

**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relevant representations (or if all relevant representations are withdrawn) the council would be bound to grant the application subject only to such conditions as are consistent with the operating schedule accompanying the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.**

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