

BRISTOL CITY COUNCIL
LICENSING SUB-COMMITTEE

14 June 2018

Report of the Service Manager – Regulatory Services

Title: Licensing Act 2003
Application for variation of a premises licence in respect of Cuban, Unit 2,
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 variation to a premises licence for Cuban made by Debaley Services Ltd and received on 19th April 2018

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:

This variation application seeks to remove and replace conditions in the Operating Schedule as follows:

Condition 7 in Annex 3 to be replaced with the following:

There shall be a minimum of 2 door supervisors, who have been accredited by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, on duty from 21:00 hours on every Friday and Saturday night and on Sundays preceding Bank Holiday Monday who shall remain on duty until the premises closes. A minimum of 2 door supervisors, who have been accredited by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority shall be on duty from opening until close of the business during Harbourfest. At least 14 days prior to

any large scale public event in Bristol city centre, THE DPS shall undertake a written risk assessment in relation to the requirement for door supervisors and shall employ door supervisors in the numbers and for the times identified in that risk assessment.

Condition 6 in Annex 3 to be amended to:

At any time that door supervisors, who have been accredited by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, are employed at the premises, they shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy. All door supervisors must ensure that identification bearing the customers photograph, date of birth and integral holographic mark or security measure is produced before allowing entry and where it is not, entry shall be refused. Suitable means of identification would include PASS approved proof of age card, photo-card driving licences and passports.

Condition 31 in Annex 3 to be replaced with the following:

With the exception of customers waiting in the Designated Bar Area to be seated in the restaurant, intoxicating liquor will only be sold and supplied to customers who are engaging in a sit down table meal and as an ancillary to that meal. No service of alcohol shall be over the bar directly to the customer, except to customers waiting in the Designated Bar Area to be seated in the restaurant and in accordance with this condition, all other alcohol to be supplied by way of waiter/waitress service.

Condition 18 in Annex 18 to be amended as follows:

Items of glassware (such as glasses, bottles, etc) shall not be permitted in the outdoor area/ dance floor area after 22:00 hours. Items of glassware, (such as glasses, bottles, etc) shall not be permitted in the outdoor area from 17:00 hours during Harbourfest.

To add the following new condition:

Nothing in these conditions will supersede or otherwise require an authorised person or the premises licence holder to undertake any activities or provide data to an officer or other responsible authority in breach of data protection legislation in force in England and Wales. In the event there is a conflict, the premises licence holder or authorised person will inform the relevant parties requesting the data as to why the data requested cannot be provided as requested. Such information is to be provided in writing with an explanation as to why the request, in the opinion of the premises licence holder, breaches data protection legislation. For the avoidance of doubt, any data requested by a police officer directly relating to the investigation of a criminal offence shall be provided as required to the officer within the time frame agreed or at earliest possible time following the request of the police officer.

This application also seeks to vary the layout plan in order to show the 'Designated Bar Area' referred to in the proposed conditions.

The other times, conditions and licensable activities authorised by the premises licence are to remain unaltered.

Licensable activities and times currently licensed for:

Sale of Alcohol	Sunday to Thursday 11:00 - 23:00
Sale of Alcohol	Friday and Saturday 11:00 - 00:00
Films	Sunday to Thursday 11:00 - 23:00
Films	Friday and Saturday 11:00 - 00:00

Live Music	Sunday to Thursday 11:00 - 23:00
Live Music	Friday and Saturday 11:00 - 00:00
Recorded Music	Sunday to Thursday 11:00 - 23:00
Recorded Music	Friday and Saturday 11:00 - 00:00
Performances of Dance	Sunday to Thursday 11:00 - 23:00
Performances of Dance	Friday and Saturday 11:00 - 00:00
Similar - live/recorded music or dance	Sunday to Thursday 11:00 - 23:00
Similar - live/recorded music or dance	Friday and Saturday 11:00 - 00:00
Late Night Refreshment	Friday and Saturday 23:00 - 00:00

Hours the premises are open to the public:

Sunday to Thursday	11:00 - 23:30
Friday and Saturday	11:00 - 00:30

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:
 - Krystina Boydell
 - James Newcome
 - Pollution Control
 - Avon And Somerset Police

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 modify the conditions of the licence;
- (b) to reject the whole or part of the application; and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

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 Current premises licence issued under the Licensing Act 2003

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers: Application and supporting documents.

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