

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 25th June, 2020, 10.00 am

Councillors: Manda Rigby (Chair), Karen Warrington and Steve Hedges

Officers in attendance: Terrill Wolyn (Senior Licensing Officer) and Shaine Lewis (Team Leader Resources - Legal Team)

1 WELCOME & INTRODUCTIONS

The Chair welcomed those present to the meeting and introduced the other members of the Sub-Committee and the officers in attendance.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

5 MINUTES OF PREVIOUS MEETING - 23RD JANUARY 2020

These were approved as a correct record.

The Chair also announced that the Corporate Director had sought her advice prior to taking a decision under emergency powers whilst the Sub-Committee was not able to formally meet. She explained that this was in relation to the removal of a licence from a taxi driver.

6 LICENSING PROCEDURE

The Chair explained the procedure for the meeting to all parties who were present.

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

7 NEW PREMISES LICENCE APPLICATION - SPAR, 21-23 HOLCOMBE LANE, BATHAMPTON

The Senior Licensing Officer outlined the application from Amahar Limited to the Sub-Committee. She explained that it was for a new premises licence for the Spar, 21-23 Holcombe Lane, Bathampton, Bath. BA2 6UL.

She stated that the application proposed the sale of alcohol for consumption off the premises only, every day between 06:00 to 23:00 hours. She added that the application proposed the following opening times, every day between 06:00 to 23:00 hours.

She informed the Sub-Committee that twelve representations of objection had been received from interested parties within the statutory period and that subsequently further information had been supplied by both the applicant and one of the interested parties.

She confirmed that none of the Responsible Authorities had made any representations relating to the application.

Professor Roy Light stated the case for the applicant with support from Mr Richard Baker and they were questioned by Members and the interested parties present.

Katherine Lutteroth, Kay Martin, Ian Muir and Councillor Kevin Guy stated the case on behalf of the interested parties and they were questioned by Members and the applicant.

Decision and reasons

Members have determined an application for a new Premises Licence at a Spar convenience store, 21-23 Holcombe Lane, Bathampton. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

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 on the information before them. Members reminded themselves that each application must be considered on its own merits.

The applicant stated this is an application for a new premises licence at a pre-established village store that had been licenced to sell alcohol between 8:00-23:00hrs Monday to Saturday and 22:30hrs on Sunday.

There is some significant support within the representations for these premises as the village needs a shop. It was stated Spar is a good backer and Mr Mahar is an experienced applicant. The store is undergoing an £80,000 refurbishment and a comprehensive suite of conditions including CCTV coverage both inside and out has been offered.

The store will be operated in accordance with the RB Retail & Licensing Limited Site Operations Manual. That Manual contains a range of training materials covering underage sales, a refusals book, information on product knowledge and staff authorisations. In terms of staff they must have completed the training before they can make sales of alcohol.

In terms of Interested Party representation it was stated that whilst all 4 objectives were raised they are not all relevant. For example, public safety usually deals with pubs and clubs and protection of children from harm is dealt with by the challenge 25

training and the Manual. In terms of crime and disorder only one incident had been presented and Responsible Authorities had not made representation.

The applicant stated public nuisance appeared to be of most concern to Interested Parties and focused on noise and litter. In terms of litter this is dealt with by way of a condition and the applicant is willing to install litter bins outside the premises. In terms of noise these will ordinarily arise from deliveries and the applicant therefore offered a condition that alcohol shall only be delivered between the hours of 08:00 and 20:00hrs Monday to Friday. It was not accepted that noise will arise from cars given there are at least 4 other outlets in the surrounding areas and in short this is envisaged to be a local shop for local people attending on foot.

Whilst generally welcoming the reopening of the store the Interested Parties raised all 4 Licensing Objectives in objection. It was said that the premises are a lock up shop in a quiet lane and they feared an increase of noise both on and off the premises affecting residents above and in the vicinity.

They further stated there would be the associated dangers with increased traffic on the narrow lane, parking and that the premises would attract people from neighbouring villages, late-night revellers returning from nights out in Bath and those residing along the canal/river corridors. This would therefore lead to an unnecessary increase in risk to residents, litter, vomit, nuisance and antisocial behaviour.

In terms of antisocial behaviour, it was said there are several incidences a year with noisy boaters and in 2018 such behaviour led to a local pub imposing a ban on large groups; often Stag & Hen parties. Further, with an incident last summer of youths verbally abusing a female, and with vandalism on the increase, if alcohol were available beyond the times in similar village shops, this would lead to problems in Holcombe Lane as people come looking for a late-night drink.

In determining this application Members were careful to take account of the relevant written and oral representations and to balance their competing interests. Members were, however, careful to disregard matters such as those governed by other statutory regimes and issues not attributable to licenced activity. For example, traffic risks, noise and parking, protection of children not on the premises, profitability and need, the character and appearance of an area and the health and safety of those not on the premises.

With regards to the terminal hour members reminded themselves of the Statutory Guidance and their Statement of Licensing Policy. For example at 18.1 each application must be considered on its merits and at 18.6 shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. Members noted, however, that whilst there is a principal that terminal hours should be staggered, they may depart from this where representation is made, and it is appropriate to do so.

In terms of nuisance and antisocial behaviour Members heard that the premises had been able to operate under a previous licence between 08:00 – 23:00 Monday to Saturday and between 08:00 -22:30hrs on Sundays. Members also noted a thorough package of training and support would be in place together with a suite of conditions

including one offered during the meeting which limited the timing of alcohol deliveries.

Whilst there were no representations from Responsible Authorities Members noted the Interested Parties feared an increase in nuisance and antisocial behaviour. Members found this fear was predicated on the basis that late-night revellers and pranksters would be attracted to Holcombe Lane from the river/canal corridor, surrounding villages and whilst on their way home from a night out in Bath if granted.

In all the circumstances whilst Members have sympathy with the Interested Parties' legitimate concerns there was no information about incidences of nuisance and antisocial behaviour linked to these premises or other premises in the village.

Accordingly, as Members had not been presented with any evidence, or information, to base a reasonable belief the premises would have a detrimental effect on the licencing objectives, or to depart from Policy and Guidance, the application is granted as applied for with the additional condition offered by the applicant during the meeting.

Authority is therefore delegated to the licensing officer to issue the licence with conditions consistent with the operating schedule and the additional condition as follows:

Alcohol shall only be delivered to the premises between the hours of 08:00 and 20:00hrs Monday to Friday.

The meeting ended at 12.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services