

# Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	<b>Thursday 9 August 2012</b>	
TITLE:	Application to Vary a Premises Licence for <b>The Trinity Inn</b> , 49 James Street West, Bath BA1 2DA	
WARD:	Kingsmead	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Site Plan		
Annex D Police Representation		
Annex E Correspondence 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 The Trinity Inn, 49 James Street West, Bath BA1 2DA (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 detailed in Annex B, permits the following licensable activities:

1) **Sale of Alcohol** for consumption both on and off the premises between the following hours:

Monday to Saturday                      10:00- 00:00 midnight

Sunday    12:00 – 23:30

- 2) **Regulated Entertainment** by way of the Performance of Dance, the Performance of Live Music, and Other Entertainment within the Act, indoors only, between the following hours:

Monday to Saturday                      11:00 – 23:00

- 3) **Regulated Entertainment** by way of Recorded Music, indoors only, between the following hours:

Monday to Saturday                      10:00 – 00:00

Sunday                                        12:00 – 22:30

- 4) **Non-Standard Timings**

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend,

A further additional hour every Christmas Eve and Boxing Day.

From normal activity start time on New Year's Eve until normal activity finish time on 1 January.

- 5) The **Opening Hours** of the premises are:

Monday to Saturday                      10:00 – 00:30

Sunday                                        12:00 – 00:00 midnight

- 6) **Non-Standard Opening Times**

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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

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

ANNEX 1 (mandatory)

- 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;

### **From 6 April 2010**

#### Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

- 1. (1) The responsible person shall take all responsible steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 15 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not reoccurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.  
**NB This condition does not apply to off sales.**

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability). **NB This condition does not apply to off sales.**

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. **NB This condition does not apply to off sales.**

### **From 1 October 2010:**

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to premises in relation to the sale of alcohol.(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark .

5. The responsible person shall ensure that (a) where any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whiskey: 25ml or 35ml; and (iii) still wine in a glass: 125ml; and (b) customers are made aware of the availability of these measures. **NB This condition does not apply to off sales.**

ANNEX 2 (consistent with operating schedule)

- CCTV installed and maintained to cover the external drinking area. Recordings to be kept for a minimum of one month.
- The outside drinking area not to be used after 22:00 hours.
- No unaccompanied children allowed on the premises.
- No children allowed on the premises after 18:00 hours.
- No striptease, nudity or restricted films allowed on the premises.

ANNEX 3 (attached after hearing)

- The licence shall be subject to the condition that the entrance doors will be locked, and there will be no new admissions to the premises after 23:00 hours from Monday to Saturday and 22:30 hours on Sunday.
- Good Friday opening hours shall be 12:00 - 00:00

4.3 The **Variation** application seeks to:

**extend** the terminal hour in respect of Live Music, Recorded Music, Performance of Dance, Anything of a Similar Description and the Sale of Alcohol on Thursday, Friday and Saturday to 03:00 hours the following morning;

**extend** the closing time on Thursday, Friday and Saturday until 03:30 hours the following morning to allow 30 minutes drinking up time after the last proposed sale of alcohol;

**permit** the sale of alcohol from 10:00 hours on a Sunday morning;

**permit** opening from 10:00 hours on a Sunday

**add** the provision of Facilities for Making Music on Thursday, Friday and Saturday from 11:00 hours to 03:00 hours the following morning (indoors only);

**add** the provision of Facilities for Dancing on Monday to Wednesday from 11:00 hours to 23:00 hours and on Thursday to Saturday from 11:00 hours to 03:00 hours the following morning (indoors only);

**add** Late Night Refreshment on Monday to Wednesday until 00:00; on Thursday to Saturday until 03:00 hours the following morning and on Sunday until 23:30 hours;

**remove** the condition the outside drinking area not to be used after 22:00 hours;

**remove** the condition no children allowed on the premises after 18:00 hours;

**remove** the condition the entrance door will be locked, and there will be no new admissions to the premises after 23:00 hours from Monday to Saturday and 22:30 hours on Sunday;

**add** the conditions offered by the applicant as detailed in the operating schedule;

**amend** the non- standard timings in respect of licensable activities to read:

On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00 hours

On Christmas Eve and Boxing Day until 03:00 hours

From the start of permitted hours New Year's Eve until the end of permitted hours New Year's Day; and

**amend** the non- standard opening times to read:

On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends to 03:30 hours

On Christmas Eve and Boxing Day until 03:30 hours

FOR THE SAKE OF CLARITY PLEASE NOTE THAT THE ONLY OUTSIDE AREA THIS PREMISES HAS IS THE HIGHWAY.THE PREMISES HAS BENEFITED FROM A TABLES CHAIRS PERMIT TO ALLOW USE OF THIS AREA.

- 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 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9, 10, 16, 17, 18, 19, 20, 23, 24, 28, 30, 33, 35, 36, 37, 41 to 44 inclusive of the policy.
  - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised April 2012)
  - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 4.11 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.
- 4.12 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, the Director of Public Health and the Child Protection Agency.
- 4.13 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.
- 4.14 A **representation** has been received from the **Police** expressing concern that the applicant's proposals will undermine both the prevention of crime and disorder and the prevention of public nuisance objectives, especially as the premises is situated within Bath's Cumulative Impact Area (Annex D).

The Police have proposed the following conditions to address their concern:

- 1 A digital CCTV system will be fitted and maintained in consultation with the Police. The recordings will be of evidential quality and kept for a minimum of 31 days. They will be time and date marked and made available to the police on request. Notices are to be displayed at the entrance to the premises advising that CCTV is in operation.
- 2 Where a risk assessment by the DPS identifies as necessary, and/or at the written request of the police or licensing authority, door staff will be on duty to supervise all patrons entering and leaving and to ensure the good order of the premises.
- 3 There will be no new entry to the premises after 00:30 each day.
- 4 There will be no live or recorded music after 12:00 midnight on any day.

- 5 All windows and doors (except for entry and departure) will remain closed during the performance of live music.

4.15 The applicant has agreed to the conditions and timings proposed by the Police (Annex E).

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

## **5 RISK ASSESSMENT**

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

## **6 EQUALITIES**

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

## **7 CONSULTATION**

7.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

## **8 ISSUES TO CONSIDER IN REACHING DECISION**

8.1 When reaching a decision, the licensing authority must carry out its functions with a view to promoting the four licensing objectives.

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

## **9 ADVICE SOUGHT**

9.1 The Council's Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

<b>Background papers</b>	Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003; Licensing Act 2003 (Hearing Regulations) 2005, B&NES Statement of Licensing Policy.
<b>Contact person</b>	Terrill Wolyn, Senior Licensing Officer







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

**PLEASE READ THE FOLLOWING INSTRUCTIONS**

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** Punch Taverns Plc  
*(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> 05/02903/LAPRE
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Trinity Inn 49 James Street West			
<b>Post town</b>	Bath	<b>Post code</b>	BA1 2DA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£14600

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	01283 501 600		
<b>E-mail address (optional)</b>	n/a		
<b>Current postal address if different from premises address</b>	Jubilee House Second Avenue		
<b>Post Town</b>	Burton Upon Trent	<b>Postcode</b>	DE14 2WF

ANNEX A

**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)

To permit live music, recorded music, performance of dance, karaoke and the sale of alcohol Thursday to Saturday until 03:00h (current permission until 00:00h).

To permit the sale of alcohol on a Sunday from 10:00h.

To permit the provision of facilities for making music and provision of facilities for dancing Thursday to Saturday 11:00h until 03:00h (currently no permission).

To permit late night refreshment Monday to Wednesday 23:00h until 00:00h, Thursday to Saturday 23:00h until 03:00h and Sunday 23:00h until 23:30h (currently no permission).

To open the premises from 10:00 on a Sunday.

To maintain an additional thirty minutes drinking up time on top of the last permitted sale of alcohol.

Replace the condition "The outside drinking area not to be used after 22.00 hours" with "No consumption of alcohol or licensable activities to take place outside after 23:00h".

Replace the condition "No children allowed on the premises after 18.00 hours" with "No children allowed on the premises after 21:00h".

Remove the condition "The entrance door will be locked, and there will be no new admissions to the premises after 23.00 hours from Monday to Saturday and 22.30 hours on Sunday".

Add the condition "Signs will be displayed asking customers to leave the premises quietly and to respect the neighbours".

Add the condition "The premises will be a member of the local pubwatch scheme".

Add the condition "A member of staff will supervise the entrance and exit of customers to and from the premises during busy times".

Add the condition "Facilities will be provided to enable customers to dispose of cigarette ends".

Add the condition "Taxi's will be called for customers upon their request. A preferred taxi service will be used and they will be asked to turn off their engines and not to use the horn when waiting for customers".

All other hours, licensable activities and conditions are to remain unchanged.

**ANNEX A**

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

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

**Provision of entertainment facilities:**

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

**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"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<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**

<b>Films</b> 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"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur								
Fri						<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)		
Sat								
Sun								



C

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

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment 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 boxing or wrestling entertainment</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3) As per current licence permission.		
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur	10:00				
Fri		03:00	<b><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></b> (please read guidance note 5) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h.  On Christmas Eve and Boxing Day until 03:00h.  From the start of permitted hours new years eve until the end of permitted hours new years day.		
		10:00			
Sat		03:00			
		10:00			
Sun		03:00			

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3) As per current licence permission.	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	11:00				
Fri		03:00	<b>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</b> (please read guidance note 5) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h.  On Christmas Eve and Boxing Day until 03:00h.  From the start of permitted hours new years eve until the end of permitted hours new years day.		
	11:00				
Sat		03:00			
	11:00				
Sun		03:00			

## 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> As per current licence permission.		
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 checked="" 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	11:00		<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		03:00			
	11:00				
Sat		03:00	<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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h.		
	11:00				
Sun		03:00	On Christmas Eve and Boxing Day until 03:00h.		
			From the start of permitted hours new years eve until the end of permitted hours new years day.		

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
			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	11:00		<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	11:00	03:00			
Sat	11:00	03:00	On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h.		
Sun		03:00	On Christmas Eve and Boxing Day until 03:00h.		
			From the start of permitted hours new years eve until the end of permitted hours new years day.		

## 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 checked="" 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> Permission for customers to dance within the premises.	
Mon	11:00	23:00	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue	11:00	23:00		
Wed	11:00	23:00	<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)	
Thur	11:00			
Fri		03:00	<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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h.	
	11:00			
Sat		03:00	On Christmas Eve and Boxing Day until 03:00h.	
	11:00			
Sun		03:00	From the start of permitted hours new years eve until the end of permitted hours new years day.	



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 <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	<b>Please give further details here</b> (please read guidance note 3) Hot food and drink served on the premises.		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00				
Fri		03:00	<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) On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:00h.		
	23:00				
Sat		03:00			
	23:00				
Sun		03:00	On Christmas Eve and Boxing Day until 03:00h.		
	23:00	23:30	From the start of permitted hours new years eve until the end of permitted hours new years day.		



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			<p><b><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></b> (please read guidance note 5)</p> <p>On the Sunday of the May, Spring/Whitsun, August and Easter Bank Holiday weekends until 03:30h.</p> <p>On Christmas Eve and Boxing Day until 03:30h.</p> <p>From the start of permitted hours new years eve until the end of permitted hours new years day.</p>
Tue			
Wed			
Thur	10:00		
Fri		03:30	
	10:00		
Sat		03:30	
	10:00		
Sun		03:30	
	10:00	00:00	

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

Replace the condition "The outside drinking area not to be used after 22.00 hours" with "No consumption of alcohol or licensable activities to take place outside after 23:00h".

Replace the condition "No children allowed on the premises after 18.00 hours" with "No children allowed on the premises after 21:00h".

Remove the condition "The entrance door will be locked, and there will be no new admissions to the premises after 23.00 hours from Monday to Saturday and 22.30 hours on Sunday".

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 premises licence was sent to the Local Authority with a minor variation application submitted in April 2012.

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**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)**

As per existing licence save for the conditions requested to be removed and the below.

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

The premises will be a member of the local pubwatch scheme.

A member of staff will supervise the entrance and exit of customers to and from the premises during busy times.

Taxi's will be called for customers upon their request. A preferred taxi service will be used and they will be asked to turn off their engines and not to use the horn when waiting for customers.

**c) Public safety**

**d) The prevention of public nuisance**

Taxi's will be called for customers upon their request. A preferred taxi service will be used and they will be asked to turn off their engines and not to use the horn when waiting for customers.

No consumption of alcohol or licensable activities to take place outside after 23:00h.

Signs will be displayed asking customers to leave the premises quietly and to respect the neighbours.

Facilities will be provided to enable customers to dispose of cigarette ends.

A member of staff will supervise the entrance and exit of customers to and from the premises during busy times.

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



<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 13) Barry Richards TLT Solicitors One Redcliff Street			
<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
<b>Telephone number (if any)</b>	0117 917 7612		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> barry.richards@tltsolicitors.com			

### 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

<b>Premises Licence Number</b>	12/02014/LAPRE
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#### Part 1 – Premises Details

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>	
Trinity Inn 49 James Street West Bath BA1 2DA	
<b>Telephone number</b>	01225 400042

<b>Where the licence is time limited the dates</b>	Not applicable
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<b>Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities</b>	
<b>Sale of Alcohol</b>	
Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 23:30
<b>Performance of Dance</b>	
Monday to Saturday	11:00 - 23:00
<b>Performance of Live Music</b>	
Monday to Saturday	11:00 - 23:00
<b>Performance of Recorded Music (Indoors only)</b>	
Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 22:30
<b>Other Entertainment within Act</b>	
Monday to Saturday	11:00 - 23:00
<b>Non-Standard Timings</b>	
A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday Weekend.	
A further additional hour in to the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend.	
A further additional hour every Christmas Eve and Boxing Day.	
From normal opening activity time on New Years Eve until normal activity closing time on 1 January.	

**The Opening Hours of the Premises**

Monday to Saturday            10:00 - 00:30  
Sunday                            12:00 - 00:00

**Non-Standard Opening Times**

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour in to the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

From normal opening time on New Years 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**

Punch Taverns Plc  
Jubilee House  
Second Avenue  
Burton On Trent  
Staffordshire  
DE14 2WF

01283 501600

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

Registered Business Number - 03752645

## Bath & North East Somerset Council

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

Mr Stephen Walter Shearing  
The Trinity Inn  
49 James Street West  
Bath  
BA1 2DA

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

05/02762/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 1 May 2012



# Bath & North East Somerset Council

## 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.

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Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.  
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From 6 April 2010:

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability). NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

From 1 October 2010:

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures. NB THIS CONDITION DOES NOT APPLY TO OFF SALES.

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## Bath & North East Somerset Council

### Annex 2 – Conditions consistent with the Operating Schedule

CCTV installed and maintained to cover the external drinking area. Recordings to be kept for a minimum of one month.

The outside drinking area not to be used after 22.00 hours.

No unaccompanied children allowed on the premises.

No children allowed on the premises after 18.00 hours.

No striptease, nudity or restricted films allowed on the premises.

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

The Licensing Committee granted the licence subject to the Mandatory and Operating Schedule conditions. In addition the licence will be subject to the condition that the entrance door will be locked, and there will be no new admissions to the premises after 23.00 hours from Monday to Saturday and 22.30 hours on Sunday.

Subject also to the following times:

Sale and Supply of Alcohol

Monday to Saturday	10.00 to 00.00
Sunday	12.00 to 23.30

Opening hours -

Monday to Saturday	10.00 to 00.30
Sunday and Good Friday	12:00 to 00.00

The above times shall be in addition to the seasonal variation as applied for and set out in the Operating Schedule.

The Sub-Committee delegates power to the Licensing Officer to issue the Licence accordingly.

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# Bath & North East Somerset Council

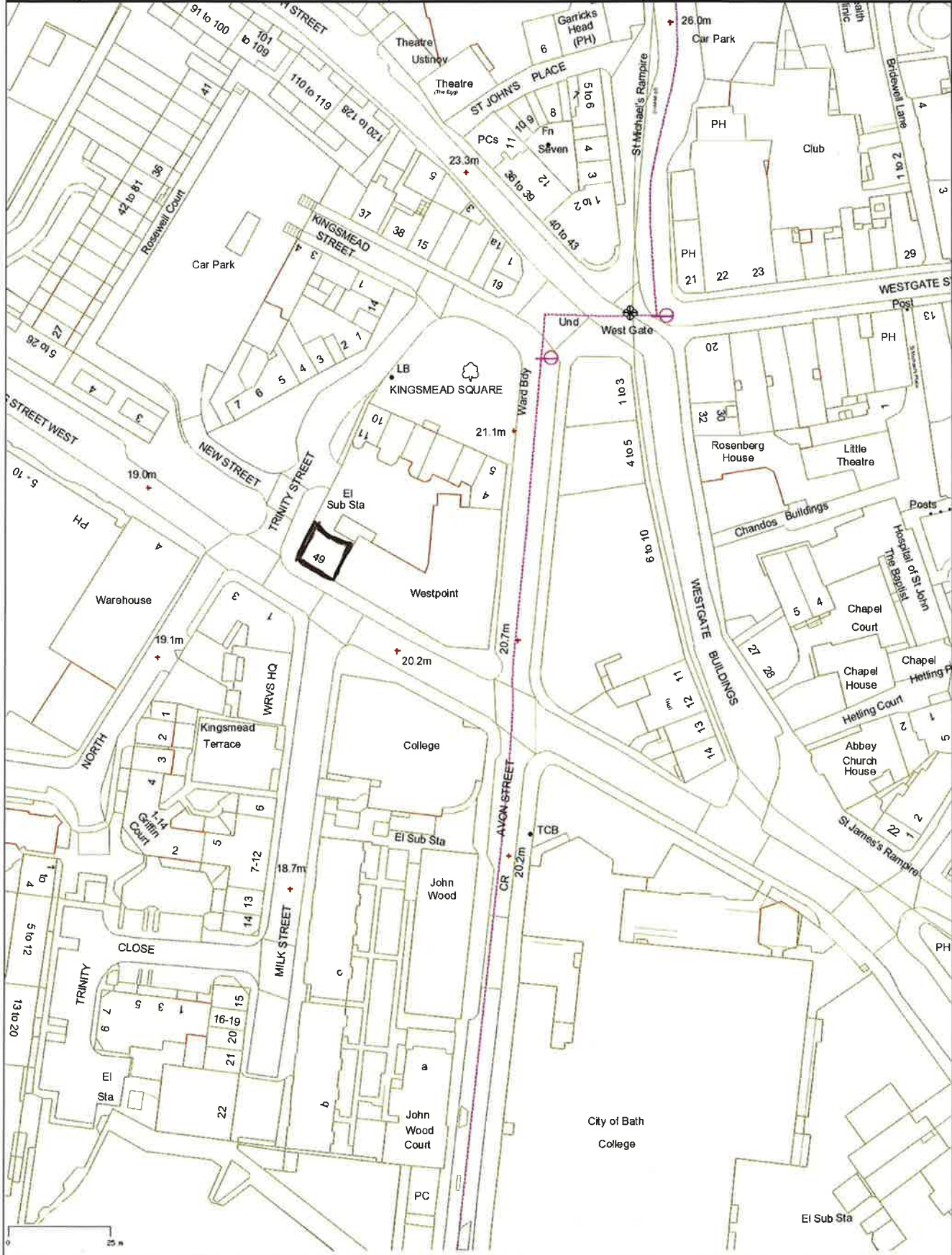
## Annex 4 – Plans

As submitted with application.

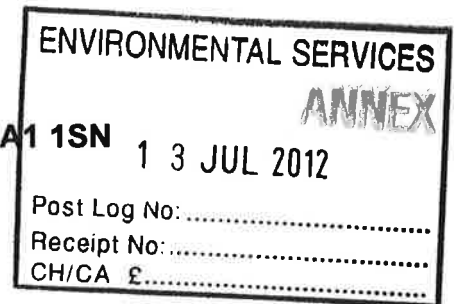


<p><b>Bath and North East Somerset: District Online</b></p>	<p>Date: 20-7-2012 Scale: 1:1250</p>	<p><b>Bath &amp; North East Somerset Council</b></p>	
<p><b>GMIS Web Mapping PDF</b> The Trinity Inn Variation</p>	<p><b>Map Centre - easting / northing:</b> 374826 / 164704</p>	<p>© Crown copyright and database right. All rights reserved (100023334) 2012</p>	

Terrill Wolyn







**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	012258462475

Name of the premises you are making a representation about.	Trinity Inn
Address of the premises you are making a representation about.	James Street West 49-51 Bath, BA1 2DA

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 premises are situated within the city centre area... This area suffers from crime disorder and anti social behaviour revellers move from one premise to another, within the city centre many looking for the last premises open This can alter the dynamic of a premises causing tensions with already intoxicated persons entering premises late at night not gelling with the already established clientele. This location provides an arterial route for persons on foot leaving other parts of the city centre . This location falls within the cumulative impact area and with such a considerable number of licensed outlets within the city centre area experience has shown that coupled with persons who have consumed large amounts of alcohol provide a catalyst for crime and disorder and acts of anti social behaviour this situation developing during the course of the evening. The variation application is to extend the hours that the premises operate ,and to add live music, this



		the Police feel can add a different dimension and, as such the application does not forward the licensing objectives and negative any crime and disorder impact, and feel that conditions should be added to the licence to further this aim.Noise nuisance is a major concern within the city centre that has a considerable residential population and conditions in respect of this are requested..
To prevent public nuisance	yes	
The prevention of harm to children		
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.		<ol style="list-style-type: none"> <li>1. A digital CCTV system will be fitted and maintained in consultation with the police. The recordings will be of evidential quality and kept for a minimum of 31 days. They will be time and date marked and made available to the police on request. Notices are to be displayed at the entrance to the premises advising that cctv is in operation.</li> <li>2. Where a risk assessment by the DPS identifies as necessary, and /or at the written request of the police or licensing authority, door staff will be on duty to supervise all patrons entering and leaving and to ensure the good order of the premises.</li> <li>3. There will be no new entry to the premises after 00.30 each day.</li> <li>4. There will be no live or recorded music after 12.00 Midnight on any day.</li> <li>5. All windows and doors ( except for entry and departure) will remain closed during performance Of live music.</li> </ol> <p>All conditions have been agreed by the licence holder.</p>





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

Signed:  Date: 13-7-12.

Please return this form along with any additional sheets to:

Bath and North East Somerset Council  
Licensing Services  
Manvers Street.  
Bath.  
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.***



**Terrill Wolyn**

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**From:** Licensing  
**Sent:** 12 July 2012 12:39  
**To:** Kirsty Morgan; Terrill Wolyn  
**Subject:** FW: Trinity Inn: Variation application: Amendment to application

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**From:** Piers Warne [mailto:Piers.Warne@TLTsolicitors.com]  
**Sent:** 12 July 2012 10:28  
**To:** Licensing  
**Cc:** martin.purchase@avonandsomerset.police.uk; Richard Pask  
**Subject:** Trinity Inn: Variation application: Amendment to application

Dear Sir/ Madam

We act for Punch Taverns in relation to the above premises licence variation application. Further to meetings between the applicants, police and environmental protection, we can confirm that the following conditions have been agreed.

1. A digital CCTV system will be fitted and maintained at the premises in consultation with the police. The recordings will be of evidential quality and kept for a minimum of 31 days. They will be time and date marked and made available to the police on request. Notices are to be displayed at the entrance to the premises advising that CCTV is in operation.
2. Where a risk assessment by the DPS identifies as necessary, and /or at the written request of the police or licensing authority, door staff will be on duty to supervise all patrons entering and leaving and to ensure the good order of the premises.
3. There will be no new entry to the premises after 00.30 each day.
4. There will be no live or recorded music after 12.00 midnight on any day.
5. All windows and doors ( except for entry and departure) will remain closed during performance of live music.

In view of the above, it is my understanding that subject to no other representations made, we will be asked to confirm to the Committee that agreement has been reached. I have copied in Martin Purchase for his confirmation that the conditions are as agreed.

Kindly acknowledge receipt of this email and I look forward to receiving notice of the hearing date.

Yours sincerely

Piers Warne  
Solicitor  
for TLT LLP  
D: +44 (0) 117 917 8815  
F: +44 (0) 117 917 7566  
[www.TLTsolicitors.com](http://www.TLTsolicitors.com)

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