

RECORD

Licensing Act 2003 (all section references in this record are references to the Act)

LICENSING AUTHORITY FOR BRISTOL

LICENSING (HEARINGS) SUB COMMITTEE MEETING HELD ON 8 January 2015

AGENDA TITLE

Conduct of a hearing into an application for the GRANT of a licence made by Katherine and Sarah Farmer of The Farm (Bristol) Ltd in respect of Farm, 12 Kings Road, Clifton, Bristol BS8 4AB

MEMBERS PRESENT:

1. Stone (Chair)
2. Payne

OFFICERS PRESENT

Elaine Kale, Legal Advisor
Sarah Flower, Licensing Policy Adviser
Jeremy Livitt, Committee Clerk

REPRESENTATIONS RECEIVED FROM:

Tessa Connolly, Planning Enforcement Officer
Graham Grey, Senior Environmental Health Officer
Mr Nick Evans, Senior Trading Standards Officer

Applicants, responsible authorities and interested parties

PARTIES & REPRESENTATIVE (IF ANY) in attendance

Applicant

Sarah Farmer and Katherine Farmer

Chief Officer of Police (s.13(4)(a))

None

Fire Authority (s.13(4)(b))

None

Health and Safety Enforcing Authority (s.13(4)(c))

None

Local Planning Authority (s.13 (4) (d))

None

Environmental Health (Pollution Control) (s.13 (4) (e))

None

Social Services Authority (s.13 (4) (f))

None

Any other relevant Licensing Authority (s.13 (4) (g))	None
Weights and Measures Authority (s.13. (4) (i))	None
Relevant persons who are persons living in the vicinity of the premises (s.13 (3) (a))	None
Relevant persons who are a body representing persons living in that vicinity (s.13 (3) (b))	None
Relevant persons who are persons involved in a business in that vicinity (s.13 (3) (c))	None
Relevant persons who are bodies representing persons involved in such businesses (s.13 (3) (d))	None

RECORD OF HEARING:

The authority made a contemporaneous hand written (long hand) record of the hearing. Any party wishing to receive a typed transcript should contact Councillor Support Officer (Democratic Services, City Hall, College Green, Bristol) for information regarding the arrangements for transcribing and any charge levied where the authority produces the same. Set out below is a summary of the reasons for the decision, in the event of an appeal the Licensing Authority reserves the right to elaborate on the reasons.

1. The Applicants confirmed that there had been a mistake in their original application and that they only intended to trade for hours for which they already had received Planning Permission, including an earlier start time for the sale of alcohol. They advised the Sub-Committee of the times they were requesting for each element of the licence as follows:

**Sale of Alcohol 12pm to 6pm
Live Music 3pm to 6pm
Opening Hours 8am to 6pm**

They also noted that for any individual event they would need to make a separate TEN Application or a variation to the existing application (and subject to Planning Permission also being obtained).

It was noted that objections had been withdrawn from Trading Standards and Public Protection.

DECISION MADE: that the application be approved subject to the change in times indicated above by the applicant.

Accordingly the licence is to be issued subject to the following

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

STANDARD TIMES

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

Sale of Alcohol	Monday to Sunday 12:00 – 18:00
Live Music	Monday to Sunday 15:00 - 18:00
Recorded Music	Monday to Sunday 14:00 - 18:00

Supply of alcohol is authorised for ON premises only.

The opening hours of the premises

Monday to Sunday	08:00 - 18:00
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NON STANDARD TIMINGS

Supply of Alcohol, Live Music, Recorded Music and Opening Hours:

An additional hour to the standard terminal hour on:

All Bank Holidays, Christmas Eve, Christmas Day, Boxing Day and New Year's Day

From the start of standard timings on New Years' Eve to the start of standard timings on New Year's Day

Annex 1 – Mandatory conditions

1 Mandatory condition Licensing Act 2003 - Supply of Alcohol

1.No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Licensing Conditions - Additional conditions imposed by Policing and Crime Act 2009

Conditions numbered 1 - 4 shall be in force as of the 01 October 2014.

Conditions 1, 2 and 4 shall not apply where the premises licence authorises sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person must ensure that staff on relevant premises do not carry

out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that -

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

(i) beer or cider: ½ pint;

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

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Additional conditions imposed by Licensing Act 20013 (Mandatory Conditions)

Order 2014

Conditions numbered 1 - 4 shall be in force as of 28 May 2014

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

2 Mandatory condition Licensing Act 2003 - Door Supervision

Where this licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(As required by s21 Licensing Act 2003 as amended by the Violent Crime Reduction Act)

Annex 2 – Conditions consistent with the Operating Schedule

Conditions consistent with the operating schedule application submitted on 04 June 2014

1 Further Details

Live Music - Limited to Indoors only

Licensed space will be used on occasion to showcase local live music in the afternoon/evening

Recorded Music - Limited to Indoors only

Used for private events, such as wine tastings, baking classes or private dinner parties.

2 CV11: The premises shall not be permitted to be used for 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, which prohibited uses include, among other things, nudity or semi-nudity, films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 except where that is expressly permitted under a licence or waiver granted or given under that legislation.

3 NP02 - Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

4 NP03 - Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.

5 NP69 - Signage. Signs shall be prominently displayed at the premises requesting that patrons respect local residents and leave the premises quietly.

6 SA01 - All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

7 SA02 - (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

(b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

8 SA03 - The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

9 WM3 - The licence holder shall ensure that adequate measures are in place to

remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.

10 The garden shall be closed at 2200 hours.

11 Bottles shall be recycled and disposed of before 2200 hours and after 0800 hours.

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

Conditions proposed by Responsible Authorities:

Public Health & Safety

1 The premise licence holder shall ensure that a Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amperes, are fitted to all power circuits supplying sockets that may be used by entertainers / members of the public for plugging in electrical equipment. These should be regularly tested to ensure they are still functioning as required.

2 Electrical installation in areas used by members of the public shall be subject to the following:

(i) Any alterations made to electrical installations, including the use of temporary wiring and distribution systems, shall comply with the relevant edition of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same).

(ii) All electrical equipment and installations shall be subject to regular visual checks to ensure that they are safe and in good working order, as well as formal routine tests by a competent person as advised in the aforementioned BS 7671 guidance.

(iii) A Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amperes, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

Annex 4 – Plans

Plans as submitted to the Licensing Authority on 04 June 2014, drawing no. 2858-100 revision C, dated June 2011, drawn by Franklin Design Associates.

2. That the GRANT here agreed will take effect immediate effect.

3. That in accordance with Section 23 of the Act a duly authorised officer is directed to give Notice of determination to:

(a) Katherine And Sarah Farmer

(b) The Chief Officer of Police

And the following bodies that made representations:

(a) Tessa Connolly

Graham Grey

Mr Nick Evans

REASONS FOR DECISION

The following paragraphs summarise the sub-committee's reasons for granting the application and for modifying the conditions on the Licence.

The sub-committee carefully considered the representations together with the information provided for the Hearing and that received during it. The sub-committee had regard to the Secretary of State's guidance to Licensing Authorities and the Authorities own statement of licensing policy.

The committee's decision was particularly influenced by the consideration of the promotion of the licensing objectives concerning the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

The Sub-Committee noted that there had been an error in the original application and the revised timings requested by the applicant for each element in their application.

SIGNED:

CHAIR

Name: *****