

## **LICENSING ACT 2003 RELEVANT PERSON REPRESENTATION**

**RECEIVED VIA EMAIL AT THE LICENSING OFFICE ON: 27 February 2018**

**RE: 116 Whiteladies Road, 116 Whiteladies Road, Bristol BS8 2RP**

**FROM: Councillor Carla Denyer, Members Services, City Hall, College Green**

I object to this application in its current form, however I could support it with amendments/conditions.

The premises is on a stretch of Whiteladies Road that currently doesn't have pubs/bars, and is thus quiet in the evenings. Granting a license to a new bar here that is open until 11pm every night would stretch the current night-time economy areas around Clifton Down station and around the cluster of pubs near the top of Whiteladies so that they will eventually meet in the middle, which I don't think is desirable for the many residents living nearby. It has a high potential to cause public nuisance, both to homes within direct earshot of the premises, and those on the walking route home from it.

Although the Whiteladies Road Cumulative Impact Area does not officially reach this far up the road, there would nevertheless be a cumulative impact of a creep of new bars up the road.

I would be happy with this application if the closing time were sooner and/or drinks sold for consumption on the premises were only served at the table or with food. I understand that it is possible to set conditions on these matters. There are other restaurants in the vicinity, so a sit-down bar/restaurant style establishment would have negligible impact. My concern is that the license must not be written in a way that allows the premises to become a noisy 'vertical drinking establishment', either by this applicant or future proprietors.

**Avon & Somerset Constabulary  
Representations Licensing Act 2003.**

<b>Applicant Premises – 116 Whiteladies Road</b>
<b>Address – Bristol BS8 2RP</b>
<b>Type of Application – New premises licence</b>
<b>Police Representative – Sarah Bellamy, Police Licensing Practitioner</b>
<b>Telephone – 0117 945 5012</b>
<b>Grounds for representation under Licensing Objectives</b>
<p>This is an application for a new premises licence for the sale of alcohol from 10:00 to 23:00hrs - Monday to Sunday for on and off sales. Premises open from 7 am to 23:00 hrs – Monday to Friday – from 8 am to 23:00 hrs – Saturday and from 9 am to 23:00 hrs – Sunday.</p> <p>The address did have a premises licence under the Gourmet Burger Company.</p> <p>The premises are located near the top of Whiteladies Road and whilst not in the cumulative impact area could potentially impact on local residents if the appropriate conditions are not put in place.</p> <p>The Council's own Licensing policy gives some guidance on considering such an application at 6.5.2 Licensing Hours</p> <p>It is suggested that the Licensing Committee, when considering each application on its merits following receipt of relevant representations, should have particular regard to the following factors:</p> <p>Whether the licensed activities are likely to cause an adverse impact, especially on local residents, and what, if any, appropriate measures are proposed to prevent it;</p> <p>Whether there will be a substantial increase in the cumulative adverse impact on an adjacent residential area;</p> <p>It would also be relevant to note that the following paragraph is also included:</p> <p>At 3.1.4 - when considering an application the committee will also have regard for the likelihood of any violence, public order or policing problem if the authorisation is granted.</p> <p><i>In R (Daniel Thwaites PLC) v. Wirral Borough Magistrates Court [2008] EWHC 838 the court decided that the views of the police concerning issues of crime and disorder should weigh heavily. This was followed by the court in R (on the application of Portsmouth City Council) v. 3D Entertainment Group Ltd [2011] EWHC 507.</i></p> <p>The applicant has mentioned some of the proposed conditions in his operating schedule, so this representation is required to bolster what has been proposed.</p>

**Outcome requested**

That if the Committee are mindful to grant this application, the Police request that the following conditions are added to their premises licence:-

1. 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.

(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 opening hours

2. 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.

3. 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.

4. 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.*

*5. Intoxicating liquor shall be sold and supplied to customers who are engaging in a sit down table meal, as ancillary to that meal.(CV05)*

**Signed: Sarah Bellamy**

**Dated: 8/3/8**



Licensing Office, 100 Temple Street, Bristol, BS1 6AG  
Tel 0117 9222549 E-mail [licensing@bristol.gov.uk](mailto:licensing@bristol.gov.uk)

### Representation Form

**Responsible Authority:** Licensing Authority.

Name	Andy Lyle
Job Title	Licensing Officer
Postal and email address	100 Temple Street Bristol BS1 6AG  <a href="mailto:andy.lyle@bristol.gov.uk">andy.lyle@bristol.gov.uk</a>
Contact telephone number	0117 9222549 07710 396 928

Name of the premises you are making a representation about	116 <u>Whiteladies Road</u>
Address of the premises you are making a representation about	116 <u>Whiteladies Road</u> ,  Bristol BS8 2RP
Date application received	26th February 2018

This representation is made by the above named responsible authority and reflects views and advice with regard to the likely effect of the grant on the promotion of the licensing objectives and includes any related evidence I have gathered.

I have carefully read this application for the grant of a premises licence with the Bristol City Council Licensing Policy and the Licensing Objectives fully in mind.

This is a new application for a premises licence to sell and supply alcohol for consumption on and off the premises. It is proposed the premises will be run as a café bar selling artisan foods, craft beers and spirits.

The premises are situated on the busy Whiteladies Road area of Clifton in a rank of mixed commercial, retail and licensed premises. The area also has a many residential properties.

The opening hours requested for the premises are 0700 to 2300 hours Monday to Friday, 0800 to 2300 hours on a Saturday and 0900 to 2300 hours on a Sunday.

This application also seeks to sell and supply alcohol for consumption on and off the premises between 1000 and 2300 hours Monday to Sunday.

My concern with this application is that without the below proposed conditions in support of the licensing objectives, the premises could be run solely as a bar i.e. a vertical drinking establishment. As opposed to a café / restaurant which sells and supplies alcohol as ancillary to the food. There is also no capacity stated for the premises.

Therefore, I have no objection to this application being granted as long as the below proposed conditions together with those proposed by the applicant to promote the four licensing objectives are included in any licence granted for the premises.

CA01	The total capacity for the premises shall be limited to..... (number to be determined prior to issue of a premises licence) persons. This limit includes performers, guests, staff and officials.
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<b>CC CCTV</b>	
CC01	<p>CCTV shall be in use at the premises.</p> <p>(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 premises 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 premises licence and the system be fully operational on that date.</p> <p>(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.</p> <p>(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</p> <p>(iv) The correct time and date will be generated onto both the recording and the real time image screen.</p> <p>(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</p>

	<p>without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.</p> <p>(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.</p> <p>(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all (Insert hours) hours</p>
CV04	Children must be accompanied by an adult.
CV05	Intoxicating liquor will only be sold and supplied to customers by waiter/ waitress service, who are engaging in a sit down table meal, as an ancillary to that meal.
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.
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.
SA02	<p>(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.</p> <p>(b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including</p>

	a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
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.
PS11	Spirits shall be located Behind the serving 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).

Between the variable premises opening hours of 0700, 0800 and 0900 and 1000 hours all alcohol beverages i.e. wine, beer, cider and spirits for sale and supply at the premises shall be secured and covered from view.

No consumption of alcohol purchased from the premises is permitted directly outside the premises.

Any alcohol sold or supplied for consumption off the premises shall only be supplied in a sealed container.

**Name: Andy Lyle**

**Date: 19th March 2018**





Licensing Office, Princess House, Princess Street, Bristol, BS3 4AG  
Tel 0117 914 2500 Fax 0117 914 2515 E-mail [licensing@bristol.gov.uk](mailto:licensing@bristol.gov.uk)

### Representation Form

**Responsible Authority:** Environmental Protection (Noise)

Name	Mark Curtis
Job Title	Senior Environmental Health Officer
Postal and email address	<a href="mailto:mark.curtis@bristol.gov.uk">mark.curtis@bristol.gov.uk</a> Public Protection (Pollution Control) City Hall, PO Box 3176, Bristol, BS3 9FS
Contact telephone number	0117 92 23256

Name of the premises you are making a representation about	116 <del>Whiteladies</del> Road
Address of the premises you are making a representation about	116 <del>Whiteladies</del> Road
Date application received	27 February 2018



This representation relates to the licensing objectives of preventing public nuisance. This is the reason for my representation, including any related evidence I have gathered.

**There are some residential properties in the vicinity of these premises including flats above. I therefore have some concerns regarding noise from customers and servicing of the premises**

Suggested conditions that could be added to the licence to remedy my representation which I would like the Licensing Sub Committee to take into account.

**The following conditions are recommended to ensure that the licencing objective to promote the prevention of public nuisance is ensured, and they are made with reference to section 3 of Bristol City Council Licensing Policy.**

**Customer Noise**

**1. There shall be no consumption of beverages purchased from the premises outside of the premises.**

**Refuse, Collections and Deliveries**

**2. The collection of refuse, bottles and recyclable materials shall only take place between 08.00 hours and 20.00 hours Monday to Saturday and not at all on Sundays or Bank Holidays.**

**3. Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 08.00 hours and 20.00 hours,**

**Name: Mark Curtis**

**Date: 14 March 2018**

**This form must be returned with 28 consecutive days of the application being made to the Licensing Authority**