

# Licensing Decision Records

28 June 2018

**Councillors:**

Councillor Eleanor Combley and Councillor Steve Pearce

**Officers:**

Sarah Flower (Licensing Policy Advisor) and Ashley Clark (Legal Advisor)



## Licensing Hearing.

Application for grant of a premises licence in respect of 1 Berkeley Crescent, Basement, 1 Berkeley Crescent, Bristol BS8 1HA

### 1. The Applicant applied to the Authority to permit:

**Sale of Alcohol Monday to Sunday 10:00 - 02:30**

**Late Night Refreshment Monday to Sunday 23:00 - 03:00**

### 2. Hours the premises will be open to the public:

**Monday to Sunday 07:00 - 03:00**

The premises were located in the City Centre Cumulative Impact Area.

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

**Public Health And Safety**

**Clifton And Hotwells Improvement Society**

**Richmond Area Residents' Association (RARA)**

**Avon And Somerset Constabulary**

**Environmental Health - Pollution Control**

**Cllr Mark Wright**



The Committee noted that the Avon and Somerset Constabulary had withdrawn their objection to this application following the applicant's agreement to the finishing time for serving late night refreshment being brought back from 2.30am to 12am and the finishing time for alcohol being brought back to 11.30pm.

It was further noted that Mark Curtis (Senior Environmental Health Officer) had confirmed by e-mail that there were now no longer any objections from the Environmental Health team to the application following agreement of an additional series of conditions.

The Applicant confirmed the following:

- (1) He would be appointing a tenant for the property from whom he would be collecting rent. He would ensure they were fully aware of any conditions which applied to the property
- (2) There would be 25 covers subject to a seating plan. It was noted that this would be a condition attached to any licence approval

The relevant party made the following points:

- (3) Whilst it was good to see that the hours had been pushed back, the CIA continued to be sustained. There was nothing in the CIA policy specifically referring to a particular time period before which it did not apply
- (4) There were already a significant number of other takeaways and restaurants in the area
- (5) Noise from vehicles, such as mopeds, would continue to be a problem if the property became a takeaway outlet
- (6) The application was speculative. There was no way of knowing if any future outlet would be able to rebut the presumption of refusal.

The Committee considered the Application after hearing the representations made and decided the following



**Decision: It was agreed (unanimously) that the application should be granted in part and refused in part.**

**The sale of alcohol was permitted from Monday to Sunday 10am to 11pm with the premises closing at 11.30pm. The application for Late Night refreshment was refused.**

**Reason: Whilst the police were content with the premises closing at midnight on the basis of crime and disorder, the proposed provision of late night refreshments at the premises after 11pm would trigger the CIA. The Committee considered that the public nuisance to residents after 11pm would be sufficiently serious to make it difficult to uphold this licensing objective. It was noted that the Sub-Committee had no power to limit the sale of hot food earlier than 11pm.**

**CHAIR**

**I**

**e**



