

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING SUB-COMMITTEE**

Tuesday, 6th December, 2022

**Present:-** Councillors Steve Hedges (Chair), Michael Evans and Karen Warrington

**Also in attendance:** Shaine Lewis (Legal Services Manager & Deputy Monitoring Officer) and Chris Jennings (Public Protection Officer (Licensing))

#### **84 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

#### **85 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **86 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **88 LICENSING PROCEDURE**

The Chair confirmed that the applicant had received the procedure for the meeting and outlined it to those who were present.

#### **89 APPLICATION FOR A NEW PREMISES LICENCE FOR THE BATH BOTTLE SHOP, 16 MARGARET'S BUILDINGS, BATH. BA1 2LP**

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that the application proposes the following licensable activities:

- The supply of alcohol for consumption on and off the premises Monday to Saturday 09:00hrs - 23:00hrs and Sundays 10:00hrs - 23:00hrs.

He added that the application proposes the following opening times:

- Monday to Saturday 09:00 - 23:30
- Sundays 10:00 to 23:30

He outlined the measures offered by the applicant to promote the licensing objectives.

He stated that a representation of objection had been received within the statutory period from a resident living near to the premise. He said that the resident expresses concern that the applicant's proposals are likely to undermine the Public Nuisance and Prevention of Crime and Disorder licensing objectives.

He informed the Sub-Committee that the objector would not be attending the meeting today.

James Wade addressed the Sub-Committee on behalf of the applicant. He stated that there was no intention to turn the premises into a pub and that the premises will primarily be a retail shop.

He informed the Sub-Committee that some infrequent events were likely to be held on the premises, such as Tasting Events and Poetry readings.

Councillor Steve Hedges asked if the four seats indicated on the plan for the outside courtyard would form part of the licensable area of the premises.

James Wade confirmed that they would.

Councillor Steve Hedges asked what measures will be put in place to mitigate the possibility of any excessive noise.

James Wade replied that all staff will be appropriately trained and that any events held would be quite low key. He added that no sporting events would be shown on the premises.

### Decision and Reasons

Members have determined an application for a new Premises Licence at 16 Margaret's Buildings, Bath. 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 premises formerly used as an art gallery. The application was to supply alcohol for consumption on and off the premise and in order to promote the licensing objectives the application offered a number of conditions. It was stated that the premises are designed to be a retail shop catering for infrequent small events. The premises are small and not suitable to morph into a public house.

The Interested Party objected on the prevention of public nuisance and prevention of crime and disorder licensing objectives. It was stated that with other licensed premises in this residential area the premises were not appropriate as it can be

noisy, unruly and it is often difficult for pedestrians, pushchairs and wheelchairs to move through the area.

In determining the application Members took account of the relevant written and oral representations and balanced their competing interests. In terms of the premises location Members found them in a mixed residential and commercial part of the city and disregarded issues relating to licencing need, other statutory regimes, character and appearance of the area and the health and safety of those not on the premises.

With regard to nuisance and antisocial behaviour Members noted there were no representations from Responsible Authorities, no evidence of incidences directly attributable to licenced premises in the vicinity and the applicant had offered a thorough package of conditions designed to promote all four licencing objectives.

Whilst Members have sympathy with the Interested Party there was no evidence before them of nuisance or antisocial behaviour associated with licensed premises in the area. Accordingly, as Members have nothing upon which to base a reasonable belief the premises would have a detrimental effect on the licencing objectives the application is granted as applied for.

Authority is delegated to the licensing officer to issue the licence with conditions consistent with the operating schedule.

The meeting ended at 10.20 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**