

Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Monday, 4 March 2024 at 2.00 pm

Present:

Cllr Simon Carswell (Chair)

Cllr Hugh Davies

Cllr Simon Coles

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

Cllr Simon Carswell was appointed as Chair of the Sub-Committee.

33 Apologies for Absence - Agenda Item 2

Apologies were received from Councillor Mike Murphy.

34 Declarations of Interest - Agenda Item 3

None.

35 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4

36 Minutes of the Sub-Committee - Agenda Item 5

The Chair of the meeting was authorised to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Sub-Committee.

37 The Perfect shop Ltd. - Agenda Item 6

The Chair welcomed everyone to the meeting and Members of the Panel, officers and the following attendees introduced themselves:

Tim Mander - Bridgwater Town Council

Rohit Julka	-	Applicant
Nipun Chawla	-	Designated Premises Supervisor
Chris Lucan	-	Licensing agent
Nick Semper	-	Licensing agent

It was confirmed that the meeting would follow the procedure as set out in the agenda pack and then the Licensing Officer presented his report.

Mr Mander explained that he was the Chair of the Town Council's Planning Committee, which was charged with considering licensing application, and that the Committee had unanimously voted to object to the application. As part of his presentation and in response to questions he made the following points:

- The premises was within the part of Bridgwater town centre, between Penel Orlieu and the Admiral Blake statue, that had been identified by the Avon & Somerset Police as a hotspot for youth crime.
- There was already an ongoing and persistent issue of anti-social behaviour linked to the increasing number of street drinkers in the area
- It was their view that granting a liquor licence to another town centre shop unit would lead to an increased amount of the crime and disorder.
- Public safety would be endangered as a direct result of the ready sale of alcohol in a prime town centre location.
- An additional off-licence would encourage street drinkers to hang around the town centre and further increase tensions between gangs and young teenage children and the adult street drinkers, and could lead to a greater degree of public nuisance.
- Both the Police and the Town Wardens had been working hard to defuse tensions and tackle that unruly behaviour that was unfortunate. common around the town centre.
- Granting a licence to sell alcohol on an off licence basis could undermine the hard work put in by the various agencies, particularly in respect to protecting children from harm.
- Whilst they welcomed the numerous conditions that the Police were proposing the Town Council was concerned over who would be available around the clock, to monitor their compliance with the conditions.
- Although their main concern was over daytime drinking there was another shop, just over the town bridge, that was open until the early hours of the morning and they were worried that an additional shop nearby would only add to problems.

The Licensing Officer clarified that the other shop referred to had a licence to sell alcohol from 08:00hrs to 01:00hrs Sunday to Thursday and from 08:00hrs to 04:00hrs Friday and Saturday, and that they were able to sell single cans of drinks

marked with an 'X' on the bottom of the cans.

The Applicants, as part of their presentation and in response to questions, made the following points:

- The shop would be a convenience store offering groceries with an off licence provision offering competitive prices, fresh produce and would be ideal for last minute shopping.
- The Applicant was investing a lot in the layout and design of the shop.
- The Applicant had 3 similar premises in Weston-Super-Mare and several years trading experience in convenience stores with off licences.
- The Sub-Committee's legal requirements in determining the application and the guidance and relative case law that applied.
- There had been no criticism of the premises, operating schedule, Applicant or Designated Premises Supervisor (DPS).
- There was no history of disorder, noise complaints or any other concerns involving the shop.
- There had been no objections from any of the other Responsible Authorities.
- Bridgwater Town Council's objection was speculative.
- That the availability of alcohol did not increase drunkenness or crime and disorder.
- There were already other outlets in the town selling alcohol.
- All their staff would be regularly trained with regards to selling alcohol.
- They had agreed to the comprehensive raft of conditions requested by the Police including no sales of single cans of beer, cider, lager or spirit mixes and the labelling of all alcohol sold to show from where it had been purchased.
- The intention was for Mr Chawla (DPS) and his wife to run the business as they had accommodation in the town. However, for the first few weeks or months, and at least until Mrs Chawla, who had passed her licensing exam, obtained a personal licence, Mr Julka would assist with the running of the premises.
- Mr Julka and Mr Chawla were both SIA registered and had the confidence to refuse sales of alcohol.
- The shop's opening hours would be 08:00hrs to 23:00hrs.

In summing up Mr Mander confirmed that as the town councillor for the area he'd had a number of concerns by the public brought to him. He acknowledged that whilst the Town Council was not a relevant authority many residents looked to them for support, and it was the Town Council's responsibility to speak up for them. Should a licence be granted the Council would be looking to the Police and Town Wardens to ensure that the conditions were being adhered to.

Mr Lucan summed up for the Applicant by stating that the hearing was simply about

whether or not the shop, with its hours, operating schedule and the Police conditions would undermine the licensing objectives. That there was no history of noise nuisance, pollution, safety, anti-social behaviour, drugs, crime or disorder issues with the operation of these premises, the applicant or any other business run by him.

Having heard all the evidence, members of the Panel made their decision in private, in the presence of the Solicitor and the Committee Manager.

Resolved

The Licensing Sub-Committee had been asked to consider an application for a new premises licence from Mr Rohit Julka for the premises at 13 High Street Bridgwater Somerset following an objection from the Town Council. The Sub-Committee was advised that the Applicant had reached agreement with the Police for conditions to be included on any licence that may be granted and therefore there was no formal objection from them.

The Sub-Committee had considered all of the evidence presented by the Applicant and Objector both in person and in writing. The Sub-Committee's decision was made in accordance with the Council's Statement of Licensing Policy, the Secretary of State's Guidance and current case law.

The application as submitted was for the sale and supply of alcohol off the premises only between 08.00hrs - 2300hrs, 7 days a week.

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DECISION

The Sub-Committee recognised that this was a well-prepared application with a comprehensive operating schedule and additional conditions had been agreed with the Police.

The application, as submitted, was for the sale of alcohol mirroring the opening hours of the premises. The Applicant was already successfully trading from 3 premises in Weston-Super-Mare without cause for concern.

The objection of the Town Council was driven by the significant number of premises already licensed to sell alcohol in the vicinity. The Council's Licensing Policy stated that shops, stores and supermarkets should generally be permitted to sell alcohol off the premises during the normal hours they intend to open. As a new application this premises was not a focus of disorder and disturbance and the Council does not have a cumulative impact policy to limit further premises.

The objection concentrated mostly on anti-social behaviour that already exists within the town centre and was speculative as far as the premises were concerned, having not been previously licensed.

The application was for a convenience store and whilst the Town Council was concerned that an additional outlet selling alcohol may lead to an increased amount of crime and disorder within the town centre, it did not follow that that would be the case or that this premises would be the cause. The Applicant cannot be held responsible for anti-social activities outside of their premises and not directly attributable to the management of those premises. The Government's guidance makes clear that beyond the immediate area surrounding the premises those are matters for the personal responsibility of individuals under the law.

The Sub-Committee fully understood the concerns of, and supports the Town Council in its endeavours to rid the town centre of anti-social behaviour, especially alcohol related unruly behaviour. However, it had to be recognised that the Police, as the primary agents of enforcing crime and disorder and public nuisance objectives, had chosen not to object to the application but recommended some 24 conditions that could be added to any licence.

In addition, there was no evidence before the Sub-Committee that suggested that this application cannot or will not promote the licensing objectives once supported by those conditions agreed with the Police.

Therefore, it was the decision of the Sub-Committee that a new premises licence be granted to Mr Rohit Julka for the premises at 13 High Street Bridgwater Somerset on the terms requested subject to the provisions of the operating schedule and the conditions agreed with Avon & Somerset Police.

(The meeting ended at 3.30 pm)

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CHAIR

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