

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE**

Tuesday, 24th July, 2012

**Present:-** Councillors:- Douglas Nicol (Chair), Bryan Chalker and Gerry Curran

**Also in attendance:** Kirsty Morgan (Licensing Officer), Terrill Wolyn (Senior 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**

Apologies were received from Cllr Gabriel Batt, for whom Cllr Bryan Chalker substituted.

#### **4 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **6 MINUTES: 24 MAY 2012**

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 PKT STORES, 11 FORTESCUE ROAD, RADSTOCK, BATH BA3 3PJ**

Applicant: Mrs Kajinthiny Kanesarasa, accompanied by Mr Kanesarasa

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

The parties confirmed that they had received and understood the licensing procedure.

The Licensing Officer summarised the application. She explained that the application was for a new premises licence conferring authority to sell alcohol for consumption off the premises every day from 06:00 to 23:00. A representation had been received from the Police on the ground that the application did not sufficiently promote the licensing objectives. The Police had proposed additional conditions, as detailed in paragraph 4.11 of the covering report. The applicant had agreed in writing to the imposition of these conditions on the premises licence.

The applicant stated her case. In reply to questions from Members Mr Kanesarasa stated:

- 2 staff were employed in the shop
- the minimum age for staff was 21
- staff would receive training on the sale of alcohol

Mr Purchase stated the case for the Police. He said that Mr and Mrs Kanesarasa were experienced in the sale of alcohol, because they owned other premises about a mile away which sold alcohol. He had been concerned about the lack of conditions to promote the licensing objectives contained in the Operating Schedule, which he thought probably arose from an oversight on the part of the applicant. He had a meeting with them to discuss the application at which he had proposed conditions to which they had readily agreed. In reply to a question from a Member he stated that he did not have concerns about the long hours proposed for the sale of alcohol, because he knew Mr and Mrs Kanesarasa and the manner in which they ran their other businesses.

The parties were invited to sum up, but said they had nothing to add to what they had already stated.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application, subject to the mandatory conditions for the sale of alcohol, the additional conditions proposed by the Police, and accepted by the applicant, and to the conditions consistent with the Operating Schedule. Authority was granted 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 P.K.T Stores, 11 Fortescue Road, Radstock, Bath.

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 do only what is appropriate 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 made representations based on the fact that the area was subject to incidents of crime and disorder and anti-social behaviour particularly in the evenings and were alcohol related. The Police considered that this type of premises tended to fuel crime and disorder and anti-social behaviour. It was also stated that the area was partly residential.

The Police considered that the application did not sufficiently forward the licensing objectives and therefore proposed that several conditions were imposed on the premises licence in order to promote the licensing objective of the prevention of crime and disorder to which the applicant had agreed.

Members therefore granted the licence as applied for together with the mandatory conditions for the sale 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 10.48 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**