

Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 6 February 2024 at 9.30 am

Present:

Councillor Simon Carswell (Chair)
Councillor Marcus Kravis

Other Members present remotely:

Councillor Tony Robbins
Councillor Hugh Davies

Also Present:

Eyup Saliev	Applicant
Paul Edney	Applicant Supporter
Ann Chislet	Lawyer
Luke Hall	Trainee Solicitor
Alan Weldon	Licensing & Fraud Manager
Olivia Denis	Licensing & Business Support Officer

Other Persons:

Mark Dorrington	Councillor - Market Ward, Frome Town Council
Jennifer MacKay	Representee
Frederic Rostand	Representee
Gill White	Objector

Others present remotely:

Emine Fezal Yurdakul	Agent for Applicant
Rowan James	Representee
Phil Wake	Licensing & Business Support Officer
Lewis Clarke	

21 Appointment of Chair for the Sub-Committee - Agenda Item 1

Councillor Simon Carswell was proposed by Councillor Marcus Kravis and seconded by Councillor Robbins and duly appointed.

22 Apologies for Absence - Agenda Item 2

There were none.

23 Declarations of Interest - Agenda Item 3

There were none.

24 Minutes of the previous Sub-Committee (East) Meeting held on 13 December 2023 - Agenda Item 4

The minutes of the previous meeting held on 13 December 2023 were proposed by Councillor Marcus Kravis and Seconded by Councillor Tony Robbins as a correct record and carried unanimously.

25 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 5

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

The Chair announced that he would be changing the order of speaking so that the Applicant, would follow the Licensing Officer. The Responsible Authorities and Other Persons would follow in that order.

The Chair confirmed 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.

26 Consideration of an application for a Premises Licence in respect of UK Off Licence, 8 Bath Street, Frome, Somerset, BA11 1DH - Agenda Item 6

The Licensing & Business Support Officer presented her report and highlighted the following:

The application sought to permit the sale of alcohol at the Premises as follows:-

- The supply of alcohol be permitted from Monday to Sunday 11.00am to 11.00pm
- The opening hours of the Premises to be Monday to Sunday: 6.00am to 11.00pm
- Prior to the hearing, the Applicant and licensing representative from Avon and Somerset Constabulary agreed a set of conditions to those initially offered by the Applicant. These conditions were attached to the report as Appendix 5.
- Representations received objected to the application were initially received from 35 residents living within the vicinity of the Premises. When the conditions were agreed with Avon and Somerset Constabulary, 9 Representees withdrew their applications. A copy of the representations received could be found at Appendix 3.
- A copy of the application could be found at Appendix 1.
- A copy of the plan for the premises could be found at Appendix 2.
- A plan showing the radius area where a large proportion of the representations were received from could be found at Appendix 4.
- Conditions to be attached to the licence, should it be granted were also agreed with the applicant and the Police. These could be found at Appendix 5.
- A map showing the location of the premises could be found at Appendix 6.
- No representation had been received from Environmental Protection or the Avon and Somerset Police who were the responsible authorities.

The issues raised by the Other Persons related to public nuisance both in terms of noise, litter, and street fouling, prevention of crime and disorder, public safety and prevention of harm to children.

The Applicant was then invited to make his submission and he stated that:

- He had agreed to the amendments to his operating schedule and would reduce the hours for the sale of alcohol to reduce impact on the residents' concerns and wanted to show a good relationship with the local community.
- His intention was to run a good establishment which would be well managed. He agreed to install a surveillance system.

- There would be regular staff training and his staff would be trained appropriately regarding Challenge 25 Policy and managing difficult customers.
- All spirits would be located behind the till, and all other alcoholic beverages located on display would not obstruct the view of the staff.
- He also ran the business next door and was aware of local trouble-makers as he was a member of the local pub watch scheme.
- He would be willing to accept the comprehensive conditions which were agreed with the Avon and Somerset Constabulary.

The Licensing and Business Support Officer summed up stating that the sub-Committee must consider the provisions of the Licensing Act and the obligation to promote the four licensing objectives.

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In it's decision making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy. The policy is available on request and from the Somerset Council website [Licensing Policies and Policy Consultations \(somerset.gov.uk\)](https://www.somerset.gov.uk/consultations)

All parties were reminded that there was a right of appeal against the decision of the Licensing Authority's pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. 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 Magistrates' Court.

All parties were reminded of the procedure contained within the Licensing Act 2003 which related to review of the premises licence. This provision permitted nearby

residents, or responsible authorities to apply for a review of a premises licence where problems with crime and disorder, public safety, public nuisance, or the protection of children from harm were occurring. The Panel respectfully reminded all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermined the licensing objectives.

All parties confirmed that they were satisfied with the conduct of the hearing.

Members of the Licensing Sub-Committee, the Legal Officers and the Democratic Services officer, attending in an advisory capacity only, remained in the meeting and all other officers and applicants withdrew 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 Officer.

On reconvening, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

RESOLVED

The Sub-Committee was satisfied that the application for a licence in the terms of the amended application should be granted and with the incorporation of the licence conditions agreed with Avon and Somerset Constabulary.

The meeting ended at 11:15

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CHAIR

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