

# Licensing (Hearings) Sub-Committee



**Date:** Wednesday, 27 July 2022

**Time:** 10.00 am

**Venue:** City Hall College Green, BS1 5TR

**Issued by:** Sam Wilcock, Democratic Services  
City Hall, College Green, Bristol BS1 5TR  
Tel: 0117 922 2342  
E-mail: [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk)



[www.bristol.gov.uk](http://www.bristol.gov.uk)

# Agenda

**6. Application for the review of the premises licence in respect of  
Lakota, 6 Upper York Street, Bristol, BS2 8QN**

**(Pages 3 - 6)**

DR ATTACHED.





**Licensing Sub - Committee**  
**27 July 2022**  
**Decision Record**

---

**Members:-**

**(A) Denotes absent (P) Denotes present**

**Officers:-**

**Lynne Harvey, Legal Advisor**  
**Carl Knights, Licensing Policy Officer**  
**Sam Wilcock, Democratic Services**

**Councillors: -**

**Marley Bennett (P)**  
**Guy Poultney (P)**  
**Chris Davies (P)**

---

**Licensing Hearing.**

**Application for the review of a premises licence in respect of Lakota, 6 Upper York Street, Bristol, BS2 8QN.**

**To hold a hearing to consider an application for review of the premises licence in respect of Lakota, 6 Upper York Street, Bristol, BS2 8QN submitted by Miss Sophie Cooper.**

**Relevant representations had been received from the following parties, all of whom had been notified of this hearing and their rights:**

**Megan Finnie**  
**Emily Breeze**  
**Mary Alderson**

**The Committee considered the application and representations made by**

**the relevant persons and premises licence holder and decided:**

**Decision:**

**That, having regard to the application and relevant representations the following steps are appropriate in accordance with section 52(3)(a) of the Act for the promotion of the licensing objectives: -**

**To modify the conditions of the licence as follows:**

**1. By the addition of the following condition:**

***“Where an event involving regulated entertainment is being held in the Lakota car park there will be no access or egress for customers (except in an emergency) between Coroners Court Car park and the Lakota Car Park.”***

**2. The removal of the following conditions:**

***“1 EXTERNAL AREA (Car Park)***

- (a) Plays, shall be restricted to not more than 6 (six) days per year.*
- (b) Films, shall be restricted to not more than 6 (six) days per year. The noise level from any film shall be no greater than 5dB above the background noise levels.*
- (c) Music*
  - (i) Any music associated with any market type of event shall be incidental in nature only.*
  - (ii) Live music or DJs playing recorded music on not more than 2 days per year when over any 15 minute period the Music Noise Level (MNL) at any noise sensitive premises shall not exceed Laeq (15 mins) of 65dBA or LLeq (15) mins of 75 dBA in the 63 Hz and 125 Hz octave bands.*
  - (iii) Live music or DJs playing recorded music on not more than 4 days per year and for no more than 5 hours on any day when over a 15 (fifteen) minute period for the Music Noise Level (MNL) at any noise sensitive premises shall be no greater than 5dB over the background noise level.`*
- (d) Performance of Dance shall be restricted to not more than 6 (six) days per year.*
- (e) Late Night Refreshment, the sale of food shall be permitted for consumption on the premises only. The supply of food shall be restricted to the outside area only.*
- (f) Where any Temporary Event Notice is submitted in respect of the external area the above conditions would be deemed as being removed.*
- (g) During any event (except the performance of plays) the appointed noise control person shall monitor noise levels in the vicinity of residential*

*properties to be agreed with an authorised officer of Bristol City Council Pollution Control team.*

2 *NP63 - The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.*

3 *NP64 - Clear notices must be displayed at prominent points in all outdoor areas informing them to respect the needs of local residents and behave in a quiet and orderly manner.”*

*“88 GB08 - Items of glass wear (Such as glasses, bottles, etc) shall not be permitted in either the external areas or dance floor areas. No drinks shall be taken into the external smoking area.”*

**Reason:**

**The Committee first considered a request by the premises licence holder’s solicitor to reject the application for review on the grounds that it was frivolous. The committee considered that it was a borderline case but they had heard some evidence from the applicant, Miss Cooper, that the problems she experienced might have been attributable to events at the Lakota. The committee felt unable to reach a determination at this point and considered that in order to make a fully informed judgement on the matter, they needed to hear more from all of the parties.**

**The committee were mindful of the Council’s own policy guidance that is consistent with National Guidance whereby in any borderline cases the benefit of the doubt about any aspect of a representation, particularly when made by a relevant person should be given to the person making that representation. The committee noted that the applicant was not experienced in making a case to a decision-making body such as this committee. To make a decision that interested citizens cannot be heard is a serious step to take and therefore the committee decided to proceed with a full hearing of the review.**

**At the conclusion of the hearing the committee determined:**

**We are satisfied that the grounds of review have been made out concerning the public nuisance licensing objective, with particular regard to use of the outdoor space and overspill with the “sister” venue, the Coroner’s Court. We have heard evidence from the Applicant which has been supported by the Neighbourhood Enforcement Team that there have been complaints of noise nuisance from the use of the**

**outdoor area which have caused disturbance to the applicant and other local residents.**

**We do not consider that there has been any evidence of the crime and disorder, public safety, or protection of children from harm licensing objectives being undermined. We particularly note the absence of representations from the Police.**

**In considering what steps to take, if any, for the promotion of the licensing objectives and having regard to the valuable contribution this music venue makes to the night time economy, we do not consider it would be proportionate to reduce the hours of operation. That would be a step too far given the evidence we have received.**

**We do however consider it appropriate for promotion of the prevention of public nuisance licensing objective to modify the conditions of the licence as set out above.**

**We do not agree to remove the cap of 100 persons using the external area for smoking (as requested by the premises licence holder) since we do not consider that this would promote the prevention of public nuisance licensing objective. The removal of this condition would allow unlimited numbers of persons to remain outside smoking and drinking, particularly as the Committee had agreed to remove the restriction on taking glassware outside.**

**CHAIR**