

BRISTOL CITY COUNCIL

LICENSING COMMITTEE

24 September 2020

Report of the Service Manager – Regulatory Services

Title: Licensing Act 2003
Application for the variation of a premises licence in respect of Taka Taka
Broad Quay, 5 Broad Quay, Bristol, BS1 4DA

Ward: Central

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 Taka Taka Broad Quay made by Feakes SW Limited and received on 3rd August 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:

To extend the terminal hour for the supply of late night refreshment to 04:00 hours daily.

On 30th January 2020, the Licensing Authority determined an application for the grant of what is now the premises Licence granted in respect of this premises. The application had sought the same hours as the subject of this application and was granted in part (i.e. until midnight) but refused in so far as the application sought hours beyond midnight. The reasons given for the decision were:-

The CIA had been triggered The Applicant's offering was no different to other hot food outlets in the central area

That the submission made by the Police about the anti-social behaviour leading to crime & disorder between Midnight to 4am was made out.

The Statement of Licensing Policy that comes into effect on 1st August 2020 does not include any Cumulative Impact Policy and the Council have also decided not to publish a Cumulative Impact Assessment Policy.

There has therefore been a very material change in circumstances since the original application was determined.

Further, one of the consequences of the effect of the Coronavirus pandemic has been to increase the demand for delivery of hot food beyond midnight and a reduction in "walk-in" trade. The permitted hours with regard to the provision of late night refreshment are such that orders taken

beyond midnight have to be serviced from other outlets operated by the applicant and its associated companies rather than from the application premises.

It is also asserted that the applicant's food offering is significantly different from that of other outlets in the locality, specializing as it does in authentic Greek cuisine as opposed to "fast food"

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.

Representations

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

- Murat Caner.Relevant Person
- Muammer Sert . Relevant Person
- Karim Benarous . Relevant Person
- Avon And Somerset Police.
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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
- (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 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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