

BRISTOL CITY COUNCIL

LICENSING COMMITTEE

19 March 2020

Report of the Service Manager – Regulatory Services

Title: Licensing Act 2003
Application for the variation of a premises licence in respect of Crying Wolf,
37 Cotham Hill, Bristol, BS6 6JY

Ward: Clifton Down

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 Crying Wolf made by Thats What She Said Ltd and received on 24th January 2020

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 variation is as follows:

The application seeks to vary the licence by way of the following:

1) To vary the hours for sale of alcohol from 10:00 until 23:30 Monday to Sunday TO:

- a) 10:00 until 00:30 (the morning following) Sunday to Thursday
- b) 10:00 until 01:00 (the morning following) every Friday and Saturday
- c) 10:00 until 01:00 (the morning following) on each Sunday preceding a Bank Holiday Monday.

2) To vary the hours for Late Night Refreshment from 23:00 until 00:00 (midnight) Monday to Sunday TO:

- a) 23:00 until 00:30 (the morning following) Sunday to Thursday

- b) 23:00 until 01:00 (the morning following) Friday and Saturday
 - c) 23:00 until 01:00 (the morning following) on each Sunday preceding a Bank Holiday Monday
- 3) To vary the opening hours for the premises from 1000 until 0000 Monday to Sunday TO:
- a) 10:00 until 01:00 (the morning following) Sunday to Thursday
 - b) 10:00 until 01:30 (the morning following) Friday and Saturday
 - c) 10:00 until 01:30 (the morning following) on each Sunday preceding a Bank Holiday Monday.
- 4) Variation also required to amend conditions as per the attached schedule.

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 If there had been no relevant representations (or if all relevant representations are withdrawn) the council would be bound to grant the application subject only to such conditions as are consistent with the operating schedule accompanying the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

Whiteladies Road CIA

Reason for Policy

This stretch of Whiteladies Road is predominantly characterised by properties with A3 leisure uses behind which are sited residential areas. The request for the CIA to be implemented was made by local amenity groups and supported by the Redland Sector of Avon and Somerset Police. This area differs from the city centre in that there is a greater emphasis on the need to promote the prevention of public nuisance objective. The ability to prevent further encroachment into the normal sleeping times of local residents is a key aspect of this policy. The policy will apply to the consideration of applications for the grant of new authorisations or for significant variations of existing authorisations in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets.

Clifton CIA

Reason for Policy

Clifton Village and the surrounding area has seen a rapid growth in restaurants, bars and cafes. These A3 uses are mixed with residential areas and have led to an increase in public nuisance. The request for the CIA was made by the Clifton and Hotwells Improvement Society and is supported by local residents and Avon and Somerset Constabulary. Clifton Village is a popular destination with a vibrant day and night time economy. The CIA policy will help to protect the residential amenity and ensure that further

expansion with licensed premises is not to the detriment of this important and iconic part of Bristol. The policy, when triggered, will apply to applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily provide alcohol for supply on the premises, restaurants and takeaway outlets. Applicants for licenses in the CIA area will need to be able to demonstrate that they can offer something different from what is currently available without adding to the impact already being experienced.

Representations

1. Relevant representations have been received from the following parties, all of whom have been notified of this hearing and their rights:
 - Abigail Holman
 - Shepherd Abigail
 - Mark Linfield
 - Dr Jill White
 - Simon And Emily Margetts And Wolfe
 - Anna Nicholls
 - Dan Williams
 - Ed Sargent
 - Alex Miller
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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
- (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

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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