

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Thursday 26 June 2014
Time: 1.30 pm
Matter: Variation of a Premises Licence, K's Café, 9 Weymouth Street,
Warminster BA12 9NP.

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email Jessica.croman@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Briefing for the Members at 1300, 26 June.

Membership:

Cllr Desna Allen
Cllr Trevor Carbin

Cllr Dennis Drewett

AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Procedure for the Meeting** (*Pages 1 - 8*)

The Chairman will explain the attached procedure for the members of the public present.

3 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Licensing Application**

To consider and determine an Application for a Variation of a Premises Licence by Miss Katarzyna Jepiszko in respect of K's Café, 9 Weymouth Street, Warminster BA12 9NP.

6 **K's Café, 9 Weymouth Street, Warminster, BA12 9NP - Officers Report**
(*Pages 9 - 12*)

6a **Appendix 1 - Application for a Variation of Premises Licence** (*Pages 13 - 36*)

6b **Appendix 2 - Premises Licence** (*Pages 37 - 42*)

6c **Appendix 3 - Environmental Health Objection** (*Pages 43 - 44*)

6d **Appendix 4 - Map Location** (*Pages 45 - 46*)

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible

Authority or their Representative or any person who has made a Relevant Representation or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Person making a Relevant Representation” means a person who is present at a Hearing to make representations in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;

- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - A refuse to permit them to return;
 - B permit them to return only on such conditions as the Committee may specify;
 - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there are a number of people who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made Relevant Representations .

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - A the options available to it;
 - B the considerations that are relevant in reaching its decision.
 - 5.3.2 The Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
 - 5.3.3 A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:
 - A the grounds of the representation to the Application; and
 - B any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who have made a Relevant Representation . If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
- 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
- 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report.
6. The Applicant addresses the Sub Committee.
7. Questions to the Applicant by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
8. Questions to the Applicant by Members of the Sub Committee.
9. Comments by Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
10. Questions by Applicant.
11. Questions to Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation by Members of the Sub Committee.
12. Summing up by Parties who have made representations.
13. Summing up by Applicant.
14. Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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Wiltshire Council

Western Area Licensing Sub-Committee

26 June 2014

Application for a Variation of a Premises Licence; K'S Cafe, 9 Weymouth Street, Warminster, BA12 9NP

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of K'S Cafe, 9 Weymouth Street, Warminster, BA12 9NP made by Miss Katarzyna Jepiszko.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of K'S Cafe has been made by Miss Katarzyna Jepiszko for which one relevant representation has been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 35(3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To modify the conditions of the licence.
- ii) To reject the whole or part of the application.
- iii) To grant the application as applied for.

- 2.5 On 1st May 2013 an application for a variation of the existing premises licence, was received and accepted as a valid application.

- 2.6 The variations applied for are summarised as follows:

- To include the basement in the licensed area in order to utilise it for licensable activities.
- Add live and recorded music to the basement level.
- Increase capacity in line with the fire officer agreement.
- Remove the condition 'there will be no amplified music' for the basement level only.

A copy of the application form is attached as **Appendix 1**.

2.7 Since December 2010, the premises benefits from a Premises Licence issued under the Licensing Act 2003. The original licence allowed the following:-

| Licensable Activity | Hours |
|--|--|
| Late Night Refreshment (Indoors) | Monday to Sunday 23:00hrs-01:00hrs (Next Day) New Year's Eve till 02:00hrs |
| Sale by retail of Alcohol (On and Off) | Sunday to Wednesday 09:00hrs-22:00hrs Thursday to Saturday 09:00hrs-01:00hrs (Next Day) New Year's Eve till 02:00hrs |

The Premises Licence was subsequently varied in August 2013 to extend the hours of Late Night Refreshment and sale by retail of alcohol and to add recorded music to the licensable activities on the premises licence, as shown in the following table. A change to the layout of the premises was also included in the variation application.

| Licensable Activity | Hours |
|---|--|
| Late Night Refreshment (Indoors) | Monday to Sunday 23:00hrs-02:00hrs (Next Day) |
| Sale by retail of Alcohol (On the premises) | Monday to Sunday 09:00hrs-01:30hrs (Next Day) New Year's Eve & Bank Holidays till 02:00hrs (Next Day) |
| Recorded Music (Indoors) | Monday to Sunday 09:00hrs-02:00hrs (Next Day) |

The current Premises Licence is attached as **Appendix 2**

3. Consultation and Representations

3.1 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days together with a publication of

notice in a local news paper within 10 working days, starting on the day the authority receives the application. During the consultation period one relevant representation has been received from one Responsible Authority.

3.2 Responsible Authorities

- Environmental Health – Noise Team

3.3 Interested Parties

- None

3.4 A summary of the representations made is detailed in the table below:

| Representation | Licensing Objective | Accepted | Comments |
|--------------------------|----------------------------|-----------------|-----------------|
| Increased Noise Nuisance | Public Nuisance | Yes | |

3.5 The relevant representation is attached as **Appendix 4**. Attached as **Appendix 5** is a plan, which shows the location of the premises

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant and Responsible Authority who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing the applicant and the Responsible Authority who have made representations are entitled to address the Sub Committee and to ask questions of the other party, with the consent of the Sub Committee.

5. Officer Recommendations

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

6.1 It should be noted that the Premises Licence Holder, and the Responsible Authority who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority will not normally be granted within the first 12 months except for the most compelling circumstances.
-

Report Author: Hannah Hould, Public Protection Officer (Licensing)

Date of report: 6 June 2014

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Variation Application and Plan of Premises**
- 2 Existing Premises Licence**
- 3 Environmental Health Representation**
- 4 Location Plan**

RECEIVED
MONKTON PARK
07 MAY 2014

PUBLIC PROTECTION

CHEQUE RECEIVED
WPST 00353 941
£
1/5/2014 @ County Hall
E. HEALTH

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/W
e

KATARZYNA JEPISKO

(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 **WN1300 ~~WN1300~~ 24 APR 14**

Part 1 – Premises Details

| | |
|--|-------------------|
| Postal address of premises or, if none, ordnance survey map reference or description 9 Weymouth Street | |
| Post town | NARMINSTER |
| Post code | BA12 9NP |

| | |
|---|---------------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ 8100 |

Part 2 – Applicant details

| | |
|---|--------------------|
| Daytime contact telephone number | 07912973938 |
| E-mail address (optional) | |
| Current postal address if different from premises address | |
| Post Town | |
| Postcode | |

Part 3 - Variation

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

Please tick yes



Day

Month

Year

If not do you want the variation to take effect from

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

Add live and recorded music to the basement level to reduced the impact on residential

Utilize basement for license activities

Increase capacity in line @ with fire officer agreement.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

Provision of late night refreshment (if ticking yes, fill in box L)

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

In all cases complete boxes N, O and P

A

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

B

| | | | | | |
|---|--------------|---------------|--|----------|--------------------------|
| Films Standard days and timings (please read guidance note 6) | | | <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 | | | | | |
| Wed | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | <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) | | |
| 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 | | | <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) |
| Thur | | | |
| Fri | | | |
| Sat | | | |
| Sun | | | |
| | | | |
| | | | |

D

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|--|--------------|---------------|--|----------|--------------------------|
| 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 | | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | <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) | | |
| 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 checked="" type="checkbox"/> |
|--|-------|--------|---|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 9.00 | 2.00 | Please give further details here (please read guidance note 3) | | |
| Tue | 9.00 | 2.00 | | | |
| Wed | 9.00 | 2.00 | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Thur | 9.00 | 2.00 | | | |
| Fri | 9.00 | 2.00 | 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) | | |
| Sat | 9.00 | 2.00 | | | |
| Sun | 9.00 | 2.00 | | | |

F

| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 9.00 | 2.00 | Please give further details here (please read guidance note 3) | Both | <input type="checkbox"/> |
| Tue | 9.00 | 2.00 | | | |
| Wed | 9.00 | 2.00 | State any seasonal variations for the playing of recorded music (please read guidance note 4) | | |
| Thur | 9.00 | 2.00 | | | |
| Fri | 9.00 | 2.00 | 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 (please read guidance note 5) | | |
| Sat | 9.00 | 2.00 | | | |
| Sun | 9.00 | 2.00 | | | |

G

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|---|-------|--------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input 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 performance of dance</u> (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

H

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|--|-------|--------|--|----------|--------------------------|
| 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 | | | | | |
| | | | | | |

I

| | | | | | |
|--|-------|--------|---|--|--|
| 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"/> Both <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) | | |
| | | | <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) | | |

J

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Provision of facilities for dancing Standard days and timings (please read guidance note 6) | | | <u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (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 – <u>please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 11pm | 2am | Please give further details here (please read guidance note 3) | Both | <input type="checkbox"/> |
| Tue | 11pm | 2am | | | |
| Wed | 11pm | 2am | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| Thur | 11pm | 2am | | | |
| Fri | 11pm | 2am | 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) | | |
| Sat | 11pm | 2am | | | |
| Sun | 11pm | 2am | | | |

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 checked="" type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| Day | Start | Finish | Both <input type="checkbox"/> | | |
| Mon | 9.00am | 1.30am | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| | | am | | | |
| Tue | 9.00am | 1.30am | | | |
| | | am | | | |
| Wed | 9.00am | 1.30am | | | |
| | | am | | | |
| Thur | 9.00am | 1.30am | | | |
| | | am | | | |
| Fri | 9.00am | 1.30am | | | |
| | | am | | | |
| Sat | 9.00am | 1.30am | | | |
| | | am | | | |
| Sun | 9.00am | 1.30am | | | |
| | | am | | | |

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)

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) |
|--|-------|--------|--|
| Day | Start | Finish | |
| Mon | 9.00 | 2.00 | <p>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)</p> <p>New Year Eveing and bank Holiday till 2.30am</p> |
| Tue | 9.00 | 2.00 | |
| Wed | 9.00 | 2.00 | |
| Thur | 9.00 | 2.00 | |
| Fri | 9.00 | 2.00 | |
| Sat | 9.00 | 2.00 | |
| Sun | 9.00 | 2.00 | |

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

Remove condition related to no amplification of music for basement level only.

- 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

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

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

b) The prevention of crime and disorder

Door staff will be on board when basement level open and will have risk assessment for door staff.

c) Public safety

CCTV installed in basement on level
fire equipment installed as fire officer required

d) The prevention of public nuisance

e) The protection of children from harm

Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

| | |
|-----------|--------------------------------|
| Signature | <i>[Handwritten Signature]</i> |
| Date | <i>28.04.2014</i> |
| 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) | | | |

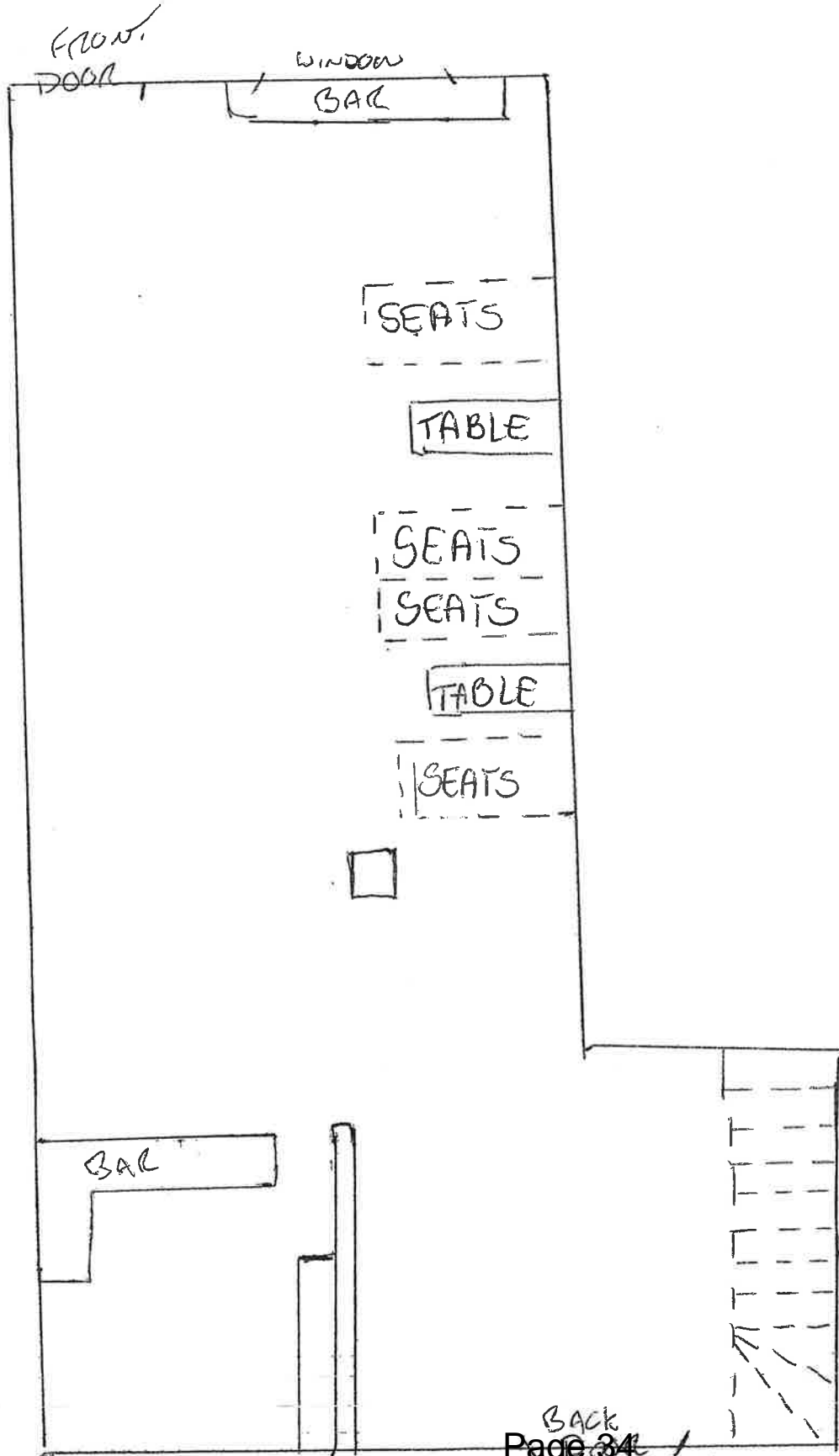
Notes for Guidance

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.

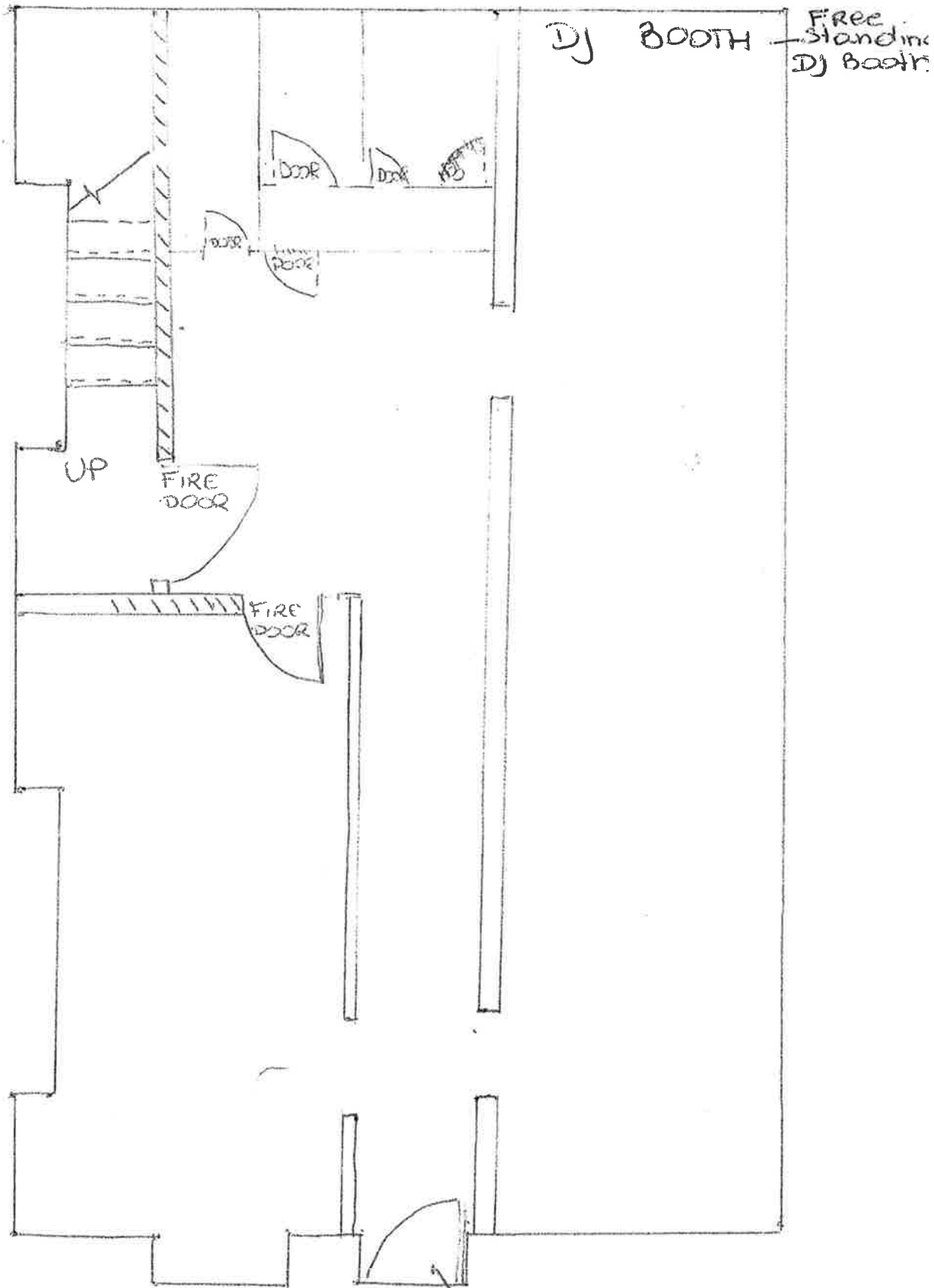
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you 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.

GROUND FLOOR



SCALE 1:50

BASEMENT OF 9 Newmarket Street
BAR AND
WARMING UP



Scale 1:50

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**Licensing Act 2003
 Premises Licence**

Public Protection – Licensing
 County Hall
 Bythesea Road
 Trowbridge
 Wiltshire
 BA14 8JN

Premises Licence number

WW1300024LAPRVA

Tel 0300 4560100

Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

K'S
 9 Weymouth Street

Post town

Warminster

Post code

BA12 9NP

Telephone number

Licensable activities authorised by the licence

Sale of alcohol (on Sales)
 Late night refreshments (indoors)
 Recorded Music (indoors)

Where the licence is time limited, the dates

N/A

The times authorised by the licence for the carrying on of licensable activities

Activity:

Supply of alcohol (on Sales)

Monday to Sunday

09.00 – 01.30 (following day)

Recorded Music (indoors)

Monday to Sunday

09.00 – 02.00 (following day)

Late night refreshments (indoors)

Monday to Sunday

23.00 – 02:00 (following day)

Non standard timings:

New Years Eve & Bank Holidays until 2.00 (following day)

The opening hours of the premises

Monday to Sunday

09:00 to 2:00 (following day)

Non standard timings:

New Years Eve & Bank Holidays until 2.30 (following day)

Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

On sales of alcohol are permitted

Name, (registered) address, telephone no and email (if relevant) of holder of premises licence

Katarzyna Jepiszko
24 Hillwood Lane
Warminster
Wiltshire
BA12 9QG
Tel: 07912 973938

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

N/A

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

Katarzyna Jepiszko
24 Hillwood Lane Warminster Wiltshire BA12 9QG
Tel: 07912 973938

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

WW1000163LAPER granted by Wiltshire Council

Mandatory conditions**Alcohol**

Where this Licence authorises the supply of alcohol:

1. No supply of alcohol may be made under this Licence:
 - a. At a time when there is no Designated Premises Supervisor in respect of it
 - b. At a time when the Designated Premises Supervisor does not hold a Personal Licence.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Irresponsible Promotions (On Sales Only)

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

Dispensing Alcohol Directly into the Mouth (On Sales Only)

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Tap Water (On Sales Only)

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification Policy

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

6. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Drink Volume Measures (On Sales Only)

7. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door Supervision

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

a. Unauthorised access or occupation (eg through door supervision)

b. Outbreaks of disorder

c. Damage

Exhibition of Films

Where this Licence authorizes the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

a. By the British Board of Film Classification (BBFC) where the film has been classified by that Board

b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the Licensing Authority has notified the licence holder that section 20 (3)(b)(74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Conditions and restrictions from transferred licences

N/A

Conditions attached after a hearing by the licensing authority

N/A

Conditions consistent with the operating schedule

- The Designated Premises Supervisor (or nominee) will belong to the Pub Watch scheme and any alternative area network designed to promote the licensing objectives.
- CCTV to be installed at the premises, the system shall be installed so as to cover all entrances and exits, and the licensed area. The system is to be maintained and in full working order during all licensable hours. The system is to be of sufficient quality so as to enable identification. Images must be retained for a minimum of 28 days and produced to a Police Officer or a Wiltshire Council Licensing Officer on request
- An incident book will be maintained on the premises, all incidents will be recorded. The record will state the date, time, brief details and the names of staff who dealt with the matter. The book will be kept on the premises and will be produced to a Wiltshire Council Officer or Police Officer on request.
- A risk assessment will be carried out by the DPS to determine whether door supervisors should be deployed on the premise. The number of door supervisors and times of deployment will be determined by the risk assessment which will be available to a Wiltshire Council Officer and or Police Officer on request.
- A written record will be maintained of the door supervisors deployed on the premise. The record will include names of the door supervisors, dates and times of deployment and the registration number of each door supervisor.
- The premises will produce and adopt a drugs policy in consultation with Wiltshire Police.
- Staff will not be permitted to sell alcohol until they have completed training to prevent under age sales and prevent the sale of alcohol to a drunk, management will ensure that this training is regularly refreshed. A record of training will be maintained and kept at the premises and will be produced to a Wiltshire Council Officer or Police Officer on request.

- Persons under 16 years old will not be permitted on the premises after 21:00 hours.
- The premises will operate a 'Think 25' policy. Proof of age will be required from any person seeking to purchase or consume alcohol who appears to be under the age of 25. This evidence shall be photographic, such as a passport or photographic driving licence, until other effective identification technology (for example, finger print or pupil recognition) is adopted by the licence holder.
- Customers will **NOT** be permitted to leave the premises with open containers, bottles, drinking vessels or alcoholic drinks.
- Up to date documented Health & Safety and Fire Safety risk assessments have been carried out for the premises.
- Staff will be trained in the law and practice of the Licensing Act 2003 and other relevant legislation. Records of training for individual members of staff will be kept in a safe place at the premises and will be made available upon request to an authorised officer of the Local Authority or police officer.
- A refusals book will operate at the premises. All staff who are likely to serve alcohol will be made aware of its existence and instructed to complete the log every time a refusal is made. The log will be available for inspection by officers from Trading Standards, the Police and the Licensing Authority at any reasonable hour.
- There will be no amplified music
- A prominent notice must be on display at the premises requesting customers to leave the area quietly.

Plans

The attached plans form part of this licence and are stamped with the licence number and the date it was granted

Signed

Licensing Officer
Wiltshire Council

This licence is valid from 22 August 2013

Agenda Item 6c

From: Wilkinson, Annabel
Sent: 28 May 2014 14:19
To: Hould, Hannah
Cc: Carter, John; Tomsett, Gary; Nutley, Fred; Thomson, Jenny; Holland, Linda; Grant, Lisa
Subject: RE: 201411416 your ref 201411407 KS Bar, Weymouth St, Warminster

Dear all

I refer to the above premises licence application.

As you are aware the Environmental Protection & Control Team has significant concerns with regard to potential noise from the use of this part of the premises for live and/or recorded music.

As a result of their recent planning application and this premises licence application an acoustic assessment has been requested from the applicant. However, since none has been forthcoming at this stage then we must formally object to this premises application on the grounds of public nuisance.

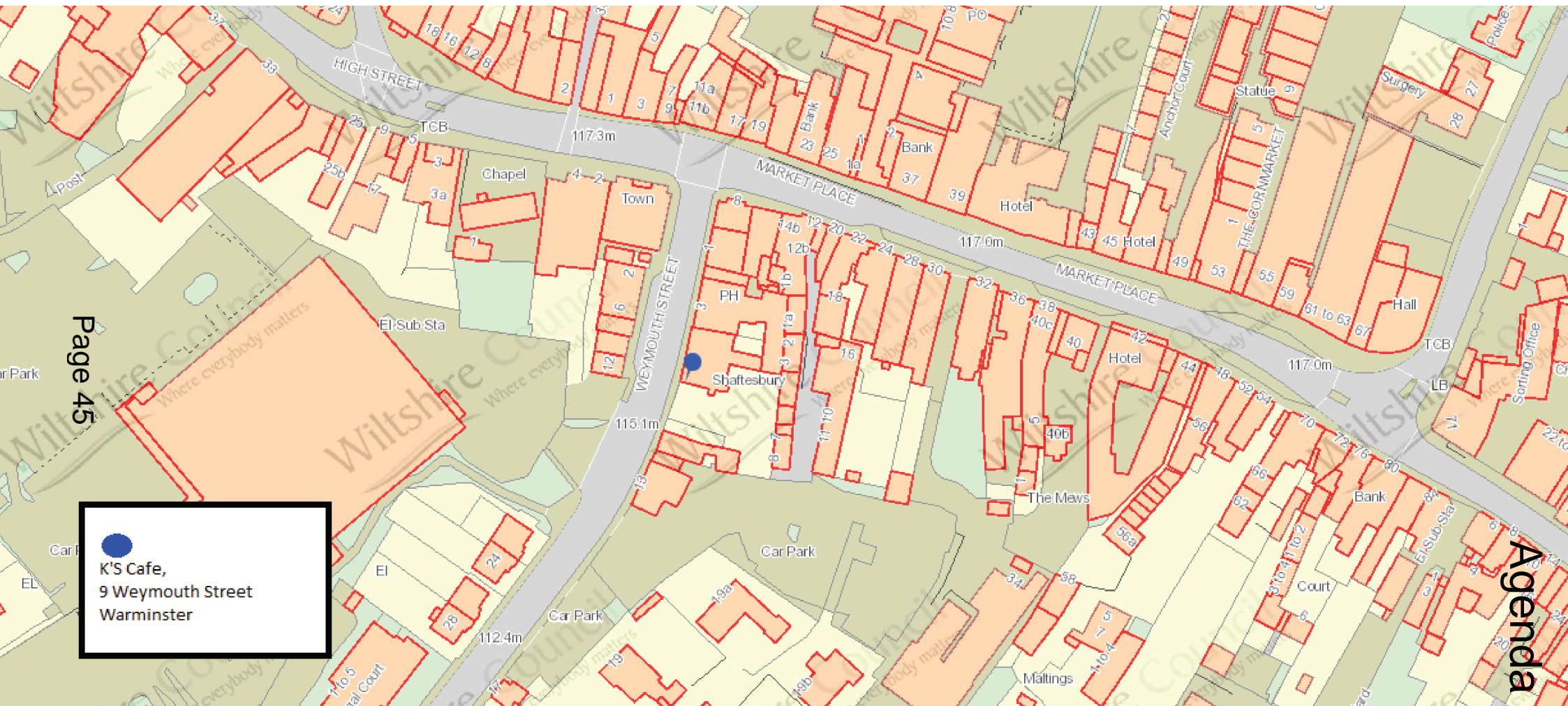
Should the applicant submit an acoustic assessment and be able to demonstrate that it will be possible to ensure the noise does not unreasonably affect others in the vicinity then we will, of course, withdraw our objection.


Kind regards

Annabel

Mrs Annabel Wilkinson
Environmental Health Officer
(Environmental Control & Protection)
Tel: 01225 770219
Internal phone number 15219

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 K'S Cafe,
9 Weymouth Street
Warminster

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