

Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Monday 19 December 2011	
TITLE:	Application to Vary a Premises Licence for Mix Grill , 4 Cleveland Place East, Walcot, Bath, BA1 5DJ	
WARD:	Walcot	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Annex A Application to Vary the Premises Licence Annex B Current Premises Licence Annex C Site Plan Annex D Representation from Avon and Somerset Constabulary Annex E Representations from Interested Parties		

1 THE ISSUE

- 1.1 An application has been received for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of Mix Grill (aka Flames), 4 Cleveland Place East, Walcot, Bath, BA1 5DJ (Annex A).

2 RECOMMENDATION

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

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 THE REPORT

- 4.1 An application has been received for the variation of a Premises Licence.
- 4.2 The current Premises Licence permits the following licensable activities:
- 1). **Late Night Refreshment** between the following hours:

Sunday to Thursday	23.00 to 01.00
Friday and Saturday	23.00 to 03.00

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

Sunday to Thursday 23.00 to 01.00

Friday and Saturday 23.00 to 03.00

3) The licence is subject to the following conditions:

- Staff shall arrange for a taxi service if requested.
- Free drinking water shall be available.
- CCTV cameras shall be in operation at the premises.
- Customers shall not be permitted to bring bottles or glasses into the shop.
- A prominent sign shall be displayed telling customers to leave the shop in a quiet manner.
- The premises shall have an extract system which is designed to prevent noxious smells.
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

4.3 The **variation** application seeks to extend the permitted hours for the provision of late night refreshment and to include the sale of alcohol. The proposed activities and timings are as follows:

1) The **Sale of Alcohol** for consumption on and off the premises:

Every Day 00.00 to 00.00 (24 hours)

2) **Late Night Refreshment** between the following hours:

Every Day 23.00 to 05.00

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

Every Day 00.00 to 00.00 (24 hours)

4.4 A site plan is attached at Annex C.

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

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

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

- 4.6 The Licensing Authority may vary and grant the application with or without additional conditions.
- 4.7 The Licensing Authority can refuse the variation or part of the variation as it considers necessary for the promotion of the licensing objectives.
- 4.8 The Licensing Authority may not however do anything to reduce the effect of the rights guaranteed by the existing premises licence.
- 4.9 The Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 10, 16, 17, 18, 19, 20, 23(5), 24, 28, 30, 33, 35, 36, 37, 41 to 44 of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised October 2010)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.

If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.

On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.

- 4.11 In accordance with the requirements of the Act the applicants served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, and the Child Protection Agency. No representations have been received from any of the Responsible Authorities.
- 4.12 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 4.13 A representation has been received from Avon and Somerset Constabulary in relation to the licensing objective of the prevention of crime and disorder (Annex D). The representation states that the Police are strongly opposed to the application.
- 4.14 The Police representation goes on to say that, in the event the Committee are minded to grant the application, then they would wish to see conditions imposed to ensure the promotion of the licensing objectives. The following steps have been recommended:
- 1. Alcohol will only be sold by way of delivery to the customers' residence after 23.00 hours and not to customers attending at the shop premises.
 - 2. All deliveries which include alcohol must only be received by a person aged 18 years or over.
 - 3. Photographic identity will be required for any person who appears under the age of 21 years.

4. A refusals register is to be maintained recording the details of any sales or deliveries that were fused. The register is to be kept at the premises and be made available for inspection to any Police Officer or authorised person at all reasonable times.
 5. Alcohol will only be sold over the counter at the premises with a food order of £5 minimum.
 6. A digital CCTV system will be fitted to the premises in consultation with the Police. The system will be maintained and images retained for 31 days and made available to the authorities on request.
- 4.15 Relevant representations have also been received from local residents and businesses in relation to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance (Annex E).
- 4.16 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Emma Stoneman, Senior Licensing Officer, 01225 396719
Background papers	Licensing Act 2003, Guidance Notes issued under Section 182 of the Licensing Act 2003, Licensing Act 2003 Regulations, B&NES Statement of Licensing Policy.

11/04000

25/7/07

ANNEX A

ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES

OCT 2011

Post Log No. 101

Receipt No.

Post Log No.

Receipt No.

CH/CA-E

190-64

14 OCT 2011

Post Log No.

Receipt No.

CH/CA-E

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 **Jamie Brian T/A Mixgrill**
(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
07/01519/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
4A Cleveland Place East

Post town	Bath	Post code	BA1 5DJ
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Telephone number at premises (if any)	07769724323
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Non-domestic rateable value of premises	£4000
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Part 2 – Applicant details

Daytime contact telephone number	07769724323		
E-mail address (optional)	jamie_koc@hotmail.com		
Current postal address if different from premises address	4A Cleveland Place East		
Post Town	Bath	Postcode	BA1 5DJ

Part 3 - Variation

Please tick yes

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

☒

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)Extended opening hours
sell of alcohol

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

0

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place 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 performing plays (please read guidance note 4)		
Wed					
Thur					
			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music 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 the performance of live music (please read guidance note 4)		
Wed					
Thur					
			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)		
Fri					
Sat					
Sun					

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				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 the performance of dance (please read guidance note 4)		
Wed			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 (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

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

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be 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 the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment 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	Please give further details here (please read guidance note 3) N/A		
Mon	23.00	05.00			
Tue	23.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) N/A		
Wed	23.00	05.00	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 (please read guidance note 5) N/A		
Thur	23.00	05.00			
Fri	23.00	05.00			
Sat	23.00	05.00			
Sun	23.00	05.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) N/A		
Mon	00.00	00.00			
Tue	00.00	00.00			
Wed	00.00	00.00			
Thur	00.00	00.00	<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> (please read guidance note 5) N/A		
Fri	00.00	00.00			
Sat	00.00	00.00			
Sun	00.00	00.00			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	
Mon	00.00	00.00	
Tue	00.00	00.00	
Wed	00.00	00.00	
Thur	00.00	00.00	
Fri	00.00	00.00	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 (please read guidance note 5) N/A
Sat	00.00	00.00	
Sun	00.00	00.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

Please tick yes

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

☐
☐

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
Misplaced

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

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

- * Our shop is strictly non-smoking premises
- * On the request of our customers we arrange a mini cab for them throughout the midnight until the early hours
- * We supply our customer free mineral drinking water

b) The prevention of crime and disorder

- * Our Premises are secured with 24hrs cctv system
- * Our staff are well trained and are able to pacify and control difficult customer and in emergency situation are able to report them to the police
- * Our food packaging are made from soft polymeric materials and are free from metals or any glasses
- * The safety our customers are paramount to us at all the time and our staff have been well trained
- * The cash monies are kept safe within our premises

c) Public safety

- * Our staff are responsible and would make sure that the shop floor is completely dry at all time
- * Our staff are well trained to use a fire extinguisher and the fire exit door in emergency situations within the premises
- * Our customers under no circumstances are allowed to enter the shop with glass bottles or metal objects with them
- * Those sections of the shop where our staff serve food are totally closed to our customers
- * The fire exist signs are clearly displayed inside are shop for the safety of are customers and staff.

d) The prevention of public nuisance

- * Our staff our responsible for clearing the tables and floor in the shop from unused food containers and immediately bin them inside the shop
- * A public bin is placed in front of our shop in which customers as well as public can bin their litter
- * For the attention of our customers the signs of leaving quietly from the shop are posted inside the shop
- * Our shop is equipped with a powerful, silent, and efficient extractor system which can effectively remove all food and any noxious smell from the enviroment inside the shop

e) The protection of children from harm

- * Our staff are well trained not to serve alcohol to people under 18 years old
- * Children without parents can be served differently in which our staff hand over food directly to them in the customer area of the shop rather to serve them behind the counter
- * Our staff are aware of those customers under 18 years old whom should be served first.
- * The cooking area of the shop is strictly closed to all customers at all time
- * Smoking is strictly prohibited inside our shop


Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	15.08.11
Capacity	

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)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

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

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

Schedule 12
Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	07/01519/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

Mix Grill
4 Cleveland Place East
Walcot
Bath
BA1 5DJ

Telephone number 07738 556758**Where the licence is time limited the dates** Not applicable**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities****Late Night Refreshment**

Friday and Saturday	23:00 - 03:00
Sunday to Thursday	23:00 - 01:00

The opening hours of the premises

Friday and Saturday	23:00 - 03:00
Sunday to Thursday	23:00 - 01:00

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

Not applicable

Part 2

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

Mr Jamie Brian
Basement Flat
7 Cleveland Place East
Bath
BA1 5DJ
01225 443727

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

Registered Business Number - Not applicable

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

Not applicable

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

Not applicable

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

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



Dated 25 July 2007



Annex 1 – Mandatory conditions

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

Annex 2 – Conditions consistent with the Operating Schedule

Staff shall arrange for a taxi service if requested.

Free drinking water shall be available.

CCTV cameras shall be in operation at the premises.

Customers shall not be permitted to bring bottles or glasses into the shop.

A prominent sign shall be displayed telling customers to leave the shop in a quiet manner.

The premises shall have an extract system which is designed to prevent noxious smells.



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

Annex 4 – Plans

As submitted with application.



Part B

Premises Licence Summary

Premises Licence Number

07/01519/LAPRE

Premises Details

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

Mix Grill
4 Cleveland Place East
Walcot
Bath
BA1 5DJ

Telephone number 07738 556758**Where the licence is time limited the dates** Not applicable**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities****Late Night Refreshment**

Friday and Saturday	23:00 - 03:00
Sunday to Thursday	23:00 - 01:00

The opening hours of the premises

Friday and Saturday	23:00 - 03:00
Sunday to Thursday	23:00 - 01:00

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

Not applicable



Name, (registered) address of holder of premises licence

Mr Jamie Brian
Basement Flat
7 Cleveland Place East
Bath
BA1 5DJ

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

Registered Business Number - Not applicable

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

Not applicable

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

As per Operating Schedule at Annex 2.



Bath & North East Somerset Council

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

Mix Grill, 4 Cleveland Place East



Scale 1/1250

Date 8/12/2011

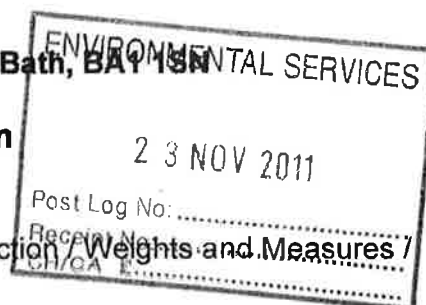
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Drawn by:

E Stoneman



Licensing Services, 9-10 Bath Street, Bath, BA1 1SN

Representation Form**Responsible Authority.** (Please delete as applicable.)Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures /
Planning Authority / Marine Agency.

Your Name	Steven Mildren
Job Title	Police Inspector
Postal and email address	Bath Police Station Manvers Street Bath BA1 1JN
Contact telephone number	01225842425

Name of the premises you are making a representation about.	Mix Grill
Address of the premises you are making a representation about.	4A Cleveland Place East Bath BA1 5DJ

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	Yes	The Premises are a fast food takeaway situated to the east of the city centre within the Cleveland Bridge area. This area has a mix of residential and business properties.. This is a main arterial route in and out of the city centre both for vehicular and foot traffic. The premises and the area suffers from sporadic crime and disorder.(see log summary Fig 1)The application seeks to vary the premises licence to provide 24 hour alcohol and 24 hour hot food. This has the potential to increase both problems within the premises and its impact on the surrounding area.(see statement of the beat manager Fig 2) Fast food takeaway outlets are flashpoints for alcohol –related crime and disorder, they offer attractive cluster points for revellers after they have left licensed premises, in comparison with pubs, bars and nightclubs they lack the type of design and management provisions necessary to process the custom of an intoxicated late – night customer base, providing an illustration

		<p>of how street based crime and disorder in the night time economy occurs where there is a convergence of intoxicated persons competing often in stressful conditions at times where there is an absence of capable guardians. The availability of alcohol at this type of premises only further adds to what can be a very stressful environment late at night. The application that has been submitted does not in any respect promote the licensing objectives, no measures are proposed that give any guidance as to how 24 hour alcohol and food will be provided in a manner that ensures that these licensing objectives are promoted. The Police are strongly opposed to this application.</p>
Public safety		
To prevent public nuisance		
The prevention of harm to children		

<p>Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>The Police licensing officer made several attempts to discuss the application but was told by the applicant that he was far too busy to undertake a meeting. The following conditions could be considered should the committee take the view to grant the licence.</p> <ol style="list-style-type: none"> 1. Alcohol will only be sold by way of delivery to customers residents after 23.00hrs and not to customers attending at the shop premises. 2. All deliveries which include alcohol must only be received by a person aged 18 yrs or over. 3. Photographic identity will be required for any person who appears under the age of 21 years. 4. A refusals register is to be maintained recording the details of any sales or deliveries that were refused, the register is to be kept at the premises and be made available for inspection to any Police Officer or authorised person at all reasonable times. 5. Alcohol will only be sold over the counter at the premises with a food order of £5 minimum. 6. A digital CCTV will be fitted to the premises in consultation with the Police, the system will be maintained and images retained for 31 days and made available to the authorities on request.
--	--

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

Signed:


Steven Mildren

Date:

23/11/11

Please return this form along with any additional sheets to:

Bath and North East Somerset Council
Licensing Services
9-10 Bath Street
Bath
BA1 1SN

E-mail address: licensing@bathnes.gov.uk

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

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Incident Reports

Mixed Grill
4a Cleveland Place
Bath
BA1 5DJ

Beat EB105

12/11/2011 Produced by PC 1287 Gemma Kirby

Background Information

Quick Address lists 18 properties using the postcode BA1 5DJ.

There are 3 licensed premises recorded on Innkeeper for postcode area BA1 5DJ:

1. Mixed Grill – late night refreshment, no alcohol, until 03:00 latest
2. Crouching Tiger – late night refreshment, no alcohol, until 03:00 latest
3. London Road Stores – off premises sales of alcohol until 23:00 latest

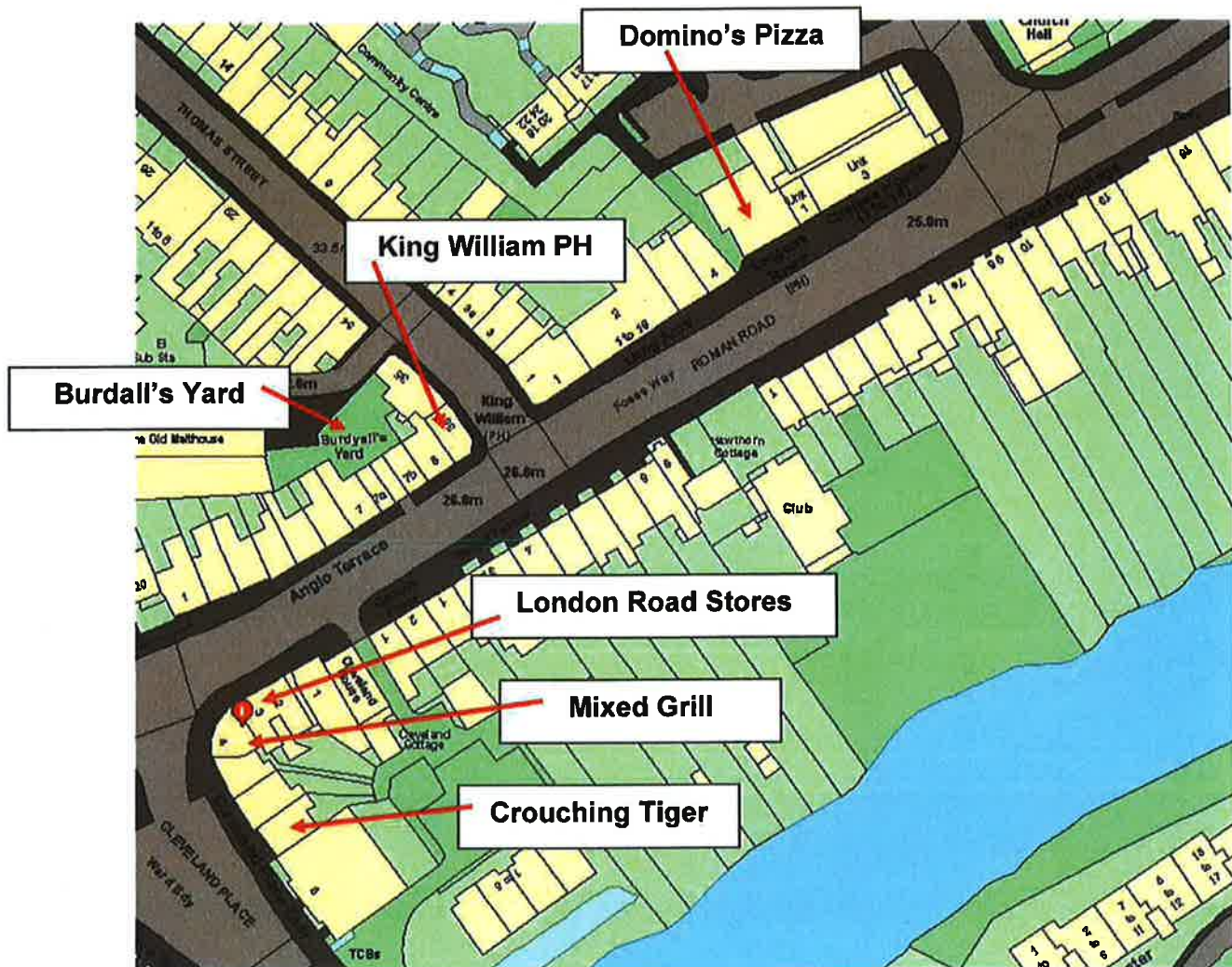
Other premises within the vicinity of Mixed Grill are:

1. Burdall's Yard – sales of alcohol, until 23:00
2. King William Public House – sales of alcohol, until 00:00 latest
3. Domino's Pizza – late night refreshment, no alcohol, until 01:30
4. Megabyte Takeaway – late night refreshment, off premises sales of alcohol, until 03:00
5. Morrison's Supermarket – off premises sales of alcohol

Refer to Figures 1 and 2 below which show the positioning of the above premises in relation to each other.

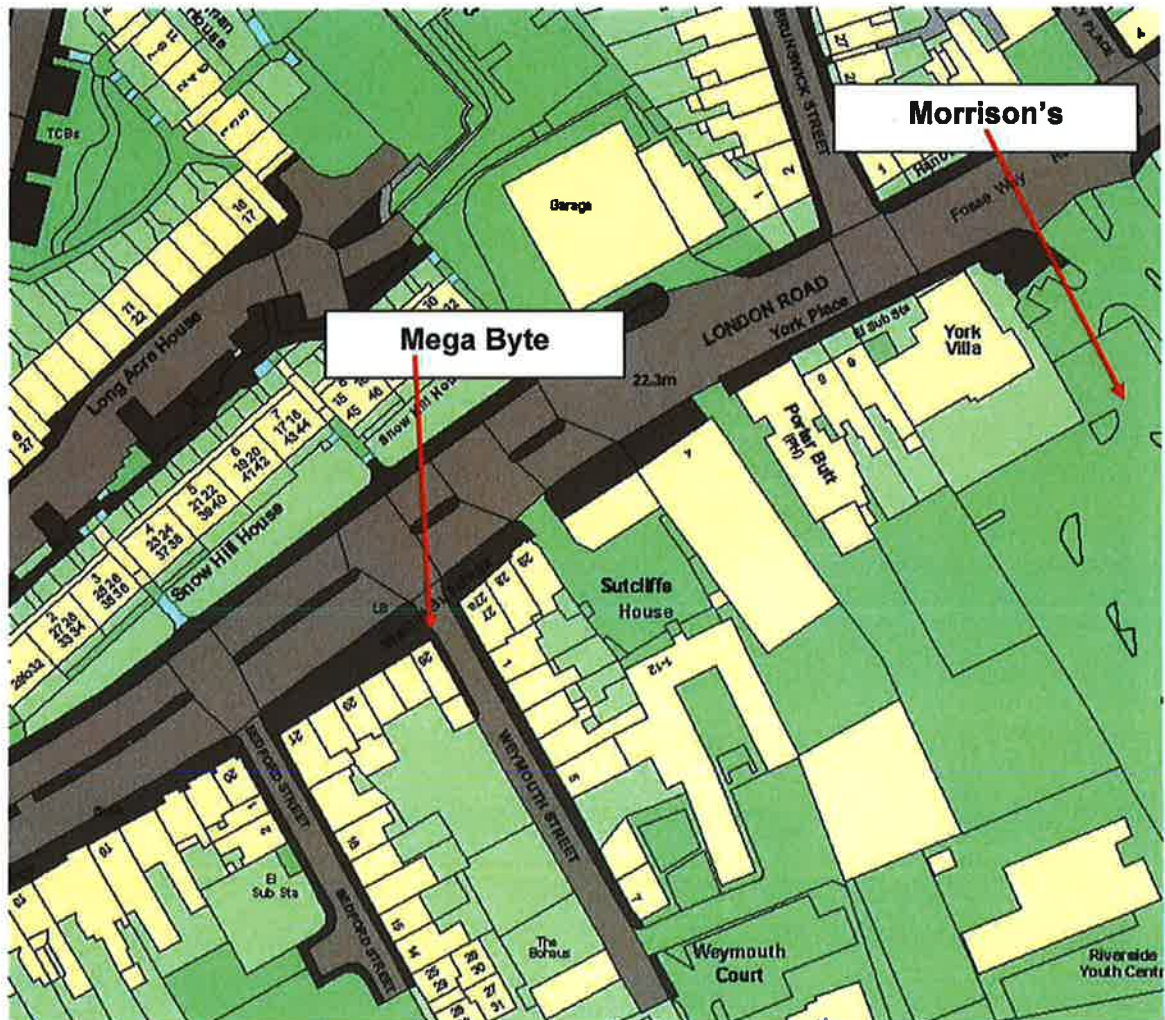
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Figure 1. Map showing Mixed Grill and other premises of relevance within the vicinity.



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Figure 2. Map showing position of other premises of relevance within the vicinity of Mixed Grill.



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Brief Overview of Incidents

Police Logs raised for this postcode area from 01/11/10 to date:

- 01/11/10 – 01/12/10:
1 call – Chilli Hut re non-payment of electricity bill
- 01/12/10 – 01/01/11:
6 calls – All relate to Mixed Grill and are detailed below
- 01/01/11 – 01/02/11:
4 calls – All relate to Mixed Grill. 3 are detailed below and one is a Police generated log for an arrest attempt.
- 01/02/11 – 01/03/11:
1 call – Mixed Grill as detailed below.
- 01/03/11 – 01/04/11:
6 calls – 1 relates to Mixed Grill and is detailed below. 4 calls relate to Cleveland House and are Police generated for arrest attempts and searches. 1 relates to a drunk female in London Road Stores on 11/03/11 at 2052.
- 01/04/11 – 01/05/11:
2 calls – Both Police generated logs for arrest attempts at Cleveland House.
- 01/05/11 – 01/06/11:
0 calls.
- 01/06/11 – 01/07/11:
3 calls – 2 calls to Mixed Grill and detailed below. 1 call to Cleveland House for a welfare check.
- 01/07/11 – 01/08/11:
4 calls – All relate to Mixed Grill. 3 are detailed below and 1 is a request for a summons to be served.

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- 01/08/11 – 01/09/11:
2 calls – 1 call relating to Mixed Grill but detailing the incorrect premises; request for a summons to be served. 1 call for a welfare check after an accidental 999 call.
- 01/09/11 – 01/10/11:
1 call – RTC at Cleveland Cottage.
- 01/10/11 – 11/11/11:
8 calls – 2 calls to Chilli Hut for a drunk female smashing a window 16/10/11 2120 hours. 1 Police generated log for an arrest attempt at London Road Stores. 5 calls relating to Cleveland House and detailing contact requests, fire alarm activation and an arrest attempt.

Total number of logs raised for the area covered by BA1 5DJ 01/11/10 to date: 39

Number of logs raised 01/11/10 to date that list Mixed Grill as the location address: 19

Number of calls received 01/11/10 to date where the actual location is Mixed Grill: 24 (some of these list London Road as the location address and this does not include logs raised by the Police)

Number of separate incidents these calls refer to: 23

Number of calls made by Mixed Grill staff: 10

Number of crimes recorded: 10

Day of the week the Police are most often called in relation to Mixed Grill: Thursday (see Figure 3)

Time of day the Police are most often called in relation to Mixed Grill: 0100 – 0200 hours (see Figure 4)

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Figure 3:

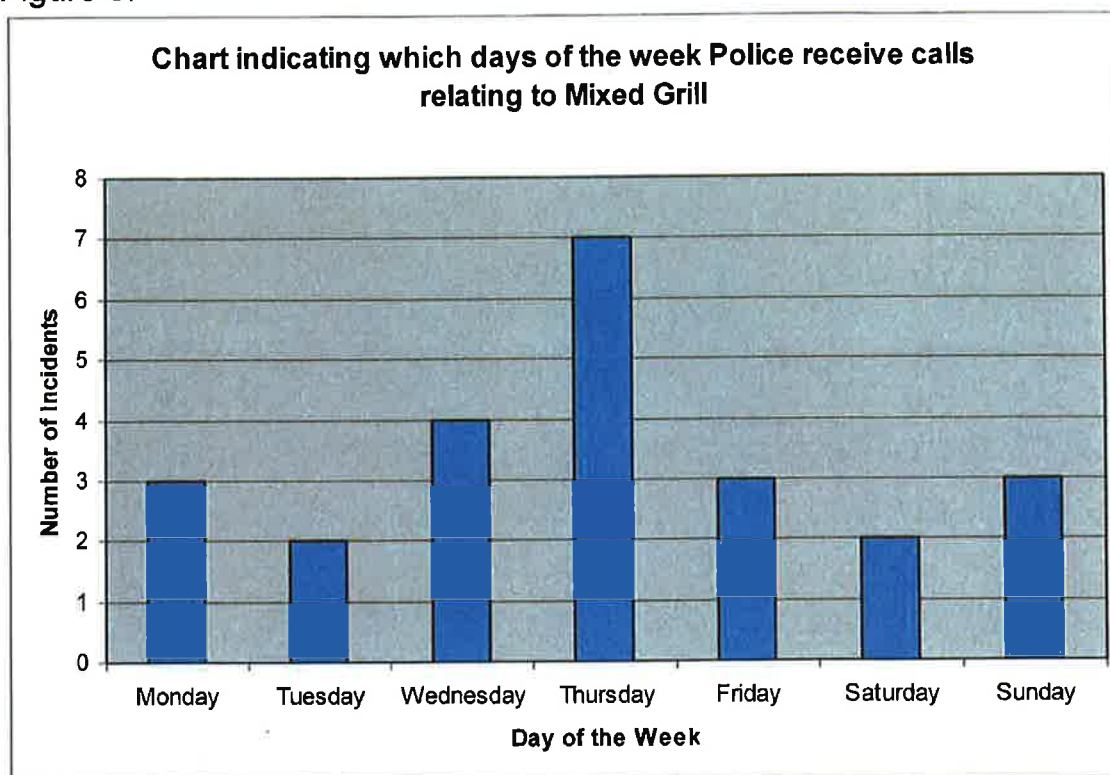
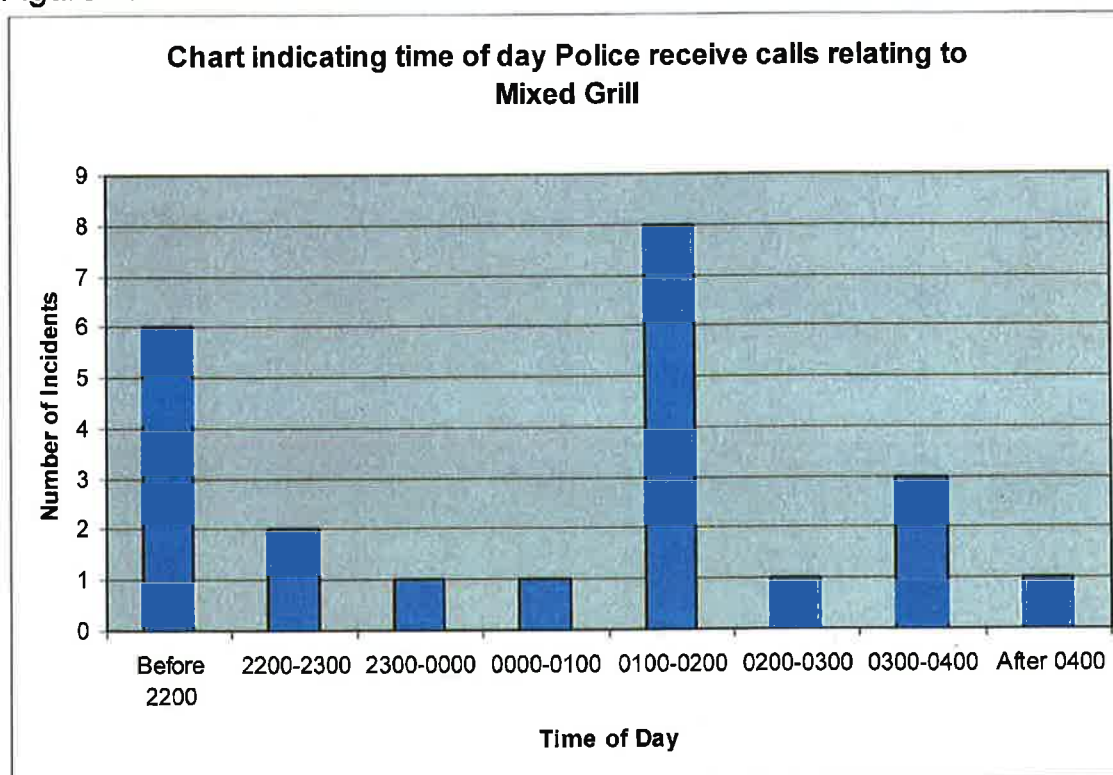


Figure 4:



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Incident no.	1 (linked to 2)
Date	06/10/11 - Thursday
Time	01:36
Informant	Member of staff from Mixed Grill
Log no.	AS-20111006-0053
Police Arrival	01:43 (7 minutes)
Incident	VAP - Assault Report of female being hit by a male on Cleveland Place. Information received that the offender is outside the Mixed Grill. Initial incident is followed by an assault on the informant's boss. Two arrested.
Guardian	118926/11 and 118924/11 ABH and Racially aggravated ABH (both male victims)
Arrest	2 arrested – 52SE/3050/11 and 3051/11
Disposal	Awaiting CPS result
Related	Yes. Staff from Mixed Grill involved and recorded as victims.

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Incident no.	2 (linked to 1)
Date	06/10/11 – Thursday
Time	01:42
Informant	MOP
Log no.	AS-20111006-0058
Police Arrival	01:43
Incident	Disturbance/Nuisance Informant details the location as outside the Curfew and Flames, 4 or 5 males fighting and the Police arriving. Transferred to working log above.
Guardian	Refer to incident 1.
Arrest	Refer to incident 1.
Disposal	Refer to incident 1.
Related	Yes. Staff from Mixed Grill involved and recorded as victims.

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Incident no.	3
Date	20/09/11 - Tuesday
Time	
Informant	Member of staff from City Tailors
Log no.	No log.
Police Arrival	
Incident	<p>Witness Intimidation</p> <p>Location of incident – London Road near Morrison's.</p> <p>Informant making a complaint that he is prosecuting for assault and criminal damage to his shop and has been approached by an associate of the defendant (member of staff at Mixed Grill). Told informant that it would be best if the case was withdrawn and that tomorrow they could come to his shop to ensure this took place.</p>
Guardian	112579/11 – Witness intimidation
Arrest	1 arrested
Disposal	NFA - Police
Related	Yes – as it involves staff from Mixed Grill

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Incident no.	4
Date	30/07/11 - Saturday
Time	05:00
Informant	Member of staff from Mixed Grill
Log no.	AS-20110730-0354
Police Arrival	05:05 (5 minutes)
Incident	<p>Disturbance/Nuisance</p> <p>Informant states he is outside the Mixed Grill and male keeps following him. Description of the offender and vehicle provided. Police attend and words of advice given. Log closed stating that there appears to be problems between Mixed Grill and the owner of Mega Byte.</p>
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes – at the location and call from member of staff.

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Incident no.	5 (linked to 6)
Date	14/07/11 – Thursday
Time	03:07
Informant	MOP
Log no.	AS-20110714-0102
Police Arrival	03:15 (8 minutes)
Incident	<p>VAP – Assault</p> <p>Location – Mixed Grill. Informant reporting that a friend has been asked to leave the kebab shop and has head has been stamped on by Greek kebab shop owners. The informant keeps the victim in a nearby telephone kiosk for safety. The informant leaves the location as he feels uneasy about making the call. The victim remains in the TK. BANES CCTV has not captured the incident. Police arrive and the victim is arrested after he assaults police. The suspect is taken to hospital prior to custody.</p> <p>Staff report to officers that the arrested male said “go back home!” as he left the shop and then swung a glass bottle towards the window, which missed.</p>
Guardian	83300/11 – Racially aggravated Public Order
Arrest	1 arrest – 52SB/2702/11
Disposal	Charged S5 POA
Related	Yes. Informant reporting that incident is taking place at the premises.

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Incident no.	6 (linked with 5)
Date	14/07/11 – Thursday
Time	03:10
Informant	MOP
Log no.	AS-20110714-0104
Police Arrival	X-ref to AS-20110714-0102
Incident	<p>Disturbance/Nuisance</p> <p>MOP reporting a drunk male just went into the kebab house and then tried to throw a bottle at the window. He then fell over and hit his head and is claiming he's been assaulted by staff.</p>
Guardian	N/A – as above
Arrest	N/A – as above
Disposal	N/A – as above
Related	Yes. Informant reporting that incident is taking place at the premises.

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Incident no.	7
Date	10/07/11 – Sunday
Time	20:53
Informant	Member of staff from Mixed Grill
Log no.	AS-20110710-1210
Police Arrival	Units committed so no Police attendance
Incident	<p>Disturbance/Nuisance</p> <p>Incident location given as Mixed Grill. Informant states there is an intoxicated male in the store and clears the line. A male could be heard shouting in the background. The informant is recalled and a description of the male is obtained. By this time the male has left the shop and is in the middle of the road. Police units are committed and call is downgraded as male has left.</p>
Guardian	N/A – no offences disclosed
Arrest	N/A
Disposal	N/A
Related	Yes. Informant is a member of staff at Mixed Grill.

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Incident no.	8 (linked to 9)
Date	11/06/11 – Monday
Time	21:45
Informant	Male provides address as Mixed Grill
Log no.	AS-20110611-1279
Police Arrival	See linked log below
Incident	<p>Harassment/Threats</p> <p>Location given as London Road. Informant reporting that he is being followed by a white vehicle. The driver is believed to be a male involved with Mega Byte and the informant believes this male is trying to kill him. The informant states he has reported this previously to the Police but nothing has been done. Informant advised to attend Bath Police Station.</p>
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. Informant provides his address as Mixed Grill so believe he is an employee there.

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Incident no.	9 (linked to 8)
Date	11/06/11 – Monday
Time	21:53
Informant	Member of staff at Mixed Grill
Log no.	AS-20110611-1285
Police Arrival	00:04 (2 hours 1 minutes)
Incident	<p>Harassment/Threats</p> <p>Location provided as Mixed Grill. Informant reporting that he is being followed by the family of his partner's ex-partner, he is very scared and that he is at his uncle's shop. Informed that the other party is not at the location at the current time but he sees them walk past every now and again. The informant is spoken to and explains that this is the same male involved in an incident the previous night. Police attend and speak to both parties. Words of advice given.</p>
Guardian	Intel report submitted
Arrest	N/A
Disposal	N/A
Related	Yes. Call is from a member of staff at Mixed Grill.

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Incident no.	10
Date	10/06/11 – Sunday
Time	22:58
Informant	Unknown
Log no.	AS-20110610-1437
Police Arrival	23:01 (3 minutes)
Incident	<p>Disturbance/Nuisance</p> <p>Location provided as Mixed Grill. Informant sounded out of breath and cleared the line. Recalled. A lot of shouting and a disturbance heard and the word "Police" shouted. Police arrive at the location. One male from the shop states that he has been threatened by males from the other kebab shop and one male pulled a knife on him. A vehicle is searched and no weapons found. The vehicle is linked to Mega Byte on PNC. A dog unit also attends (8 officers in total).</p>
Guardian	N/A
Arrest	No arrests made.
Disposal	N/A
Related	Yes. Location given as Mixed Grill and incident involves staff at the premises.

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Incident no.	11
Date	13/03/11 – Sunday
Time	01:30 - 02:30
Informant	MOP
Log no.	Reported via website
Police Arrival	Police attendance not required.
Incident	Theft Informant reporting that he left his bag in the shop after ordering some food. When he returned the bag had been stolen.
Guardian	29389/11 - Theft
Arrest	N/A
Disposal	Filed as no CCTV of incident.
Related	Yes. Informant providing location as Mixed Grill.

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Incident no.	12
Date	02/03/11 – Wednesday
Time	18:13
Informant	Member of staff at Mixed Grill
Log no.	AS-20110302-0870
Police Arrival	Resolved without Police attending
Incident	<p>Assault</p> <p>Informant reporting that he has received threats from a male called “Dave”. The threats were to his life and happened a week ago. The informant states that he has already told the Police but wants to come to the station to discuss other matters. Provides a previous Guardian reference 7315/11 which doesn’t link to him. An appointment is booked for informant to attend Bath Police Station. Informant fails to attend the appointment. A Guardian is raised 04/03/11 and the log closed.</p>
Guardian	25727/11 – Threats to kill CRI only as victim failed to cooperate with investigation.
Arrest	N/A
Disposal	NFA – victim was uncooperative.
Related	<p>Yes. Reported by member of staff.</p> <p>The original Guardian was 7153/11 – see 19/01/11.</p>

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Incident no.	13
Date	11/02/11 - Friday
Time	01:50
Informant	MOP
Log no.	AS-20110211-0073
Police Arrival	Police attendance not required.
Incident	Contact Informant reporting that Mixed Grill is still open and serving food and it does not have a licence. Informant has previously phoned the Council and they told him it should only be open until 01:00.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. MOP stating location is Mixed Grill.

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Incident no.	14
Date	25/01/11 - Tuesday
Time	17:30
Informant	Member of staff at Mixed Grill
Log no.	AS-20110125-0824
Police Arrival	18:37 (1 hours 7 minutes)
Incident	<p>Assault.</p> <p>Informant reporting he has been receiving calls all day and they have threatened to kill the informant and burn the shop. The log refers to an incident on 19/01/11 and that as a result calls should be treated as urgent. A further call is received stating that the men have phoned and told him they are going to be at his shop in a minute. Police attend. CCTV is aware and monitoring.</p>
Guardian	9925/11 – Malicious Communications
Arrest	N/A
Disposal	NFA – unable to identify caller has number withheld.
Related	Yes. Victim is a member of staff at Mixed Grill and provided this as the location.

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Incident no.	15
Date	19/01/11 – Wednesday
Time	03:11
Informant	Male at Mixed Grill
Log no.	AS-20110119-0075
Police Arrival	03:21 (10 minutes)
Incident	<p>VAP – Assault</p> <p>Informant provides the location as Mixed Grill kebab shop and states there are 4 or 5 males being violent and causing problems in the shop. Informant says the males are Turkish and think they have come to cause trouble, to hurt a member of staff and may have weapons. Informant refused to provide his name and cleared the call. CCTV operator can see 5 males inside the premises but no weapons. Police attend and 2 males are arrested for public order.</p> <p>Guardian states that 2 males entered the shop and purchased food and then returned with number of other males. The victim (member of staff at Mixed Grill) was told by the males that they had been sent to kill him and that if he didn't leave the country by Wednesday he would be dead and his body would go back to Turkey.</p>
Guardian	7153/11 – S5 Public Order
Arrest	2 arrested – 52SE/228/11 and 229/11
Disposal	NFA – CPS advice
Related	Yes. Male states the incident is at Mixed Grill.

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Incident no.	16
Date	16/01/11 – Sunday
Time	22:59
Informant	Member of staff at Mega Byte
Log no.	AS-20110116-1221
Police Arrival	23:07 (8 minutes)
Incident	<p>Disturbance/Nuisance</p> <p>Location given as London Road. Stated he was in the kebab shop and 4-5 males were swearing at him and trying to fight him. He says they showed him a knife in the kebab shop and although the offenders are still there, he is safe in his vehicle. Police attend and cannot ascertain who caused the initial incident. Words of advice are given to all parties.</p>
Guardian	N/A – no offences disclosed. Intel submitted regarding the Community Tension.
Arrest	N/A
Disposal	N/A
Related	Yes. Informant states incident happened at Mixed Grill.

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Incident no.	17
Date	12/01/11 – Wednesday
Time	01:04
Informant	MOP
Log no.	AS-20110112-0032
Police Arrival	Police attendance not required.
Incident	<p>Licensing</p> <p>Informant reporting that Mixed Grill is still open and that despite their licensing stating they are open until 01:00 they are staying open until 03:00 – 04:00. Call handler looks at previous logs and sees that as the premises is not selling alcohol the reported matter should be dealt with by the council.</p>
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. Informant stating the incident is at Mixed Grill.

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Incident no.	18
Date	31/12/10 – Friday
Time	00:58
Informant	MOP
Log no.	AS-201001231-0046
Police Arrival	Police not required to attend
Incident	Contact Record. Informant reporting that Mixed Grill is opening later than its licence permits. Logged for info; as no alcohol is sold so not a Police issue.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. Informant provides the location as Mixed Grill.

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Incident no.	19
Date	29/12/10 – Wednesday
Time	23:57
Informant	Member of staff at Mixed Grill
Log no.	AS-20101229-1239
Police Arrival	00:04 (7 minutes)
Incident	<p>Disturbance/nuisance</p> <p>Informant stating that there is a drunk male in the shop trying to fight staff. The male usual comes in and gets free food just so staff can get rid of him but on this occasion he is drunk. Male leaves prior to Police arrival and BANES CCTV monitor the situation. Male is followed by CCTV and arrested following a foot chase.</p> <p>Statement provided by the victim stating he was punched to the face and racial comments were made.</p>
Guardian	156513/10 – Racially aggravated assault
Arrest	1 male 52SE/4522/10
Disposal	NFA – Police advice after the victim who is a member of staff at the shop failed to attend a VIPER viewing.
Related	Yes. Informant states the incident is inside the premises

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Incident no.	20
Date	23/12/10 – Thursday
Time	19:02
Informant	MOP – relative of victim
Log no.	AS-20101223-0964
Police Arrival	Appointment made
Incident	<p>VAP – Assault</p> <p>Location given as London Road. Informant calling on behalf of his nephew, the victim. Victim attended the Mixed Grill to see two people who work there as one of them owes him money. When he got to the Mixed Grill he states he was assaulted by the male who owes him money and a second male. The victim provides the name and description of the male who owes him money. Victim taken to hospital by the informant.</p> <p>Guardian report details that victim was told he would be killed and cut and was punched to the head, chest and back causing bruising.</p>
Guardian	155098/10 – Assault ABH
Arrest	2 males arrested – 52SE138/10 and 188/10
Disposal	NFA – Police advice due to insufficient evidence.
Related	Yes. Victim states the incident took place at Mixed Grill and involved members of staff.

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Incident no.	21
Date	23/12/10 – Thursday
Time	01:27
Informant	MOP
Log no.	AS-20101223-0061
Police Arrival	Police attendance not required
Incident	Contact Record Informant alleging that Mixed Grill is open beyond its licensed hours and should close at 01:00 but is still serving customers. As there is no alcohol licence involved it is not a Police matter and the log is closed.
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Yes. Informant provides location as Mixed Grill.

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Incident no.	22
Date	10/12/10 - Friday
Time	03:31
Informant	Member of staff from Mixed Grill
Log no.	AS-20101210-0083
Police Arrival	03:57 (26 minutes)
Incident	<p>Disturbance/Nuisance</p> <p>Informant reporting that there are four males outside the address who work at the takeaway down the road and are trying to fight them. Informant reluctant to provide descriptions of people involved. Police attend close the log stating that it was a dispute between employees from rival restaurants.</p>
Guardian	N/A – no offences disclosed. Intel report submitted.
Arrest	N/A
Disposal	N/A
Related	Yes. Call from Mixed Grill staff.

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Incident no.	23
Date	06/12/10 – Monday
Time	01:17
Informant	MOP
Log no.	AS-20101206-0032
Police Arrival	Police attendance not required
Incident	<p>Disturbance/Nuisance</p> <p>Informant reporting that there are sounds of a disturbance at Mixed Grill. States that he could hear 3-5 voices outside talking possibly in Arabic. Informant cannot see the front of the takeaway. A call is made to Mixed Grill ad staff inform the Police that nothing is happening and that it is just the night time economy.</p>
Guardian	N/A
Arrest	N/A
Disposal	N/A
Related	Tenuous. Informant provides location as Mixed Grill but cannot see from her location.

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Incident no.	24
Date	06/12/10 – Monday
Time	01:46
Informant	Unknown
Log no.	AS-20101206-0037
Police Arrival	02:10 (24 minutes)
Incident	<p>Contact Record</p> <p>Informant is in the Mixed Grill and states that persons from another kebab shop across the road are trying to fight. Police arrive as the informant is on the line. There are no complaints and the attending unit submit an intelligence report stating that there are on going issues between Mixed Grill and Mega Bytes.</p>
Guardian	N/A - no offences disclosed. Intel report submitted
Arrest	N/A
Disposal	N/A
Related	Yes. Caller states incident is at Mixed Grill.

AVON AND SOMERSET CONSTABULARY

RESTRICTED (when complete)

MG11T

WITNESS STATEMENT

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

URN

Statement of Martin Michael Holliwell

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

This statement (consisting of 6 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 2nd November 2011

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

I am Police Constable 1665 Martin Michael Holliwell of the Avon and Somerset Constabulary, currently stationed at Bath Police Station. I joined the Constabulary in 1990, and until 2003 was stationed in Bristol. In 2003 I became the Beat Manager for Weston village, Bath, and in 2006 I became the incumbent Beat Manager for the Walcot, Lambridge and Lansdown wards. I have been a uniformed Officer since 1990, and have worked as a Beat Manager in various locations for at least half my Service.

One of my current wards, Walcot, encompasses the area around London Road and Cleveland Bridge. This is an area with high volumes of traffic and pedestrians; the area is as busy during the night as it is in the day. London Road and Cleveland Bridge form the link between the A36 and the A46 and the M4 and the road is constantly busy. The limited parking spaces are now "Residents Only", severely limiting any visitors' ability to park legally on this busy thoroughfare.

The area is also densely populated, with flats above the shops on the bridge, and houses adjacent to both sides of the rank of shops. It is a main pedestrian route into and out of Bath city centre, for residents of Snowhill, London Road and Larkhall as well as places further afield.

Signature:

Signature witnessed by:

2006/07 (1)

RESTRICTED (when complete)

AVON AND SOMERSET CONSTABULARY

RESTRICTED (when complete)

MG11(CONT)

Page No 2 of 2

Continuation of Statement of: Martin Michael Holliwell

The area has a number of late night takeaways and late night establishments – it is possible to purchase alcohol in two nearby outlets, until 2200 hrs (Morrisons and London Road Stores), and I would describe these outlets as well run and well managed.

It has been my experience, both here and in Bristol, that serving alcoholic beverages in late night takeaways is downright dangerous. Many pedestrians walking home from the City Centre, especially on weekends, will have consumed a lot of alcohol. At the moment, they will stop off at a Takeaway and order a meal; I have had complaints from residents that matters have got out of hand whilst late night revellers are waiting for their food – I have witnessed this myself in the City Centre, where fights can break out at a moments' notice, over spurious reasons.

The presence of alcohol on the premises, in my opinion, would only serve to exacerbate the issue – at present there are no premises on this side of Bath that have a late night licence, and, again in my opinion, the presence of alcohol would serve as a catalyst for people to meet and linger and drink in the street outside; the potential for Public disorder, road traffic collisions, noise, anti social behaviour and disruption to local residents would be increased massively.

Signature:

Signature witnessed by:

2006/07 (1)

RESTRICTED (when complete)

16, Walcot Buildings,
Bath. BA1 6AD

The Licensing Team,
9-10, Bath Street,
BATH BA1 1SN.

17th November 2011.

Dear Sirs,

Ref: 11/0400/LAPRE.

Flames take away, 4, Cleveland Place East. Changes to late night licence.

I would like to register my formal objection to the published application to serve food at the above premises until 5 am every day and to sell alcohol for 24 hours every day.

My grounds for objection areas follows:

Prevention of Crime and Disorder.

Prevention of Nuisance.

There is ample evidence that late night and early hours food and alcohol premises often attract the attention of people who are already fuelled up on alcohol. The government has voiced its concerns over the late night binge culture evident in so many of our cities, and the local authority in Bath has already had to address this problem in the city centre by enforcement of more strict licensing on some premises and an almost total ban on street drinking in the city centre. The city has also found it necessary to employ city centre marshals to maintain order.

Although Cleveland Place is not classed as city centre, it is at the junction of the London Road and Bathwick Street, both are major public thoroughfares, both are main routes for revellers on their way hom. from the city centre and both are residential streets. Unfortunately, without the benefit of city centre marshals, residents have little protection against the low level disorder and petty crime and occasional more serious crime that affects the area in the early hours.

We already have late night food outlets at Dominoes and at Megabites. Neither is permitted to sell alcohol over the counter, although Megabites does offer a delivery service, which has recently drawn adverse comment.

The proposal at Flames to sell alcohol over the counter will only serve to increase a supply that is already amply served elsewhere during the day and early evening. The proposal to also supply alcohol in the early hours is really an invitation to those who most probably should not be consuming alcohol at all.

In recent press reports, the applicant representing Flames said that his staff are able to keep order on the premises. Whilst I do not doubt their abilities, these requirements stop at the front door of the premises. Once in the street, the licensee has little or no legal responsibility for the behaviour of their customers.

Some years ago, I drew the attention of Social Services to the number of vagrants who live in the woods across the river from Grosvenor. They remain there to this day. Since that time a second group has found a home under the arches on the northern approach to Cleveland Bridge.

Whilst fully acknowledging the plight of these individuals, the London Road is frequently treated to the spectacle of members of this group drunk on the pavements. It is both irresponsible and unkind for the authorities to consider the introduction of a facility to allow these unfortunates to acquire even more alcohol at every hour of the day and night.

On a more general point of comment: I am aware that local residents have found the staff at Flames quite uncooperative in providing the identity of the owner and or the manager. Whilst I am aware that the 2003 Licensing Act takes a somewhat open view of who can apply for both a personal and a premises licence; I would suggest that the B&NES licensing team satisfy themselves that the applicant, Mr Jamie Bryan, can demonstrate a sufficiently close interest in the premises to ensure that he can meet his responsibilities within the terms of the Act.

Yours sincerely,

Alex Schlesinger

From:
Sent: 20 November 2011 22:13
To: Licensing
Subject: application 11/0400/LAPRE application 11/0400/LAPRE
Flames / Mix Grill, Cleveland Place

As a local resident i wish to object to this application on the grounds that the hours requested are excessive and therefore likely to cause a public nuisance.

This is a largely residential area, and despite the London road is relatively quiet at night. Bath is not a 24 hour city.

Any license granted should be for broadly similar hours to those operated by local pubs etc. (typically closing 11pm weekdays and 1am weekends at the latest) Alcohol related disturbance has been a problem in this area in the past - I know from experience that being woken by a bottle smashing a bedroom window is not pleasant.

Notes:

- i. The license application appears to be in a different name to the trading name displayed on the shopfront.
- ii. Vehicles associated with this business regularly park inconsiderately - on yellow lines, pavements, and seemingly deliberate double parking to "reserve" spaces for each other. This also causes a problem for residents. Is it possible to add conditions to the license to reduce this ?

Thanks

Resident of Walcot Terrace

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

From:
Sent: 30 November 2011 23:15
To: Emma Stoneman
Subject: Re: application 11/0400/LAPRE

Ms Stoneman,

Thankyou for your mail.

My comment about parking relates to staff and delivery drivers, not customers - the vehicles seem to be there most of the evening or come and go, with the same ones there regularly. I attach a photo taken earlier this year to illustrate -

the three vehicles behind are all half on the pavement, and are then doubled up by others in front.

Thanks

Resident



From:

Sent: 17 November 2011 16:10

To: Licensing

Subject: Comments on the Flames Takeaway

To whom it may Concerned:

I am a resident at . My families and I have seen the notice about the Flames Takeaway and felt very unhappy about their plan.

We don't mind there will be a takeaway which opens until 5 am, however we do mind that they also will serve the alcohol 24 hours per day!!

There has been many pubs nearby. 3 days of a week, it can be seen that a lot of drunk people walking around nearby, shouting, yelling and laughing very loudly. If they also will sell alcohol, especially 24 hours per day, there would be more people making noises in the night around this area.

Also, a lot of young people go to the takeaway shops frequently. If they also sell the alcohol to them, it will harm their healthy as well as harm the society safety!

Therefore, we are against their plan!

Kind Regards!

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

From:

Sent: 20 November 2011 18:22

To: Emma Stoneman

Subject: Flames- new licensing

Dear Emma,

I have received a letter through my door, ref the above 24 hour liqueur licensing and food until 5am. I am extremely concerned about this being bought into our community due to the society that we live in, being an alcohol fueled one. Then crimes and drugs are what comes from alcohol, and it is sad to say it but it is true.

You have to get to my apartment via the side ride behind Flames, being a single female who resides on her own, it is enough coming down a dark alley but not knowing what could be waiting, or glass on the floor etc.

Society tend to resort to alcohol for escapism and thus cause trouble, we are increasing the chance of someone's vulnerabilities as alcohol will be sold via an easy way.

Here are my concerns. I am not happy about it due to crime, noise, drugs, vandalism etc

Kind regards

From:

Sent: 25 November 2011 15:06

To: Licensing

Subject: 11/0400/LAPRE Flames Grill Cleveland Place East

Dear Sirs,

I have been informed that there has been an application for a 5am alcohol license for Flames Grill on Cleveland Place East.

I am strongly object to this application for the following reasons.

1) There is already a funnel neck effect that happens with people leaving night clubs and bars who head out towards the London road area, they are already drunk and noisy and giving them a chance to fuel their intoxication further isn't acceptable.

2) Violence is already prolific in this area on a Thursday Friday and Saturday night, which very often ends police called to the area, I thinking that when these yobs find out there is another place to purchase drink late at night it will only bring more of these yobs to the area. May I also add that on more than one occasion it has been the members of staff from Flames who have been involved in the violence.

Please can you advise me if my objection to this application will be anonymous

regards

Resident, BA1 5DG

From: Fabric Mills
Sent: 16 November 2011 12:11
To: Licensing
Subject: FLAMES Takeaway

11/0400/LAPRE

I am writing regarding the proposed late night opening for Flames Takeaway at: 4 Cleveland Place East Bath.

We are very concerned as we already have to clean the doorway of our shop in the mornings with rubbish left from customers leaving the takeaway. We also have had our windows broken in the last 3 months.

From a crime prevention and disorder point of view and also public nuisance we do not want the proposal to go ahead.

Kind Regards

Frances Farquhar
Manager of Fabric Mills
1 Cleveland Place East
London Road
Bath
BA1 5DJ

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:	11/0400/LAPRE
Applicant's name:	Flames Takeaway
Premises name and address:	4, Cleveland Place East [REDACTED]
Application for a:	24 hour alcohol license

Objector Details:

Objector's Name:	Graham Hudspith
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.	[REDACTED] 6 Cleveland Terrace [REDACTED] BA1 5DF
Organisation name if applicable:	[REDACTED]

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

☐

Dear Sirs,

I am objecting to the 24 hour alcohol license application by Flames takeaway. This area already suffers from the effects of the takeaway businesses in the area with the amount of litter that it strewn about the place.

Added to this is the social effect of drunks in the area. I have frequently returned from a night out myself to find somebody urinating in my doorway, my car has been vandalised on numerous occasions and I am frequently disturbed in the late evening by groups of people either shouting or fighting (on one occurrence this was so serious I had to call the police).

By granting this license you will be inviting every drunk in Bath to congregate in the area, thus making the place a no-go area in the evening for residents.

As I mentioned at the beginning, the area suffers from litter pollution, however, not once have I seen members of Flames staff dealing with this away from their shop frontage. Therefore I can only conclude that they do not actually care about the effect they are having on the local residents, a conclusion backed up by this ridiculous application.

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

G Hudspith

Date

19/11/2011

Contact telephone number(s)

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

There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.

This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.

Name G Hudspith

I will be attending the hearing ☐ I will not be attending the hearing ☒

I will be represented at the hearing by

I will be calling the following witness(es):

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

From:

Sent: 30 November 2011 20:34

To: Emma Stoneman

Subject: Licence Application 11/04000

The on line site is not working and ask that you take into account the following comments Re: Flames 4a Cleveland place East BA1 5DJ Application 11/04000

Dear sir,

I wish to make representation on the premises licence variation application 11/04000 to extend the hours for the sale and supply of alcohol and late night refreshment to permit 24-hour operation of these premises.

My concerns in regard to this application relate to the public nuisance and crime and disorder licensing key objective. I am concerned that this will result in a precedence being set, in that no other premises in this immediate area are current permitted to operate during this period. The late night atmosphere of the immediate area having been significantly improved following closure of both The Long Acre Tavern and Burdalls Yard.

The location is primarily residential, whilst I accept there is high traffic flow and commercial activity during the day, after midnight the location is a low background noise area, which permits these residents to have a acceptable balance of quiet enjoyment of their dwellings. By extending this premises licence this balance would be significantly tilted towards the commercial use and residents would in my opinion be negatively impacted.

I consider that the premises, due to its later operation would become a destination premises, attracting persons, who would not normally come to this area. This would result in persons loitering outside the premises, additional cars being attracted, parking up outside my property and other residential areas, as it can be difficult to park close to the premises at night. This an the incumbent noise will create a late night disturbance.

I also have concerns at the availability of alcohol on a 24-hour basis. Whilst I appreciate a condition that alcohol sales can be ancillary to a substantial take away meal this is likely to attract those seeking further alcohol late into the night which In my view would only exacerbate the problem and the crime and disorder issues that currently exist.

I consider that if the hours are extended as proposed in this application, this problem would become more prominent and have a severe detrimental impact on our area would arise. I consider this application is wholly inappropriate for the late night residential ambience of this area and would request that the application is refused.
yours sincerely

From: Jane Evans
Sent: 13 November 2011 17:39
To: Licensing
Subject: Application No 11 /0400/LAPRE

I write to record my objection to the application for the licence to serve food to 5.00am and alcohol for 24 hours a day.

The premise in question is located in a residential area and the encouragement of late night eating and drinking will only increase the level of disorder in this location. Anyone who is seeking to acquire alcohol in the early hours of the morning is likely to have been drinking at pubs and clubs already and therefore more likely to cause trouble and noise and disturbance. Even at other hours the provision of alcohol is only going to encourage the hanging around the premises causing a general nuisance.

There is already a tendency to hang around in the shelter of the toll houses on Cleveland Bridge which means that it can be intimidating for pedestrians to pass by and also leads to damage and litter. Provision of alcohol is only likely to increase this problem. The toll houses are listed buildings regularly photographed by tourists and others there damage and the loitering of drinkers does nothing for the image of Bath.

I therefore do not believe that this is an appropriate location for provision of an alcohol licence and indeed the late night provision of food is also likely to cause a nuisance and increase the likely hood of crime.

Jane Evans

4 Cleveland Bridge
Bath
BA1 5DH

16 NOV 2011

ANNEX E

14th Nov 2011

Post Log No:
Receipt No:
CH/CA £:

Application Number. 11/0400/LAPRE

Dear Sirs,

Re: application for a licence to serve food until 5 A.M. every night & to stay open to sell alcohol 24 hours per day.

I strongly oppose the granting of both licences to FLAMES Takeaway at 4 Cleveland Place East on the four grounds in your note. Clearly if the licences were granted, it would lead to people spilling out on to the pavement accompanied by their noise, possibly fighting & vomiting. & is there any real need for premises to be selling food until 5 A.M. & alcohol 24 hours per day?

Yours faithfully,

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

From: Justine

Sent: 20 November 2011 22:31

To: Emma Stoneman

Subject: Flames takeaway Cleveland place east

I wish to register my objection to flames take away being allowed to sell alcohol until 5 am. The area is potentially vulnerable to anti social behaviour anyway so it seems folly to add this. I live at Cleveland reach which can be vulnerable down an alleyway and I would feel less safe at night if the takeaway became a magnet for those seeking more alcohol in the early hours.

Thank you

Justine hocking

1 Cleveland reach

Bath

Ba1 5db

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

From:

Sent: 29 November 2011 13:03

To: Licensing

Subject: Licence Application: 11/04000/LAPRE

Dear Licensing Team,

My Husband and I are near by residents of Mix Grill (aka Flames). And I have two main concerns about the licence application 11/04000/LAPRE.

Prevention of Crime and Disorder:

Over the last eighteen months there have been numerous incidents outside Flames to which the police have been called. On at least one occasion an ambulance has been called out as a result of violence.

Prevention of Public Nuisance:

There have been a number of occasions this year where there has been shouting and arguments on the street in the evenings outside this business.

I'm alarmed that not only will there be off-sales of alcohol but that alcohol can be consumed on the premises all through the night. This is already a loud and raucous area attracting many late night drinkers I have concerns that these incidents will escalate.

I am concerned that Flames may be selling alcohol to intoxicated people late at night.

Kind regards,
Resident

BA1 5DG.

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:	11/0400/LAPRE
Applicant's name:	Flames Takeaway
Premises name and address:	4, Cleveland Place East Bath
Application for a:	24 hour alcohol license

Objector Details:

Objector's Name:	
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.	Cleveland Terrace
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

☐

Dear Sirs,

I am objecting to the 24 hour alcohol license application by Flames takeaway. This area already suffers from the effects of the takeaway businesses in the area with the amount of litter, noise and antisocial/druken behavoir from those frequenting the said takeaways.

This application show no consideration for existing residence of the area who do not wish to be disturbed until the early hours of the morning by drunken party goers who will be seeking out Flames as an area to congregate and continue drinking and revelling.

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

Date

29/11/2011

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:	
Applicant's name:	Mix Grill
Premises name and address:	Cleveland Place, Bath
Application for a:	Licence to sell alcohol

Objector Details:

Objector's Name:	Dr Lavinia Byrne
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.	6 Cleveland Place West, Bath BA1 5DG
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 believe that there is perfectly good enough alcoholic provision with a well-regulated pub, The Curfew on Cleveland Place.
Any further provision would change the character of the area and lower the profile of this important gateway into central Bath.

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

Lavinia Byrne 12/11/2011

Date



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

20 November 2011

Licensing Team
Bath and North East Somerset Council,
9-10 Bath Street
Bath
BA1 1SN

By e-mail to: licensing@bathnes.gov.uk

Dear Sirs,

Application: 11/0400/LAPRE

Residents in the area surrounding *Flames Takeaway* at 4 Cleveland Place East, Bath, have to put up with high levels of noise from traffic, emergency vehicle sirens and arguments between pedestrians travelling along London Road and across Cleveland Bridge.

I object to the extension of a takeaway license until 05:00 and a 24-hour alcohol license on the following grounds:

1. *Prevention of Crime & Disorder.* When *Flames* first started operations at Cleveland Place East, they closed at 04:00 and at night there were often arguments and fights outside the premises. There were some incidents of serious crimes (grievous bodily harm) where groups of youths attacked customers who were waiting for food. Anything which increases the threat of alcohol-related crimes puts the residents of the area at risk.
2. *Public Safety.* In view of the above risk of Crime and Disorder, what precautions will be taken to prevent harm to members of the public? The levels of litter scattered around on the pavements, particularly if it is greasy, will put pedestrians at risk of falls. Large numbers of customers waiting to be served will increase the noise levels and the risk of aggression towards members of the public and cause congestion on the pedestrian area next to a busy road. There is still quite a high level of vehicle traffic on the A36 and A4, even in the early hours of the morning.
3. *Public Nuisance.* As in point 3. above.
4. *Threat to young persons.* The threat to young persons (particularly those of school age) at night might not be increased, but the risk of them having yet another means of access to alcohol at any time of day and night should not be granted. There have been incidents elsewhere in Bath of under-age persons buying alcohol from food outlets and it would be unwise of the Council to condone another threat to children. Those who wish to purchase alcohol to drink elsewhere than in licensed premises have sufficient other outlets in Bath during the daytime.

Yours faithfully

From:

Sent: Friday, November 11, 2011 4:34 PM

To: licensing@bathnes.gov.uk

Subject: 4 Cleveland Place - Application No. 11/0400/LAPRE

To: Licensing Team, B&NES Council

From:

As a local resident I am pretty horrified by the application by FLAMES takeaway for a licence to sell food to 5am and alcohol for 24 hours a day.

Because London Road is much used by people returning home in particular from the city centre late at night/in the early hours, we already experience a good deal of nuisance and disturbance from such people. I have no problem with people enjoying themselves or even getting a bit tiddly on alcohol on a good night out, but it is important not to let that nuisance expand into something more serious and damaging for local residents. This is after all a dense residential area. Currently it is common for some revellers to drop their food wrappings, bottles and cans on the street, into doorways and even into the basement areas of local houses. So, another potential stopping place on the route home where alcohol can be purchased/consumed and food bought in takeaway form is bound to exacerbate this problem.

Noise is also a nuisance with revellers passing along London Road at night when there is no traffic noise. It is the nature of the terraced buildings which magnify and echo the sound, so that even slightly noisy conversations can be heard clearly word for word over a considerable distance. My feeling is that more alcohol/late night food, available from a site nearby, is liable to add also to that noise disturbance.

I suspect too that the site of FLAMES selling fast takeaway food, and near a street corner, would encourage little groups to form and stand around as they consumed their purchases. Such behaviour promises even more noise and a lot more litter. Heaven forbid! We should have the street around Cleveland Place swept virtually every morning now, to try to keep the dirty litter down, but it is actually the shopkeepers and residents who currently clear up the recurring mess.

We have seen an increase in street violence overall since 24 hr licencing became more common. Most responsible citizens accept that there is rarely a good case for granting a 24/7 alcohol license, so why would we support this application anyway?

In my view there is already plenty of provision for food and drink in that part of the London Road in any case. Are we going to allow over time, a proliferation of all-night bars/cafes in the area? This promotes the kind of negative image this area of Bath is trying to escape from, not endorse.

From: Martin Robinson
Sent: 17 November 2011 19:55
To: Licensing
Subject: Flames Takeaway, 4 Cleveland Place East - Ref: 11/0400/LAPRE
Importance: High

Dear sir, .

I am lead to believe that the above referenced business has applied for a Licence to serve food until 0500 and to stay open 24 hours a day selling alcohol.

I would like to register my **extreme objection** to this licence request, on the following grounds:

1. Public Nuisance - Antisocial behaviour from the customers of both this establishment and others (local pub and other takeaways) in the area is already happening and giving them more access to alcohol (outside pub opening times) will only make things worse
 - a. Specifically: Drunken behaviour, littering and acts of fouling (urinating in the alleyway down to Cleveland Reach) are already happening and will only get worse with increased access to alcohol
2. Prevention of Crime & Disorder
 - a. As above, late night drunkenness and general antisocial behaviour in the area around the takeaway and down to Cleveland Reach already happens and allowing a takeaway to open all hours selling alcohol will only exacerbate the current situation
 - b. The police are already seen far too often in the vicinity and allowing this business to sell alcohol and food for extended hours will only cause increased incidents requiring police intervention

As a final comment, this is a residential area where the vast majority of residents do not need access to food and alcohol throughout the night. The vast majority should therefore not be made to suffer from the minority (who may not even live around the area) that will abuse the easy access to alcohol and be a public nuisance and commit crimes and disorder

Yours faithfully,

Martin Robinson
6 Cleveland Reach
Bath
North East Somerset
BA1 5DB

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

From: Michael Jones

Sent: 12 November 2011 09:00

To: Licensing

Subject: Cleveland Place Mix Grill/Flames application

Dear Sirs,

As a local resident I am aware of the growing incidence of excessive drinking in the graveyard around of St. John's Church and the nearby Memorial Chapel graveyard. I therefore wish to register my strong opposition to giving an alcohol licence to Mix Grill/Flames in Cleveland Place.

There are already several local off licences, including McCalls in Bathwick Street and Argyll Street as well as the general store adjacent to Mix Grill, so the availability of alcohol during reasonable hours is not an issue. Making alcohol available throughout the night invites and exacerbates problems.

I intend to contact local councillors about this issue, but trust that as local officials you will appreciate and respond to the concerns of local residents.

Yours faithfully,

Michael Jones

1 Brompton House,
St. John's Road,
Bathwick

Tel. 01225 335988

From: michael jones

Sent: 17 November 2011 18:02

To: Emma Stoneman

Subject: Re: Cleveland Place Mix Grill/Flames application

Dear Emma,

My further comments are below:

The sale of food and refreshment at *Mix Grill* is not a matter of concern for us, much as we would like ALL commercial premises in Bath providing food to be responsible for clearing their vicinity of the litter they have originated.

- Our concern over alcohol is based on years of noting the use made by drinkers and drug takers of the graveyards either side of our property. (It was originally the rectory for St. John's Church.) We and our neighbours have seen the use made of the graveyard as a place to urinate and to copulate.
- One rough sleeper is currently using the porch on Cleveland bridge as a base and he and others can already be seen drinking late there in the evening, without the addition of another nearby alcohol outlet.
- We and neighbours have contacted the police on several occasions, particularly when there have been alcohol-fuelled fights or altercations which impinge on passers-by or endanger the participants. On one occasion someone who was 'merely' dead drunk was taken to be dead, and reported as such by a panicking resident.
- Our immediate locality is a site for drug taking that is often linked with alcohol. We find broken bottles and used syringes on a regular basis and they constitute a major hazard for the young children who use the path behind our property as a route to school. On one occasion the council workers clearing the graveyard found a concealed knife with a six-inch blade.
- In recent months the vacant site at the top of St. John's Road has become the place of preference for local drinkers and at times the elderly and infirm residents of Bridgemoor House have had to run (well...zimmer!) the gauntlet of drinkers on the path by the graveyard.
- The memorial graveyard at the top of Henrietta Street is a popular drinkers' venue, particularly in the summer months.

I hope that these concerns will be taken into account when reaching a decision and will be sending a copy of this email to local councillors.

Regards,

Michael Jones

From:

Sent: 20 November 2011 11:08

To: Licensing

Subject: 11/0400/lapre

I object strongly to this license being granted and fully reiterate the comments of my neighbour Mr. Martin Robinson at No.6. My objections are mainly to points 1,2 & 3. This area has already become an environmental health hazard through pollution, noise levels, and anti-social behaviour, without adding insult to injury!

Yours sincerely,

Resident of Cleveland Reach

From:

Sent: 28 November 2011 12:00

To: Licensing

Subject: Proposed license for Flames takeaway

Dear ms Stoneman,

Thanks for reply re-above with objections guidelines.

The potential for crime & disorder will be greatly increased by the availability of alcohol around the clock and consequently the public nuisance that this will ultimately cause i.e. out of control individuals using threatening behaviour, foul language, vomiting on, and littering of public places and residential areas nearby. Returning to homes

during late evening will be greatly affected by the possibility of having to 'run the gauntlet' of groups of drunks and the fear of any intimidating action that might ensue even up to our front doors.

Sincerely,

Walcot Terrace,

Re: **Flames 4a Cleveland place East BA1 5DJ Application 11/04000**

Dear sir,

I wish to make representation on the premises licence variation application 11/04000 to extend the hours for the sale and supply of alcohol and late night refreshment to permit 24-hour operation of these premises.

My concerns in regard to this application relate to the public nuisance and crime and disorder licensing key objective. This application will result in a precedence being set, in that no other premises in this immediate area are current permitted to operate during this period.

The location is primarily residential, whilst I accept there is high traffic flow and commercial activity during the day, after midnight the location is a low background noise area, which permits these residents to have a acceptable balance of quiet enjoyment of their dwellings. By extending this premises licence this balance would be significantly tilted towards the commercial use and residents would in my opinion be negatively impacted.

I consider that the premises, due to its later operation would become a destination premises, attracting persons, who would not normally come to this area. This would result in persons loitering outside the premises, additional cars being attracted, parking up outside my property and other residential areas, as it can be difficult to park close to the premises at night. This would extend the noise footprint from the premises closer to my property and result in car stereos blaring, slamming of car doors and loud voices in the street. I would add that the later this occurs the greater the intrusion residents like myself will experience, especially if we have bedrooms overlooking the street.

I also have concerns at the availability of alcohol on a 24-hour basis. Whilst I appreciate a condition that alcohol sales can be ancillary to a substantial take away meal can be attached to the varied licence, this I still find unacceptable. I would add that especially during the weekends, my front area is usually littered with the uneaten remains of takeaway meals, mostly kebabs. The packaging confirms that they have been purchased from these premises. In my view the extension of the operation of the premises would only exacerbate the problem and the crime and disorder issues that currently exist.

I consider that if the hours are extended as proposed in this application, this problem would become more prominent and have a severe detrimental impact on our area would arise. I consider this application is wholly inappropriate for the late night residential ambience of this area and would request that the application is refused.

yours sincerely
Walcot Terrace

18 NOV 2011

Post Log No:

Receipt No:

BRENDA CORNWELL

BATH.

Dear Sir/Madam

Re: application No. 11/0400/LAPPE.

We are writing to object to the stringent terms about the proposed extension of hours and application for an alcohol license of the 'Frames' takeaway on Cleveland Place East.

As there are other alcohol outlets on this stretch of the London Rd we feel this would only cause a public nuisance in what is a largely residential area.

Aside from the noise & possible public disorder due to drunkenness it could also cause a public health hazard if broken

are
glass & possibly people being strewn across the highway.

We also feel this could cause unsocial behaviour which the local police would then have to deal with, taking the resources away from other more genuine emergency situations. Finally, although we understand at this time that alcohol would only be served with food on the premises or delivered with food, feel this could very easily be turned into what would be nothing more than a 24/7 off license

yours faithfully

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:	11/04000 25/7/07
Applicant's name:	JAMIE BRIAN T/A MIXGILL
Premises name and address:	FLAMES 4A CLEVELAND PLACE EAST BAI 5DT
Application for a:	

Objector Details:

Objector's Name:	MR ASBURY
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>	FLAT 4 12 WALCOT PARADE BATH BA1 5NF.
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 ☐

In the last six months I have witnessed three fights in or in front of the kebab shop, the last one only last week, Thursday 22nd Nov when the workers in the flames takeaway were fighting with the workers from Art Style Computers only ~~the~~ ~~door~~ next door. This was at about 9pm and actually took place within the flames premises.

Surely, it is crazy to extend a alcohol licence when there is already so much trouble resulting from intoxicated people, including staff of the actual flames takeaway.

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

RAO 

Date

28.11.11

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

07826 826 484

(Copy)

ANNEX E

Application NO. 11/0400/LAPRE.

14 NOV 2011

Post Log No:
Receipt No:
CH/CA £:

Dear Sir/Madam,

Thankyou for advising me off the premises of the owner of 'Home' Takeaway & Cleveland Place East. As you the Council will be very aware of the junction here as I am and many people who have homes here and on the London Rd.

I purchased my property four years ago. This area does not need another Take away of any description as you have more than one already on the London Rd., the staff who deliver from one bangs on my window with other peoples pizzas not even checking my bell number (late). I can see the trouble from drinkers and men that hang around at night - in this area as young girls have to make there ways ~~ago~~ home from functions.

I was told they were trying to raise the standards of this area as London road is a major entrance to Twist-Per Bath City. In answer to all 4 questions its NO.

You have a public house - Curfew Drink Corner food shop / sells alcohol very late. Prices for food real high for local families. Milk very expensive. There have been fights - Burdals Yard was drugs you could see the chasing cars dealing. Person jailed for dealing. They also had plans for lap dancing. The streets rubbish / Cars idling. London Rd needs more competition of cost store's for the young people at competitive prices. Morrisons may be there but its a dreadful road to walk and take young children.

(2)

You will never make anything off the London Road for this Bath City on Pitman and more drinking places, it will just need more cruising police cars as I see them doing now.

I am sorry to take so long and be so blunt but my children are adults and I watch the young people do sad what is offered for them

fatty foods late at night and yet more alcohol. Then there will be the extra something yes from the Friday nights and Saturdays there it is. It's just encouragement for yet more trouble off and on for the Police resources.

Thanking you for notifying me,
I remain very sincerely

From: Nick Setchfield
Sent: 18 November 2011 13:14
To: Licensing
Subject: Application Number: 11/0400/LAPRE

Dear Sir/Madam,

I am writing to register my strong objection to the application by Flames Takeaway at 4 Cleveland Place East for a licence to serve food until 5 am and sell alcohol 24 hours a day.

I believe that if such a licence was granted it would be seriously detrimental to the nature of what is essentially a residential area. There is already a problem with late-night noise and rowdiness from the Bathwick Street bridge area, which will only be exacerbated by the granting of this licence.

I also believe that the easy availability of alcohol will attract an undesirable element of social nuisance, and will make the area feel considerably less safe and welcoming for local residents.

I urge you to turn this application down.

Yours sincerely,

G N Setchfield
3 Cleveland Reach
Bath
BA1 5DB

From:**Sent:** 21 November 2011 14:08**To:** Emma Stoneman**Subject:** Re: Flames Take Away

Dear Sir / Madam,

Re. Application No. 11/0400/LAPRE

I object to the application by Flames Take Away for all-night alcohol licensing for the following reasons:

1. Crime.

1A) A laptop computer was stolen from my shop. This was a situation where someone must have been hanging around the vicinity and seen a very brief opportunity to run in and take it. If these sort of incidents happen in daylight, I dread to think what may ensue if late night alcohol were to be available in this area late at night.

1B) I have had two bicycles stolen despite having padlocked them to the adjacent bike stands provided by the council.

2. Vandalism

2A) This area is already subject to high levels of vandalism. On one occasion 6 shop windows were smashed in one night, to be followed by another 5 two nights later; the five included two where the glass had already been replaced, and my own shop window.

2B) On several other occasions shop windows have smashed. The Police were informed.

2C) I had a bicycle damaged severely; I had secured it with a very robust lock including both wheels, so my guess is that the would-be thief, frustrated at being unable to steal it, kicked in the wheels instead.

2D) It is not uncommon to see drunks and or drug addicts in a terrible condition staggering around in this part of town. I feel that late night alcohol is the last thing we need here.

As a footnote, I would like to suggest that it may be helpful if the Police could make their presence known more frequently in this part of town.

Yours faithfully, Local Business

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

From:

Sent: 16 November 2011 14:53

To: Licensing

Subject: Re application for extension of opening hours selling alcohol 24 hours at FLAMES 4 Cleveland Place East

RE EXTENSION OF LICENSING HOURS AND OPENING HOURS AT FLAMES 4 CLEVELAND PLACE EAST BATH

I strongly oppose the application for Flames to sell alcohol 24 hours a day and food until 5 am. I live in [redacted] and plan to let out my house as a large self catering premises for families and groups. I have already noticed a tendency for drunk people to wander around London Road at the junction of Cleveland Place and gather around Nexus Methodist Chapel. I object on the following grounds:

1. Prevention of Crime and Disorder. If Flames becomes a place for 24 hour alcohol sales it is clear that people wanting to buy alcohol in the middle of the night are very likely to have already consumed a considerable amount and are quite possibly going to consume what they buy near the premises. As this is a high population residential area, it is very likely that 24 hour alcohol sales will result in drunken disorder throughout the night disturbing residents.

2 Public Nuisance The shop being open all night for sales of alcohol and til 5 am for food will certainly attract people who wish to stay up all night drinking or who are returning from parties or clubs in the early hours of the morning. Inevitably this will cause noise which will affect nearby residents. As flames is not a restaurant with large seating capacity it is very probably the takeaway food will be eaten in the area immediately outside the premises. In order for the business to be successful, they must be expecting fairly constant customers and as there is no other late night food outlet, it will certainly draw people to the area increase noise nuisance to residents.

3. Threat to young people Excessive alcohol consumption often leads to aggressive behaviour. If this area becomes known as one of the few places in BATH where alcohol can be bought 24 hours it will certainly draw people who need to drink throughout the night. Drunkenness very frequently leads to aggressive behaviour. Many young people live in this area and if there is a point known for selling alcohol 24 hours a day which attracts drunken behaviour, young people returning home late could be put at risk having to pass this area on their way home.

I strongly oppose this application as it is not providing a necessary service to the locality and will only attract and encourage excessive alcohol consumption in the immediate vicinity.

From:

Sent: 30 November 2011 13:04

To: Licensing

Subject: Application No: 11/0400/LAPRE

Dear Sirs

I am writing to object to the application made by FLAMES Takeaway at 4 Cleveland Place East.

I am objecting on three grounds:

1. Property damage
2. Drunken behaviour
3. Discarded rubbish

Please can you respond to my objection.

Thank you

From:

Sent: 18 November 2011 08:44

To: Emma Stoneman

Subject: Flames Takeaway, 4 Cleveland Place East - Ref: 11/0400/LAPRE

Dear Ms Stoneman,

I gather that the business above has applied for a licence to serve food until 0500 hours and to stay open 24 hours a day selling alcohol.

Frankly, this proposal fills me with horror. On a more general note, there are too many foul smelling fast food takeaways in this area which do nothing to improve living conditions for the residents. In fact, they actually make life somewhat unpleasant as we are the ones who have to clear up the mess and listen to screaming and yelling. It also makes it feel unsafe to walk home at night.

More specifically, I wish to object to this application on the grounds of:

1. Adding to the already unacceptable levels of noise late at night from rowdiness in this area which are clearly the result of too much to drink. People don't realise the decibel level as they carry out screaming conversations and have alcohol fuelled arguments. This is regular, not occasional.
2. The litter of both the wrappings and half eaten contents (it would seem that the drunks have difficulty hanging on to their purchases) are left for the residents to clear up.
3. Vomit to be sidestepped.
4. Feeling of safety. It is already a worry that antisocial behaviour is rising in this area. It is not difficult to judge that 24 hour availability of alcohol and virtually all night fast food will make matters worse.
5. Precedent. For all the reasons above. There are other outlets who would probably wish to follow suit.

Thank you for notice of this application.

I write for:

Resident, Cleveland Reach

Finally, I appreciate that you need to have the names of people who object but need your assurance that our names, and those of our neighbours, will not be passed to the people applying for this licence.