

**BRISTOL CITY COUNCIL**

**LICENSING (HEARINGS) SUB-COMMITTEE**

**14 July 2016**

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

**Title:** Licensing Act 2003  
Application for the review of the premises licence in respect of Jolly Roger,  
199 Easton Road, Bristol, BS5 0HQ

**Ward:** Lawrence Hill

**Officer Presenting Report:** Carl Knights

**Contact Telephone Number:** 0117 93574900

Purpose of the report

To hold a hearing to consider a summary review and relevant representations received on an application for the review of a premises licence for Jolly Roger made by Avon and Somerset Constabulary on 22 June 2016.

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

**Context**

The detail of the application is as follows:

The grounds for review are that, in the opinion of the Chief Officer of Police, the operation of the premises does not promote the licensing objectives of the prevention of crime and disorder.

**Background**

The premises licence holder is Mr Roger Reid

The current Designated Premises Supervisor is Mr Roger Reid

On 23 June 2016 a licensing sub-committee, including Councillor S Pearce (Chair), Councillor M Langley and Councillor C Windows, was convened to consider under section

53B of the Act whether it is necessary to take interim steps pending the determination of the review.

The sub committee decided it was necessary to take the interim step of suspending the licence. A copy of the notice given to the Premises Licence Holder and Avon and Somerset Constabulary is attached as **Appendix B**.

## **Representations**

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

- Mr Dylan Davies – Bristol City Council – Pollution Control
- Relevant Person

## **Advertising**

The application has been advertised in accordance with regulation 38 of the Licensing Act 2003. The notice has been displayed at the premises and notices have been displayed at Council Offices of 100 Temple Street, Brunel House, St Georges Road and City Hall, College Green, Bristol.

## **APPENDICES**

<b>Appendix A</b>	<b>Current premises licence</b>
<b>Appendix B</b>	<b>Interim Steps Notice</b>

**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**



LICENSING ACT 2003  
Schedule 132 Part A  
Premises Licence

Regulation 33, 34

Bristol City Council  
Princess House, Princess Street, Bedminster, Bristol. BS3 4AG

Premises Licence Number	06/02484/PREM
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Part 1 Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code:

Jolly Roger  
199 Easton Road  
Bristol  
BS5 0HQ

Telephone number: 0117413725

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities.

Sale of Alcohol	Sunday to Thursday 10:00 - 02:00
Sale of Alcohol	Friday and Saturday 10:00 - 04:00
Films	Sunday to Thursday 10:00 - 02:00
Films	Friday and Saturday 10:00 - 04:00
Indoor sporting events	Sunday to Thursday 10:00 - 02:00
Indoor sporting events	Friday and Saturday 10:00 - 04:00
Live Music	Sunday to Thursday 10:00 - 01:00

Live Music	Friday and Saturday 10:00 - 02:00
Recorded Music	Sunday to Thursday 10:00 - 02:00
Recorded Music	Friday and Saturday 10:00 - 03:00
Similar - live/recorded music or dance	Sunday to Thursday 10:00 - 01:00
Similar - live/recorded music or dance	Friday and Saturday 10:00 - 03:00
Provision of facilities for making music	Sunday to Thursday 10:00 - 02:00
Provision of facilities for making music	Friday and Saturday 10:00 - 03:00
Provision of facilities for dancing	Sunday to Thursday 10:00 - 02:00
Provision of facilities for dancing	Friday and Saturday 10:00 - 03:00
Late night refreshment	Monday to Sunday 23:00 - 00:00

**Non Standard Timings**

Supply of Alcohol, Exhibition of Films,  
Bank Holiday Mondays, Christmas Eve and Boxing Day the permitted hours shall be 10.00 hours until 04.00 hours the following morning.

Indoor Sporting Events,  
Christmas Eve, Boxing Day, New Years Eve, Bank Holiday Mondays shall be 10.00 hours until 04.00 hours the following morning.

Live Music,  
Christmas Eve, Boxing Day, New Years Eve, Bank Holiday Mondays shall be 10.00 hours until 02.00 hours the following morning.

Recorded Music, Anything of a similar description to live, recorded music or performance of dance, Provision of facilities for making music, Provision of facilities for dancing  
Christmas Eve, Boxing Day, New Years Eve, Bank Holiday Mondays shall be 10.00 hours until 03.00 hours the following morning.

Opening Hours  
Bank Holiday Mondays, Christmas Eve and Boxing Day shall be 10.00 hours until 04.30 hours the following morning.

<b>The opening hours of the premises</b>	
Sunday to Thursday	10:00 - 02:30
Friday and Saturday	10:00 - 04:30

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Supply of alcohol authorised for On and Off the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Roger Reid  
199 Easton Road  
Easton  
Bristol  
BS5 0HQ  
0117 9412725

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Roger Reid  
The Jolly Roger  
199 Easton Road  
Easton  
Bristol  
BS5 0HQ  
01179412725

**Personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Personal licence number:**  
05/01469/LAPER

**Issuing Authority:**  
Bristol City Council

is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Conditions numbered 4 and 5 shall be in force as of the 1 October 2010

4.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### **Mandatory condition Licensing Act 2003 - Door Supervision**

Where this licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(As required by s21 Licensing Act 2003 as amended by the Violent Crime Reduction Act)

#### **Mandatory condition Licensing Act 2003 - Exhibition of Films**

In this section - "Children" means persons aged under 18."

The admission of persons to the exhibition of any film shall be restricted in accordance with any recommendations made by the Licensing Authority, Bristol City Council as the relevant film classification body, save that in those circumstances where the Licensing Authority has made no recommendation which applies to the particular film, the admission of persons shall be restricted in accordance with any recommendation made by the British Board of Film Classification. Children shall not be admitted to any exhibition of films at times where access to the premises by children has been restricted by the conditions of this licence.

In accordance with section 20 (3) (b) The Licensing Authority for Bristol hereby notifies the premises licence holder that this licence does not authorise the exhibition of any film categorised by the Licensing Authority or the Film Classification Body as R18. This restriction shall not apply to those premises

licensed as a sex cinema in accordance with the Local Government  
(Miscellaneous Provisions) Act 1982 Schedule 3 Section 2 Control of Sex  
Establishments.



## **Annex 2 – Conditions consistent with the Operating Schedule**

1 Embedded condition - Licensing Act 1964 [sec 168,171,201- No children's certificate in place].

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and Intoxicating Liquor is only sold or supplied to persons as an ancillary to their table meals. No person shall cause or procure, or attempt to cause or procure any person under 14 to be in the bar of the licensed premises during the permitted hours.

2 Embedded condition - Licensing Act 1964 [section 59, 60, 63, 67A, 68, 70, 74, 76]

Intoxicating Liquor shall not be sold or supplied except during permitted hours. In this condition, permitted hours means those as listed on page one of this licence, except that:

On Good Friday, 12 noon to 10.30 p.m., and  
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

### **Conditions consistent with those submitted on application operating schedule:**

3 (a) Existing CCTV equipment shall be maintained to the satisfaction of the Police and the Licensing Authority.

(b) The CCTV equipment shall be maintained in working order and continually record when licensable activity takes place.

(c) The correct time and date shall be generated onto the recording.

(d) If the CCTV equipment breaks down the premises licence holder shall verbally inform the Licensing Authority or the Police as soon as is reasonably practicable.

(e) Where a CCTV system is to be installed or replaced, it shall be to an appropriate standard as agreed with the Police and the Licensing Authority.

4 The premises licence holder shall support the Police in any applicable crime reduction or drug prevention initiative.

5 The premises licence holder shall ensure that plastic or toughened glasses only shall be used at the premises.

6 Empty glasses shall be removed from the trade area as soon as is reasonably practicable.

7 The premises licence holder and management of the premises shall constantly carry out risk assessments in respect of health and safety and all other relevant matters.

8 Fire appliances, suitable to the risks in the premises, shall be provided to the satisfaction of the Licensing Authority and such equipment shall be maintained in proper working order and kept available for instant use. Such equipment shall be conspicuously placed and unobstructed at all times.

9 Fire Equipment Testing and Maintenance - All fire equipment shall be maintained in efficient working order as outlined in British Standard 5306 or any Standard or Regulation amending and replacing the same.

10 There shall be a lobby at the entrance to the premises with two separate self closing doors to prevent noise breakout when customers enter and leave the premises.

11 The premises licence holder shall ensure that customers are encouraged to leave the premises and vicinity quietly.

12 The premises licence holder and the staff shall meet with residents living in the vicinity of the premises should any issues arise.

13 The premises licence holder shall ensure that regular checks are conducted to ensure that there is no significant noise break-out from the premises.

14 All staff employed at the premises shall be trained regarding the law on sales or consumption by persons under eighteen years of age. Photographic identification shall be required of young persons using the premises.

15 Entry Re-entry  
There shall be no entry, re-entry to the premises after 01.00 hours on the days the premises close to the public at 02.30 hours and no entry, re-entry to the premises after 02.00 hours on the days the premises close to the public at 04.30 hours. Excepting that any person may enter the premises at any time during the permitted hours provided such persons have entered as a result of an express invitation of the licence holder.

16 Further Details  
The exhibition of films at the premises shall be limited to video entertainment on TV screens and amusement machines.

Indoor sporting events shall be limited to pub games that attract an audience, whether by way of advertisement or spontaneously.

Recorded music shall be limited to juke box and karaoke, with or without a DJ (to stated hours) and includes audience participation.

Anything of a similar description to live or recorded music and performance of dance shall be limited to comperes for games, events, quizzes, etc. comedians and similar performances in any case using voice amplification throughout opening hours.

Provision of facilities for making music shall be limited to a stage area and a DJ console.

Provision of facilities for dancing shall be limited to such areas in the bar as may be set aside for dancing from time to time.

Provision of late night refreshment shall be limited to parties as requested.

17 Recorded music shall be significantly reduced in volume for the final hour prior to the terminal hour.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

**Annex 4 – Plans**

Plans as submitted on the 13 June 2005 dated June 98, drawing number JOLLY by Kingswood Design Associates.

LICENSING ACT 2003 (THE ACT)

TO:

Mr Roger Reid  
Jolly Roger  
199 Easton Road  
Bristol BS5 0HQ

BEING THE HOLDER OF THE PREMISES LICENCE IN RESPECT OF THE Jolly Roger, 199 Easton Road, Easton, Bristol, 06/02484/PREM (THE LICENCE)

and

TO: The Chief Officer of Police for Avon and Somerset Constabulary,  
c/o Inspector Martin Rowland  
The Bridewell  
1-2 Bridewell Street  
BRISTOL  
BS1 2AA

DATE OF MEETING OF SUB COMMITTEE: 23 June 2016

DECISION, FOLLOWING CONSIDERATION UNDER SECTION 53B OF THE ACT, OF THE NECESSITY TO TAKE INTERIM STEPS PENDING DETERMINATION OF A REVIEW OF THE PREMISES LICENCE

**TAKE NOTICE THAT**

1. On 23 June 2016 The Chief Officer of Police of Avon and Somerset Constabulary submitted an application under section 53A of the Act for a review of the Licence. A certificate was given by a Senior Officer of Avon and Somerset Constabulary, that it is in their opinion that the premises are associated with serious crime or disorder or both.
2. On 23 June 2016 a licensing sub-committee, including Councillor S Pearce (Chair), Councillor M Langley and Councillor C Windows, was convened to consider under section 53B of the Act whether it is necessary to take interim steps pending the determination of the review.
3. The sub committee considered taking the following steps:
  - (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence
4. The sub committee decided it was necessary to take the following interim step with immediate effect:
  - (i) the suspension of the Licence

5. The reasons for the Sub-Committee's decision are:

The information provided in support of the certificate and application of review demonstrates why the premises was certified as being associated with serious crime and serious disorder that puts the public at real risk of further harm. The certificate was given in the light of a recent and very serious incident involving a shotgun on 19<sup>th</sup> June 2016. A man was very seriously injured when he was shot in the stomach.

Members were mindful of their obligation to promote the four licensing objectives. To do nothing was not an option. The sub-committee found that nothing short of cessation of all licensable activities would properly protect the public and promote the licensing objective of prevention and detection of crime.

Modification of conditions on the licence would clearly not address the situation; the only proportionate response on the basis of the information that had been put before the authority was the immediate suspension of the premises licence.

6. The premises licence holder has the right to make representations against the interim steps. Any such representations should be made to the Licensing Department at Bristol City Council (Licensing 100TS) PO Box 3176 Bristol BS3 9FS
7. If the licence holder makes, and does not withdraw, such representations the Licensing Authority must within 48 hours (disregarding time that is not on a working day) hold a hearing to consider them, advance notice of which would be given to the holder of the premises licence and the Chief Officer of Police for Avon and Somerset Constabulary.

Signed: .....  
Duly authorised for and on behalf of Bristol City Council,  
the licensing authority for Bristol

Date: 23 June 2016