

Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Thursday 9 November 2017	
TITLE:	Application for a Premises Licence for <b>SUGO</b> , 66 Walcot Street, Bath, BA1 5BD	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A	Application for a new premises licence	
Annex B	Plans of premises	
Annex C	Site plans	
Annex D	Representations received from other persons	
Annex E	Representation received from Tramshed Limited and TARA	
Annex F	Current premises licence for 66 Walcot Street	

## 1 THE ISSUE

- 1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of Sugo, 66 Walcot Street, Bath, BA1 5BD.

## 2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

## 3 RESOURCE IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

## 5 THE REPORT

5.1 An application has been received for a new Premises Licence (Annex A).

5.2 The application proposes the following licensable activities:

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

Monday to Saturday	07:00 - 02:00 the following morning
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Sunday	07:00 – 23:00
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- 2) The provision of **Late Night Refreshment** indoors and outdoors:

Monday to Saturday	23:00 - 02:00 the following morning
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- 3) The **Exhibition of Film** indoors only:

Every Day	07:00 – 23:00
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- 4) The **Opening Hours** proposed are:

Monday to Saturday	07:00 - 02:30 the following morning
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Sunday	07:00 – 23:30
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- 5) The following **conditions** have been offered by the applicant to promote the licensing objectives:

- Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.
- All alcohol supplied for consumption off the premises will be sold in sealed containers.
- CCTV cameras shall be installed to the satisfaction of the Police and ICO guidelines, and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording.

- Alcohol to be sold or supplied for delivery must have been pre-ordered. A record of all deliveries must be kept on the premises and will include details of type and quantity of alcohol supplied, and address to which delivered.
- Alcohol will only be delivered to an address that has been provided by the person placing the order.
- The outside rear courtyard will be cleared of patrons by 23:00 hours each day.
- With the exception of the Exhibition of Film, there will be no regulated entertainment at the premises.
- Signage requesting patrons to be considerate to residents when leaving the premises shall be clearly displayed at entrances/exits.
- The premises shall operate a 'Challenge 21' age verification policy. Signage advertising this policy shall be displayed in the bar area.
- Staff delivering pre-ordered alcohol will implement the 'Challenge 21' policy should they consider the recipient of the alcohol to be under the age of 21.

5.3 Plans of the premises are attached at Annex B. The licensed premises comprises of a ground floor bar and restaurant, a private dining room, an external courtyard and small external area to the front of the premises, all of which are “on premises”.

5.4 Site plans are attached at Annex C.

5.5 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
- d) The Protection of Children from Harm.

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

5.6 The Licensing Authority may grant the application with or without additional conditions.

- 5.7 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 3-6, 8-10, 13-14, 17-24, 29,33-36, 38-41 of the 2015 policy.
  - b) Chapters 2, 8, 9 and 10 of the Statutory Guidance as revised **April 2017**.
  - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.8 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.
- 5.9 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 in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.10 In accordance with the requirements of the Act, copies of the application were forwarded to the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.11 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.12 Five representations have been received from "other persons" all of whom reside close to the premises. All five representations express concern that the applicant's proposals are likely to undermine **the prevention of public nuisance licensing objective**, whilst some also refer to the likely effect those proposals may have on the other three licensing objectives, namely the **prevention of crime and disorder, public safety and the protection of children from harm** (Annex D).
- 5.13 A representation has been received from The Tramshed Limited and The Abbey Residents' Association expressing concern that the proposals will undermine the prevention of public nuisance licensing objective and the protection of children from harm licensing objective (Annex E). The

representation proposes that should the application be granted that the following conditions be imposed:

- Alcohol shall be sold solely in conjunction with menu-based food;
- No food or alcohol shall be sold for consumption off the premises;
- The sale and consumption of alcohol shall commence no earlier than 09:00 seven days a week and cease no later than 23:00 hours Monday to Saturday and 22:00 hours on Sunday;
- The sale and consumption of alcohol and all licensable activities shall cease in the rear courtyard at 22:00 hours nightly;
- Customers shall only enter and leave the premises by the front (Walcot Street), with the rear entrance being limited to being used solely as a service entrance, staff entrance and fire exit;
- Customers are prevented from gathering and smoking at the rear of the building.

5.14 No representations have been received from the Responsible Authorities.

5.15 The current premises licence relating to 66 Walcot Street has been included for information at Annex F.

5.16 The premises is situated within Bath's Cumulative Impact Area. As relevant representations have been received, the policy has been engaged and there is a rebuttable presumption that the licence will be refused.

5.17 In consideration of BANES Council's Cumulative Impact Policy the applicant met with the Police Licensing Officer prior to drafting the application. All conditions recommended by the Police Licensing Officer have been offered by the applicant within section M of the application.

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

## **6. RATIONALE**

6.1 As representations have been received the Sub Committee must determine the application in accordance with the Licensing Act 2003.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None.

## **8 CONSULTATION**

8.1 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.

## **9 RISK MANAGEMENT**

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

## **10 ADVICE SOUGHT**

- 10.1 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Divisional Director-Business Support) and the Group Manager Public Protection & Health Improvement have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Terrill Wolyn, Senior Public Protection Officer 01225 396939
<b>Background papers</b>	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** MACELLEN LIMITED

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
<b>SUGO</b>			
<b>66 WALCOT STREET</b>			
<b>Post town</b>	<b>BATH</b>	<b>Postcode</b>	<b>BA1 5BD</b>

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

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                          |                             |
| i as a limited company/limited liability partnership | <b>yes</b>               | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/> | please complete section (B) |
| d) a charity   | <input type="checkbox"/> | please complete section (B) |

## ANNEX A

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or yes

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					



**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b> <b>MACELLEN LIMITED</b>
<b>Address</b>  <b>66 WALCOT STREET</b> <b>BATH</b> <b>BA1 5BN</b>
<b>Registered number (where applicable)</b> <b>10499416</b>
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b>  <b>LIMITED COMPANY</b>
<b>Telephone number (if any)</b> <b>07889 811 589</b>
<b>E-mail address (optional)</b> <b>magnus.magplan@me.com</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

**15/09/2017**

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

**N/A**

1	2	3	4	5	6	7	8
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Please give a general description of the premises (please read guidance note 1)

**The premises comprises of a bar, restaurant and take-away.**

**A bar and dining room is located on the ground floor; a private dining room is located half a level above. The premise has an external courtyard to be used for consumption of alcohol and al fresco dining. There is also an area to the front of the premises for which we shall be seeking a "Tables and Chairs" permit.**

**As part of the "take-away" offering we shall be offering a delivery service in respect of food and alcohol.**

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

**N/A**

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment** (please read guidance note 2)

Please tick all that apply

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

**Provision of late night refreshment** (if ticking yes, fill in box I)**Y****Supply of alcohol** (if ticking yes, fill in box J)**Y****In all cases complete boxes K, L and M**

## A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input 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 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<b>Y</b>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	07:00				
		23:00			
Tue	07:00				
		23:00	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed	07:00				
		23:00			
Thur	07:00				
		23:00	<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 6)		
Fri	07:00				
		23:00			
Sat	07:00				
		23:00			
Sun	07:00				
		23:00			

## C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			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 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)	
Thur				
Fri				
Sat			<b>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</b> (please read guidance note 6)	
Sun				

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)			
Wed						
Thur						
			<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 6)			
Fri						
Sat						
Sun						



## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)			
Wed			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	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 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	Y
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	23:00				
		02:00			
Tue	23:00				
		02:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	23:00				
		02:00			
Thur	23:00				
		02:00	<b><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></b> (please read guidance note 6)		
Fri	23:00				
		02:00			
Sat	23:00				
		02:00			
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	Y
Mon	07:00	02:00	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)		
Tue	07:00	02:00			
Wed	07:00	02:00			
Thur	07:00	02:00	<b><u>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</u></b> (please read guidance note 6)		
Fri	07:00	02:00			
Sat	07:00	02:00			
Sun	07:00	23:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name		NATHAN JOHN LEE
Date of birth		10/05/1975
Address		
16 BELLEVUE TERRACE BRISLINGTON BRISTOL		
Postcode	BS4 4JP	
Personal licence number (if known) 100/4866/2		
Issuing licensing authority (if known) BRISTOL CITY COUNCIL		

**NONE**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00		
		02:30	
Tue	07:00		
		02:30	
Wed	07:00		
		02:30	
Thur	07:00		
		02:30	
Fri	07:00		
		02:30	
Sat	07:00		
		02:30	
Sun	07:00		
		23:30	

<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 6)			
--	--	--	--

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Staff shall be trained on issues regarding the Licensing Act 2003, service of alcohol. A record of this training will be kept at the premises and made available for inspection as required by the Police or Licensing Authority.

All alcohol supplied for consumption off the premises will be sold in sealed containers.

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

CCTV cameras shall be installed, to the satisfaction of the Police and ICO guidelines and will be maintained in full working order when the premises are open to the public. Recorded images will be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data protection legislation). Signs will be displayed that CCTV is recording;

Alcohol to be sold or supplied for delivery must have been pre-ordered. A record of all deliveries must be kept on the premises and will include details of type and quantity of alcohol supplied, and address to which delivered;

Alcohol will only be delivered to an address that has been provided by the person placing the order.

**c) Public safety**

The premises will operate in accordance with existing Health & Safety legislation.

**d) The prevention of public nuisance**

The outside rear courtyard will be cleared of patrons by 23:00 hours each day;

With the exception of the Exhibition of Film, there will be no regulated entertainment at the premises;

Signage requesting patrons to be considerate to residents when leaving the premises shall be clearly displayed at entrances/exits

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

The premises shall operate a “Challenge 21” age verification policy. Signage advertising this policy shall be displayed in the bar area;

Staff delivering pre-ordered alcohol will implement the ‘Challenge 21’ policy should they consider the recipient of the alcohol to be under the age of 21.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. Y
- I have enclosed the plan of the premises. Y
- I have sent copies of this application and the plan to responsible authorities and others where applicable. Electronic application therefore onus on LA to serve RAs n/a
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. Y
- I understand that I must now advertise my application. Y
- I understand that if I do not comply with the above requirements my application will be rejected. Y
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). n/a

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> </ul>
--------------------	--

	<ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	<b>Magnus Ian Macdonald</b>
Date	<b>09.08.2017</b>
Capacity	<b>Premises Licence Holder (Director)</b>

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
<b>Magnus Macdonald</b>			
Post town		Postcode	
Telephone number (if any)	<b>07889 811 589</b>		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <b>magnus.magplan@me.com</b>			

### Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

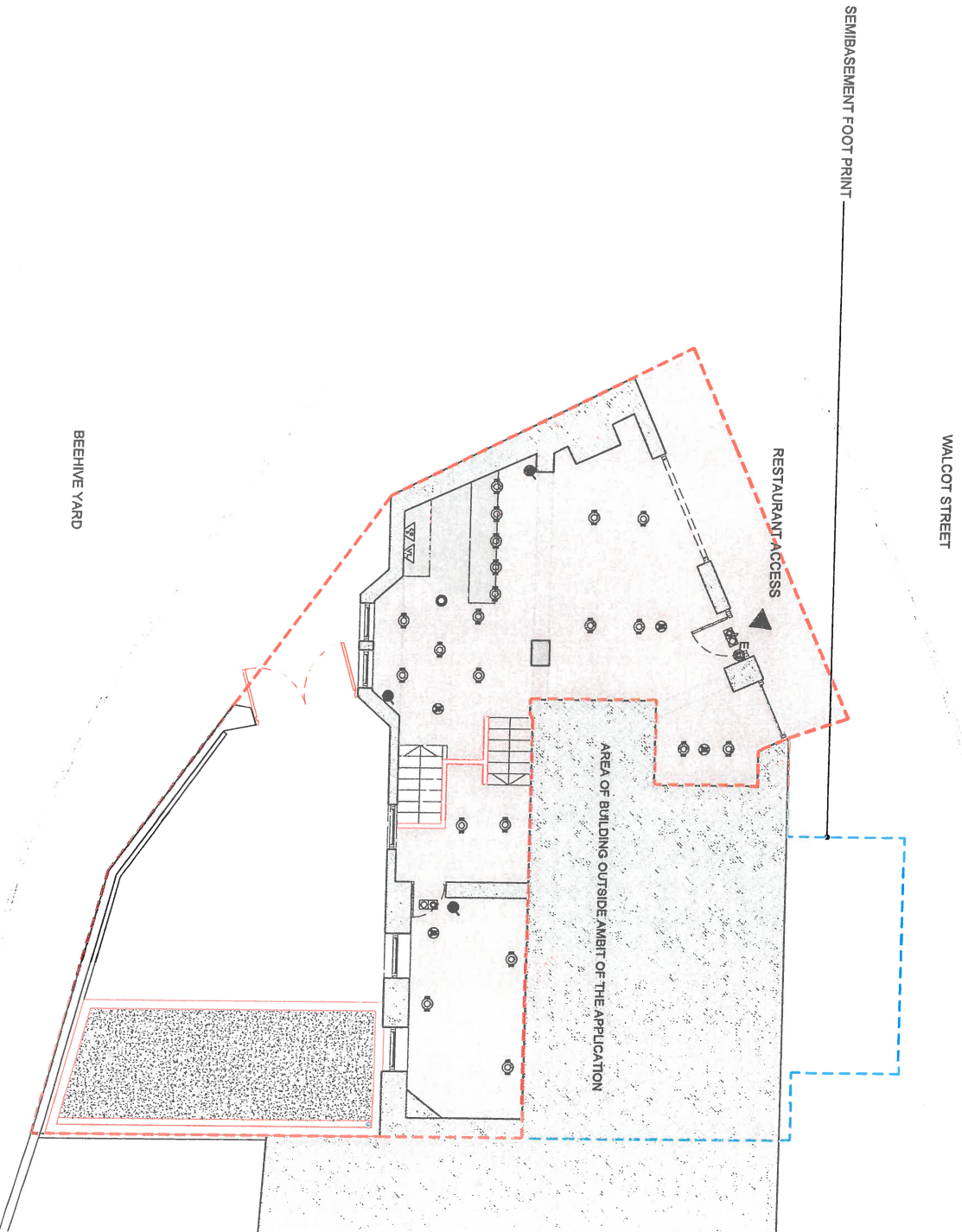


# ANNEX B

## SERVICES

GROUND & UPPER FLOOR PLAN  
(SCALE - 1/100 if printed on A3 sheet, 1/50 on A1)

- GRAPHIC SCALE**  
0 1.00 m 2.50 m 5.00 m
- NORMAL LIGHTING POINT
  - NORMAL LIGHTING POINT
  - NORMAL LIGHTING POINT
  - NORMAL LIGHTING POINT
  - SMOKE DETECTOR WITH SOUNDER
  - EMERGENCY LIGHTING POINT
  - ACTUATING SWITCH FOR NORMAL LIGHTING POINT
  - FIRE ALARM ACTUATING POINT
  - ILLUMINATED EXIT SIGN - LETTERING 75MM
  - AREAS USED FOR THE STORAGE OF ALCOHOL AND BAR SERVICES
  - AREAS USED FOR THE CONSUMPTION OF ALCOHOL
  - AMBIT OF APPLICATION IN SEMIBASEMENT
  - AMBIT OF APPLICATION IN GROUND FLOOR
  - EXISTING WALLS
  - NEW WALLS
  - NEW OR MODIFIED ELEMENTS



**INVESTIGATOR:**  
A11 1/80  
A21 1/100

**PROJECT:**  
Magnus Macdonald  
66 Walcot St  
BA1 5BD - Bath

**ARCHITECT:**  
Ben Owen Ltd  
66 Walcot St  
Bath BA1 5BD  
www.benowen.co.uk

**DATE:**  
08-10-16

**PROJECT:**  
GROUND & UPPER FLOOR

**DATE:**  
MARCH 2017

**PROJECT:**  
S.2 /R0

# SERVICES - DRAINAGE AND VENTILATION

## SEMIBASEMENT FLOOR PLAN

(SCALE - 1/100 if printed on A3 sheet; 1/50 on A1)

ANNEX



- NORMAL LIGHTING POINT
- SMOKE DETECTOR WITH SOUNDER
- SMOKE DETECTOR WITH SOUNDER
- EMERGENCY LIGHTING POINT
- ACTUATING SWITCH FOR NORMAL LIGHTING POINT
- FIRE ALARM ACTUATING POINT
- ILLUMINATED EXIT SIGN - LETTERING 75MM
- AMBIT OF APPLICATION IN SEMIBASEMENT
- EXISTING WALLS
- NEW WALLS
- NEW OR MODIFIED ELEMENTS
- KITCHEN AND STAFF ONLY AREAS
- TOILET ACCOMMODATION



DATE: 11/10/2017  
SCALE: 1/100

PROJECT NAME: REFURBISHMENT OF EXISTING RESTAURANT

DESIGNER: Magnus MacDonald

66 Watson St  
BA1 5BD - Bath



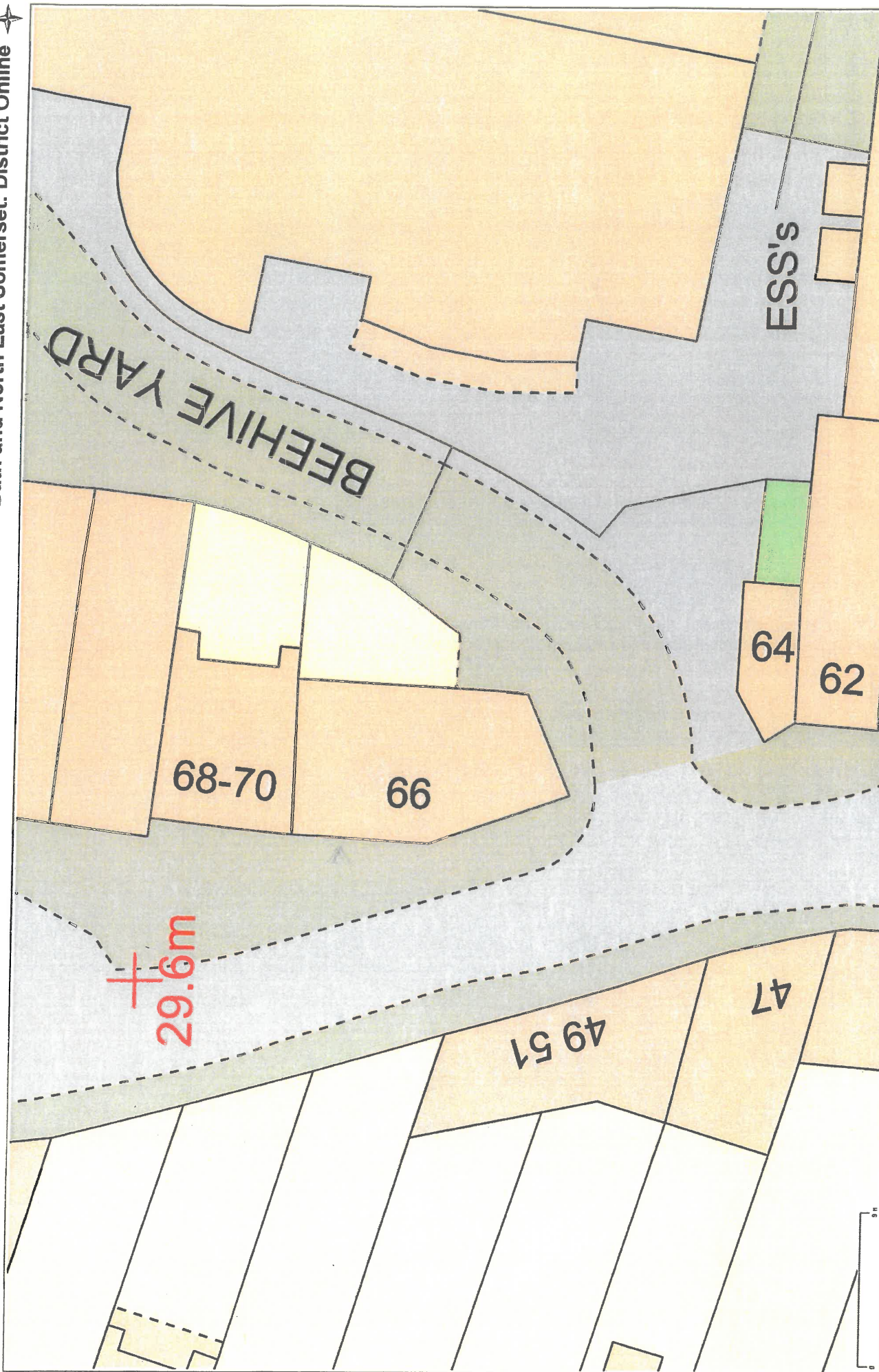
DESIGNER: Magnus MacDonald  
DRAWN BY: 11/10/2017  
SCALE: 1/100

SERVICES  
SEMIBASEMENT

DATE: 11/10/2017  
SCALE: 1/100  
PROJECT NAME: REFURBISHMENT OF EXISTING RESTAURANT

S.1 RD

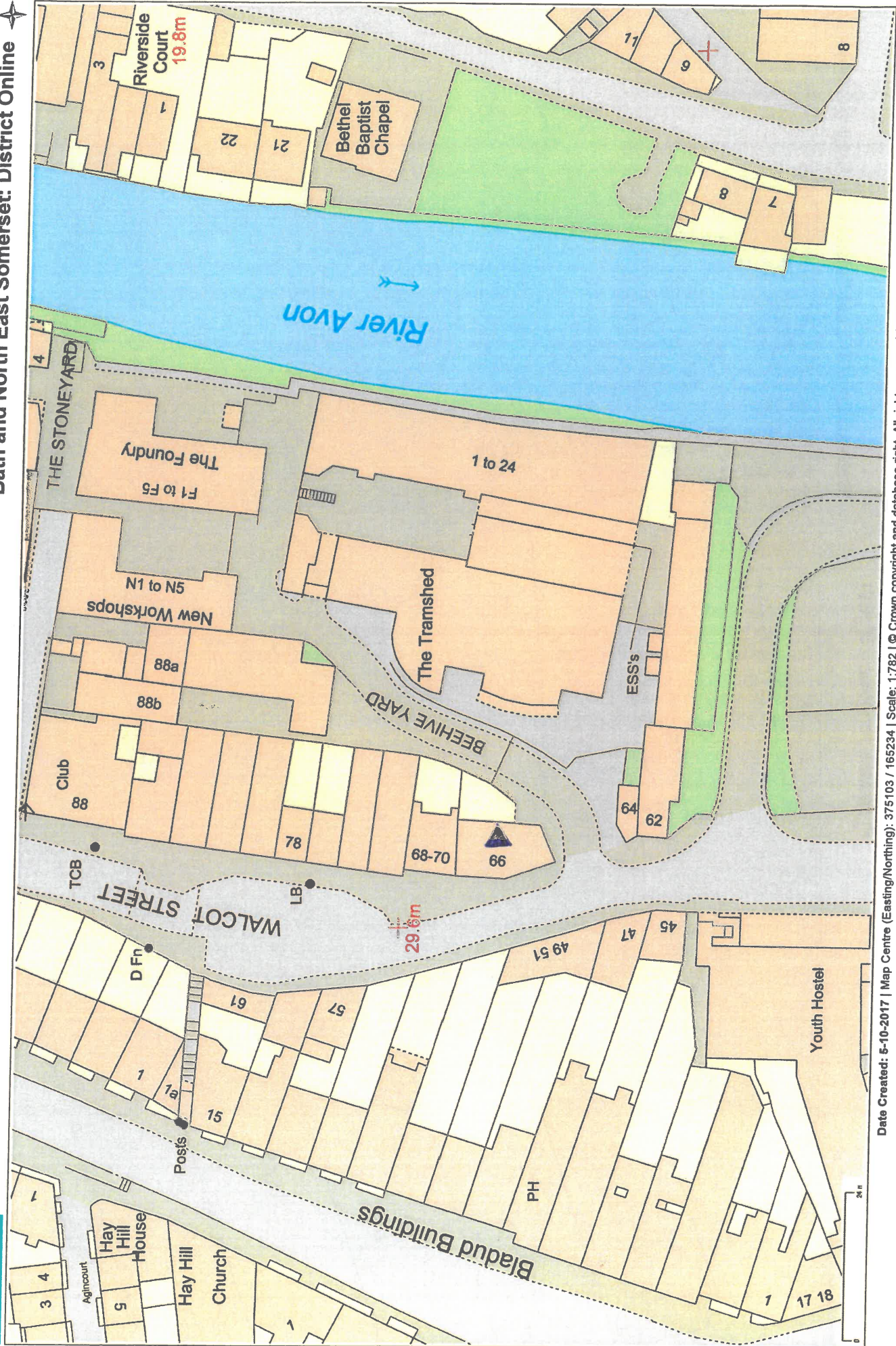






Site Plan - SUGO

Bath and North East Somerset: District Online



**Ian Nash**

---

**From:** cherry williams  
**Sent:** 01 October 2017 13:04  
**To:** Licensing  
**Subject:** 17/02258/LAPRE

I am e-mailing to register my very strong objection to the above application for changes in the licensing at 66 Walcot Street (formerly Yammos).

I am horrified to think of a café serving alcohol from 07:00 until 02:00 from Monday to Saturday and until 23:00 on Sundays. The applications says "on and off premises" which I assume means they are going to have tables and chairs on the pavement on Walcot Street and also in the small courtyard/kitchen at the rear of the property bordering Beehive yard. I live in the neighbourhood, and I shudder to imagine the noise and drunken behaviour that the Tramshed residents will have to endure, as well as pedestrians walking along the street.

Please do not grant these changes to the licensing at 66 Walcot Street.

Yours sincerely Cherry Williams



**Terrill Wolyn**

---

**Subject:** FW: SUGO - REPRESENTATION - Catherine Chambers

-----Original Message-----

From: Catherine Chambers

Sent: 09 October 2017 12:43

To: Licensing

Cc:

Subject: Application 17/02258/LAPRE: for Ian Nash

I wish to make a representation about this licence application. I live on the Beehive Yard Estate onto which these premises back.

The Beehive Yard Estate was redeveloped in 2000/2002. The leases to Frogmore, the head leaseholder, clearly show the whole of Beehive Yard as part of that Estate; it is a private road maintained by the Estate (now the subleaseholders to Frogmore). Access from Beehive Yard to the rear area of 66 Walcot Street is and always has been solely commercial access. Under Yammo's licence customers could only access the rear area from inside the premises; we still had some problems with customers' cars and noise but it was usually manageable with goodwill.

The proposal by Sugo/Macellen is to make much further use of this rear area, as demonstrated by the substantial building taking place (building which is subject to separate objections on planning), and now by this licence application. Specifically they appear now to wish to use a newly constructed rear entrance for customers, not just for commercial access.

As this is a private road there is no safe method of monitoring and controlling the customers who enter or exit the premises by this route and using this part of the premises in this way cannot meet basic licensing requirements of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. Access by customers will mean frequent blocking of Beehive Yard both by people and cars, with consequent risk to emergency vehicles, residents' free passage and safety, absence of nuisance.

The licenced premises on Beehive Yard, until recently trading as The Tramshed, were in an entirely different position: their lease made them part of the Beehive Yard Estate with consequent responsibilities in meeting licensing requirements. The Estate residents worked with the restaurant's managers to develop mutually agreeable processes, which included clearing their outside area by 22.00 and having security staff on Fridays and Saturdays.

Macellen/Sugo/66 Walcot Street is not part of the Beehive Yard Estate and thus has no shared responsibility for the management of the area. Experience of the applicant during their recent building works (the applicant does not give me confidence that they would share this neighbourly attitude. the premises now appear to be up for rental, a recent development, which makes us more rather than less concerned about access to this rear area.

I ask the licensing authority to attach a condition to the premises licence denying use of 66 Walcot Street's rear Beehive Yard access for customers.

Catherine Chambers

---

**Terrill Wolyn**

---

**From:** Ste Montgomery  
**Sent:** 10 October 2017 09:41  
**To:** Licensing  
**Subject:** SUGO - REPRESENTATION - S Montgomery  
**Attachments:** Comments on Licence appn 1702258LAPRE.pdf

Dear Sir or Madam

I wish to make comments on this application and have attached a pdf document.

Stephen Montgomery

Beehive Yard  
Bath

**Licensing Application Reference:17/02258/LAPRE**

66 Walcot Street

I live in . . . , The Tramshed, Beehive Yard and am very concerned about this application that has been lodged with BNES.

The premises back on to Beehive Yard and include an open yard at the back in which it appears clients will be able to be served and consume alcoholic drinks.

The application requests permission to sell alcoholic drinks until 0200 hours from Monday to Saturday and until 2300 hours on Sundays. It also explicitly includes the right to have Late Night Refreshment, both inside and outside, until 0200 hours.

Beehive Yard already has 23 Apartments and will have a further 18 Apartments added over the next 2 years. The disturbance caused by customers drinking until the early morning constitutes a serious public nuisance to the residents and a potential risk of public disorder.

The license previously held by The Tramshed Restaurant included a condition that security staff would be on duty every weekend and no drinks could be consumed outside after 2300 hours. These conditions reduced the public disturbance to an acceptable level.

The plans submitted with this application clearly show that the entry to the Restaurant is from Walcot Street. However they also show the gateway leading into Beehive Yard from the rear courtyard; traditionally this provided access, through Beehive Yard, for vehicles going into the rear courtyard. If the Licensing Authority would add a condition that clients must leave the Restaurant through the main entrance, this would greatly reduce the potential for public nuisance.

Stephen Montgomery

Beehive Yard

Bath



LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

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

I/We object to the following application:

Application number:	17/02258/LAPRE
Applicant's name:	Macellan Ltd
Premises name and address:	Sugo, 66 Walcot Street, Bath, BA1 5BD
Application for a:	Premises Licence

Objector Details:

Objector's Name:	Mr N Clatworthy
Objector's Address:	Beehive Yard, Bath,
Organisation name if applicable:	

Objection Details:

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

- |                                  |                                     |
|----------------------------------|-------------------------------------|
| Prevention of crime and disorder | <input checked="" type="checkbox"/> |
| Prevention of public nuisance    | <input checked="" type="checkbox"/> |
| Protection of children from harm | <input type="checkbox"/>            |
| Public safety                    | <input checked="" type="checkbox"/> |

## ANNEX D

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

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

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

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

☐

The rear of the premises are directly opposite, and in close proximity to, a residential block comprising 23 apartments of the Tramshed, where I live, as well as 18 new apartments currently under conversion from offices. I am concerned that, if the premises open until 2am, this will cause a Public Nuisance to me and other residents of these residential blocks as well as a potential for crime and disorder. This nuisance will be created not only by customers using, entering and leaving the premises, but by the late use of a, currently under construction, industrial scale kitchen, including large and noisy extraction, in the rear courtyard of the premises and directly opposite The Tramshed residential blocks. I would also add at this point that this kitchen construction does not appear to comply with its Planning Permission. I also object to the Licence Application on the basis of Public Safety concerns caused by the parking of vehicles, including motorbikes and scooters belonging to Sugo, at the rear of the premises on the pedestrian footpath accessing, and belonging to, the Beehive Yard Estate. This results in pedestrians having to use the roadway on entering the Beehive Yard Estate.

**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

N Clatworthy



ANNEX D

ensing Team  
blic Protection and Health Improvement Service  
wis House  
anvers Street  
ath BA1 1JG

ANNEX D

**From:** Ronnie Simpson  
**Sent:** 10 October 2017 16:09  
**To:** Terrill Wolyn  
**Subject:** SUGO

Hi Terrill

I take issue with Sugo's view that the entrance off the courtyard has always been in use - the previous tenants' staff may have accessed the premises for refuse etc but certainly didn't have their patrons using it. I think it's pretty self-evident that, if they can, patrons will at some time or other see fit to use the gate and congregate in Beehive Yard after an evening's drinking in Sugo's decking area.

However, Avon Fire's position on the rear gate seems pretty definite and I guess their view will hold sway.

As discussed, if there is no outside drinking after 23.00 I believe my objection is largely, but not wholly, assuaged.

Regards

Ronnie Simpson

---

**From:** John Brown  
**To:** Terrill Wolyn; 'Ronnie Simpson'  
**Cc:** Ian Strand  
**Sent:** Tuesday, 10 October 2017, 15:33  
**Subject:** RE: SUGO

Good afternoon Terrill.

On reviewing the plans I can confirm that due to excessive travel distances these doors are required as a means of escape and therefore the proposal to have them locked at all times is not acceptable.

Kind regards

John

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**From:** Terrill Wolyn [mailto:Terrill\_Wolyn@BATHNES.GOV.UK]  
**Sent:** 10 October 2017 15:16  
**To:** 'Ronnie Simpson'  
**Cc:** John Brown; Ian Strand  
**Subject:** RE: SUGO

Dear Ronnie

Re: Sugo, 66 Walcot Street, Bath

Thank you for confirming that the condition requiring the courtyard to be clear of patrons by 23:00 allays one of your concerns.

In respect of your outstanding concern I contacted the applicant to seek confirmation as to whether access to, and egress from the courtyard shall be via the main building only, or if the entrance/exit from the courtyard into Beehive Yard is to be used by patrons. I was promptly advised that this entrance off the courtyard has always been in use.

I appreciate your concern, however in respect of submitting a relevant representation I would appreciate if you would clearly state in the attached representation form how unfettered use of the entrance off the courtyard into Beehive Yard by customers will increase the risk of public nuisance to local residents, to the point that you consider a further condition to limit access and egress by customers via the courtyard, or a condition setting out the management of this exit, appropriate to promote the licensing objectives.

I am a little uneasy about your proposing that the Licensing Sub Committee consider imposing a condition requiring the entrance/exit to be **locked at all times**, therefore I have copied in Fire Safety Officers John Brown and Ian Strand to seek their advice. Conditions attached to a premises licence should not duplicate existing legislation nor should they encourage premises to act unlawfully so I hope you don't mind me seeking advice on this point from the Responsible Authority.

John, Ian – please can you take a look at the attached plans and advise me if the proposal to have a condition requiring the rear exit from the courtyard to be **locked at all times** would impede customers' ability to safely exit the premises, or contravene any fire-safety legislation. I would appreciate a reply at your earliest convenience as the last date for representations to be received is Thursday 12 October.

Kind regards

Terrill

**Terrill Wolyn**  
**Senior Licensing Officer**

**From:** Ronnie Simpson  
**Sent:** 09 October 2017 17:32  
**To:** Licensing  
**Cc:** Terrill Wolyn  
**Subject:** SUGO

Further to my call today with Ms Wolyn, I accept that my concern as previously noted is largely covered by the fact that Sugo are not planning to allow outside drinking after 23.00.

I do have an outstanding concern that, unless Sugo commit to ensuring that the gate from their outside decking area is locked at all times, patrons will be able to congregate in Beehive Yard with the ensuing risk of noise and nuisance. I understand that, if they do so, and are consuming drinks bought on Sugo premises, they are contravening a condition of Sugo's licence. Patrons congregating in Beehive Yard after an evening at Sugo would still however seem to represent a potential nuisance for residents.

Thanks and regards  
Ronnie Simpson

**Terrill Wolyn**

---

**From:** MICHAEL BRETT  
**Sent:** 11 October 2017 09:28  
**To:** Terrill Wolyn  
**Cc:** Tim Buxton; Ian Perkins  
**Subject:** SUGO 66 WALCOT STREET 17/02258/LAPRE  
**Attachments:** SUGO.docx

Dear Terrill Wolyn,

I attach for your information on behalf of The Tramshed Limited and the Abbey Residents Association (TARA) a representation in respect of the above-referenced application.

Best wishes, Michael Brett

Director, The Tramshed Limited  
Vice Chair, The Abbey Residents Association.



**SUGO 66 WALCOT STREET 17/02258/LAPRE**

This representation is submitted by and on behalf of The Tramshed Limited and The Abbey Residents Association (TARA). The Tramshed Limited is the senior leaseholder for the residential element of the mixed use development at Beehive Yard, at the entrance to which the above referenced address is located, and has a lead responsibility for the management and upkeep of the Beehive Yard Estate. TARA is the residents association for the city centre of Bath. The organization has around 250 members and has been promoting the interests of city centre residents since 2000.

There are currently twenty three apartments at The Tramshed immediately behind the above referenced premises. They are occupied by households of all ages including children. The building is currently under development to replace the former restaurant on the ground floor with a furniture store together with a further eighteen apartments on floors above.

Businesses operating at this address have previously held licenses as had the restaurant that preceded the furniture store referred to above. We contend, however, that the hours requested by the applicant on this occasion which would extend the permitted sale of alcohol on and off the premises until 2.00 am Monday to Saturday and commencing at 7.00 am on Sunday are entirely inappropriate in a location of this sensitivity. Compared with peer cities Bath has an unusually large proportion of its residents who have chosen to live in the city centre. The existence of open drinking areas of the kind apparently proposed by the applicant and the noise emanating from the entrances and exits of licensed premises are among the commonest complaints that TARA receives from its members. The applicant has, moreover, apparently ignored Bath's Cumulative Impact Policy which requires him to demonstrate that he is aware of the possible impact of his proposals on the surrounding area and that they will not adversely affect the city's Licensing Objectives. So far as we are aware no applicant has been granted hours this late since the Cumulative Impact Policy was introduced in 2007.

We therefor request in accordance with the council's Licensing Objectives 3, the Prevention of Public Nuisance, and 4, the Protection of Children from Harm, that the application as it stands be **REFUSED**.

If, however, the council is minded to approve the application we ask that conditions be imposed as follows

- That alcohol be sold solely in conjunction with menu-based food.
- That no food or alcohol be sold for consumption off the premises.
- That the sale and consumption of alcohol commence no earlier than 09.00 seven days a week and cease no later than 23.00 hours Monday to Saturday and 22.00 hours Sunday.
- That the sale and consumption of alcohol and all licensable activities cease in the rear courtyard at 22.00 hours nightly rather than at 23.00 hours as we understand has been suggested by the applicant.



- That customers enter and leave the premises only by the front (Walcot Street) entrance and that the rear entrance be used solely as a service entrance, staff entrance if necessary and fire exit.
- That customers are prevented from gathering for drinking and smoking at the rear of the building.

Thank you for your attention.



**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence**

<b>Premises Licence Number</b>	15/01956/LAPRE
--------------------------------	----------------

**Part 1 – Premises Details**

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

Yammo  
66 Walcot Street  
Bath  
BA1 5BD

**Telephone number**            01225 938328

**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**

Friday and Saturday	12:00 - 01:00
Sunday to Thursday	12:00 - 00:00

**Exhibition of a Film (Indoors only)**

Every Day	11:00 - 00:00
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**Late Night Refreshment (Indoors only)**

Monday	23:00 - 01:00
Tuesday to Thursday	23:00 - 00:00
Friday and Saturday	23:00 - 01:00
Sunday	23:00 - 00:00

**Non-Standard Timings:**

Sale of Alcohol - New Year's Eve until 02:00 hours

**The opening hours of the premises**

Monday	09:00 - 01:00
Tuesday to Thursday	09:00 - 00:00
Friday and Saturday	09:00 - 01:00
Sunday	09:00 - 00:00

**Non-Standard Opening Times:**

New Year's Eve until 02:00 hours

**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**

Charlies Burger  
Yammo  
66 Walcot Street  
Bath  
BA1 5BD  
ellen@yammo.co.uk

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

Registered Business Number - 08132207

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

Mr Daniele Quaglietta  
82 Walcot Street  
Bath  
BA1 5BD

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

13/01307/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 16 July 2015

## ANNEX F

## Annex 1 – Mandatory conditions

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

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Admission of children is restricted in accordance with the recommendation by the British Board of Film Classification.

If the film has not been classified the restriction of children must be approved by the Licensing Authority.

("Children" means any person under 18 years).

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Mandatory conditions in respect of premises supplying alcohol for consumption on the premises only, or both on and off the premises:

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.

---

From 28 May 2014:

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)\*;

(b) "permitted price" is the price found by applying the formula:

$$P = D + (D \times V)$$

where:

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b)\*.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(a)\* 1979 c. 4. Section 1 was amended by regulation 2 of the Excise Duty (Amendment of the Alcoholic Liquor Duties Act 1979 and the Hydrocarbon Oil Duties Act 1979) Regulations 1992 (S.I. 1992/3158), section 162 of and Part 1 of Schedule 29 to the Finance 1995 (c. 4), section 7 of and paragraph 2(a) of Schedule 2 to the Finance Act 1991(c. 31), section 3 of the Finance Act 1993 (c. 34), section 227 of and paragraph 51 of Schedule 39 to the Finance Act 2012 (c. 14), section 1 of the Finance Act 1995, section 1 of and Part 2 of Schedule 1 to the Finance Act 1988 (c. 39), section 5 of the Finance Act 1997 (c. 16) and Article 2 of the Alcoholic Liquor Duties (Definition of Cider) Order 2010 (S.I. 2010/1914). Section 2 was amended by article 6 of the Alcoholic Liquors (Amendment of Enactments Relating to Strength and to Units of Measurement) Order 1979 (S.I. 1979/241), regulation 2 of S.I. 1992/3158, section 11 of and Part 2 of Schedule 8 to the Finance Act 1981 (c. 35), section 7 of and paragraph 3 of Schedule 2 to the Finance Act 1991 and section 5 of the Finance Act 1997. Section 3 was amended by article 7 of S.I. 1979/241. Section 4 was amended by article 8 of S.I. 1979/241, section 15 of and paragraphs 2 and 3 of Schedule 1 to the Finance Act 2011 (c. 11) and



section 227 of and paragraphs 51 of Schedule 39 to the Finance Act 2012 (c. 14). Section 5 was amended by section 1 of the Finance Act 1982 (c. 39) and section 180 of the Finance Act 2013. Section 36 was amended by section 7 of the Finance Act 1991, section 4 of and paragraph 1 of Schedule 1 to the Finance Act 2002 (c. 23), sections 14 and 15 of paragraphs 2 and 4 of Schedule 1 to the Finance Act 2011, section 180 of the Finance Act 2013 and section 1 of and paragraph 9 of Schedule 1 to the Finance Act (No. 2) Act 1992 (c. 48). Section 37 was amended by section 15 of and paragraph 1 of Schedule 1 to the Finance Act 2011 and section 180 of the Finance Act 2013. Section 54 was amended by section 1 of and paragraph 12 of Schedule 1 to the Finance (No. 2) Act 1992 and section 5 of the Finance Act 1985 (c. 54). Section 55 was amended by section 1 of the Finance Act 1984 (c. 43) and section 1 of and paragraph 13 of Schedule 1 to the Finance (No. 2) Act 1992. Section 62 was amended by section 3 of the Finance Act 1996 (c. 8), section 10 of the Finance (No.2) Act 1997 (c. 58), section 180 of the Finance Act 2013, section 4 of the Finance Act 1998 (c. 36) and section 3 of the Finance Act 1997. There are other amendments which are not relevant to this Order.

(b)\* 1994 c. 23. Section 2 was amended by section 3 of the Finance (No.2) Act 2010 (c.31). Section 7 was amended by section 76 of and Part 1 of Schedule 36 to the Finance Act 2009 (c. 10) and section 203 of and paragraphs 2 and 3 of Schedule 28 to the Finance Act 2012 (c. 14). Section 24 was amended by section 19 of and paragraph 1 of Schedule 8 to the Finance (No.3) Act 2010 (c.33). There are other amendments which are not relevant to this Order.

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From 1 October 2014:

#### The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must 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: (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 in a manner which carries a significant risk of undermining a licensing objective; (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 in a manner which carries a significant risk of undermining a licensing objective; (d) 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; (e) dispensing alcohol 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).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) 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 under the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - a) a holographic mark, or b) an ultraviolet feature.

4. The responsible person must 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 whiskey: 25ml or 35ml; and iii) still wine in a glass: 125ml; b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

CCTV shall be installed to the satisfaction of the Police and maintained in good working order. All cameras shall record continuously during trading hours. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days and made available to the Police or Licensing Authority for evidential purposes on request. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

Password system to be used between staff to prompt emergency call to police (999), in the case of a criminal or disorderly event occurring or being anticipated.

Glass bottles not to be sold off-premises except for wine.

A refusal of sales register will be maintained and kept at the premises and will be made available for inspections by the police and licensing authority.

Signs will be displayed at the premises asking patrons to leave quietly.

All outside areas will be cleared of patrons by 11pm each day.

Alcohol will only be supplied for off consumption from the takeaway if sold with menu based to the minimum value of £10.

The sale of alcohol for consumption off the premises shall only be permitted for takeaways except for those taking alcohol off the premises to consume in the area which is covered by the tables and chairs permit.

Rubbish will be removed regularly from 2 metres surrounding the property.

A 'Challenge 21' policy will operate at the premises.

Deliveries of food with alcohol will only be delivered to persons over the age of 18.

Film views in 1st floor room completely separated from ground floor public area with door closed.

Age rating will be advertised on any film event notices.

Children under 18 wanting to view films will be booked in by their parents and parents will sign form confirming consent to view and age of child. Forms will be kept in a file for inspections by Licensing Authority.

Children will only be permitted to viewings of films rated below their age.

During children's events a CRB certified adult will be present at all times to supervise.

## ANNEX F

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

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## ANNEX F

#### **Annex 4 – Plans**

As submitted with application.

