

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Tuesday, 31st May, 2011

Present:- Councillors:- Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Also in attendance: Terrill Wolyn (Licensing Officer) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 6 MAY 2011

These were approved as a correct record and signed by the Chair.

7 LICENSING PROCEDURE

The Chair drew attention to the Licensing Procedure, copies of which had been made available to those attending the meeting.

8 APPLICATION FOR A PREMISES LICENCE FOR FARRELL'S RESTAURANT, 44 TEMPLE STREET, KEYNSHAM, BRISTOL BS31 1EH

Applicant: The Irish Italian Ltd, represented by Barry Farrell (Managing Director)

Responsible Authority: Avon and Somerset Police, represented by Inspector Tim Stukes and Martin Purchase (Police Liquor Licensing Officer)

The parties confirmed that they had received and understood the Licensing Procedure.

The Licensing Officer outlined the application, which was for a new premises licence authorising the sale of alcohol for consumption on the premises, regulated entertainment by way of live and recorded music and late night refreshment. The Police had made a representation proposing that the following conditions be attached to the licence:

1. A CCTV system will be installed and maintained at the premises in consultation with the Police. The images will be of evidential standard and recordings will be kept for 31 days and made available to the Police on reasonable request.
2. Alcohol will be served by waiter/waitress service to persons who are sat at tables, except to persons who are in the area awaiting a table.
3. All staff will be trained in the sale of alcohol, with records kept of such training and made available for inspection to the Police and Licensing Authority.

The applicant had stated in writing his willingness to accept these conditions.

Mr Farrell stated his case. He confirmed that he was content with the conditions proposed by the Police. A Member asked him what measures he would have in place to prevent the sale of alcohol to children. He replied that staff would be trained, and that customers whose age was in doubt would be required to produce ID. Staff would be vigilant and work with the authorities.

On behalf of the Police Mr Purchase said that the applicant had stated in the operating schedule that CCTV would be installed; the condition proposed by the Police was intended to make this more precise. The Police had been concerned that the application as drafted would have allowed the premises to become a large bar, and had proposed the condition about waiter/waitress service to prevent this.

Following an adjournment it was resolved to grant the application, subject to the mandatory conditions for the sale of alcohol, the prevention of irresponsible drinks promotions, the provision of free tap water, age verification policy, the availability of prescribed measures of alcohol, the conditions consistent with the Operating Schedule and to the three additional conditions proposed by the Police and agreed to by the applicant.

Authority was delegated to the Licensing Officer to issue the licence accordingly.

REASONS

Members have today determined an application for the grant of a new premises licence for Farrell's Restaurant, 44 Temple Street, Keynsham, Bristol. In doing so they have taken account of the Licensing Act, Human Rights Act, the Council's Policy and the Statutory Guidance.

Members are aware that the proper approach under the Licensing Act is to only do what is necessary and proportionate to promote the licensing objectives in light of what is presented to them.

Members considered the relevant representations and took account of the evidence put before them. They were careful to balance the competing interests of the applicant and those of the Responsible Authority, i.e. the Police in reaching a decision.

Members noted that the Police had stated that the area was subject to sporadic crime and disorder and anti-social behaviour particularly in the early evenings and were alcohol related. Furthermore that there had been incidents of young persons obtaining alcohol and causing incidents of anti social behaviour in the area. The Police proposed that several conditions were imposed on the premises licence in order to promote the licensing objective of the prevention of crime and disorder. Members noted that the applicant had agreed to the conditions being imposed.

Members therefore granted the licence as applied for together with the mandatory conditions for the sale of alcohol, the prevention of irresponsible drinks promotions, the provision of free tap water, age verification policy, the availability of prescribed measures of alcohol, the conditions consistent with the Operating Schedule and the conditions proposed by the Police and agreed to by the applicant.

The meeting ended at 10.52 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services