

Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 29 January 2013	
TITLE:	Application to Vary a Premises Licence for The Warwick Arms , Upper Bristol Road, Clutton,BS39 5TA	
WARD:	Clutton	
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 Relevant Representations		

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 Warwick Arms**, Upper Bristol Road, Clutton,BS39 5TA (Annex A).

2 RECOMMENDATION

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

3 FINANCIAL IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £315.00.

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 11:00 - 00:00 midnight

Sunday 12:00 – 00:00 midnight

- 2) **Regulated Entertainment** by way of the Performance of **Live Music** both indoors and outdoors between the following hours:

Thursday to Sunday 19:00 – 23:30

- 3) **Regulated Entertainment** by way of **Recorded Music** both indoors and outdoors between the following hours:

Friday to Sunday 19:00 – 23:30

- 4) **Non-Standard Timings**

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

Regulated Entertainment

On Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and any other Bank Holidays

12:00 – 23:30

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

Monday to Saturday 11:00 – 00:30

Sunday 12:00 – 00:30

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

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)

- The maximum number of persons allowed inside the premises shall be 200;
- The maximum number of persons allowed in the external areas shall be 200;
- To remain a member of the Pub Watch scheme where one exists;
- CCTV installed and maintained. Recordings to be kept for one month;

- Toughened glass to be used;
- External lighting to be maintained and used outside the premises during the hours of darkness;
- All procedures, appliances and systems pertinent to safety to be regularly tested and certified;
- Staff to arrange collection and management of litter and maintain an effective ventilation system to prevent nuisance from odour;
- Children only allowed on the premises between 11:00 & 22:00 hours, except in restaurant until 23:00. No children allowed in the bars during entertainment. Children must be accompanied by adults.

4.3 The Variation application seeks to:

- **Increase** the terminal hour for the **sale of alcohol** for consumption both on and off the premises by 2 hours every day from midnight to 02:00 hours, with the sale of alcohol commencing an hour earlier on Sundays from 11:00;
- **Amend** the non- standard timings relating to the **sale of alcohol** so as to permit the sale of alcohol to residents staying in the letting accommodation and their bona fide guests 24 hours a day;
- **Add** regulated entertainment by way of **live music** indoors only from 19:00 to 00:00 Monday, Tuesday and Wednesday;
- **Increase** the terminal hour for regulated entertainment by way of **live music** indoors only on Thursday from 23:30 to midnight;
- **Increase** the terminal hour for regulated entertainment by way of **live music** indoors only on Friday and Saturday from 23:30 to 02:00 hours the following morning;
- **Reduce** the terminal hour for **live and recorded music** on Sunday by half an hour to 23:00;
- **Add** regulated entertainment by way of **recorded music** (indoors only) Monday to Thursday from 19:00 – 00:00;
- **Increase** the terminal hour for **recorded music** (indoor only) on Friday and Saturday from 23:30 to 02:00 the following morning;
- **Add** regulated entertainment by way of the **performance of dance** indoors only Monday to Thursday from 19:00 – 00:00; Friday and Saturday 19:00 – 02:00 the following morning and 19:00 to 23:00 on Sunday;
- **Amend** non- standard timings in relation to regulated entertainment to read:

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

Until 02:00 hours on Christmas Eve and Boxing Day.
- **Add** the provision of **late night refreshment** daily from 23:00 – 02:00 hours. Non-standard timings proposed for LNR are from the start of permitted hours on New Year's

Eve until the end of permitted hours on New Year's Day; from 23:00 -05:00 hours daily for residents staying within the letting accommodation and their bona fide guests.

- **Increase** the hours the premises are **open** to the public. The application proposes the premises will open at 07:00 and close at 02:30 the following morning every day. It is proposed under non-standard opening times that the premises will be open **24 hours** a day for residents staying within the letting accommodation and their bona fide guests.
- **Amend** the **plan** supporting the application to show the partial removal of a wall at the entrance to the premises.

4.4 A site plan is attached at Annex C.

4.5 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:-

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

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

4.6 The Licensing Authority may vary and grant the application with or without additional conditions.

4.7 The Licensing Authority can refuse the variation or part of the variation as it considers necessary for the promotion of the licensing objectives.

4.8 The Licensing Authority may not however do anything to reduce the effect of the rights guaranteed by the existing premises licence.

4.9 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 October 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 **Representations** have been received from local residents concerned that the applicant's proposals will undermine the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance (Annex D).
- 4.15 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.

Background papers	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.
Contact person	Terrill Wolyn, Senior Licensing Officer - 01225 396939

12 / 04236 .

ANNEX A

Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Greene King Retailing Limited

(Insert name(s) of applicant)

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

Premises licence number

11/04651/LAPRE

Part 1 – Premises Details

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

Warwick Arms
Upper Bristol Road

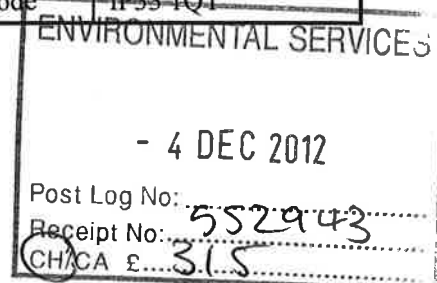
Post town	Clutton	Postcode	BS39 5TA
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Telephone number at premises (if any)	01761 452256
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Non-domestic rateable value of premises	£46300
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Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	Abbott House Westgate Brewery
Post town	Bury St Edmunds
Postcode	IP33 1QT



Part 3 - Variation

Please tick as appropriate

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

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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

Friday + Saturday

To permit live music and performance of dance indoors from 19:00h to 00:00h Monday to Thursday, from 19:00h until 02:00h and from 19:00h until 23:00h on a Sunday (current permission from 19:00h until 23:30h Thursday to Sunday).

To permit recorded music indoors from 19:00h to 00:00h Monday to Thursday, from 19:00h until 02:00h *Friday + Sat,* and from 19:00h until 23:00h on a Sunday (current permission from 19:00h until 23:30h Friday to Sunday).

To permit late night refreshment 23:00h until 02:00h Monday to Sunday (currently no permission).

To permit the sale of alcohol from 11:00h until 02:00h Monday to Sunday (current permission from 11:00h until 00:00h Monday to Saturday and from 12:00h until 00:00h on a Sunday).

Opening hours of the premises from 07:00 until 02:30h Monday to Sunday.

For residents staying within the letting accommodation and their bona fide guests only the premises seeks to sell alcohol and provide food 24 hours a day.

All other hours, licensable activities, outdoor regulated entertainment permissions and conditions are to remain unchanged

Also this is an application to vary the layout and design of the premises in accordance with the submitted plan.

The alterations consist of the removal of part of a wall by the entrance of the premises.

Any part of the application that changes the plan/layout at the premises is to be of no effect until the work has been completed.

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 all that apply**

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	19:00	00:00	<u>Please give further details here (please read guidance note 3)</u> As per the existing licence permission.		
Tue	19:00	00:00		Please note the outdoor permissions are to remain unchanged.	
Wed	19:00	00:00	<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur	19:00	00:00			
Fri	19:00		<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat		02:00		From the start of permitted hours New Years Eve until the end of permitted hours New Years Day.	
	19:00				
Sun		02:00	Until 02:00h on Christmas Eve and Boxing Day.		
	19:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) As per the existing licence permission.		
Mon	19:00	00:00			
Tue	19:00	00:00	Please note the outdoor permissions are to remain unchanged.		
Wed	19:00	00:00			
Thur	19:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Fri	19:00				
Sat		02:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) From the start of permitted hours New Years Eve until the end of permitted hours New Years Day.		
	19:00				
Sun		02:00	Until 02:00h on Christmas Eve and Boxing Day.		
	19:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance 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	19:00	00:00	<u>Please give further details here</u> (please read guidance note 3) As per the existing licence permission.		
Tue	19:00	00:00			
Wed	19:00	00:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	19:00	00:00			
Fri	19:00		<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat		02:00			
	19:00				
Sun		02:00	Until 02:00h on Christmas Eve and Boxing Day.		
	19:00	23:00			

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon		02:00	<u>Please give further details here</u> (please read guidance note 3) As per the existing licence permission.		
	23:00				
Tue		02:00			
	23:00				
Wed		02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
	23:00				
Thur		02:00			
	23:00				
Fri		02:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
	23:00				
Sat		02:00	From the start of permitted hours New Years Eve until the end of permitted hours New Years Day.		
	23:00				
Sun		02:00	From 23:00h until 05:00h Monday to Sunday for residents staying within the letting accommodation and their bona fide guests.		
	23:00				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
Day	Start	Finish		Both	<input checked="" type="checkbox"/>	
Mon		02:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
	11:00					
Tue		02:00				
	11:00					
Wed		02:00				
	11:00					
Thur		02:00		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
	11:00					
Fri		02:00			From the start of permitted hours New Years Eve until the end of permitted hours New Years Day.	
	11:00					
Sat		02:00	Open 24 hours a day for residents staying within the letting accommodation and their bona fide guests.			
	11:00					
Sun		02:00				
	11:00					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>As per the existing licence permission.</p>
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Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The premises will be open 24 hours a day for residents staying in the letting accommodation and their bone fide guests during this time they will be permitted to be served food and alcohol.

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and is subject to change at any time.

b) The prevention of crime and disorder

CCTV will be installed and working to the satisfaction of the Police and Licensing Authority. The CCTV equipment will work at all times the licence is in operation and records must be maintained for a minimum of 28 days. If the CCTV equipment fails the Police and Licensing Authority must be informed as soon as possible and immediate steps will be taken to put the equipment back into action. A notice to be displayed as the entrance to the premises advising that CCTV is in operation.

Any door supervisors will be correctly registered with the SIA. Any door supervisor working on the premises will display their name badge and carry proof of registration. Door supervisors will be used at a ratio that is agreed by the police and licensing authority. Door supervisors will wear clothing that is easily and clearly identifiable by CCTV. The Designated Premises Supervisor will maintain a register containing the full name, SIA badge number and the time the door supervisor is on and off duty. This register will only be used for this purpose and will be maintained for a period of 12 months. It will be made available for inspection by the police and licensing authority.

c) Public safety

Staff will be trained in legislation relevant to their job role.

d) The prevention of public nuisance

Doors and windows will be kept closed during the provision of indoor regulated entertainment, except for access to and egress from the premises.

During regulated entertainment staff will regularly check the outside of the premises to ensure the noise levels are within acceptable levels.

e) The protection of children from harm

A challenge 21 policy will be employed whereby those individuals who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification. The only type of identification that will be accepted is a passport, photo driving licence or any PASS accredited identification. Staff will be trained in this policy and records of this training will be kept.

Checklist:


Please tick to indicate agreement

- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	03/12/12
Capacity	SOLICITOR TO 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)

Barry Richards
TLT Solicitors
One Redcliff Street

Post town	Bristol	Post code	BS1 6TP
------------------	---------	------------------	---------

Telephone number (if any)	0117 917 7612
----------------------------------	---------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. 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 or 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, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	11/04651/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

Warwick Arms
Upper Bristol Road
Clutton
BS39 5TA

Telephone number 01761 452256

Where the licence is time limited the dates Not applicable

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

Sale of Alcohol

Monday to Saturday 11:00 - 00:00

Sunday 12:00 - 00:00

Performance of Live Music (Indoors and Outdoors)

Thursday to Sunday 19:00 - 23:30

Performance of Recorded Music (Indoors and Outdoors)

Friday to Sunday 19:00 - 23:30

Facilities for Dancing (Indoors and Outdoors)

Thursday to Sunday 19:00 - 23:30

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

Regulated Entertainment:

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and any other Bank Holidays: 12:00 - 23:30

The opening hours of the premises

Monday to Saturday 11:00 - 00:30

Sunday 12:00 - 00:30

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

Bath & North East Somerset Council

Part 2

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

Greene King Retailing Limited
Abbot House
Bury St Edmunds
Suffolk
IP33 1QT
01284 763222
licensingpp@greeneking.co.uk

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

Registered Business Number - 5265451

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

Ms Allison Rebecca Brimble
The Warwick Arms
Upper Bristol Road
Clutton
Bristol
BS39 5TA

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

B&NES/05/01406/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 14 December 2011

ARMY

18

Annex 1 – Mandatory conditions

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 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.

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.

Bath & North East Somerset Council

Annex 2 – Conditions consistent with the Operating Schedule

The maximum number of persons allowed inside the premises shall be 200.

The maximum number of persons allowed in the external areas shall be 200.

To remain a member of the Pub watch scheme where one exists.

CCTV installed and maintained. Recordings to be kept for one month.

Toughened glass to be used.

External lighting to be maintained and used outside the premises during the hours of darkness.

All procedures, appliances and systems pertinent to safety to be regularly tested and certified.

Staff to arrange collection and management of litter and maintain an effective ventilation system to prevent nuisance from odour.

Children only allowed on the premises between 11.00 and 22.00 hours, except in restaurant until 23.00. No children allowed in the bars during entertainment. Children must be accompanied by adults.

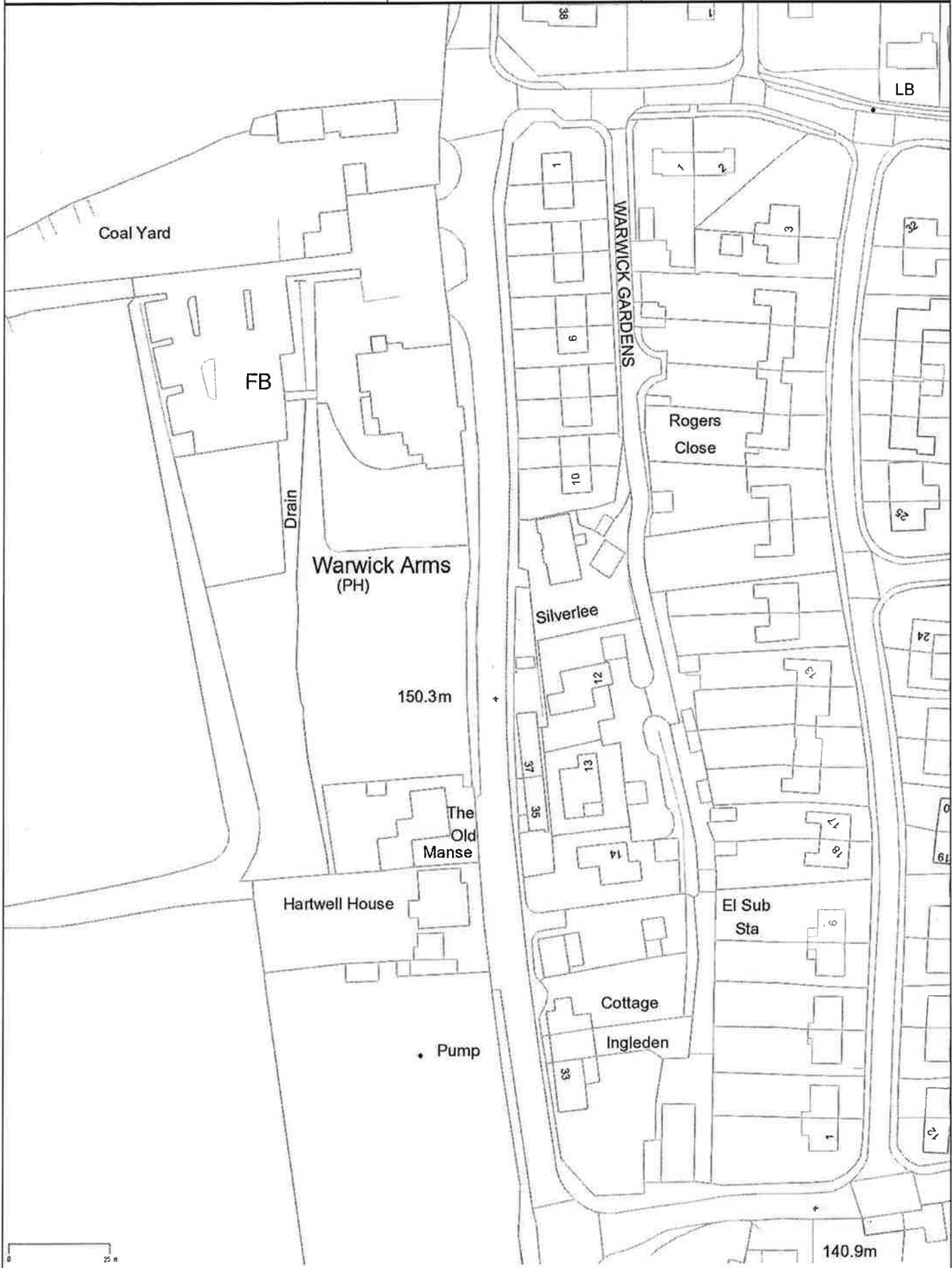
Annex 3 – Conditions attached after a hearing by the licensing authority

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.

Bath and North East Somerset: District Online	Date: 7-1-2013 Scale: 1:1250	Bath & North East Somerset Council	
The Warwick Arms	Map Centre - easting / northing: 361926 / 159301	© Crown copyright and database right. All rights reserved (100023334) 2013	



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:	12/04236/LAPRE
Applicant's name:	GREENE KING RETAILING LTD
Premises name and address:	WARWICK ARMS UPPER BRISTOL ROAD CLUTTON BS39 5TA
Application for a:	VARIATION OF PREMISES LICENCE

Objector Details:

Objector's name:	JOHN CLEMENT BISHOP
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.	12 WARWICK GARDENS CLUTTON BS39 5RP
Organisation name if applicable:	

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

I have lived within 100 metres of the Warwick Arms for the past sixteen years, and am accustomed to general pub/restaurant noise.

However, the concept of amplified music played regularly, late into the night; the inevitable shrieks and yells of people frequenting the premise and passing close to my property in the hours of darkness; the potential for increased, care-free driving on a stretch of road where a number of accidents have occurred in the recent past, and where the speed restriction is seldom adhered to, are all anathema to me.

And what of the ten warden-assisted properties immediately opposite the Warwick Arms, many of whose residents are elderly, frail and house-bound? Should they be subjected to this?

Badly done, Greene King! Badly done!

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

JB King

Date

19th December 2012

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

01761 453627
07769 717 098

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:	12/04236/LAPNE
Applicant's name:	GREENE KING RETAILING LTD
Premises name and address:	WARWICK ARMS UPPER BRISTOL ROAD CLUTTON BS39 5TA
Application for a:	VARIATION OF PREMISES LICENCE

Objector Details:

Objector's Name:	MRS GILIAN FELTHAM
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.	13, WARWICK GARDENS CLUTTON BRISTOL BS39 5RP
Organisation name if applicable:	

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

I AM CONCERNED ABOUT THE NOISE.
 WE HAVE ACROSS THE ROAD ELDERLY
 PEOPLES SHELTERED ACCOMMODATION, I'M SURE
 THE NOISE TO THEM WILL BE UNACCEPTABLE
 AS IT WILL TO ALL RESIDENTS ANTI-
 SOCIAL BEHAVIOUR IS ALSO A GREAT
 CONCERN THERE HAVE ALREADY BEEN
 INCIDENTS BOTTLES BEING THROWN IN
 TO GARDENS, URINATING ON WALLS THIS
 IS TOTALLY UNACCEPTABLE. YOUNG PEOPLE
 HANGING ROUND IN THE CARPARK BEING
 NOISY POSSIBLY FIGHTING LEADS TO THIS
 KIND OF ANTI-SOCIAL BEHAVIOUR, SOMETIMES
 DOING DAMAGE TO PROPERTY

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

Signed Mrs G. Fetheram

Date 19.12.12

Contact telephone number(s)
(This is essential as we may need to contact you at short notice) 01761 452060

LICENSING ACT 2003

ENVIRONMENTAL SERVICES
20 DEC 2012
Post Log No:
Receipt No:
CH/CA:

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:	12/04236/LAPRE
Applicant's name:	GREENE KING RETAILING LIMITED
Premises name and address:	WARWICK ARMS UPPER BRISTOL ROAD CLUTTON BS39 5TA
Application for a:	VARIATION OF PREMISES LICENCE

Objector Details:

Objector's Name:	PETER & ELIZABETH LOCKYER
Objector's Address: This is essential because a representation can only be are representing an address, in the vicinity of the premises.	1 WARWICK GARDENS CLUTTON BS39 5RP
Organisation name if applicable:	

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

We have suffered in the past from noise after midnight from people leaving the premises and have had our car damaged resulting in a cracked windscreen. This incident occurred before the last franchise Taylor Made Steaks.
We are very concerned that extended drinking hours will result in noise and disturbance especially for the elderly residents living in sheltered accommodation immediately opposite the Warwick Arms.

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

T Lochyer. E.A. Lochyer

Date

18/12/2012

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

01761 451521

INTERESTED PARTY REPRESENTATION

Post Log No:
Receipt No:
CH/CA #:

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

I/We object to the following application:

Application number:	12/04236/LAPRE
Applicant's name:	GREENE KING RETAILING LTD
Premises name and address:	WARWICK ARMS UPPER BRISTOL ROAD CLUTTON BS39 5TA
Application for a:	VARIATION OF PREMISES LICENCE

Objector Details:

Objector's name:	ANTHONY N. BRAY
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.	8, WARWICK GARDENS CLUTTON BS39 5RP
Organisation name if applicable:	

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

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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

I live directly opposite The Warwick Arms.
I am very concerned that if the premises remain open untill 2 am with loud music & flashing lights the residents of Warwick Gardens who are all elderly will not be getting very much sleep.

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

A. N. Bray

Date

19-12-12

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

01761 453123

INTERESTED PARTY REPRESENTATION

**ENVIRONMENTAL SERVICES
ANNEX D**

20 DEC 2012

Post Log No:
Receipt No:
CH/CA £:

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

I/We object to the following application:

Application number:	12/04236/LAPRE
Applicant's name:	GREENE KING RETAILING LTD
Premises name and address:	WARWICK ARMS UPPER BRISTOL ROAD CLUTTON BS39 5TA
Application for a:	VARIATION OF PREMISES LICENCE

Objector Details:

Objector's name:	Mr M.J. Southcott-Barnes
Objector's Address: <small>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.</small>	7, WARWICK GARDENS CLUTTON NR BRISTOL BS39 5RP
Organisation name if applicable:	

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

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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

My Concerns are for my family and neighbours, most of whom are elderly. Our street is 10 residential homes directly across from the Warwick Arm. The noise plus traffic from the car park at 2am will be intolerable. People wandering around drunk and noisy. Vanderalism is no stranger to these Ports. No late Bus Service, the chances of a fatal accident are very high. No local Police if a problem develops.

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

M. J. Sault

Date

19/12/12

Contact telephone number(s)
(This is essential as we may need to contact you at short notice)

01176 452899

LICENSING ACT 2003

ENVIRONMENTAL SERVICES
27 DEC 2012
Post Log No:
Receipt No:
CHWSK

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:	
Applicant's name:	
Premises name and address:	Warwick Arms Upper Bristol Road Clutton
Application for a:	Late Licence

Objector Details:

Objector's Name:	Lisa Wilkes & Paul Grant
Objector's Address: <small>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.</small>	38 Upper Bristol Road Clutton Bristol Bs39 5RH
Organisation name if applicable:	

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

A) This proposal is situated opposite elderly sheltered accommodation.

B) This road is lethal to cross as it is and a new pedestrian crossing has been implemented just down from this building for children and adults to cross and people have been killed crossing from this pub at the normal opening times.

C) Will encourage drink drivers as the taxi fares from bristol or bath is extortionate. We are quite consistently woken by cars wheel spinning out of the car park and this is normal pub hours. Also Clutton is a tiny village and will be used as a cut through for people getting back to Bath and surrounding areas.

D) Will encourage anti social behaviour (cars have already demolished our walls over the years and we have bottles thrown in our garden constantly)

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

L Wilkes (unable to print to sign)