

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 21st March, 2024

Present:- Councillors Steve Hedges (Chair), Toby Simon and Ann Morgan

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services), Aled Williams (Environmental Protection & Licensing Manager), Michael Dando (Lead Officer (Licensing)) and Phil Mansfield (Head of Building Control & Public Protection)

95 EMERGENCY EVACUATION PROCEDURE

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

96 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

97 DECLARATIONS OF INTEREST

There were none.

98 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

99 MINUTES OF PREVIOUS MEETING: 22ND FEBRUARY 2024

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 22nd February 2024.

100 LICENSING PROCEDURE

The Chair referenced the procedure that would be followed during the course of the meeting.

Those that were present confirmed that they had received and understood the licensing procedure.

101 PAVEMENT LICENCE APPLICATION - DECISION MAKING

The Head of Building Control & Public Protection introduced the report to the Sub-Committee and advised them of the following amended wording with regard to the recommendation that they were being asked to approve.

The Sub-Committee is asked to agree to the Environmental Protection & Licensing Manager, or a Lead Licensing Officer, to be the decision maker for Pavement Licence applications where there are sustained objections to the application.

The Sub-Committee thanked him for the update and **RESOLVED** to approve the wording as stated above. They also thanked the Head of Building Control & Public Protection for his work for the Council and wished him well for the future.

102 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR SPAR, CHELSEA ROAD, NEWBRIDGE, BATH. BA1 3DU

The Lead Officer (Licensing) introduced the report to the Sub-Committee. He explained that the applicant was seeking the following variations to the existing licence:

- To extend the hours for the sale of alcohol (for consumption off premises) and opening times from 08:00 – 23:00 Monday to Saturday and 08:00 – 22:30 on Sundays to:

0600 – 23:00 every day.

- The removal of restrictions on Christmas Day and Good Friday sale of alcohol and opening hours (in line with the above proposed hours). This is also in reference to outdated Annex 1 (mandatory) conditions attached to the current Premises Licence carried over from the 1964 Justices Act. These no longer apply and mandatory conditions in general have been updated to reflect this.
- Submission of an updated plan of the premises.

He informed the Sub-Committee that no representations had been received from the Responsible Authorities and one objection had been received from a member of the public expressing concern that the applicant's proposals were likely to undermine the Prevention of Public Nuisance, Licensing Objective.

Chris Mitchener, agent acting on behalf of the applicant addressed the Sub-Committee. He said that he felt that the application itself was benign and that they were seeking to amend the hours in line with other premises within their estate. He added that the objector had not been able to provide any evidence to support his concerns.

He explained that Chelsea Road is a local shopping parade and has signage within the vicinity to indicate as such. He said that the premises has operated with a licence to sell alcohol for many years and that they were not aware of any issues within the area.

Councillor Toby Simon asked if there were premises in the parade operating with on licences.

Chris Mitchener replied that there were at least two restaurants that do and one food take away premises that he believed operated within the same evening hours as those applied for by the Spar.

Councillor Steve Hedges asked if public nuisance was to occur at the premises what would they do to attempt to eliminate or minimise it.

Chris Mitchener replied that staff would ask those deemed responsible to move on or they would contact the Police if they were made aware of any issues.

Decision & Reasons

Members have determined an application for a variation to the Premises Licence at Spar, Chelsea Road, Newbridge, Bath, BA1 3DU. 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.

Chris Mitchener addressed members in oral submissions on behalf of the applicant. He noted that Mr Friend had objected to licence in the evening, whereas the premises is already licenced in the evenings, the only difference is an extra half an hour on a Sunday. Mr Mitchener noted that there had not been any representations from the Police or Environmental Health and that Mr Friend had not submitted any evidence to support his objection.

Members had regard to the written objection from Mr Thomas Friend who is a local resident and had expressed concern that the proposal is likely to undermine the prevention of public nuisance licensing objective. He expressed the view that the extended licensing hours to sell alcohol would attract antisocial behaviour in the area and noise at antisocial hours disturbing what is currently a quiet family environment.

In determining this application Members were careful to take account of the relevant written and oral representations both for and against the application and balanced their competing interests.

Members noted that there had been no representations from Responsible Authorities such as the Police, or Environmental Protection.

Members were satisfied on the evidence they have heard and read that the application would not undermine the prevention of public nuisance licensing objective. Authority is therefore delegated to the licensing officer to issue the licence as applied for.

The meeting ended at 10.50 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services