

**BRISTOL CITY COUNCIL**

**LICENSING COMMITTEE**

**5 November 2020**

**Report of the Service Manager – Regulatory Services**

**Title:** Licensing Act 2003  
Application for the variation of a premises licence in respect of Clifton Observatory, Clifton Down, Bristol, BS8 3LT

**Ward:** Clifton

**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 Clifton Observatory made by Clifton Observatory Limited and received on 15th September 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 cafe and event space are currently used for licensable activities - serving of alcohol on the premises & playing of recorded music. They would like to vary the premises licence to allow the serving of alcohol for consumption OFF of the premises. The timings applied for OFF sales are 12:00-22:00 Monday - Sunday. The premises is currently licensed for the sale of alcohol for consumption ON the premises Sunday - Thursday : 12:00 - 23:00 and Friday - Saturday : 12:00 -23:30.

The applicant has also applied to extend the opening hours of the premises. The current opening hours are Sunday to Thursday 12:00-23:00 and Friday and Saturday 12:00-23:30 and the times applied for are Sunday - Thursday 9:00-23:00 and Friday and Saturday 9:00-23:30.

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 If there had been no relevant representations (or if all relevant representations are withdrawn) the council would be bound to grant the application subject only to such conditions as are consistent with the operating schedule accompanying the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

### **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:
  - RoseMary Musgave
  - Duncan Ogilvie
  - Eldred Stevenson

#### **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.**

**Contact Officer:    Emma Lake, Licensing Team Leader, Licensing,  
Neighbourhoods and City Development  
Telephone: 0117 3574900**