

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 Hanife Murdzheva for a premises licence at 7 Bond Street, Yeovil;
- The licensable activities applied for were for the supply of alcohol – consumption off the premises only from 9:00 until 21:00 hours Monday to Sunday;
- The hours open to the public were 9:00 until 21:00 hours Monday to Sunday;
- No seasonal variations or non-standard timings had been applied for;
- The advertising/notice requirements had been complied with;
- A representation had been received from Avon and Somerset Police Constabulary;
- Five people in opposition to the application were concerned that the granting of the application may have an adverse effect on their lives due to anticipated noise and anti-social behaviour of customers;
- The premises were previously subject to a premises licence but as a notice of surrender was received in February of last year, the application was received too late for the licence to be reinstated;
- The options available to the committee and right of appeal.

The Committee was addressed by Nicola King, Area Licensing Practitioner on behalf of Avon and Somerset Police Constabulary. She thanked members for allowing her the time to discuss the proposed conditions with the Applicant. She advised that some of the conditions had now been agreed and the Police were no longer seeking outright refusal of the application.

She gave some background information to the premises and referred to a previous licence being reviewed due to local residents and businesses in the area raising concerns over anti-social behaviour. Additional conditions to restrict the sale of high strength alcohol had at the time helped reduce the number of complaints received in relation to anti-social behaviour in the area.

The Area Licensing Practitioner referred to the Applicant's lack of consultation with the Police over the previously refused Temporary Event Notice and this application for a new premises licence. She advised members of the conditions that had been agreed. She advised that the applicant had not been agreeable to the sale of beers and ciders above 6% abv being prohibited. The Police had offered to raise this to 7 ½% abv but this had been refused by the Applicant. The Applicant was also not willing to join Shop Watch which she thought was due to a money issue. The benefits of joining the scheme were outlined. She indicated that the proposed condition to install a panic button could be agreed but currently there was no panic button in working order installed at the premises.

She said that the Police had concerns over the management of the premises and gave an example of the Applicant not challenging a shoplifter or reporting it to the Police and commented that the Applicant could become a victim of crime if this behaviour went unchallenged. The Police also had concerns over the Applicant refusing a sale. If high strength alcohol was not available street drinkers would not be likely to frequent the premises and the problems should not arise.

The Sub-Committee was then addressed by Sgt. Clare Leonard. She referred to the ongoing issues of anti-social behaviour and intimidation due to street drinkers congregating in the area of Peter Street and the effect this was having on local businesses. She raised the concern that having another premise would encourage a pricing war. Reference was made to a witness statement submitted by an organisation

operating in the nearby Foyer and photographs illustrating the problems of litter and drug use in the area. The Police had also seen a rise in problems with young people in the area from having contact with the street drinkers.

Cllr. Val Keitch declared that the Police Officer mentioned in the witness statement was a personal friend but they had not discussed the case.

The Applicant and her Partner advised members of the following:

- She would join "Shop Watch" when she could afford to do so
- The beer on sale would mostly be 5% abv
- She would compare prices with other shops and price the same
- She would erect signs in the shop asking customers to clear their rubbish away
- When they started the business they were unaware of the history associated with the premises
- Selling high strength beer would allow them to have more customers
- They were not looking to make much of a profit from the sale of beer and hoped that people would visit the shop to buy other products
- It was not fair for two shops in close proximity to have different restrictions
- They had already turned customers away because they could not sell alcohol
- They would ask customers to go home and drink and try their best to stop street drinking
- They would not supply alcohol to trouble makers and street drinkers

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

- It cost approximately £400 to join Shop Watch. As the business was currently not making any profit the applicant was not in a position to join;
- The Applicant had been out of the country when she applied for the temporary event notice and didn't understand that she needed to make contact with the Police;
- Details that the Police would expect to see listed in the refusal log;
- With regard to the other premises in Bond Street, it was noted that a lot of work was taking place by the Police to try and address issues and allowing the premise at 7 Bond Street to sell high strength alcohol would make it more difficult to solve these issues;
- The Applicant's partner wanted their business to be comparative to other businesses and offer all products. They wanted the chance to prove themselves that the anti-social behaviour being experienced in the area was not as a result of alcohol being supplied by their premises;
- It was not possible to restrict the amount of alcohol one person could buy;
- The Legal Specialist advised the Sub-Committee that they needed to take into account the representations of other persons who had not attended the hearing.

The Licensing Officer and Parties with the exception of the Legal Specialist and the Case Services Officer (Support Services), 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 by the Legal Specialist.

When the meeting was reconvened, the Chairman asked the Legal Specialist to give a summary of the advice given to them during the private session. She had advised about the need to promote the licensing objectives, appropriate conditions could be attached to the licence if granted and that reasons were required for refusing or granting a licence.

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 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;
3. Conditions agreed between the Applicant and the Avon & Somerset Police Constabulary in advance of the hearing, with the exception of condition 9, 11 & 12 which the Applicant had not agreed upon the grant of the licence but now imposed by the Sub-Committee.
4. The following conditions imposed by the Licensing Sub-committee to meet the concerns of Police relating to the Licensing Objectives:
 - a) To prohibit the sale of beers and ciders above 6% abv.
 - b) The Applicant shall become a member of Shop Watch with immediate effect.
 - c) The Applicant shall install a panic button underneath the counter which directly links to the Police with immediate effect.

Reasons:

The Licensing Sub-Committee considered the Council's own Licensing Policy, the representation made by the Applicant, the representation and conditions suggested by the Responsible Authorities and the written representations made by Other Persons.

The Committee felt the conditions provided by the Police were sufficient to cover the licensing objectives of public safety, the prevention of public nuisance and crime and disorder.

Members felt that the sale of beers and ciders above 6% could add to the anti-social problems already being experienced in the area and imposing the condition to prohibit the sale above 6% would assist with addressing some of the concerns raised by the Police and other representations.

It was also felt that the conditions imposed by the Sub-Committee to become a member of Shop Watch and installing the panic button needed to be part of the licence as this would assist in controlling the sale of alcohol and public safety.

They balanced the right for local residents' enjoyment of their homes against the right of the Applicant to operate their business and were mindful that there is a process for reviewing the licence if any concerns of anti-social behaviour arise as a result of the granting of the licence.

They were concerned that the Applicant had failed to make contact with the Police prior to the hearing but accepted the Applicants reason for not doing so, in that she was

abroad and did not understand that she needed to make contact, and the fact that she had now agreed most of the conditions suggested.

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