

## South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Main Committee Room, Council Offices, Brympton Way, Yeovil BA20 2HT** on **Friday 29 January 2016**.

(10.00 am - 10.37 am)

**Present:**

**Members:** David Recardo (Chairman)

Val Keitch

David Norris

**Officers**

Anita Legg

Licensing Officer

Jo Morris

Democratic Services Officer

Ann Chislett

Legal Executive

**Note:** All decisions were approved without dissent unless shown otherwise.

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**16. Declarations of Interests (Agenda Item 1)**

There were no declarations of interest.

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**17. Procedure to be followed when considering licensing applications under the Licensing Act 2003 (Agenda Item 2)**

The Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003. The Chairman introduced the members of the Sub-Committee and the Officers present.

The Chairman confirmed the following:

- That the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting;
  - That no representations had been withdrawn.
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**18. Representation following the Application for a New Premises Licence at 7 Days, 3 Bond Street, Yeovil, Somerset, BA20 1PE (Agenda Item 3)**

The Licensing Officer presented the report as detailed on page 8 of the agenda and drew member's attention to the following points:

- An application had been received from Miss Iga Anna Bialoskoska for a premises licence to be granted under the Licensing Act 2003 for 7 Days, 3 Bond Street, Yeovil, Somerset, BA20 1PE;

- The licensable activities applied for included supply of alcohol – off sales only from 08:00 until 23:00 hours, Monday to Sunday, no seasonal variation or non-standard timings;
- The requested hours premises open to the public were 08:00 until 23:00 hours, Monday to Sunday, no seasonal variations or non-standard timings;
- The applicant had confirmed that notices were displayed at the premises for the requisite period: the Licensing Enforcement Officer had visited the premises and confirmed the notices were in place at the time of his visit. A further notice was placed in the Western Gazette on 17 December 2015;
- A relevant representation had been received from an Other Person which mainly concerned the potential issues of an increase in drunken and inappropriate behaviour in the area and an increase in litter;
- Three further letters were also received that were not considered to be relevant representations as the grounds of ‘need’ for another licensed premises and ‘location’ were not grounds that could be taken into consideration as it was not within the Yeovil Cumulative Impact area. Proximity to another licensed premises and commercial grounds are also not taken into consideration. The persons were written to and advised accordingly;
- The options available to the Sub-Committee;
- The Right of Appeal as outlined in the agenda.

The applicant was invited to address the Sub-Committee. She advised members that she wished to sell a range of products in the shop including alcohol. She currently held a personal licence and had been appropriately trained in selling alcohol. She said that she would ensure that the staff working in the shop would be properly trained.

In response to questions, members were informed of the following:

- The applicant intended to sell wines and spirits as well as beers including foreign beers;
- The premises would operate a proof of age scheme and would not sell alcohol to intoxicated people. It would be recorded in a book if alcohol was refused;
- The three staff working in the shop also held personal licences and had experience of working in similar shops;
- The applicant was planning to open the shop from 9.00am until 10.00pm, which would cater for the after work trade when other shops in the area were closed. The applicant had applied for 8.00am until 10.00pm to give her the option to open later over the Christmas period.

The Officer and Parties with the exception of the Legal Executive and Democratic Services Officer, attending in an advisory capacity only, withdrew from the meeting to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them during the private session.

When the meeting was reconvened, members raised further questions. In response, they were informed that the applicant was aware that Bond Street was a pedestrian area at the weekend. The applicant advised that labelling on products sold in the shop would also be in other languages including English.

The Chairman asked the Legal Executive to give a summary of the advice given to them during the private session. She advised that the Sub-Committee had been asked to

consider whether they felt any additional conditions were required in order to promote the licensing objectives.

The Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

In respect of the Application for a New Premises Licence for the property at 7 Days, 3 Bond Street, Yeovil, Somerset, BA20 1PE, under Section 18 of the Licensing Act 2003, the Licensing Sub-Committee has determined to GRANT the Premises Licence, in accordance with the application, but subject to the following conditions to promote the licensing objectives.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the applicant's Operating Schedule;

In reaching this decision, the Sub-Committee took full account of the representations made by an Interested Party in relation to public nuisance but they were mindful that there is a process for reviewing the licence if the anticipated concerns of nuisance did materialise.

The Parties should note that they will receive the Committee's official decision in full in the written Notice of Decision which will follow shortly.

All parties are reminded that there is a right of appeal against the decision of the Licensing Authority. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination, and should be made to the South Somerset Magistrates Court.

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Chairman

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Date