

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT on Thursday 22 February 2018.**

(2.00 pm - 3.00 pm)

Present:

Members:

Val Keitch
Crispin Raikes

David Recardo

Also Present:

Miss Hanife Murdzheva
Nicola King

Notice Giver
Avon and Somerset Police

Officers

Rachel Lloyd
Ann Chislett
Angela Cox

Licensing Officer
Specialist (Legal)
Democratic Services Specialist

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

62. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

63. Procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Events Notice (TEN) has been received (Agenda Item 2)

The Committee noted the procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Events Notice (TEN) has been received. The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

The Notice Giver, Miss Hanife Murdzheva, introduced herself and confirmed her understanding of the procedure to be followed.

It was confirmed by all parties that they had received the relevant documents relating to the Licensing Su-Committee meeting and that the notice of objection from Avon and Somerset Police had not been withdrawn.

64. Objection notice received in respect of a standard Temporary Event Notice for European Food Shop, 7 Bond Street, Yeovil, BA20 1PE (Agenda Item 3)

The Licensing Officer presented the report as detailed on page 7 of the agenda and drew members' attention to the following points:

- The Notice Giver had submitted their TEN application on 9th February 2018 to sell alcohol in their shop on Bond Street, Yeovil which was due to open on 24th February 2018.
- The Notice Giver was in the process of applying for a full alcohol license.
- Officers were under the impression that further TEN applications may be submitted by the Notice Giver to cover the period until her full alcohol license was granted.
- An objection to the TEN application had been received from Avon & Somerset Police.

Mrs N King, District Licensing Officer for Avon and Somerset Police, advised that historically, the shop had a premises license which the police had originally objected to and additional conditions had been applied. This was reviewed in 2012 and further conditions added which had reduced anti-social behaviour in the area. That business had since closed. A designated Public Space Protection Order for that area had expired and the police were currently applying for another. Over the last 12 months there had been a rise in anti-social behaviour in that area and a rise in street drinkers. Because it was not possible to attach conditions to a Temporary Event Notice, the police objection remained.

The Notice Giver, Miss H Murdzheva advised that she would not sell alcohol to street drinkers and she would do all she could to discourage them from her shop as they were intimidating to her customers.

In response to questions from members, officers advised the following:-

- The Licensing Officer was awaiting a plan of the shop to complete Miss Murdzheva's license application.
- Once the license application was completed, there would be a 28 day consultation period. If an objection to the license application was received then there was a further 20 days in which to hold a Licensing Hearing.
- A TEN was valid for 7 days. A further TEN application could be submitted 24 hours after the first one expired. Up to 3 TENs could be applied for but no licensing conditions could be applied to them.
- Miss Murdzheva had completed the qualification for a personal license but the license had not yet been issued

In response to questions from members, the Notice Giver, Miss Murdzheva advised the following:

- If her license application was not granted by the time the TEN expired, then she would apply for another TEN and place a sign in her shop to say she was temporarily unable to sell alcohol.
- She had not previously operated a licensed premises.
- She had visited other continental food shops and understood what they sold.

The Officers 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 members of the Sub-Committee to consider their decision in private.

Members of the Committee considered their decision in private session and were mindful of the advice given to them by the Legal Executive.

When the meeting was reconvened, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee.

Decision

In respect of the Temporary Event Notice received for the European Food Shop, 7 Bond Street, Yeovil, Somerset, BA20 1PE, under the Licensing Act 2003, the Licensing Sub-Committee has determined, to REJECT the temporary licensable activities due to take place in accordance with the dates submitted on the application.

The Sub-Committee carefully considered the notice givers submissions and took into account the submissions of the Police. The Sub-Committee were not satisfied that the notice giver had demonstrated that they could promote the licensing objectives and therefore they were not confident that they could prevent public nuisance occurring in the area. The Sub-Committee were mindful that they could not place any conditions on the granting of a TEN and because of Police concerns in the area and that the notice giver had not made any attempt to contact the Police to address their concerns, for these reasons the application is rejected.

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.

65. Exclusion of Press and Public (Agenda Item 4)

RESOLVED: That the following item be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

66. TEN Representation (Agenda Item 5)

The Licensing Sub-Committee members noted the representation made by the District Licensing Officer for Avon and Somerset Police.

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Chairman

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Date