

# Licensing (Special Purposes ) Sub-Committee Agenda



**Date:** Thursday, 3 August 2017

**Time:** 10.00 am

**Venue:** A Committee Room - City Hall, College Green,  
Bristol, BS1 5TR

## **Distribution:**

**Councillors:** Peter Abraham, Harriet Clough and Brenda Massey

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**Date:** 2 August 2017.



# Agenda

**1. Welcome, Introductions and Safety Information**

**(Pages 4 - 5)**

**2. Apologies for Absence and Substitutions.**

**3. Declarations of Interest.**

**4. Public Forum.**

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on **28 July 2017**.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **2 August 2017**.

**5. Licensing Act 2003- Delegations to Officers employed by North Somerset Council.**

**6. Procedure for a hearing.**

**(Pages 6 - 17)**

**7. Application for grant of a premises licence in respect of Loose Cannon, Unit 1B, Building 8, Millennium Promenade, Bristol, BS1 5SZ**

**10.15 am**

To hold a hearing to consider relevant representations made on the application for a premises licence for Loose Cannon made by Gastro Solution Bristol Ltd and

**(Pages 18 - 68)**



received on 7th June 2017.

**8. Application for grant of a premises licence in respect of  
Albatross Cafe, 60 North Street, Bedminster, Bristol BS3 1HJ**

**11.30 am**

To hold a hearing to consider relevant representations made on the application for a premises licence for Albatross Cafe made by Albatross Cafe Ltd and received on 13th June 2017.

**(Pages 69 - 117)**



# Licensing Public Information Sheet

Inspection of Papers - Local Government  
(Access to Information) Act 1985

You can find papers for all our meetings on our website at [www.bristol.gov.uk](http://www.bristol.gov.uk).

You can also inspect papers at the Brunel House Reception, St.George's Road, Bristol, BS1 5UY.

Other formats and languages and assistance  
For those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Residents who are affected by the business of the Committee, may present a petition or submit a statement at ordinary meetings of the Licensing Committee and at Licensing Sub-Committee meetings. Petitions, questions and statements presented to the Licensing Sub-Committee can be received only in respect of hearings already decided and licence applications not subject to a hearing.

The petition or statement must relate to the terms of reference and role and responsibilities of the Committee or Sub-Committee concerned.

Further information on representations is available from the Licensing Office (tel: 0117 9142500) or from Democratic Services.

Your submission will be sent to the Committee and statements, questions and answers will be available in the meeting room one hour before the meeting. Please submit it to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) or Democratic Services Section, Brunel House St Georges Road Bristol BS1 5UY. The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **three clear working days before the meeting**.

Please see [www.bristol.gov.uk](http://www.bristol.gov.uk) and the 'How to Have Your Say' pdf for the parameters of each individual Committee and what will happen to your submission.



Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record (available from Democratic Services).

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information in them may be searchable on the internet.

### **Process during the meeting:**

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions.
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.

### Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.



**BRISTOL CITY COUNCIL**

**LICENSING (SPECIAL PURPOSES) SUB COMMITTEE**

**3<sup>rd</sup> August 2017**

**Report of:** Strategic Director, Neighbourhoods

**Title:** Licensing Act 2003- Delegations to Officers employed by North Somerset Council.

**Ward:** City Wide

**Officer Presenting Report:** Carl Knights, Senior Licensing Policy Officer

**Contact Telephone Number:** 0117 922 2539

**RECOMMENDATION**

That the sub committee approves further officer delegations

**Summary**

The Licensing committee usually effects delegations to officers after considering the annual business report.

To improve enforcement coverage at the forthcoming Bristol International Balloon Fiesta 2017, further temporary delegations are sought in respect of officers employed by North Somerset Council who would following authorisation be able to discharge Licensing Act 2003 functions within the City Council boundary.

## **The significant issues in the report are:**

The Balloon Fiesta takes place annually in Ashton. This is in the jurisdictional district of North Somerset. One of the key entry points is via Kennel Lodge Road. This road and the surrounding network is in Bristol City.

Each year there are a number of relatively minor enforcement problems associated with the event within the Bristol City boundary such as illegal street trading and on one occasion the illegal sale of alcohol from a van.

Bristol City Council will have an enforcement presence for the duration of the event, however, to provide additional enforcement capacity in the event our own officers are not able to attend to an incident.

Authorisations in respect of other Licensing functions such as Street Trading fall outside the scope of the Licensing Committee but are being secured.

An agreement under the provisions of S.113 of the Local Government Act 1972 enabling staff from one authority to be placed at the disposal of another is in place for this purpose.

The delegation from the committee is needed to complete the process.

## **Policy**

The subcommittee must have regard to any relevant guidance given by the secretary of State under section 182 of the Licensing Act 2003 and to the Council's own statement of licensing policy.

## **Consultation**

**1. Internal  
Not Applicable**

**2. External  
Not Applicable**

## **Context**

**B.**

At the annual meeting of the Licensing Committee on 15 June 2017 delegations to officers were approved as recommended.

This did not include officers from North Somerset.

The subcommittee is being asked to extend the delegated powers to officers of North Somerset for the duration of Balloon Fiesta 2017 between August 10<sup>th</sup> and 13<sup>th</sup> August 2017 inclusive.

**Recommended:**

1. That the following North Somerset officers:

Sioux Isherwood- Principal Licensing & Environment Protection Officer  
Amanda Hodge- Licensing Officer  
Caroline Horton- Licensing Officer  
Kellie Trego- Licensing Officer  
George Rowe- Licensing Officer  
Jane Day- Food & Safety Service Manager  
Peter Hardman- Senior Food & Safety Officer  
Christopher Gwenlan- environmental Health Officer  
Raymond Fox- Food & Safety Officer  
Marc Hollier- Senior Food & Safety Officer

Be added to the list of officers in paragraph H of the appended report to whom delegated powers are conferred in line decisions made at the annual meeting; and

2. That any published record of delegations made by this committee be amended accordingly

**Appendix - Licensing Committee Annual Business Report 15<sup>th</sup> June 2017.**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  
Background Papers:**

None

# Annual Licensing Committee

15 June 2017.



**Report of:** Service Director – Legal & Democratic Services.

**Title:** Annual Business Report 2017/18.

**Ward:** N/A

**Officer Presenting Report:** Allison Taylor, Democratic Services

**Contact Telephone Number:** 0117 92 22237

## Recommendation

See Recommendations as set out in each paragraph.

## Summary

To agree the Annual Business for Municipal Year 2017/18.



**A. Membership of Committee.**

- To note the following members appointed by Full Council to serve on the Committee:-

Councillor Abraham;  
Councillor Beech  
Councillor Clark;  
Councillor Clough;  
Councillor Combley;  
Councillor C Davies;  
Councillor Eddy;  
Councillor Jama;  
Councillor Khan;  
Councillor Langley;  
Councillor Massey;  
Councillor O'Rourke;  
Councillor Windows  
Councillor Whittle.  
Vacancy

**B. Election of Vice-Chair – Municipal Year 2017/18.**

- To elect the Chair of the Committee for the Municipal Year 2017/18.

**C. Election of Vice - Chair – Municipal Year 2017/18.**

- To elect the Vice - Chair of the Committee for the Municipal Year 2017/18.

**D. Terms of Reference.**

- As set out in Appendices A & B.

**E. Dates and Times of Meetings.**

- To note that meetings of the Licensing Committee and its Sub Committees will be held two weekly throughout the forthcoming municipal year. The scheduled dates of the Sub-Committees are printed in the Council diary all commencing at 10am.

**F. Establishment of Special Purposes-Sub Committee.**

- In accordance with Licensing committee Procedure Rule (LCR) 1(iii) the annual meeting needs to establish a special purposes sub committee comprising the Chair of the Licensing committee, its Vice chair and one other committee member. Its terms of reference must

enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the committee but which are, in the opinion of the Licensing Manager (in consultation with the Chair) of such urgency that they cannot await the date of the next ordinary meeting.

Recommended.

- That the Licensing committee establish a Licensing (Special Purposes) Sub-Committee with the terms of reference set out in Appendix B;
- that the membership of the special purposes sub-committee comprise the Chair, the Vice Chair and one other member;
- that the committee appoint from amongst its number, one other member to serve on the sub-committee.

#### **G. Establishment of other Sub-Committees.**

LCR1(iv) requires that the annual meeting establish any other sub committees considered necessary and in respect of each of them

- (a) agree the membership;
- (b) agree the terms of reference.

In accordance with the Licensing Act 2003 sub committees may be established but they must comprise no more and no less than three members each.

At its meeting on 9 February 2005 the Licensing Committee established Licensing (Hearings) sub committees comprising any three members of the Licensing committee. That meeting appointed each member of the Licensing Committee to serve on any such sub committee (of three) which is convened so as to include him/her in its membership.

It is recommended that this year the Licensing committee continue with this approach.

The recommended terms of reference are set out in Appendix B.

#### **Recommended**

- (a) that the Licensing committee establish Licensing (Hearings) sub committees comprising any three members of the Licensing committee and that each member of the licensing committee be appointed to serve on any such sub committee which is convened so as to include him or her in its membership; and
- (b) that each of the sub committees so established shall have the terms of reference as set out in Appendix A

## H. Delegations to Sub-Committees and Officers.

Section 10 of the Licensing Act 2003 allows the Licensing committee to arrange for the discharge of any functions exercised by it –

- a) by a sub committee established by it, or
- b) subject to certain statutory limitations, by an officer of the licensing authority

Section 10 of the Licensing Act 2003 also applies to certain Gambling Act 2005 functions that fall within this Committee's terms of reference, that is, those gambling functions that are referred to in paragraph 3 of the Committee's terms of reference.

In previous years the Committee conferred delegated power on each of the sub committees it established to discharge all functions falling within their terms of reference (which for the avoidance of doubt includes all matters ancillary thereto). It is recommend the annual meeting do the same in respect of any sub committees it decides to establish having considered this report.

The functions referred to in paragraphs 2 and 4 of the committee's terms of reference are governed by different law as far as the ability to delegate the decision making process is concerned. Those matters are delegated to the Committee by the full council in exercise of its powers of delegation under section 101 of the Local Government Act 1972. Under that section the Committee itself enjoys the power to delegate those matters to one or more of its sub committees and/or to an officer of the council.

It is anticipated that some applications made under the paragraph 2 and 4 functions may prompt the right to be heard. Therefore, whilst it is anticipated that most decisions connected with the discharge of these functions will fall to be made by a delegated officer, provision has been made in the recommended Terms of Reference of the hearings sub committees for applications to be referred to such a sub committee by a delegated officer. This particular provision also enables applications under the Licensing or Gambling Act to be decided by a sub committee notwithstanding the law does not absolutely require this (e.g. because there are no representations). Whilst it is not expected this will often be utilised it does enable matters to be given a public airing where that is judged to be reasonable and appropriate.

### **Officer delegations**

In accordance with LCR1 the annual meeting should review the delegations to officers. The Committee's responsibilities have greatly expanded since its first annual meeting and this report recommends comprehensive delegations to sub committees and officers covering the vast majority of the Committee's responsibilities whilst continuing to ensure that:

- i. Officers are not authorised to make any decision which by law may only be made by Members meeting as a Committee or duly authorized sub committee; and
- ii. The delegations reflect the policy of Bristol City Council with regard to the decision whether certain representations are to be disregarded by virtue of being judged to be frivolous or vexatious

### **Licensing Act 2003 and Gambling Act 2005**

In the discharge of its licensing functions the committee must have regard to the guidance issued by the Secretary of State or the Gambling Commission (as appropriate) and to the Council's own adopted statements of policy. The recommendations in such national guidance reflect the fact that there are many decisions which the law simply does not allow an officer to take. For example an officer cannot determine an application for a premises licence under either Act where relevant representations have been made.

The Council's published statements of licensing policy recommend that the Licensing Committee follow the delegations recommended in national guidance but that, for the reasons set out in the Council's policy statements, the committee should depart from that guidance in respect of decisions about whether or not representations are frivolous or vexatious.

In previous years the committee has effected its delegations in accordance with the Council's adopted statement of licensing policy and it is recommended that this practice should continue for Gambling Act functions as well as for the Licensing Act functions. This is covered in recommendation 1 below.

In respect of the functions referred to in paragraphs 2 and 4 of the Committee's Terms of Reference the Committee will know that the full council has itself effected delegations to the relevant Director in Part 3 of its constitution. The Committee is informed that the relevant Directors have, in line with what is recommended in that constitution, made arrangements under which appropriate subordinate officers assist them in the discharge of these tasks on behalf of the Council as a whole. It is recommended that the Committee note and approve these arrangements.

It is therefore recommended that:

1. In respect of the functions referred to in paragraphs 1 and 3 of its Terms of Reference the Committee makes the following arrangements:

Subject to the limitations set out in (a) and (b) below officers occupying the following posts:-

Regulatory Services Manager  
Licensing & Trading Standards Manager  
Licensing Team Leader  
Senior Licensing Officer

Licensing Officer  
Policy & Project Officer

Trading Standards Officer  
Principal Trading Standards Officer

Senior Trading Standards Officer  
Trading Standards Investigator

Fair Trading Officer  
Senior Environmental Health Officer (Regulatory Services)  
Environmental Health Officer (Regulatory Services)  
Principal Environmental Health Officer (Regulatory Services)  
Assistant Environmental Health Officer (Regulatory Services)  
Senior Pollution Control Officer  
Pollution Control Officer  
Public Health Services Manager  
Team Leader Neighbourhood Enforcement  
Senior Neighbourhood Enforcement Officer  
Neighbourhood Enforcement Officer

are authorised to discharge any function which in law may be discharged by an officer of the licensing authority.

#### **Limitations**

(a) The power to decide whether representations are frivolous or vexatious may only be made in respect of applications that officers would be empowered to proceed to determine themselves should it be decided that the representation under consideration is either frivolous or vexatious.

(b) An Officer may not decide whether to grant or refuse an application under the Licensing Act 2003 for a personal license in any case where there are unspent convictions.

- In respect of the functions referred to in paragraphs 2 (a) and (b), 4(a) – (f) and 4(g) to (i) inclusive of the Committee’s Terms of Reference the committee notes the arrangements made by the full council and the delegated Director under which his subordinate officers assist him in discharging functions on behalf of the Council. The Committee approves the continuation of such arrangements as if they had been made directly and particularly by this committee
- For the avoidance of doubt the Service Director - Legal Services and officers within his team who assist him in this task shall continue to be authorised to institute and defend legal proceedings of any kind falling within this Committee’s terms of reference.
- 

The possession of delegated powers shall not prevent a delegated officer bringing a matter before an appropriate body of Members but this should only be done following consultation with the Chair of the Licensing committee.

**RECOMMENDED:**

1. That all sub committees established by the Licensing Committee shall have delegated authority to discharge all functions falling within their terms of reference;
2. That the Committee approves delegations to officers as recommended in paragraph I of this report; and
3. that for the avoidance of doubt any authority conferred upon a sub committee or an officer in connection with the discharge of any function includes the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the function concerned.

**Contact Officer:**

Allison Taylor,  
Democratic Services Team  
Telephone: (0117) 922 2237

## Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.

## Legal and Resource Implications

### Legal

Not applicable

### Financial

#### (a) Revenue

Not applicable

#### (b) Capital

Not applicable

**Land**

Not applicable

**Personnel**

Not applicable

**Appendices:**

Appendix A – Terms of Reference - Licensing Committee.

Appendix B – Terms of Reference – Licensing Sub-Committees.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

None.

**Terms of Reference – Licensing Committee.**

**Appendix A**

**Overview**

Functions relating to licensing and gambling as set out below.

**Licensing Act 2003 (“the 2003 Act”)**

1. All those matters relating to the discharge of licensing functions that are referred to the committee by virtue of section 7(1) of the 2003 Act;
  
2. Other functions which full Council has arranged for the Licensing Committee to discharge, namely:
  - a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on the highway and related powers (sections 115E, 115F & 115K of the Highways Act 1980);
  - b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));
  - c) Power to make or revoke an order designating a locality as an alcohol disorder zone (Section 16 Violent Crime Reduction Act 2006);
  - d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
  - e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders; and prosecute for obstruction of authorised officers or for offences in connection with closure orders (sections 19 to 28) of the Criminal Justice and Police Act 2001);

**Gambling Act 2005** (“the 2005 Act”)

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;
4. Other gambling functions which the full Council has arranged for the Licensing Committee to discharge, namely:
  - a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);
  - b) Functions relating to exchange of information (s.30 of the 2005 Act);
  - c) Functions relating to occasional use notices (s.39 of the 2005 Act);
  - d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
  - e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified premises (s. 284 of the 2005 Act);
  - f) Power to exchange information (section 350 of the 2005 Act);
  - g) Power to institute criminal proceedings (section 346 of the 2005 Act);
  - (h) Functions relating to the determination of fees for premises licences (the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
  - (i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act);

**TERMS OF REFERENCE - Licensing (Hearings) Sub-Committees****Appendix B**

Any three members of the Licensing committee may constitute a Licensing (Hearings) Sub-Committee having the following terms of reference:

To discharge the following functions:-  
Under the Licensing Act 2003:

1. Determination of application for premises licence where representations have been made;
2. Determination of application for provisional statement where presentations have been made;
3. Determination of application for variation of premises licence where representations have been made;
4. Determination of application to vary designated premises supervisor following police objections;
5. Determination of application for transfer of premises licence following police objections;
6. Consideration of police objection made to interim authority notice;
7. Determination of application for club premises certificate where representations have been made;
8. Determination of application to vary club premises certificate where representations have been made;
9. Decision to give counter-notice following police objection to temporary event notice;
10. Determination of application for grant of personal licence following police objections;
11. Determination of application for renewal of personal licence following police objections;
12. Revocation of personal licence where convictions come to light after grant etc;
13. Determination of application for review of premises licence in a case where relevant representations (within the meaning of Section 52 (7) of the Act) have been made;
14. Determination of application for review of club premises certificate in a case where relevant representations (within the meaning of Section 88 (7)) have been made;

15. Review following closure order in a case where relevant representations have been made;
16. Determination of application for grant of personal licence where unspent convictions; and the following Gambling Act functions:
17. Determination of application for premises licence where representations have been made;
18. Determination of application for variation of a premises licence where representations have been made;
19. Determination of application for to transfer a premises licence following representations by the Commission;
20. Determination of an application for a provisional statement in respect of which representations have been made and generally:
21. Determination of an application of any type falling within the terms of reference of the Licensing Committee that has been referred by a delegated officer for consideration by the Committee

#### **Licensing (Special Purposes) Sub-Committee**

The Licensing (Special Purposes) Sub-Committee shall have the following terms of reference:-

To discharge the following functions on behalf of the Licensing Authority:-

1. Any matter of business which would ordinarily be referred to an ordinary meeting of the full Licensing Committee but which is judged by the Licensing Manager (in consultation with the Committee Chair) to be of such urgency that a decision cannot await the next ordinary meeting of the Licensing Committee;
2. To discharge any other licensing function as authorised by the Licensing Committee from time to time.

## **PROCEDURE TO BE FOLLOWED AT HEARING**

### **The procedure to be followed at hearing (information provided in accordance with regulation 7 (1))**

In accordance with regulation 21 the following procedure has been determined for this hearing, subject to the provisions of the regulations and of the council's Licensing Procedure Rules:

#### **General**

The hearing will take place in public. The sub committee may exclude the public from all or part of the hearing but may only do so where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. Any party considering that the greater public interest is served by the public (which can include another party or parties) being excluded from all or any part of the hearing should make this view known to the Licensing Authority (in writing to the Licensing Manager) as soon as possible and in any event not less than two working days before the hearing is due to commence. The party asserting this should provide in writing full reasons supporting the request.

The Authority will make a record of the hearing. The form of that record is a matter of choice for the Authority and may include the hearings being subject to digital or tape recording.

The hearing will take the form of a discussion led by the Authority. The Authority has taken steps to ensure it is well placed to lead the discussion, for example by seeking clarification on certain points and requesting that this clarification be provided in writing and in advance of the hearing. All parties are asked to give full co-operation in ensuring the hearing can proceed smoothly and as anticipated in the regulations and under the Council's procedure rules.

All parties are reminded that, whilst this hearing will be conducted fairly and the decision will be made by Councillors who are committed to acting judicially, these are not court proceedings and should not be treated as such. This is a meeting of the local authority; the sub committee will conduct the hearing in accordance with the governing legislation. Parties must bear in mind that the hearing is not intended to be adversarial and this is reinforced in the regulations, for example the general prohibition on cross-examination contained in regulation 23. The Authority can only permit cross-examination where that would be required for it to "consider the representations,

application or notice as the case may be". If at any stage of the hearing the Authority considers cross-examination to be necessary on this ground the Chair will so rule, give directions for the conduct of that part of the meeting and the procedure set out below will be varied accordingly. The Authority expects all parties and their representatives to fully co-operate in ensuring the discussion it is bound to lead proceeds in an appropriate manner; it is expected that the parties will deal with the sub committee and each other with mutual respect. The parties and their representatives are informed that any disruptive behaviour may result on the person responsible being required to leave the meeting.

### **Appointment of Chair**

The sub committee will appoint one of its number to Chair the meeting;

### **Outlining the procedure**

The chair will explain the procedure the sub committee proposes to follow at the hearing (as set out in detail in the following paragraphs).

### **Administrative announcements**

The Chair will make necessary announcements (e.g. reference to the evacuation procedure, requiring all present to switch off any mobile telephones or other equipment which may disturb the meeting).

### **Identification of persons participating in the hearing**

The chair will ensure that all members of the sub committee, the parties and their representatives identify themselves for the record and for the benefit of those present.

### **Withdrawal of Representations [Regulation 10.]**

The Licensing Manager will inform the sub committee if any Party has given Notice under regulation 10 withdrawing the representations they have made (Regulation 10 permits a party to withdraw their representations by giving notice to the authority no later than 24 hours before the day the hearing is due to commence).

The Chair will then ascertain if any Party wishes to exercise their rights under regulation 10 (b) to withdraw any representations they have made and, if so, will permit the Party to do so at this stage of the hearing.

### **Non appearance of parties**

If any party fails to attend or to be represented at the hearing the Licensing Manager will inform the sub committee whether or not the party had informed the authority in accordance with regulation 8 of his/her non-attendance. The sub committee will consider how to proceed in consequence of that non-attendance in accordance with the rules indicated above.

### **Appearance of other persons at the hearing**

The Licensing Manager (or his representative) will advise the sub committee if any request has been made by any Party, in accordance with and within the time provided for in regulation 8, seeking permission for any other person (other than a person the party intends to represent him/her) to appear at the hearing. Where such a request has been made it will be considered in accordance with regulation 22.

### **Additional material**

The Licensing Manager (or his representative) will inform the sub committee if any documentary or other information has been produced by a party prior to the hearing in support of their application, representations or notice (applicable); if so, the sub committee will decide (in accordance with regulations 18 and 19) whether or not to take the material into account. Where such material has been provided at the hearing (rather than prior to it) the Chair will ascertain if all parties consent to the material being taken into account.

### **Identifying who will be addressing the sub committee**

The Chair will ascertain which parties seek to exercise their right to address the sub- committee during the hearing and whether those party will personally exercise that right or will appear by their representative. Where a large number of interested parties are involved in a hearing, the Chair will inform all parties of their rights under regulation 24 and will ascertain if the interested parties are agreeable to the appointment of a spokesperson/spokespersons so as to avoid duplication and prevent the hearing becoming unnecessarily prolonged.

### **Exercise of other rights/other preliminary business**

If there is a preliminary issue remaining to be determined (e.g. if the Authority considers a decision remains to be made concerning the relevance of any representations from interested parties) then the Chair will ensure the sub committee deals with the issue at this stage of the hearing.

The Chair will then ascertain if any party has any procedural point to raise before the hearing gets underway. It is anticipated the parties will have notified this in advance so that the sub committee can review the procedure if necessary prior to the beginning of the main part of the meeting. Parties are therefore discouraged from raising procedural points at this late stage and should only do so where they consider that they would otherwise not be likely to receive a fair hearing if the sub committee proceeded in the manner indicated here. When raising any point at this stage Parties will be asked to explain why they have not given prior notice to the sub committee.

## **Maximum time for parties to exercise their rights under section 16**

The Chair will indicate the maximum time allowed for each party to exercise their rights under section 16 (set out in detail above in this Notice – in summary: provide clarification on points notified by the Authority, if permitted, question any other party and address the authority. See the Notice of hearing for the time provisionally directed by the sub committee).

## **Points of clarification**

The Licensing manager (or his representative) will inform the meeting of any written responses received in response to any requests for clarification made by the Licensing Authority prior to the hearing. The Chair will indicate whether or not those written responses have been read by the members of the sub-committee. The Chair may adjourn the meeting for a sufficient period so as to enable those responses to be read where appropriate. The chair, assisted by the licensing manager (or his representative), will ensure that any responses which ought to have been provided to any other party have in fact been received by them. Where appropriate the Chair will ask the Licensing Manager (or his representative) to summarise the responses received for the benefit of the public hearing.

The Licensing Manager (or his representative) will inform the sub committee if any parties have not responded in writing to the points of clarification sought from them.

Where points of clarification remain outstanding the parties will be asked to give the further information at this stage of the hearing. The time taken to do so will be deducted from the maximum time allowed for that party to exercise its regulation 16 rights (and as this rule is binding on the sub committee parties are strongly urged to take the opportunity afforded to them to provide any points of clarification (as set out in the next section of this document) in writing prior to the meeting)

## **Opening address**

The Chair will ascertain if the applicant (either in person or through a representative) wishes to utilise any of his/her maximum allocated time to make an opening address and if so how much of it is to be used in this manner. If the Applicant decides to make an opening speech the same facility will be afforded to the other parties should they wish to avail themselves of it, but otherwise the meeting will move directly to a discussion of the relevant issues.

## **Questions**

Once any opening speeches are completed are completed the Chair will begin the discussion by posing any relevant questions which have been

brought forward by any of the Parties in response to the Authority's request for clarification.

The Chair will then ask any questions s/he wishes to pose to any of the parties. When questions concern matters of fact the sub committee requires the party (and not their representative, if any) to provide the response in person. Where the question focuses upon issues concerning law, statutory guidance or local policy, a party may either respond directly or through his/her representative but, particularly where some other parties are unrepresented, not both.

The other members of the sub committee will then each have an opportunity to put any further questions they may have to any of the parties present.

The Chair will then ask the Licensing Manager (or his representative) and the Committee's legal advisor if there are any further questions they consider the sub committee may need answers to in order to make their decision.

The Chair will ascertain if the parties agree that all areas which can be explored questioning of the parties have been dealt with; if the Chair is satisfied that some relevant questions have not been put then this will be done at this stage.

### **Closing speeches**

The chair will then ask each of the parties in turn if they wish to make a closing speech to the sub committee. Any party making a closing speech must not exceed the maximum allocated time remaining to them. The order in which the closing speeches may be made shall be a matter for the chair to determine but where there are a large number of parties present s/he will indicate if asked why the particular order has been chosen (e.g. order of the date of receipt of the representations, or by reference to the particular points or licensing objectives they principally relate to). In any event the Chair will ensure that the Applicant, if using some or all of his/her maximum allocated time to make a closing speech, is the last party to make such an address and therefore has the final word.

Once any closing addresses are completed the Chair will bring the hearing to a conclusion. The committee will then proceed to deliberate in accordance with Rule 20.3 of the Council's licensing procedure rules

## **APPENDIX A - RIGHTS OF PARTIES AT HEARING**

### **Rights of a party at the hearing. [Regulation 15]**

1. A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified, subject to points 2. and 3. below.
2. The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing take place in public.
3. For the purposes of point 2 above a party and any person assisting or representing a party may be treated as a member of the public.
4. A party shall be entitled to:
  - (a) In response to a point upon which the authority has given notice to a party that it will want clarification, give further information in support of their application, representations or notice.
  - (b) If given permission by the authority, question any other party; and
  - (c) Address the authority.

### **Representations and supporting information. [Regulation 16]**

1. At the hearing a party shall be entitled to-
  - (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(d), give further information in support of their application, representations or notice,
  - (b) if given permission by the Authority, question any other party; and
  - (c) address the Authority.

### **Consequences of not attending or not being represented. [Regulation 20]**

1. If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence
2. If a party who has not so indicated fails to attend or be represented at a hearing the authority may:
  - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the parties absence.
3. Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
4. Where the authority adjourns the hearing to a specified date it must notify the parties of the date, time and place to which the hearing has been adjourned.

### **Withdrawal of Representations [Regulation 10.]**

A party may withdraw representations they have made either by giving notice

to the authority no later than 24 hours before the day on which the hearing is to be held or orally at the hearing

**Behaviour during Hearing [Regulation 25]**

The Authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may-

- a) refuse to permit that person to return, or
- b) permit him to return only on such conditions as the Authority may specify,

but such a person may, before the end of the hearing, submit to the Authority in writing any information which they would have been entitled to give orally had they not been required to leave.

## **APPENDIX B**

### **POINTS FOR CLARIFICATION**

*Please note: All parties are asked to provide clarification on these points in advance of the hearing. Ideally the sub committee would wish to receive the response at the same time as you serve the Notice required under regulation 8, or as soon as possible thereafter. You are reminded that if you do not provide the response in writing and in advance then the time you take to exercise your regulation 16 rights will be reduced by the time you take to provide the clarification sought at the meeting. The sub committee is keen to narrow the issues as much as possible in advance of the hearing, in the interest of ensuring a properly focussed discussion and to ensure that the hearing itself is not unduly prolonged. Your co-operation is appreciated.*

#### **1. Points of clarification sought from all Parties**

##### **1(a) Guidance issued by the secretary of state**

- (i) Are there any parts of the Secretary of States Guidance that you consider to be relevant to your application/representations/notice as appropriate?
- (ii) If so please specify the paragraph(s) of that Guidance and the relevance to the point(s) you are making.
- (iii) If you are asking the Licensing Authority to depart from (that, is, not to apply) any of the guidance that you consider to be relevant, please clarify the reasons why you think it should do as you wish

##### **1(b) Statement of Licensing Policy for the City of Bristol**

- (i) Are there any parts of the Council's policy that you consider to be relevant to your application/representations/notice as appropriate?
- (ii) If so please specify the paragraph(s) of that policy and the relevance to the point(s) you are making. If you are asking the Licensing Authority to depart from (that, is, not to apply) any of the policy please clarify the reasons why you think it should do as you wish

##### **1(c) Questions of other parties**

- (i) Having considered the application/representations/Notice of each of the other parties, are there any questions you consider should be answered by any one or more of them at the hearing? If so, please provide a list of such questions and identify the party you consider should answer them

##### **1(d) Exclusion of the public**

- (i) Having first considered the procedure set out in Appendix B and the relevant regulation, do you consider the meeting or any part of it should be conducted in private? If so, please set out what part of the hearing should be held in private and why you consider that should be permitted under the

regulations (please note the sub committee cannot promise that any request for all or part of the hearing will be held in private will be conducted in private as each such request will have to be considered on its merits and in accordance with the regulations. The usual rule is that the hearing will be conducted in public)

## **2. Points of clarification sought from the applicant**

### **2(a) Agreed/disputed matters of fact**

In respect of each and every allegation made in the representations/notice as appropriate of the other Parties, please state

- whether you agree or disagree with the details contained in the representation
- whether you consider it affects your application
- whether there are any conditions you have offered, or would be willing to offer, in support of your application and which you consider should address any of the concerns raised by the other Parties.

### **Points of clarification sought from the Chief Officer of Police (where representations have been made)**

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

### **Points of clarification sought from the Local Planning Authority (where representations have been made)**

- In respect of the representation that the application is contrary to the provisions of the local plan, please provide details of the section it is said the application contravenes.
- State your assessment of the impact on any/all of the licensing objectives (identifying those objectives you consider to be relevant).
- Provide any specific evidence supporting that assessment and/or a general summary of the reasoning behind the planning policy insofar as it relates to the licensing objective(s) you have identified;
- State whether a planning consent would be required to enable the licence to be lawfully implemented;  
if so, state:  
(a) whether such an application has been made or indicated;

(b) if appropriate, whether a failure to secure consent could ultimately result in the commission of any criminal offences should the licence be granted and implemented in the terms sought in the application; and

(c) identify the offences, if any, referred to in your response to (b) above.

**Points of clarification sought from the Child Protection Authority (where representations have been made)**

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

**Points of clarification sought from the Pollution Control Authority (where representations have been made)**

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

**Points of clarification sought from the Health and Safety Authority (where representations have been made)**

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.

- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

**Points of clarification sought from the Trading Standards Authority (where representations have been made)**

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.

**Points of clarification sought from the Fire Authority (where representations have been made)**

- In respect of each part of your representations please provide particulars / evidence in support;
- State in each case your assessment of the impact on any / all of the licensing objectives (identifying those objectives you consider to be relevant) in each case state whether the matter(s) are such that you consider it necessary for the Licensing Authority to refuse the application for that reason, or whether you consider the particular matter could be addressed through an appropriate condition.
- Where you consider conditions may be appropriate and you have not already done so, please indicate the conditions you would suggest.



**BRISTOL CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**3 August 2017**

## **Report of the Service Manager – Regulatory Services**

**Title:** Licensing Act 2003  
Application for grant of a premises licence in respect of Loose Cannon, Unit 1B, Building 8, Millennium Promenade, Bristol, BS1 5SZ

**Ward:** Hotwells & Harbourside

**Officer Presenting Report:** Sarah Flower

**Contact Telephone Number:** 0117 3574900

Purpose of the report

To hold a hearing to consider relevant representations made on the application for a premises licence for Loose Cannon made by Gastro Solution Bristol Ltd and received on 7th June 2017

Members have a pack containing the following documents:

- (a) Copy of the application
- (b) Copy of all relevant representations
- (c) Points of clarification raised with the parties and their responses
- (d) The Council's statement of licensing policy
- (e) The Secretary of state's guidance
- (f) The Council's Licensing procedure rules
- (g) Regulations governing the conduct of hearings

### **Context**

The detail of the application is as follows:

Licensable activities and times applied for:

Sale of Alcohol	Monday to Sunday 12:00 - 02:00
Live Music	Sunday 12:00 - 23:00
Live Music	Monday to Saturday 12:00 - 00:00
Recorded Music	Monday to Sunday 12:00 - 02:00

Hours the premises will be open to the public:

Monday to Sunday	12:00 - 02:00
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The application was accompanied by an operating schedule setting out the steps the applicant proposes to take to promote the four licensing objectives. If there had been no relevant representations (or if all relevant representations are withdrawn) the council would be bound to grant the application subject only to such conditions as are consistent with the operating schedule accompanying the application. The draft of a licence that could have been issued, having regard to guidance and policy and acting with a view to promoting the four licensing objectives, is appended to this report as Appendix A.

## **Policy**

### **City Centre CIA**

#### **Reason for Policy**

The Avon and Somerset Police produced evidence to support their request that the central area of Bristol be designated a cumulative impact area . It remains at saturation point and the Police produced evidence for extending the area to which the special policy should apply so as to include Stokes Croft and Cabot Circus. In particular the area, which has a significant concentration of alcohol led late night venues, witnesses a high number of assaults and other related crime and disorder including public nuisance and risk to public safety. The policy will apply to further applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets. The main focus of the policy is likely to be on alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is most challenging (for example late night refreshment from “fast food” outlets)

#### **Representations**

1. Relevant representations have been received from the following parties, all of whom have been notified of this hearing and their rights:

<b>Mark Curtis</b>	<b>BCC Pollution Control</b>
<b>Sharon Sawyers</b>	<b>BCC Trading Standards</b>
<b>Louise Mowbray</b>	<b>Avon &amp; Somerset Police</b>
<b>Daniel Jefferies</b>	<b>BCC Health &amp; Safety</b>
<b>Wayne Jones</b>	<b>BCC Licensing Authority</b>

#### **Recommendations**

IT IS RECOMMENDED THAT THE SUB COMMITTEE hold a hearing to consider the relevant representations (unless the subcommittee, the applicant and each person who has made such representations agree that a hearing is unnecessary) and, having regard to the representations, take such of the steps mentioned in paragraph 6 below, if any, as it considers appropriate for the promotion of the licensing objectives. In making this (and all licensing decisions) the subcommittee must have regard to the guidance and policy included in the subcommittee’s pack

2. The steps are –

- (a) To grant the licence subject to conditions that are consistent with the operating schedule
  - (b) To exclude from the scope of the licence any of the licensable activities to which the application relates
  - (c) [To refuse to specify a person in the licence as the premises supervisor] delete where not applicable
  - (d) To reject the application
3. If a licence is granted any relevant mandatory conditions must be imposed in addition to any conditions the subcommittee decides to impose after the hearing. Mandatory conditions are standard conditions imposed by way of legislation and in respect of which there is no power to vary.
4. If the subcommittee decides to grant the application Notice in line with the statutory requirements must be given forthwith to that effect to the applicant, all of the people who made relevant representations and the Chief Constable for Avon and Somerset and must state the reasons for taking any of the steps set out in paragraph 6 of this report; the applicant must also be issued with the licence and a summary of it.
5. If the subcommittee decides to reject the application notice must be given forthwith to that effect to the applicant, all of the people who made relevant representations and the Chief Constable for Avon and Somerset and must state the reasons for the decision.

#### APPENDICES

**Appendix A**                      **Draft premises licence with proposed conditions (if applicable) which would be issued under Licensing Act 2003, if granted.**

#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background papers: Application and supporting documents.**

**Contact Officer:    Emma Lake, Licensing Team Leader, Licensing,  
Neighbourhoods and City Development  
Telephone: 0117 3574900**



**LICENSING ACT 2003  
Schedule 132 Part A  
Premises Licence**

Regulation 33, 34

**Bristol City Council  
Licensing Team (Temple Street) PO BOX 3176 Bristol BS3 9FS**

<b>Premises Licence Number</b>	17/01554/PREM
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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:**

Loose Cannon  
Unit 1B  
Building 8  
Millennium Promenade  
Bristol  
BS1 5SZ

**Telephone number:**

**Where the licence is time limited the dates** Not applicable

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

Sale of Alcohol	Monday to Sunday 12:00 - 02:00
Live Music	Sunday 12:00 - 23:00
Live Music	Monday to Saturday 12:00 - 00:00
Recorded Music	Monday to Sunday 12:00 - 02:00



**Personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Personal licence number:**

15/06833/LAPER

**Issuing Authority:**

Bristol City Council

## **Annex 1 – Mandatory conditions**

### **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 2003 (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.

**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**

1 The premises will be a cocktail club and bar. The entire premise is 116 square meter. One bar, 65 seats, 3 toilets(1 female, 1 male, 1 unisex disabled plus two urinals).

We would like to offer off supplies of alcohol as well to our outside seating area in front of the bar and the surrounding, walking path next to the river and the Harbourside.

2 Live Music - Limited to Indoors only. Occasionally, small bands, containing maximum 4 musicians including singer. Unamplified and amplified. Less than 100 persons in the audience.

3 Recorded Music - Limited to Indoors only. Amplified set of 12 small speakers. For background music. Not louder than 95 dBA(Regulation stated in our Lease agreement with the Landlord). We will keep the music on a reasonable level. No karaoke. Occasionally we will hire a DJ.

4 Sale of Alcohol - Both On and Off the premises. During the summer months we would like to offer, home made cocktails and slushees for the passing trade. In takeaway cups. From May till September. From 12:00 till 19:00pm. From 19:00-02:00 only on the premise sale of alcohol.

5 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.

6 SA04 The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

7 NP61 There shall be no consumption of beverages in any outside areas/specific after 22:00 hours.

8 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.

9 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.

10 CC14 CCTV cameras shall monitor all areas used by premise patrons including any external smoking area to monitor numbers and prevent crime and disorder.

11 DA02 The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

12 SF02 Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for places of entertainment or the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

13 CA07 Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.

14 CA08 The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).

(i) The risk assessment(s) must take into account all relevant factors including space, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

(ii) Where necessary separate occupancy levels must be set for different parts of the premises.

(iii) The premises licence holder shall ensure that they consult the Public Health Services of Bristol City Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based.

(iv) The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence.

(v) Measures must be put in place to ensure that the capacity is not exceeded at any time.

(vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

(vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.

15 GS15 Emergency exits will be kept clear of obstructions at any time when licensable activities are taking place.

16 GS17 The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or a constable.

17 NP04 No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

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

19 NP68 Noise from plant & equipment

Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants

of any properties in the vicinity.

Recommendation:

(a) The Rating Level of any noise from any fixed plant shall not exceed the background noise level by more than 0dB at the nearest noise sensitive property as determined by BS 4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas at any time.

(b) Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise. Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.

20 WM8 The collection of refuse, bottles and recyclable materials shall only take place during weekdays between 07:00-19:00.

21 WM7 Activities relating to the on site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 07:00-20:00.

22 N69 Signage.

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

23 CV01 All children shall vacate the premises by 18:00 hours.

24 CV04 Children must be accompanied by an adult.

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

#### **Health & Safety**

1 The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

2 Except where expressly permitted no lasers, smoke producing effects, light shows (strobe lights) or pyrotechnics shall be used at any time when licensable activity is taking place.

3 The premises licence holder shall ensure that:

(i) Speakers are not placed in positions where members of the public can stand within close proximity to them.

(ii) Consumer-friendly signs that give advice about hearing protection shall be appropriately displayed.

Earplugs are either available free of charge or that they are available for purchase by patrons.

4 All traffic routes used by members of the public (including entrance ways, gangways, lobbies, corridors, passages and exit routes and all steps and stairways) should have:

(i) Nosings of the treads of steps in a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions.

(ii) Any changes in level clearly visible to members of the public, such as by using contrasting colours or additional lighting.

(iii) Mats more than 1 cm thick sunk to floor level unless of rubber with wide bevelled edges.

5 A continuous handrail securely fixed on each side of all staircases, steps and landings at a height of not less than 840 mm nor more than 1 metre, measured vertically from the pitch line, except that only one such handrail need be provided to such staircases, flights of steps or landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.

6 The premise licence holder shall ensure that a Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amps, 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.

7 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-amps, 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.

8 No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

## Trading Standards

9 SA01 All staff to be trained in the prevention of under age 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

10 SA02 (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premises 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

11 SA03 The premises licence holder shall require the designated premises supervisor or in his/her absence other responsible person, to keep an incidents/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 the final outcome of the situation.

## Pollution Control

### Sound Insulation

12 A detailed scheme of noise insulation measures for both music and customer noise shall be submitted to and approved in writing, by an Officer of the Pollution Control Team, Bristol City Council. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of any residential accommodation in the vicinity by noise from music and customers from these premises.

The assessment and scheme of noise insulation measures shall be carried out by a suitably qualified acoustic consultant/ engineer and shall take into account the provisions of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings".

The approved details shall be implemented in full prior to the commencement of the use of the premises licence.

#### Recommendation:

The recommended internal noise levels for dwellings are as follows:

Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms & 50 dB in outdoor living areas.

Nighttime (23.00 - 07.00) 30 dB LAeq 8 hours & L<sub>max</sub> less than 45 dB in bedrooms.

Where residential properties are likely to be affected by amplified music from neighbouring pubs or clubs, the recommended design criteria is as follows:

Noise Rating Curve NR20 at all times in any habitable rooms

#### Recorded & Live music

13 Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

14 No speakers for amplification of music or speech shall be placed on the outside the premises.

15 Except for access and egress all external doors and windows shall be kept closed during periods of live music, karaoke or DJ's playing recorded music.

#### Noise limiter

16 A noise limiting devices shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.

(a) Noise limiting devices shall be installed and set at levels approved by the Council through its authorised environmental health officer prior to the opening of the premises in conjunction with the Premises Licence.

(b) The noise limiting devices shall be properly secured so that they can not be tampered with.

(c) The noise limiting devices shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team.

(d) If deemed necessary, the noise limiting devices shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification.

## Monitoring

17 (i) The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the residential accommodation in the area. on at least hourly intervals whilst regulated entertainment is taking place in order to establish whether there is a noise breakout from the premises.

(ii) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.

(iii) A record of such observations shall be kept in a book for that purpose, such a book to be completed immediately after the observation detailing the time of the observation, the location of the observation, the duration of the observation, the level of noise breakout and any action taken to reduce noise breakout.

(iv) Such a book shall be made available at all times upon request to a police officer or authorised officer of this Council upon request.

## Customer noise

### Customer Noise

18 Any outside areas shall not be used by customers for the consumption of beverages or food between 23.00 hours and 08.00 hours the following morning.

## Refuse, Collections and Deliveries

19 No external on site refuse disposal activities (including placing into external receptacles) of any refuse, glass bottles and recyclable materials shall take place between 20:00 hours and 07:00 hours the following day.

## Noise from plant & equipment

20 Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.

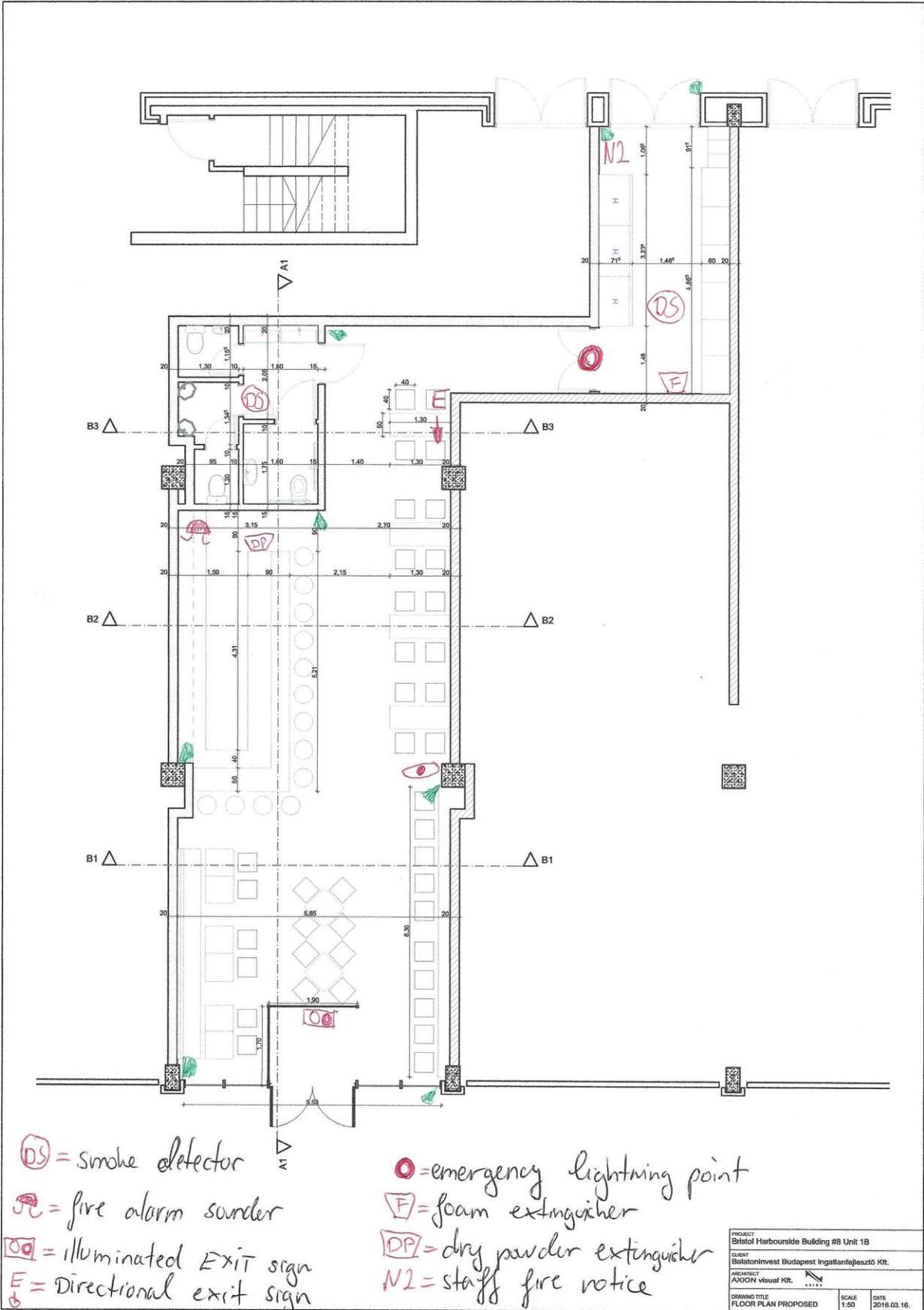
## Annex 4 – Plans

Plans as submitted to the Licensing Authority on 7 June 2017;

1 Drawn by Axion Visual Kft, drawing title 'Floor Plan Proposed', dated 16.03.2016

2 Drawn by Axion Visual Kft, drawing title 'Floor Plan Proposed', dated 16.03.2016 (detailing Licensable Area)

3 Drawn by GVA, drawing reference 001, dated 29.04.2016



- DS = smoke detector
- = fire alarm sounder
- EXIT = illuminated EXIT sign
- E = Directional exit sign
- = fire alarm visual warning
- = emergency lightning point
- F = foam extinguisher
- DP = dry powder extinguisher
- N2 = staff fire notice
- = CCTV cameras

PROJECT Bristol Harbourside Building #8 Unit 1B		
CLIENT Balatoninvest Budapest Ingatlanfejlesztő Kft.		
ARCHITECT AXION visual Kft.		
DRAWING TITLE FLOOR PLAN PROPOSED	SCALE 1:50	DATE 2016.03.16.

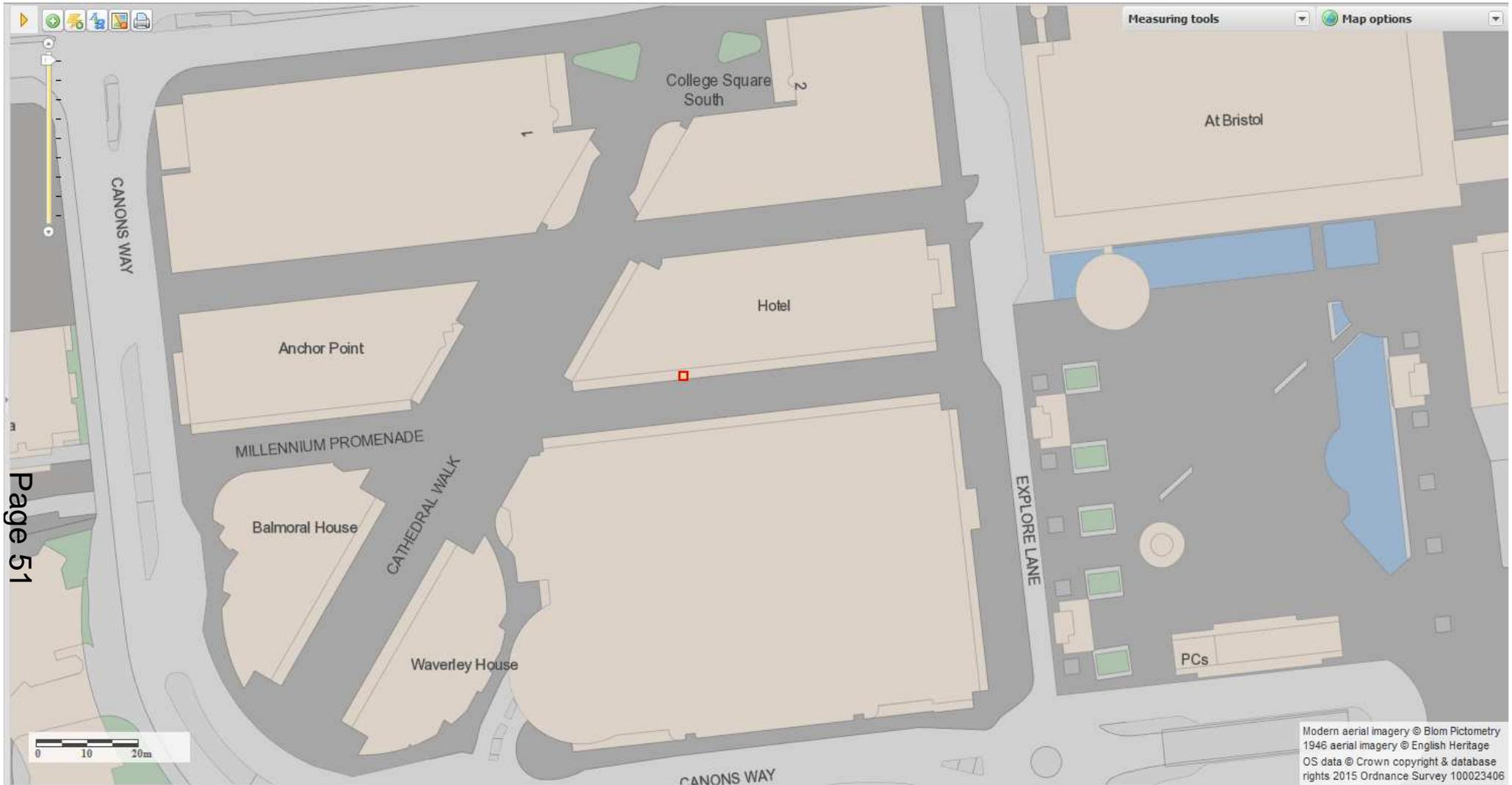


Pink = areas used for consumption of alcohol.  
 Brown = bar services, storage of alcohol  
 Blue = Toilets  
 Yellow = staff only area  
 Red = total premise area

PROJECT	Strand Harbourside Building #6 Unit 1B	
CLIENT	Balatoninvest Budapest Ingatlanfejlesztő Kft.	
ARCHITECT	AKION visual Kft.	
DRAWING TITLE	SCALE	DATE
FLOOR PLAN - FURNITURE	1:50	2016.03.16.

No colour = Emergency exit routes.





By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

**BRISTOL CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**3 August 2017**

## **Report of the Service Manager – Regulatory Services**

**Title:** Licensing Act 2003  
Application for grant of a premises licence in respect of Albatross Cafe, 60  
North Street, Bedminster, Bristol BS3 1HJ

**Ward:** Southville

**Officer Presenting Report:** Sarah Flower

**Contact Telephone Number:** 0117 3574900

Purpose of the report

To hold a hearing to consider relevant representations made on the application for a premises licence for Albatross Cafe made by Albatross Cafe Ltd and received on 13th June 2017

Members have a pack containing the following documents:

- (a) Copy of the application
- (b) Copy of all relevant representations
- (c) Points of clarification raised with the parties and their responses
- (d) The Council's statement of licensing policy
- (e) The Secretary of state's guidance
- (f) The Council's Licensing procedure rules
- (g) Regulations governing the conduct of hearings

### **Context**

The detail of the application is as follows:

Licensable activities and times applied for:

Sale of Alcohol Monday to Sunday 07:00 - 23:00

Hours the premises will be open to the public:

Monday to Sunday 07:00 - 23:00

The application was accompanied by an operating schedule setting out the steps the applicant proposes to take to promote the four licensing objectives. If there had been no

relevant representations (or if all relevant representations are withdrawn) the council would be bound to grant the application subject only to such conditions as are consistent with the operating schedule accompanying the application. The draft of a licence that could have been issued, having regard to guidance and policy and acting with a view to promoting the four licensing objectives, is appended to this report as Appendix A.

## **Policy**

### **Bedminster and Southville CIA**

#### **North Street (From the junction with Ashton Road to the junction with Greville Street)**

##### **Reason for Policy**

This stretch of North Street is characterised by a varied range of food, drink and entertainment offers leading to a busy area, which has resulted in anti-social behaviour and loss of amenity for local residents. The policy will help to protect residential amenity from being harmed by public nuisance and will, when triggered by the receipt of relevant representations, give rise to a presumption of refusal of applications for the grant of new premises licences or for significant variation of existing licenses particularly where such proposals could increase anti-social behaviour. The policy is not designed to preclude high-quality food-led developments that are commensurate with the community's longer term ambitions for the area.

#### **Cannon Street Area ( Cannon Street, North Street (from junction of Grenville Street to junction with Cannon Street), East Street (from junction with Little Paradise to junction with West Street/Sheene Road and West Street (from junction with East Street to junction with Victor Road)**

The Cannon Street locality comprises of a close concentration of late night „destination“ bars, take away food outlets and premises supplying alcohol for consumption away from the premises (off-licences) that has resulted in a cumulative adverse impact on the promotion of the licensing objectives, in particular those concerning the prevention of crime and disorder and the prevention of public nuisance. The policy, when triggered by the receipt of relevant representations, will apply to applications for the grant of new premises licences or for significant variation of existing licenses and is intended to prevent the further proliferation of the type of premises on offer in this locality. In order to rebut the presumption of refusal applicants for licences will be expected to demonstrate through the operating schedule accompanying the application that what they propose is a significantly different type of operation than that which is currently on offer; a proposal that will result in a greater variety of range of venues and that it is demonstrated will not add to the problems currently being experienced which this policy aims to address. The policy is intended to be strictly applied, i.e. to refuse applications with operating schedules that could enable a venue to operate as an additional late night alcohol led venue, or as a late night food take away outlet, or as an “off-licence”.

## **Representations**

1. Relevant representations have been received from the following parties, all of whom have been notified of this hearing and their rights:

**Avon And Somerset Constabulary**  
**Pollution Control**  
**Mr Philip Searle**  
**Mr Simon Hayes**  
**Carol Heal**  
**Nikki Cook**

## **Recommendations**

IT IS RECOMMENDED THAT THE SUB COMMITTEE hold a hearing to consider the relevant representations (unless the subcommittee, the applicant and each person who has made such representations agree that a hearing is unnecessary) and, having regard to the representations, take such of the steps mentioned in paragraph 6 below, if any, as it considers appropriate for the promotion of the licensing objectives. In making this (and all licensing decisions) the subcommittee must have regard to the guidance and policy included in the subcommittee's pack

2. The steps are –

- (a) To grant the licence subject to conditions that are consistent with the operating schedule
- (b) To exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) [To refuse to specify a person in the licence as the premises supervisor] delete where not applicable
- (d) To reject the application

3. If a licence is granted any relevant mandatory conditions must be imposed in addition to any conditions the subcommittee decides to impose after the hearing. Mandatory conditions are standard conditions imposed by way of legislation and in respect of which there is no power to vary.

4. If the subcommittee decides to grant the application Notice in line with the statutory requirements must be given forthwith to that effect to the applicant, all of the people who made relevant representations and the Chief Constable for Avon and Somerset and must state the reasons for taking any of the steps set out in paragraph 6 of this report; the applicant must also be issued with the licence and a summary of it.

5. If the subcommittee decides to reject the application notice must be given forthwith to that effect to the applicant, all of the people who made relevant representations and the Chief Constable for Avon and Somerset and must state the reasons for the decision.

## **APPENDICES**

**Appendix A**                      **Draft premises licence with proposed conditions (if applicable) which would be issued under Licensing Act 2003, if granted.**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**Background papers: Application and supporting documents.**

**Contact Officer: Emma Lake, Licensing Team Leader, Licensing,  
Neighbourhoods and City Development  
Telephone: 0117 3574900**

APPENDIX A – DRAFT LICENCE



**LICENSING ACT 2003  
Schedule 132 Part A  
Premises Licence**

Regulation 33, 34

**Bristol City Council  
Licensing Team (Temple Street) PO BOX 3176 Bristol BS3 9FS**

<b>Premises Licence Number</b>	17/01680/PREM
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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:**

Albatross Cafe  
60 North Street  
Bedminster  
Bristol  
BS3 1HJ

**Telephone number:** 07398815788

**Where the licence is time limited the dates** Not applicable

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

Sale of Alcohol Monday to Sunday 07:00 - 23:00

**Non Standard Timings**

Supply of alcohol and opening hours:  
New Year's Eve - terminal hour shall be 02:00 the following morning



## APPENDIX A – DRAFT LICENCE

**Personal licence number:**

17/00657/LAPER

**Issuing Authority:**

Bristol City Council

# APPENDIX A – DRAFT LICENCE

## Annex 1 – Mandatory conditions

### **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 -

## APPENDIX A – DRAFT LICENCE

- (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 2003 (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.

## APPENDIX A – DRAFT LICENCE

### **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 Operating Schedule submitted 13 June 2017**

1 Premises Description:

The premises shall operate primarily as a café/bistro.

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 Access to the premises by children is not restricted or prohibited.

4 CC01: CCTV shall be in use at the premises.

(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational by commencement of this licence. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by commencement of this licence and the system be fully operational on that date.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

(iv) The correct time and date will be generated onto both the recording and the real time image screen.

(v) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

(vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all licensable hours.

## APPENDIX A – DRAFT LICENCE

5 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.

6 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.

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

#### **Conditions attached at hearing on 03 August 2017**

##### **Police (revised and agreed)**

1 Alcohol sales are restricted to on sales only.

2 CV05 Intoxicating liquor will only be sold and supplied to customers who are engaging in a food offering, as an ancillary to the offer.

3 The sale of high strength lager/cider beer over 6.5% abv to be prohibited.

4 No children to be allowed in the establishment from 19:00hrs

5 PS11 Spirits shall be located behind the counter, and all other alcoholic beverages to be located on display in such a position that it is not obscured from the constant view of the cashier / staff by other fixtures. (If this is not reasonably practical because of refrigeration or other limitations, the Licensing Authority shall be consulted regarding other suitable locations in the premises).

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

## APPENDIX A – DRAFT LICENCE

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 Children must be accompanied by an adult if engaging in consumption of food or drink within the premises.

10 CC01 CCTV shall be in use at the premises.

(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational by the commencement of the licence. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by the commencement of the licence and the system be fully operational on that date.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

(iv) The correct time and date will be generated onto both the recording and the real time image screen.

(v) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

(vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during opening hours

11 NP57 Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

12 GB04 The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not

## APPENDIX A – DRAFT LICENCE

produce sharp shards when broken.

13 The hours for the permitted sale of alcohol are restricted to 1200-2230hrs.

14 CA01 The total capacity for the event shall be limited to 30 persons. This limit includes performers, guests, staff and officials.

15 There shall be no bar service.

16 The sale of alcohol will remain ancillary to the use of the premises as a food-led café/restaurant style of operation

17 There shall be no beer pump dispense sited on the counter.

### **Pollution Control**

#### Customer noise

18 There shall be no consumption of food or beverages purchased from the premises outside of the premises.

#### Use of Refuse and Recycling facilities

19 Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

#### Deliveries

20 Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

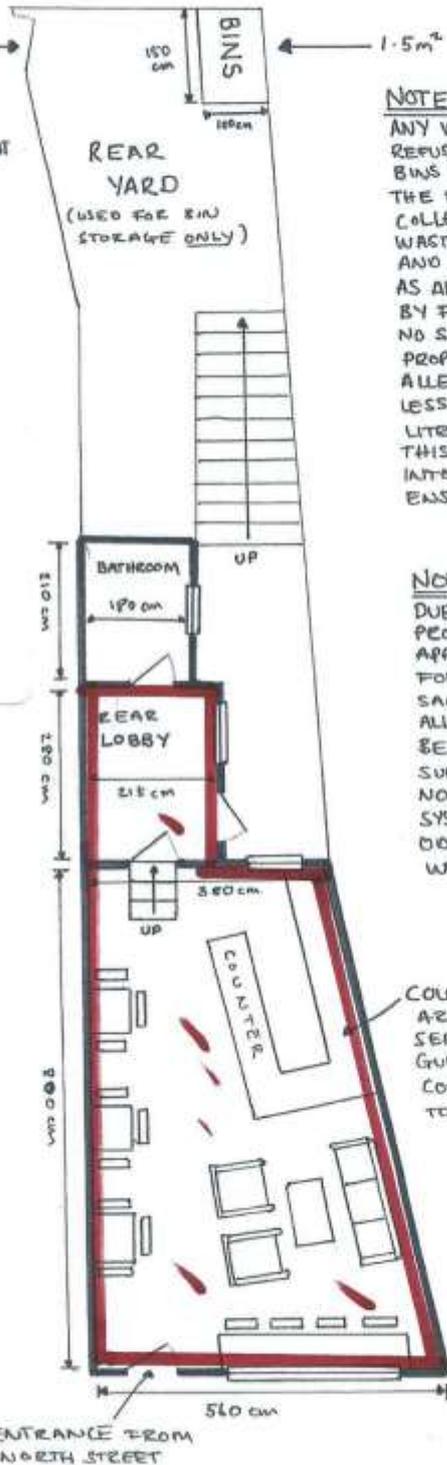
### **Annex 4 – Plans**

Plans as submitted to the Licensing Authority on 13 June 2017, as attached.

# APPENDIX A – DRAFT LICENCE

## INTERNAL + EXTERNAL LAYOUT PLAN 60 NORTH STREET, BEDMINSTER BRISTOL, BS3 1HJ

ACCESS TO ALLEYWAY (SHOWN IN GREEN ON BLOCK PLAN) WITH STEP-FREE ACCESS TO PROPOSED COLLECTION POINT ON MOUNTPLEASANT TERRACE.



### NOTE ON WASTE:

ANY WASTE PRODUCED WILL BE DISPOSED OF IN REFUSE SACKS CONTAINED IN UNDER-COUNTER BINS BEFORE BEING TRANSFERRED DAILY TO THE REFUSE BINS IN THE REAR YARD TO AWAIT COLLECTION BY AN APPROPRIATELY-AUTHORIZED WASTE CONTRACTOR. A RAMP OVER THE INTERNAL AND EXTERNAL STEPS SHOULD NOT BE REQUIRED AS ALL WASTE WILL BE CARRIED IN REFUSE SACKS BY FOOT TO THE WHEELIE BINS IN THE REAR YARD. NO STEPS HINDER ACCESS FROM REAR YARD TO PROPOSED ON-STREET COLLECTION POINT VIA THE ALLEYWAY. DUE TO WIDTH OF ALLEYWAY BEING LESS THAN 1 METRE, WE PROPOSE TO USE 2 x 330 LITRE BINS IN LIEU OF SUGGESTED 1 x 660 LITRE BIN. THIS WILL ALLOW EASIER SEPARATION OF WASTE INTO DRY RECYCLABLES + GENERAL WASTE, TO ENSURE WE ABIDE BY DUTY OF CARE REGULATIONS.

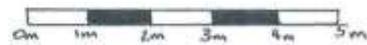
### NOTE ON ODOUR + NOISE:

DUE TO VERY SIMPLE FOOD PREPARATION PROCESSES, ONLY SMALL, COUNTERTOP KITCHEN APPLIANCES WILL BE USED ON SITE, PRIMARILY FOR REHEATING PURPOSES. SALADS + COLD SANDWICHES WILL BE PREPARED ON-SITE + ALL FOOD REQUIRING COOKING OR BAKING WILL BE BROUGHT IN READY-MADE BY EXTERNAL SUPPLIERS (SUCH AS CROISSANTS + CAKES). AS SUCH, NO ADDITIONAL EXTRACTION OR VENTILATION SYSTEMS WOULD BE REQUIRED DUE TO MINIMAL ODOUR OR HEAT ARISING FROM SALAD + SANDWICH PREPARATION.

COUNTER AND FOOD PREPARATION AREA. ANY WASTE PRODUCED WILL BE SEPARATED ACCORDING TO RECYCLING GUIDELINES AND DISPOSED OF IN UNDER-COUNTER BINS BEFORE BEING TRANSFERRED TO WHEELIE BINS IN REAR YARD.

AREA TO BE LICENSED

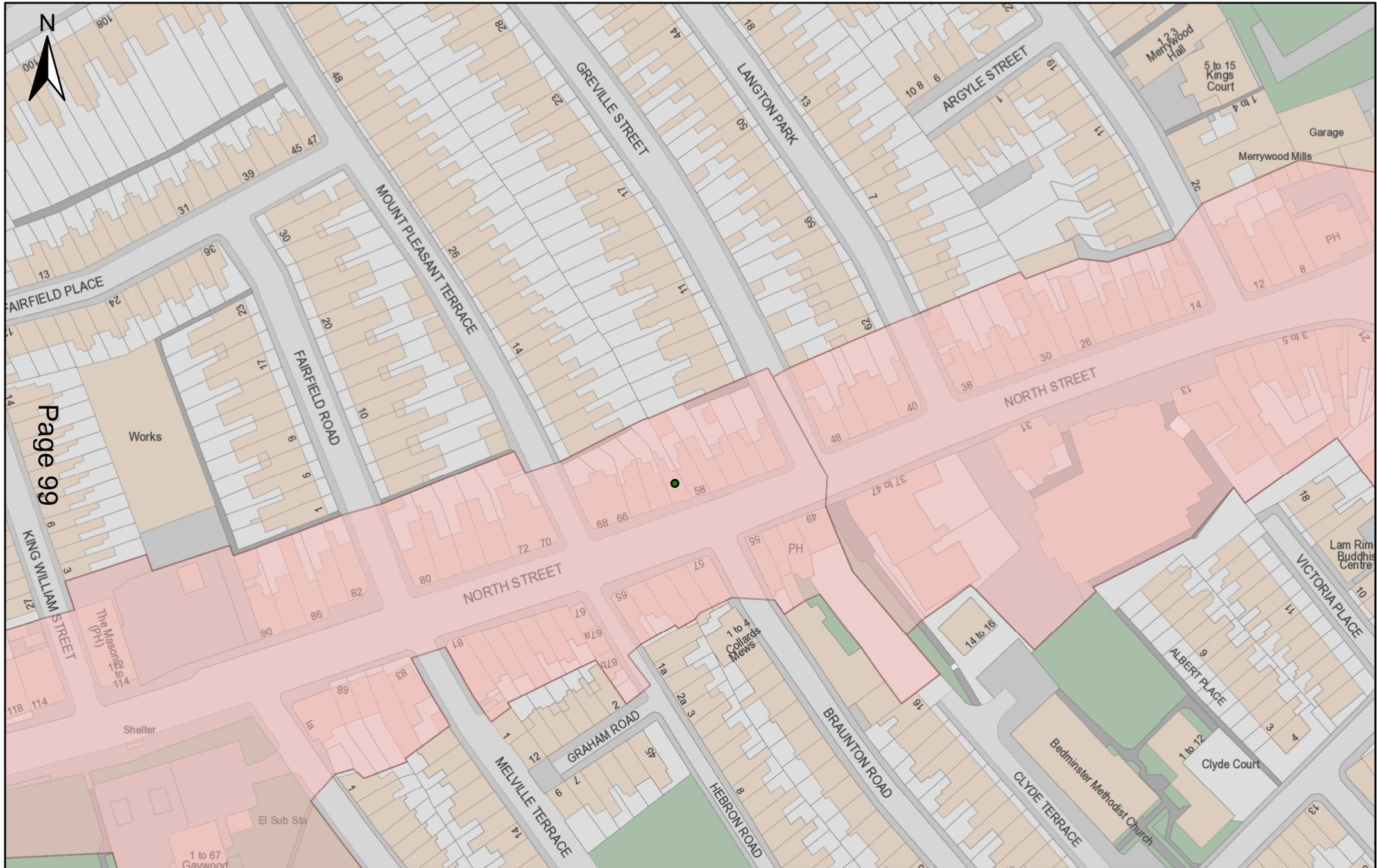
GROSS INTERNAL FLOOR AREA: 47.4m<sup>2</sup>



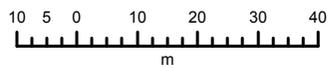
SCALE: 1:100 PAPER SIZE: A4

# Albatross Cafe, 60 North St

Document created on Tuesday 18th July 2017 at 11:13



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