

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 22nd April, 2021, 10.00 am

Councillors: Manda Rigby (Chair), Steve Hedges and Sally Davis

Officers in attendance: Carrie-Ann Evans (Deputy Team Leader, Legal Services) and Terrill Wolyn (Senior Licensing Officer)

79 WELCOME & INTRODUCTIONS

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

80 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

81 DECLARATIONS OF INTEREST

There were none.

82 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

83 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.

84 APPLICATION - BATH AQUA GLASS, 105 – 107 WALCOT STREET, BATH BA1 5BW

The Senior Licensing Officer outlined the application to the Sub-Committee. She explained that it was for a new Premises Licence for Bath Aqua Glass, 105 – 107 Walcot Street, Bath BA1 5BW and highlighted the following areas from the report.

The application proposes the following licensable activity:

The Sale of Alcohol for consumption on and off the premises:

Monday to Saturday 09:00 to 23:00 hours

Sunday 10:00 to 16:00 hours

The application proposes the following opening times:

Monday to Saturday 09:00 to 23:30 hours

Sunday 10:00 to 16:30 hours

During the statutory period, a representation of objection was submitted by the Police expressing concerns in respect of the Prevention of Public Nuisance and the Prevention of Crime and Disorder licensing objectives.

Three representations of objection have been received within the statutory period from five "other persons" living within proximity of the premises. They express concern that the applicants' proposals are likely to have a detrimental effect on the Prevention of Public Nuisance and the Public Safety licensing objectives.

The applicant addressed the Sub-Committee regarding their application and was questioned by them and the interested parties present.

The interested parties addressed the Sub-Committee regarding their objections to the application and were questioned by them and the applicant.

The Responsible Authorities representative addressed the Sub-Committee regarding their objections to the application and was questioned by them.

Decision and Reasons

Members have determined an application for a new Premises Licence at Bath Aqua Glass, 105-107 Walcot Street, Bath, BA1 5BW. 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

Mr and Mrs Dolan attended on behalf of the applicant. Ms Dolan stated that the plan is to facilitate the visitors that they already have coming in by providing a café style business which is an artisan centre with food and drink both alcoholic and non-alcoholic. The applicant indicated they do not want people outside drinking and smoking, if anybody comes to a session at Bath Aqua Glass it is as an arts and crafts centre, not a pub. Mrs Dolan indicated that they want to be able to sell a bottle of wine with tumblers and decanters as a set and post out and for that they need a licence. The reason for the sale of alcohol being sought later in the evening is that they do corporate evenings and so the licence is needed to accommodate that.

As a response to the objections received in respect of the application, the applicant provided additional information in writing proposing amendments as follows:

- I. The terminal hour for the sale of alcohol shall be 21:00 hours (applies Monday to Saturday inclusive as the earlier time of 16:00 applied for in respect of Sundays). On questioning by Members Mrs Dolan confirmed verbally to the committee that they would be prepared to reduce the sale of alcohol further to 2000 Monday to Saturday inclusive.
- II. No alcohol to be served outside the front of the building at any time.

Responsible Authorities

Paul Kendall Police Licensing Officer, had made an objection on behalf of the Avon & Somerset Constabulary, expressing concerns in respect of the Prevention of Public Nuisance and the Prevention of Crime and Disorder licensing objectives. Mr Kendall indicated orally to the committee that a number of residents had approached the police concerned about the proposed time for sale of alcohol. The police were concerned about having two premises side by side in relation to the Prevention of Crime and Disorder licensing objective. The police had proposed additional measures to mitigate their concerns which were as follows:

- i. Hours for the sale of alcohol: 09:00 to 20:00 hours Monday to Saturday, with Sunday hours to remain as applied for; and
- ii. Opening times Monday to Saturday: 09:00 to 20:00, with Sunday opening times to remain as applied for; and
- iii. All alcohol sold for consumption off premises shall be supplied in sealed containers with the exception of alcohol sold for consumption within the private area immediately outside the front of the premises; and
- iv. There will be no consumption of alcohol within the external front area of the premises beyond 18:00 hours on any day. Anyone consuming alcohol within this external area shall remain seated.

Mr Kendall acknowledged that in the light of the applicants' response to representations, his additional measure number iv. was no longer in issue as the applicants do not propose to sell alcohol for consumption within the external area. Mr Kendall also confirmed that in the light of the additional measures offered by the applicant an amendment to his proposed condition iii. as follows would be acceptable to the police:

All alcohol sold for consumption off premises shall be supplied in sealed containers.

Other Persons

Three representations of objection have been received from people living within the vicinity of the premises. Their concerns are that the proposed licence would have a detrimental effect on the Prevention of Public Nuisance and Public Safety licensing objectives.

Ms Whiting made oral representations and confirmed that she is concerned about noise level being unacceptable, not in the daytime but in the evening, and she is

concerned about safety and the impact of having another premises selling alcohol in the vicinity.

Ms Williams addressed members orally and expressed the view that another alcohol premises was not needed in the area and she was particularly concerned about the impact of hen parties at the premises on noise once they are offered alcohol.

On questioning both Ms Whiting and Williams confirmed that they did not take issue with sale of alcohol until 5pm, as indicated in their written representations. Members explained to Ms Whiting and Ms Williams that noise related to the furnace and fan extraction are not matters for the licensing committee and if there are concerns related to the noise generated by those, that would be a matter for Environmental Protection.

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 disregarded issues described in relation to neighbouring premises since this application should be considered on its own merits. Members noted that licensing is a permissive regime and did not consider there to be evidence to demonstrate that granting this licence would undermine the Licensing Objectives raised in representations in a way that could not be mitigated with appropriate and proportionate conditions.

Accordingly, Members grant the application as applied for with the additional conditions offered by the applicant within the additional information as follows:

- The sale of alcohol for consumption on and off the premises on Monday to Saturday inclusive shall be from 09:00 to 20:00 hours
- No alcohol sold for consumption off premises shall be consumed within the external area situated to the front of the premises

And members make the following additional condition as proposed by the Police including the amendment as discussed during the course of the hearing:

- All alcohol sold for consumption off premises shall be supplied in sealed containers

Authority is therefore delegated to the licensing officer to issue the licence.

The meeting ended at 11.30 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services