

## **Consideration of an application to vary of a premises licence**

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Executive Lead Member: Lead Member for Communities, Housing Revenue  
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Division / Local Member: Councillor Brain Smedley, Councillor Kathryn Pearce

### **1. Summary**

- 1.1 An application has been made by Winckworth Sherwood LLP on behalf of NTS Retail in accordance with the Licensing Act 2003 (LA2003), to vary a premises licence in respect of 9-11 Taunton Road, Bridgwater, TA6 3LP
- 1.2 The Licensing Authority has received a relevant representation and must therefore hold a hearing for the Licensing Sub-Committee to determine the application.

### **2. Issues for consideration/recommendations**

- 2.1 The Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives, being to:
  - (a) Grant the application.
  - (b) Modify the conditions of the licence by way of altering, omitting or adding any new one.
  - (c) Reject the whole or part of the application;
- 2.2 In determining the application, the Sub-Committee must have regard, and give appropriate weight, to the following:
  - Any relevant representation (including supporting documentation received).
  - Revised guidance issued under section 182 of the LA2003 by the Home Office.

- The Licensing Authority's Statement of Licensing Policy.
- Human Rights considerations, in particular Article 6, Article 8, and Article 1 of Protocol 1.

### 3. Background

- 3.1 The premises is a petrol forecourt and store, trading as Esso Service Station. The premises licence that is the subject of the application is attached at **Appendix 1**.
- 3.2 The premises is authorised to supply alcohol for consumption off the premises daily from 05:30 hours through to 02:00 hours, and provide late night refreshment daily from 23:00 hours through to 05:00 hours. The opening hours of the premises are 24 hours a day. As well as the usual mandatory conditions, the licence is subject to 16 conditions attached at a previous Licensing Sub-Committee hearing (see Annex 3 of Appendix 1).
- 3.3 The Licensing Authority received the application to vary the licence on the 10<sup>th</sup> of December 2024. A copy of the full application at **Appendix 2**. The holder of the licence is seeking to vary the licence to authorise the supply of alcohol 24 hours a day, 7 days a week.
- 3.4 The applicant's original intention was that, if granted, the activities would be subject to the conditions already on the licence. However, having liaised with the Police Licensing Practitioner, they did agree to amend their application to:
- (a) Replace conditions 1 through to 5 of Annex 3 of the licence (Conditions attached after a hearing by the licensing authority) with the following condition:

A comprehensive surveillance system must be installed and maintained in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions and particularly regarding facial recognition. Cameras must capture entrance/exit to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. The system must be maintained in full working order and must record at all times when the premises is open for licensable activities. The correct time and date must be generated on all recordings which must be retained for a minimum period of 31 days. A Data Controller who is conversant with the operation of the system and competent at downloading CCTV footage in a recordable format must be appointed and able to provide Police recent data or footage on request. The CCTV equipment must be kept in a secure environment under the control of the Data Controller. An operational daily weekly report must be maintained endorsed by signature, indicating the system has been checked and is compliant. If the system is inoperative or faulty for any reason, steps must be taken to repair or replace the equipment within 24 hours. Management, storage, giving and sharing

of data recordings must comply with the general data protection regulations at all times and ICO guidelines.

(b) Add the following conditions:

- i. There must be no sales of single cans of beer, cider, or lager at any time.
- ii. No super-strength beer, lagers, ciders of 6.5% ABV (alcohol by volume) or above will be sold from the premises.
- iii. Cider must not be sold at the premises in plastic bottles of 2 litre capacity or more.

(c) Remove the following conditions in Annex 3 of the licence – ‘Conditions attached after a hearing by the licensing authority’:

- i. 15. The premises must be participating members of any pub watch/partnership scheme including the use of radio equipment so long as any such scheme remains in existence.
- ii. 16. The premises licence holder via his agent will produce monthly customer flow / footfall figures for a period of six months from the date of grant together with the supporting EPOS data to allow the Licensing Authority to audit the data. The data will be sent to the Council's licensing department and the Police Licensing Department each month and will be in the same format as that which has been so far supplied.

3.5 As required by the LA2003 and associated regulations Act, the applicant published public notice of the application in The Bridgwater Mercury on 17<sup>th</sup> December 2024, and displayed notices at the premises. Details of the application were also published on the Council website.

3.6 The Licensing Authority received one representation; from Bridgwater Town Council on the 23<sup>rd</sup> December 2024. This representation is attached as **Appendix 3**.

#### **4. Right of appeal**

4.1 All relevant parties have the right to appeal to the Magistrates Court if aggrieved by the decision of the Licensing Authority. This must be done within 21 days of being notified in writing of the relevant decision.

#### **5. Appendices**

1. Existing premises licence
2. Application
3. Representation