

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **LICENSING SUB-COMMITTEE**

Tuesday, 18th August, 2015, 10.00 am

**Councillors:** Paul Myers (Chair), Emma Dixon and Caroline Roberts

**Officers in attendance:** Alan Bartlett (Public Protection Team Leader) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

### **35 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

### **36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

### **37 DECLARATIONS OF INTEREST**

There were none.

### **38 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

### **39 MINUTES: 4 AUGUST 2015**

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

### **40 LICENSING PROCEDURE**

The Chair explained the procedure to be followed for the next item of business.

### **41 APPLICATION TO VARY PREMISES LICENCE FOR THE LOCH FYNE RESTAURANT, 24 MILSOM STREET, BATH BA1 1DG**

Applicant: Greene King, represented by Simon Griffiths (Business Development Manager) and Josh Margarrson (Designated Premises Supervisor and House Manager)

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

The parties confirmed that they understood the procedure to be followed for this hearing.

The Publication Protection Team Leader summarised the application. The applicant was seeking to extend the hours for the sale and supply of alcohol and to remove a condition from the premises licence. Because the premises were situated within the Cumulative Impact Area, the Police had made a representation proposing that the condition the applicant wished to be removed, namely

*“the supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.”*

should be replaced by the following condition:

*“save for the bar area the supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables.”*

The Applicant had agreed to accept this condition.

Mr Griffiths confirmed that the applicant was seeking to modify the licence and had accepted the condition proposed by the Police.

A Member asked Mr Griffiths why the applicant wanted to begin serving alcohol at 08:00. He replied that they wished to be able to serve alcohol from that hour on special occasions and to accompany the brunch menu.

The Chair asked why the applicants had not consulted the Police before the application had been submitted. Mr Griffiths replied that he did not know, as he had not been involved in that part of the process.

Mr Purchase stated the case for the Police. He said that he had discussed the application with Hannah Loynds, the Greene King Licensing Manager. He said that he had proposed the replacement condition because the premises were huge and situated in the Cumulative Impact Area. The proposed condition was a precaution, and had in no way been prompted by concerns about the current impact of the premises. The applicant had agreed to retain the current condition, provided that the bar area would be exempt. The Police were happy with this.

Neither party wished to sum up.

Following an adjournment the Sub-Committee **RESOLVED** to allow the variation with the additional condition requested by the Police.

### Decision and reasons

Members have today determined an application to vary a premises licence at Loch Fyne, Milsom Street, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. In this case, however, Members noted the premises are situated in the Cumulative Impact Area. As the Council has a Cumulative Impact Policy a rebuttable presumption is raised that such applications should be refused unless the applicant demonstrates that the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact being experienced.

The applicant stated they would like to serve alcohol with the brunch menu and on special occasions.

The Police stated they had negotiated with the applicant who had apologised for not liaising with them at an earlier stage. It was stated the representation in no way reflected on the operation of premises but rather was to ensure the premises, given its size and location, does not evolve into a vertical drinking premises.

Members noted the applicant had agreed to the condition suggested by the Police. Accordingly it was determined that with the addition of the condition that granting the variation would not increase the cumulative impact already experienced. The application would therefore be granted with conditions consistent with the operating schedule, the mandatory conditions and the following agreed condition:-

*Save for the bar area the supply and consumption of alcohol to be by waiter/waitress service to persons seated at tables*

Authority is delegated to the Senior Public Protection Officer to issue the licence.

The meeting ended at 10.15 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**