

**LICENSING SUB COMMITTEE
 DECISION RECORD
 HELD ON: 1 September 2010**

Conduct of a hearing into an application for the GRANT of a licence
 made by: Gallus Management Company Limited

in respect of: Unit 2, Millennium Promenade, Bristol, BS1 5SZ

	Detail		
	Date	Initials (sent to / sent by)	
Original sent to legal			
Original sent to comm. clerks			
Draft sent by clerks to legal and LO			
Final sent by legal to LO			
Licence drawn up and DR sent to clerks for signing			

Appendix 1

DECISION RECORD

Licensing Act 2003 (all section references in this record are references to the Act)

LICENSING AUTHORITY FOR BRISTOL

LICENSING (HEARINGS) SUB COMMITTEE MEETING HELD ON 1 September 2010

AGENDA TITLE

Conduct of a hearing into an application for the GRANT of a licence made by:
Gallus Management Company Limited
in respect of: **Unit 2, Millennium Promenade, Bristol, BS1 5SZ**

MEMBERS PRESENT:

1. Councillor Poultney (Chair)
2. Councillor Stone
3. Councillor Leaman

OFFICERS PRESENT

Lynne Harvey, Legal Advisor
Keith Burchell, Licensing Policy Adviser
Allison Taylor, Committee Clerk

REPRESENTATIONS RECEIVED FROM:

Inspector Keith Rundle 518
John Brown
Sharon Sawyers
Mark Curtis

Applicants, responsible authorities and interested parties

Applicant

Chief Officer of Police (s.13(4)(a))

PARTIES & REPRESENTATIVE (IF ANY) in attendance

**M Phipps – TLT Solicitors
Bill McTaggart – Gallus
Management Co.**

**Sgt M Parfitt
Sgt S Bell**

Fire Authority (s.13(4)(b))	Not a party to this hearing
Health and Safety Enforcing Authority (s.13(4)(c))	Not a party to this hearing
Local Planning Authority (s.13 (4) (d))	Not a party to this hearing
Environmental Health (Pollution Control) (s.13 (4) (e))	Not in attendance but the Committee had regard to the representation from Mark Curtis
Social Services Authority (s.13 (4) (f))	Not a party to this hearing
Any other relevant Licensing Authority (s.13 (4) (g))	Not a party to this hearing
Weights and Measures Authority (s.13. (4) (i))	Not in attendance but the Committee had regard to the representation from Sharon Sawyer
Interested parties who are persons living in the vicinity of the premises (s.13 (3) (a))	None
Interested parties who are a body representing persons living in that vicinity (s.13 (3) (b))	None
Interested parties who are persons involved in a business in that vicinity (s.13 (3) (c))	None
Interested parties who are bodies representing persons involved in such businesses (s.13 (3) (d))	None

RECORD OF HEARING:

The authority made a contemporaneous hand written (long hand) record of the hearing. Any party wishing to receive a typed transcript should contact Councillor Support Officer (Democratic Services, Council House, College Green, Bristol) for information regarding the arrangements for transcribing and any charge levied where the authority produces the same. Set out below is a summary of the reasons for the decision, in the event of an appeal the Licensing Authority reserves the right to elaborate on the reasons.

DECISION MADE:

1. (a) That, having regard to the relevant representations, the following steps are taken: -

To GRANT the licence subject to –

- (i) Conditions as are consistent with the operating schedule accompanying the application modified to such extent as considered necessary for the promotion of the licensing objectives and numbered (1 - 23) in Annex 3 below
 - (ii) The mandatory conditions that must be included in the licence under sections 19 - 21 of the Act
2. That the GRANT here agreed will have immediate effect.
3. That in accordance with Section 23 of the Act a duly authorised officer be directed to give Notice of determination to:
 - (a) Gallus Management Company Limited
 - (b) The Chief Officer of Police (F.a.o. Inspector Keith Rundle)And the following bodies that made representations:
 - (c) John Brown, Fire Authority
Sharon Sawyers, Trading Standards
Mark Curtis, Pollution Control

Accordingly the licence is to be issued subject to the following:

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

STANDARD TIMES

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

Sale of Alcohol	Monday to Sunday 11:00 - 00:00
Films	Monday to Sunday 11:00 - 00:00
Recorded Music	Monday to Sunday 11:00 - 00:00
Performances of Dance	Monday to Sunday 11:00 - 00:00
Late night refreshment	Monday to Sunday 23:00 - 00:30

The Supply of alcohol is authorised for On and Off the premises

The opening hours of the premises	
Monday to Sunday	07:00 - 00:30

NON STANDARD TIMINGS
<p>1 Films, Recorded Music, Performance of Dance, Late Night Refreshment From the start of permitted hours New Years Eve until the end of permitted hours New Years Day</p> <p>Supply of Alcohol, Late Night Refreshment, Opening Hours To be permitted when events such as Winter/Summer Olympics, Football World Cup, Rugby World Cup, UEFA Championships, NBA Basketball (conference play offs and all star games), NFL Super bowl, Major League Baseball (world series), NHL Hockey (Stanley Cup), Boxing (pay per view prime time events), Wrestling (WWE, Wrestle mania, Royal Rumble, Survivor series and similar), Nascar, Ryder Cup, American PGA Tour Golf and other majors, Formula One Racing, X-Games, NCAA Basketball and Hockey occur within alternative time zones to that of the United Kingdom</p>

Annex 1 – Mandatory conditions

1 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)

2 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.

3 Mandatory condition Licensing Act 2003 - Supply of Alcohol

1.No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions - Additional conditions imposed by Order of the Secretary of State under section 19A of the Act

Conditions numbered 1,2, and 3 shall be in force as of the 6 April 2010

Conditions 1, 2, 3 and 5 shall not apply where the premises licence authorises sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the

responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person 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.

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

1. All regulated entertainment that may be carried on under this Licence shall only be permitted indoors.
2. Provision of late night refreshment shall only be permitted indoors.
3. The premises shall be closed to the public within 30 minutes of cessation of the last sale of alcohol.
4. CCTV
 - i. CCTV equipment shall be installed at the premises to the satisfaction of the Licensing Authority in consultation with the Police. The Premises Licence Holder shall provide to the Licensing Authority and the Police an A3 plan of the premises illustrating the location of the CCTV cameras. The CCTV system shall comply with the operational requirement (OR) provided by the police. The police will audit new or upgraded CCTV systems on completion of works being carried out to ensure compliance with the OR.
 - ii. The Premises Licence Holder shall install or upgrade the CCTV system within one month of receiving written notification from the Licensing Authority.
 - iii. Recorded data shall be retained for a period of 31 days and be made available to an authorised officer of the Licensing Authority or the police immediately on request.
 - iv. All CCTV equipment shall be maintained in good working order and shall be set to continually record during licensable hours and for a minimum period of two hours afterwards.
 - v. The correct time and date shall be generated onto recorded data and real time image.
 - vi. If a fault on the system occurs the Premises Licence Holder, designated premises supervisor, or in their absence other responsible person, shall inform the Council Licensing Office and the police as soon as reasonably practicable. This information shall be contemporaneously recorded in the Incident Report Register and shall include the date, time and by what means this notification was achieved and to whom the information was reported. Equipment failures shall be repaired as soon as is reasonably practicable and without undue delay. The Licensing Office and the police shall be informed when faults are rectified.

- vii. A member of staff technically able to operate the system shall be available during all licensable hours and shall comply with any reasonable request of an authorised officer of the Council or police to view any data that has been recorded. The Premises Licence Holder shall ensure that a member of staff shall be able to reproduce data on a removable format as specified in OR within 24 hours following any request from an authorised officer of the Council or police.
5. The Licensee, Manager or other designated member of staff shall carry out observations of the outside area on hourly intervals in order to establish whether there is a noise breakout from the premises. A record of such observations shall be kept in a book for that purpose which shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce it. Such a book shall be made available at all times upon request to a Police Officer or an officer of Bristol City Council.
6. Licensable activities shall not be carried on under this authorisation unless the use of the premises is that of a restaurant/café (A3 use class) and a food menu and waiter/waitress service shall be available to customers at all times when the premises are open to the public.
7. Persons shall not be permitted to consume alcohol unless seated at a table or whilst waiting in the bar area to be seated at a table.
8. Except for access and egress all doors and windows shall be kept closed during any periods of regulated entertainment associated with the Premises Licence.
9. No noise from music and associated sources or vibration that may be transmitted through the structure of the premises shall emanate from the premises at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
10. No accumulation of rubbish, dirt, surplus material or other stored refuse shall be permitted to remain in any part of the premises except in a refuse store of sufficient size to accommodate it.
11. Persons under the age of 18 shall not be admitted onto the premises unless accompanied by an adult and shall not be permitted to remain on the premises after 2100 hours each day.
12. Challenge 25
 - i. An approved proof of age scheme, namely “Challenge 25”, shall be

adopted and implemented within the premises whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Signage shall be displayed in prominent positions within the premises advertising the scheme that has been adopted and its method of implementation.

- ii. The only type of identification that shall be accepted is a photo driving licence, passport or PASS (proof of age standard scheme) accredited identification.
 - iii. Staff shall be trained in this policy and records shall be kept. A record of such training shall be made available to a police officer or an officer of Bristol City Council upon request.
13. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. For example (but not exclusively), there shall be no nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.

14. Odour

Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

“Recommendation: It is recommended that any flues for the dispersal of cooking smells shall either:

- (a) *Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:*
- (b) *Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.*

Guidance on the above can be gained at "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" published electronically by the Department for Environment, Food and Rural Affairs, Product Code PB10527

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf> (NB: For the avoidance of doubt, the recommendation does not form part of the condition itself.)

15. Noise from Plant and Equipment

Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in

the vicinity.

“Recommendation:

- (a) *The Rating Level of any noise from any fixed plant shall not exceed the background noise level by more than 0dB at the nearest noise sensitive property as determined by BS 4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas at any time.*
- (b) *Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.*

Guidance on the above can be gained at ‘Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust System’ Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>” (NB: For the avoidance of doubt, the recommendation does not form part of the condition itself)

16. Customer Noise

Any outside areas shall not be used by customers for the consumption of beverages or food between 2300 hours and 0800 hours the following morning.

Notices are to be displayed at the exits requesting that customers are to leave the premises quietly and respect the local neighbourhood.

17. Refuse Collections and Deliveries

No external on site refuse disposal activities (including placing into external receptacles) of any refuse, glass bottles and recyclable materials shall take place between 2000 hours and 0800 hours the following day.

18. Recorded and Live Music

No speakers for amplification of music or speech shall be placed on the outside the premises.

19. Drugs/Weapons

The Licensee or Designated Premises Supervisor shall ensure that a clearly visible notice is placed on the premises advising those attending,

that the Police will be informed if anyone is found in possession of controlled substances or weapons.

20. The Licensee or Designated Premises Supervisor shall ensure security arrangements are sufficient to discourage the sale and consumption of controlled substances; for example they shall have a member of staff dedicated to carrying out regular checks in the toilet areas.

21. Incident/Refusal Book
The Premises Licence Holder shall require the DPS or in his/her absence other responsible person, to keep an "Incident/Refusals Report Register" in a bound book in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to the police or Licensing Officer when required.

22. Door Security Personnel
 - i) The DPS, or in his/her absence other responsible person, shall ensure that any individual engaged to carry out a security activity at the premises, enters in a bound register kept for that purpose their full name, date of birth, address, badge number (including expiry date), the time they began their duty and the time they completed their duty, immediately after doing so. This register shall be kept at the premises at all times and should be so maintained as to enable a police or licensing officer to establish the particulars of all door security personnel engaged at the premises during the period of not less than 31 days prior to the request and shall be produced to the police or licensing officers when required.

 - ii) The DPS or in his/her absence other responsible person, shall ensure that any individual engaged to carry out a security activity at the premises wears a current identification badge, issued by the security industry authority in a conspicuous position on his/her person. All such individuals shall wear a high visibility armband so they can be easily identified and shall wear distinctive clothing or insignia to clearly identify them as being engaged to carry out security.

 - iii) The DPS or in his/her absence, other responsible person, shall

when requested, identify by name those persons engaged to carry out a security activity at the premises to a police officer or officers of the City Council.

- iv) On Thursdays, Fridays, Saturdays and Sundays preceding a Bank Holiday, unless otherwise agreed with the police, there shall be at least two SIA accredited individuals engaged at the premises to carry out a security activity, at least one of which is to be positioned at the front door at all times for access and egress duties.

23. Non Standard Timings

- (i) The Licensee, Manager or other responsible person shall give to the police and licensing authority not less than 28 days notice of any such events and the police or licensing authority shall have 14 days thereafter in which to absolutely veto any such event. For all such events there shall be on duty at the premises at least two SIA accredited individuals engaged at the premises to carry out a security activity.
- (ii) The premises holder, DPS or other responsible person shall provide to the police and the licensing authority a risk assessment and list of all sporting events shown on the screens within the venue not later than the first day of every month in which such events are intended to be shown.

Annex 4 – Plans

1 Plan as submitted to the Licensing Authority on 16 July 2010, drawing number 011080-03 Revision A and dated 11 June 2010.

REASONS FOR DECISION

The following paragraphs summarise the sub-committee's reasons for granting the application and for modifying the conditions on the Licence. The sub-committee carefully considered the representations together with the information provided for the Hearing and that received during it. The sub-committee had regard to the Secretary of State's guidance to Licensing Authorities and the Authorities own statement of licensing policy.

The sub-committee's decision was particularly influenced by the consideration of the promotion of the licensing objectives concerning the

prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

The sub-committee had before it an application for the grant of a Premises Licence made by Gallus Management Company Ltd in respect of Unit 2, Millennium Promenade, Bristol.

Relevant representations had been received from four of the Responsible Authorities, namely the Fire Authority, the Responsible Authority for Weights and Measures (Trading Standards), the Responsible Authority for Environmental Health (Pollution Control) and the Chief Officer of Police.

An on site meeting had taken place with the Fire Authority who had confirmed that they were happy with the layout of the premises resulting in their representation being withdrawn.

Both Trading Standards and Pollution Control had confirmed that they were in agreement with the Applicant as to the measures necessary to promote the licensing objectives from their perspective. Conditions had therefore been agreed with those parties. However, the decision as to what steps were necessary to promote the licensing objectives remained one for the licensing authority to make.

The main focus of the hearing was to consider the one outstanding relevant representation from the Police, which had been submitted on the grounds that the granting of the application risked undermining the following licensing objectives: -

- The prevention of public nuisance

For the following reason:

The premises are “within the cumulative impact area”

- The prevention of crime and disorder

For the following reason:

The premises are “within the revised cumulative impact area and creates the likelihood of increased crime and disorder by adding customers to an already overloaded area. The area in which this premises is to operate is one of the violent crime hotspots for the city of Bristol.”

- Public safety

For the following reason:

“See crime and disorder above”

No additional documentary information was produced on behalf of the Police in support of their representation at the hearing.

The sub-committee noted that the premises were indeed located within an area that had been designated under the Council’s Statement of Licensing Policy as a Cumulative Impact Area. “Cumulative Impact” is defined in the National Guidance as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance in a town or city centre of a large concentration of licensed premises in that part of the local authority area. The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licences will normally be refused if relevant representations to that effect are received, unless it can be demonstrated by the applicant that the operation of the premises will not add to the cumulative impact already being experienced in the area.

The sub-committee heard that the Applicant had entered into dialogue with the Police and although the Police maintained their objection on policy grounds, a number of steps had been agreed which were believed to promote the licensing objectives relating to, among other matters, CCTV, door security personnel and non-standard timings in the event that the Committee decided to grant the application. The Applicant’s legal representative made reference to an initial meeting that had taken place with the Police which had gone very well and during which the Police had commented that they had no particular problem with this application. But for the cumulative impact policy there would have been an agreement. However, as this was a proposed new licence the Police considered they had to submit their representation. The Applicant contended that the numerous steps volunteered in the operating schedule and all those agreed with the Responsible Authorities, including the Police, addressed any concerns regarding cumulative impact.

The Applicant introduced the application as an American style themed “Hooters” brand of restaurant with 260 seated covers showing sports on TV screens. It was significantly food led with an extensive menu and a separate children’s menu, as children were welcome in the venue up until 9.00pm. All service would be by waiter/waitress only. There would be no vertical drinking at all except those customers waiting for a table who were stood at the bar area and the Applicant had volunteered a condition to that effect. There would be a sensible finish time of midnight from Monday to Sunday and there would always be a significant staff presence. The staff

did not routinely dance but an application for the performance of dance had been included in the application in the event of a table having a special occasion when the staff might perform a small cheerleading routine for a party upon request. The Applicant emphasised that this was not a Moulin Rouge style show but a set routine and song from a standard repertoire with an offer of a cake where requested. The Applicant also hoped to show sporting events such as the Super bowl if they proved popular, but this would be subject to the Police having an absolute veto on any such proposed events.

There were 465 Hooters premises worldwide and one had been operating without problems for 10 years in Nottingham. The Applicant compared its' main competition to venues such as TGIF and Frankie and Benny's. The applicant was a responsible and experienced licence holder who had previously owned a chain of restaurants. There would be a management team of not less than five on the premises at all times.

The applicant's legal representative commented upon the adverse comments that had been generated regarding this application, which had not been submitted as a relevant representation and reminded the sub-committee that this application had to be considered on the basis of the four licensing objectives only.

The Police confirmed that they opposed the application for policy reasons relating to the cumulative impact in the area. They did not consider that the premises offered anything different to that already on offer in the area and therefore believed that the presumption to refuse was not rebutted. They reported that the area was within the top 20 crime and disorder hotspots in Bristol, which had a significant impact on Police resources. Granting this application would therefore add to the impact in the area and make it more difficult for the Police to reduce crime. It was felt that customers attending the premises might add to the mixture of people already in the area who consume too much alcohol and become a victim of crime or offenders themselves thus adding to the stress.

The applicant in summation made the following points: -

- the application did offer something different to that already in the area in that it was a predominantly food-led American themed restaurant with modest hours of operation and not a vertical drinking establishment. Therefore the rebuttable presumption should not be triggered;
- the operation of the restaurant would not add to the cumulative impact in the area and the comprehensive steps volunteered by the Applicant and agreed with the Responsible Authorities would in fact promote the licensing objectives;

- any non-standard timing events would be capable of having an absolute veto from the Police;
- the Applicant invited the sub-committee to grant the licence and impose as conditions all those steps volunteered in the operating schedule together with those agreed with the Responsible Authorities

The Committee, having carefully considered the application, found that as this was an application for a new premises licence in a cumulative impact area, the policy was triggered. However, each case had to be considered on its own merits. In this case, the Applicant was able to satisfy the Sub-Committee, on a balance of probabilities, that the granting of the licence would not add to the stress that already existed in the area.

Although the committee were satisfied that this was a responsibly submitted application, that the premises would be very well managed and the proposed hours of operation were modest for a city centre venue, these matters on their own were not sufficient to justify a departure from the policy. However, it was considered that the application was sufficiently different to that which was already on offer in the area in that it was a predominantly food-led American themed restaurant showing sporting events. This was not going to be a late night high volume vertical drinking establishment, which appeared to be the main contributors to crime and disorder in the area. It was envisaged that the premises would be more likely to attract customers wanting a table meal and to watch sporting events, rather than those wanting to binge drink. The premises would provide competition to premises that catered more for high volume vertical drinking.

The sub-committee noted that the main focus of the policy in respect of the city centre area applied to alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is most challenging. It was not considered that this application fell within that category.

The Applicant had volunteered a number of steps in the operating schedule accompanying the application in addition to agreeing a number of steps with the Responsible Authorities, including the Police in order to promote the licensing objectives. The Sub-Committee agreed that it was proportionate and necessary for the promotion of the licensing objectives to impose all those steps on the licence, which would also address the cumulative impact concerns.

**SIGNED
CHAIR**

Name: Councillor Poultney