

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING SUB-COMMITTEE**

Thursday, 18th April, 2024

**Present:-** Councillors Steve Hedges (Chair), Toby Simon and George Tomlin (in place of Ann Morgan)

**Also in attendance:** Carrie-Ann Evans (Team Leader, Legal Services) and Geoff Cannon (Public Protection Officer (Licensing))

#### **103 EMERGENCY EVACUATION PROCEDURE**

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

#### **104 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Ann Morgan had sent her apologies to the Sub-Committee and Councillor George Tomlin was present as her substitute for the duration of the meeting.

#### **105 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **107 MINUTES OF PREVIOUS MEETING: 21ST MARCH 2024**

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 21<sup>st</sup> March 2024.

#### **108 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.

#### **109 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR: ELECTRIC BEAR BREWING COMPANY LTD, UNIT 12, THE MALTINGS, BRASSMILL LANE, NEWBRIDGE, BATH. BA1 3JL**

The Public Protection 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 sale of alcohol hours (for consumption on and off the premises) on Wednesdays to match the hours on the current Premises Licence hours for Thursdays i.e., 11:00 to 22:00.

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

Clive Milner and Libby Baggett addressed the Sub-Committee on behalf of the applicant and said that they were seeking the variation to the licence to have the option to run additional events and did not anticipate that they would use the extra hours every week.

They stated that they are mindful of their neighbours, have signage in place to ask customers to leave quietly and often close before their licensed hours have been reached.

In response to questions from Councillor Toby Simon and one of the objectors, Nigel Gardner, Libby Baggett said that the roller shutter to the premises would be closed during the extra hours and that they did not plan to use the outside area of the premises.

Nigel Gardner addressed the Sub-Committee and explained that the site acts as an echo chamber where noise bounces around and that on some evenings customers can be heard from his home in Osborne Road.

He stated that he was concerned that these additional hours would lead to the premises applying in the future to open in the evenings throughout the rest of the week.

Clive Milner replied to say that there were no plans to open on either Mondays or Tuesdays as it is a large effort for the staff to open the premises as a tap room.

The Chair asked how many houses were situated in Osborne Road.

Nigel Gardner replied that there were 23, including 2 HMOs.

Clive Milner made a summing up statement on behalf of the applicant. He said that they were simply seeking three additional hours on a Wednesday evening for mainly private events and would keep the roller shutters closed during these hours.

Nigel Gardner made a summing up statement. He said that he did not believe that this was the right place to have an entertainment venue, but he welcomed the condition that had been offered by the applicant and acknowledged that it can be difficult to control customers leaving a licensed premises.

### Decision & Reasons

Members have determined an application for a variation to the Premises Licence at Electric Bear Brewing Company Ltd, Unit 12, The Maltings, Brassmill Lane, Newbridge, Bath, BA1 3JL. 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.

Clive Milner Operations Director of Electric Bear Brewing addressed members in oral submissions on behalf of the applicant. He was accompanied at the hearing by Libby Baggett Operations Manager. He explained to Members that the brewery had been on site for about 8 years and the purpose of the variation application was to host additional events on a Wednesday evening, such a pottery making and quiz nights, without interrupting their normal business. On questioning, Mr Milner indicated that the internal capacity of the premises is 60 people, the business asks people to leave the premises as quietly as possible and they have signage up asking customers to do this as well.

Members had regard to the written objections from Mr Nigel Gardner and Mr Simon Thomas who live within the vicinity of the premises on Osborne Road and have expressed concern that the proposal is likely to undermine the prevention of public nuisance licensing objective. Members heard from Mr Nigel Gardner in oral representations who indicated that half of the nuisance is caused by the construction of the premises. He went on to explain that people who go to the premises are under the impression that they are off grid. He explained to Members that the problem occurs when residents go to bed. He noted that whilst the applicant has indicated they would only use the licence for limited means which seem innocuous, events can spill over and if granted it would be a licence for selling alcohol. On questioning, Mr Gardner indicated there are 23 houses on Osborne Road, 2 HMOS which cause no trouble, and some of which include families. He indicated that he has no objection to the brewery itself, it is the entertainment aspect that he objects to.

Noting the concerns expressed by residents living on Osborne Road in relation to the prevention of public nuisance licensing objective, Members welcomed the assurances made by Mr Milner and Ms Baggett that:

- the business would not be looking to extend their licensable activities to include Monday or Tuesday,
- they would keep the shutters closed on a Wednesday evening,
- the proposal is for the Wednesday evening to be for private events,
- they ask staff to call last orders as early as possible, and
- they have a notice outside the premises asking customers to leave quietly.

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 had heard and read that with the condition offered by the applicant in relation to closure of the roller shutter, the application would not undermine the prevention of public nuisance licensing objective. Authority is therefore delegated to the licensing officer to issue the licence together with the following condition which Members consider to be appropriate and proportionate in the promotion of the prevention of public nuisance licensing objective:

- (1) The roller shutter to the premises shall remain closed between 1900 hours and 2200 hours every Wednesday unless in the case of an emergency.

**110 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR BARGAIN BOOZE, 18 HIGH STREET, KEYNSHAM, BRISTOL. BS31 1DQ**

This application was withdrawn from the agenda for the Sub-Committee as an agreement had been reached between the applicant and the police. The police representation had therefore been withdrawn.

The meeting ended at 11.25 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**