event at the Weir Lounge. No log, as incident discovered by patrolling officers.
8.10.09	0227	Victim	Assault: victim slapped and punched in face. ABH (broken nose) Owner and staff unhelpful as to CCTV. S.9 from PC252 RUSSELL attached.
11.10.09	0053	Victim	Caller complains about rough treatment and abuse from door staff, which happens all the time. Caller does not sound drunk.
31.10.09	2354	MOP	20 persons shaping up for a fight, door staff doing nothing about it. Left prior to police arrival.
1.11.09	0257	Patrolling Police	Male with broken nose discovered. Has been struck with a crutch. Door staff said 20 persons had been fighting. Problems with contacting staff during follow up to 2x assaults.
15.11.09	0302	Victim	Victim assaulted in club 30 minutes ago: bleeding profusely from lips and believed broken nose. He says he has drunk 7-8 pints. No apparent problems with viewing CCTV, although coverage poor according to Guardian log of enquiries.
21.11.09	2245	Victim	Criminal damage to car outside Weir Lounge: victim has detained offender.
22.11.09	0900	Victim	Victim assaulted in premises by 2 girls aged 16 and 17 causing injuries.
27.11.09	0023	Police	Licensing check following report that club is using unqualified door staff. Staff agreed to close early as they have no door staff. Police remained in area.
28.11.09	2317	Door staff	Door staff request assistance following aggressive persons being ejected and doorman being assaulted, although not serious.
30.11.09	0341	Staff	2 Assaults happened an hour ago. Ambulance at scene. No complaints made at scene, but one victim later complained of theft of phone.
4.12.09	0309	Victim	Aggrieved reports being ejected and assaulted by door staff. Enquiries reveal aggrieved was drunk, having consumed 4 pints and ¼ pint of whisky.
5.12.09	2304	Staff	People causing a nuisance and getting rowdy, Police assistance requested. All quiet on arrival.
13.12.09	0347	Local business	Report from local bar of youths throwing bins around outside Weir Lounge. Area search, no trace.

24.12.09	2318	Bar Staff	Report of problems in the queue from a troublesome male. Advice given to male who had been refused entry.
25.12.09	0013	Ambulance	Assault in club. Male kicked in head and unconscious. Problems during investigation in attempting to get CCTV.
28.12.09	0145	Victim	2 males assaulted outside premises, one aged 16 believed to have a broken nose as a result of being kicked about the head. When Police attended they refused to identify themselves but later attended RUH for treatment.
28.12.09	0224		Later report of 3 serious assaults: fractured jaw etc. Log of enquiries refers to several 16 year olds drinking alcohol in club, without having to produce proof of age. Ongoing investigation. Problems with attitude of manager and also with CCTV.
3.1.10	0228	Ambulance	Male assaulted outside and unconscious. Refused to confirm what had happened.
17.1.10	0408	Victim	Male assaulted outside. Victim obnoxious and refused to provide further details.
23.1.10	0227	Door staff	Aggressive male refused entry, threatened to return with knife, and to burn down club. Had left scene on Police arrival.
24.1.10	0027	Door staff	2 calls: Door staff asking for assistance with violent male detained: arrested for Public Order.
28.1.10	0243	Victim	Assault inside club, victim punched in face twice but then failed to co-operate with enquiries.
29.1.10	0306	Victim	Male arrested from o/s club for Public Order and possession of Controlled drugs, having called police to complain of theft of phone by door staff. They had detained him due to reports that he was openly sniffing drugs in the toilet.
5.2.10	0141	Door staff	2 x assaults on dance floor, one male with a chipped tooth. CCTV poor quality.
11.2.10	0045	Door staff	Door staff needing assistance to deal with fighting outside, but no complaints of assault were made.
<b>14.4.10</b>			<b>LICENCE REVIEW</b>
1.5.10	1226	Anon	Angry male person who has been refused entry made several calls about a door man abusing his powers, and making allegation that Weir Lounge is allowing entry to under age persons and permitting drug abuse on premises.
7.5.10	0145	Victim	Victim and friend making complaint about being assaulted outside but later admit that they were intoxicated and did not pursue a complaint.
28.5.10	0310	Door staff	Door staff asking for help to deal with violent male who they are restraining outside the club.
30.5.10	0113	Witness	Female assaulted on dance floor by another female, major nosebleed, offender being restrained by door staff. No complaint of assault.
30.5.10	0130	Victim	Male was glassed to head by his ex-partner. Later allegation of assault made by ex-partner.
4.6.10	0230	PS Smith & Emma Stoneman	Joint enforcement visit: overcrowding revealed.
6.6.01	0259	Witness	Violent assault on female by male in toilets. Male attempted to force drugs into her mouth. Police attended and male detained.
6.6.10	0300	Police Officer	Police officer assaulted and verbally abused by female offender who had been ejected from club in a drunken state. Female arrested and charged.

11.6.10	0243	Victim	Male victim alleging assault by door staff outside premises.
17.7.10	0300	Female victim	Alleged assault by bouncer who threw her out and sat on her head causing injury. She had been fighting earlier in club. She failed to properly report the incident.
17.7.10	0359	MOP	Disorder outside premises, callers' sister assaulted, and male has just pulled a knife on him. Police attended, caller could not be found.
17.7.10	0420	CCTV monitoring	2 males have assaulted 2 females outside premises, one male hitting female with a belt.
24.7.10	0124	Ambulance	Assault in club, several persons involved in fight. Male has hit female who is lying on floor. Offender ejected, victim conveyed to RUH.



RESTRICTED (when complete)

MG11T

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of Daniel SMITH

Age if under 18 Over 18 (if over insert 'over 18') Occupation Police Officer

This statement (consisting of 29 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 4/6/10

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Sergeant 3636 Daniel SMITH of the Avon and Somerset Constabulary, currently stationed at Bath Police Station.

At about 2.30am on Friday 4<sup>th</sup> June 2010 I was on uniform duty when I attended Weir Lounge, Bath. I attended with Emma STONEMAN, Licensing officer, Bath and North East Somerset Council, Inspector 2100 TREWEEK and PC 1550 O'DONNEL.

We had walked down side steps to the club which involved passing an outside area of the club. As I passed the outside area I immediately noticed a large amount of people contained within the wooden fenced off area. I would estimate the number of people to be about 100 – 120.

Stood outside the fenced off area on a public footpath was a member of door staff of the club. He had his SIA card displayed and gave his details to Emma STONEMAN.

We then walked around to the main entrance of the club.

Two members of door staff were stood there. Both displaying SIA cards. Their surnames were EVERY and SMITH.

I noticed EVERY was holding two counters, one in each hand. I asked to look at them and he produced them gingerly. One read 1034 and the other read 552. He explained that

Signature:

Signature witnessed by:

Continuation of Statement of: Daniel SMITH

1034 was the number of people that they had had through the door and 552 was the number of people who had left. According to their counters, it meant that the premises currently had 482 people in. Emma STONEMAN asked the door staff how many there were allowed to admit.

SMITH and EVERY stated they were permitted to allow 500 people in.

The till and inner door appeared to be under the control of the "organisers". These were the people who had organised the night and were not part of the club.

I entered the premises and attempted to walk onto the dance floor. The premises was absolutely jammed with people and we could not make our way through without physically moving others out of the way. Whilst stood on the edge of the dance floor I was made aware of a female who appeared to be unconscious on the floor. I could not get to her due to the amount of people. I tried to summons assistance from club staff but there were none in the vicinity. Whilst trying to raise some assistance, a group of people had lifted the female off the floor and carried her out of the club. She looked unwell and so an ambulance was called.

A short time later Darius MOUSAVI, attended to us and I listened to a conversation between Emma STONEMAN and him.

MOUSAVI disputed the amount of people that he was allowed to admit, but Emma STONEMAN clearly told him that his licence allowed 200.

He kept saying he was confused so I spoke to him directly and told him that the only number he needed to remember was 200. That was the maximum number of people that

Signature:

Signature witnessed by:

**RESTRICTED (when complete)**

MG11(CONT)

Page No 3 of 3

Continuation of Statement of: Daniel SMITH

were allowed into the premises. He acknowledged this and stated he would adhere to this until such time that his licence conditions were changed.

He also agreed to meet Emma STONEMAN at the Council offices to further discuss the licence and it's conditions on Monday.

He agreed to ensure that the night was safely managed and accepted that he must be closed by 04.30am.

We examined his CCTV which had been changed recently and appeared satisfactory. He stated that he was able to burn off images quickly if required by the police.

We were unable to safely complete the full licensing checks due to the amount of people in the club.

We then left.

Signature:

Signature witnessed by:

2006/07 (1)

**RESTRICTED (when complete)**





**LICENSING ACT 2003**

**INTERESTED PARTY REPRESENTATION**

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

**I/We object to the following application:**

Application number:	10/02913/LAPRE
Applicant's name:	Mr Darius Hassan Mosavi
Premises name and address:	The Weir Lounge Spring Gardens Road Bath BA2 4PW
Application for a:	Variation - To remove the conditions.

**Objector Details:**

Objector's Name:	Ian Perkins and Michael Brett on behalf of Tara
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises.	11 Pierrepont Street Bath BA1 1LA
Organisation name if applicable:	The Abbey Ward Residence Associatio

**Objection Details:**

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

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

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

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

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

The Abbey Residents Association has about three hundred members including a number in the vicinity of the Weir Lounge and seeks to improve conditions for those living in the city centre.

We are frankly astonished to see this application. The limit on numbers was set as we understand it to ensure that numbers of people at this venue remained at levels where they could be properly managed to avoid crime, disorder, public nuisance and safety breaches.

Since this limit was set these premises have been the subject of constant complaints from residents who suffer the nuisance caused by drunken revellers drawn to the area by these premises who regularly use cheap drinks offers and drink based promotions to attract customers. See examples from their Facebook site below:

WeirLounge Bath TONIGHT MASHED WEDNESDAYS TOP TUNES AND CHEAP DRINKS  
WeirLounge Bath MID WEEK MAYHEM TONIGHT AT MASHED MASHED WEDNESDAYS  
@ The Weir Lounge SEE YOU THERE

WeirLounge Bath ★ ☆ LUSH PRESENTS THE DOUBLES SATURDAY ★

☆☆ANY★HOUSE★ DOUBLE★AND★MIXER★FOR★£2.50★★FREE GUESTLIST  
TEXT YOUR NAME TO 07867 930436

WeirLounge Bath TONIGHT GET SMAHED AT MASHED GRADUATION THEME PARTY  
AT THE WEIR LOUNGE

The police have catalogued a list of licensing breaches, disorder, drunkenness and violence all of which suggest severe problems with the management of these premises.

If any conclusion can be drawn from this it is that the number of persons allowed to use these premises was set too high and should be lowered.

We ask the committee to refuse this application.

[Empty rectangular box for representation content]

**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

Ian Perkins

Date

26.8.10

Contact telephone number(s)

01225 471939

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

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 Ian Perkins and Michael Brett

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 Team  
Public Protection  
9-10 Bath Street  
Bath  
BA1 1SN

12A Northanger Court, Grove Street, Bath BA2 6PE, United Kingdom.  
Telephone no. 01225 334242  
E-mail: [wwilson746@btinternet.com](mailto:wwilson746@btinternet.com)

Environmental Monitoring & Licensing  
9-10 Bath Street  
Bath BA1 1SN

ENVIRONMENTAL SERVICES	
25 AUG 2010	
Post Log No:	CD/AB.213495
Receipt No:	.....
CH/CA #:	.....

Dear Sir/Madam

**Application for a licensing extension for the Weir Lounge, Spring Gardens Road, Bath**

On behalf of the owners and residents of Northanger Court, I am writing to express considerable concern about the application to increase the capacity of the Weir Lounge.

There have recently been specific events in Grove Street late at night that have disturbed and offended residents of Northanger Court.

On Sunday 22<sup>nd</sup> August, there was a group between Northanger and Caxton Courts talking loudly between 03.10 and 03.25hrs. This is the latest example of anti-social noise disturbance. Similar noisy disturbances, that interrupt sleep, occur regularly in the early hours of Fridays, Saturdays and Sundays.

There was a very noisy group about six weeks ago immediately outside the entrance to Northanger Court who were threatening to start a fight.

Two residents have recently encountered people urinating late at night on the small shrubbery between Caxton and Northanger Courts. There is also regular evidence of vomiting on the pavements. Added to these problems there have been instances of serious damage to cars parked on Grove Street. These incidents include wilful damage to wing mirrors, scratching and denting. Also some three years ago youths were jumping from car to car along roofs and bonnets, an incident that involved the police.

We do not wish to stop people having fun but continue to be concerned that the current licensing arrangements for the Weir Lounge promote anti-social behaviour and crime and disorder that adversely impact Northanger Court residents. A proposal to increase the capacity of the Weir Lounge will inevitably exacerbate the problem of anti-social behaviour and crime and disorder.

**Therefore we request that you do not permit any increase of the capacity for the Weir Lounge and we hope that the Licensing Authority will pay full attention to the report and findings of the police.**

Should you wish to publish this letter, I have no objection.

Yours faithfully

Dr. William Wilson  
Chairman – Northanger Court Ltd.

