

## LICENSING SUB-COMMITTEE

**MEETING** : Monday, 14th February 2011

**PRESENT** : Cllrs. Taylor, Noakes and Dee

### **Officers**

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Carl Knights, Licensing Enforcement Officer

Lisa Wilkes, Food Safety and Licensing Service Manager

Steve Isaac, Solicitor

Anthony.D.Wisdom, Democratic Services Officer

### **1. ELECTION OF CHAIR**

**RESOLVED** that Councillor Lise Noakes be elected Chair for the meeting.

### **2. INTRODUCTIONS AND PROCEDURES**

The Chair introduced the Members of the Sub-Committee and officers in attendance and asked the applicants and interested parties to introduce themselves. She then explained that following the presentation of the officer's report the applicants would have an opportunity to present their case followed by the Police representative and the interested parties. There would be an opportunity for questions following each of the above stages before each party had an opportunity to sum up with the applicants being last to speak. Members of the Sub-Committee would then withdraw to consider their decision.

In addition to the Members of the Sub-Committee and Council officers in attendance the following were present:

Jason Smith	Applicant
Joshua Mills	Applicant
PC Lucy Smith	Gloucestershire Police Licensing Officer
Mrs Valerie O'Connor	Interested party
Saji Thomas	Interested party
Lijo John	Interested party
Shajee Kurian	Interested party

### **3. DECLARATIONS OF INTEREST**

Councillors Noakes and Dee declared personal and non-prejudicial interests as one of the interested parties was known to them.

**LICENSING SUB-COMMITTEE**  
**14.02.11**

**4. APPLICATION FOR A NEW PREMISES LICENCE FOR 36A BISHOPSTONE ROAD, GLOUCESTER, GL1 4BZ.**

The Sub-Committee and all parties considered a report outlining an application made under Section 17 of the Licensing Act, 2003 in respect of premises at 36A Bishopstone Road, Gloucester. The report was presented by Carl Knights who circulated an additional representation made by Steve Cornock who had been unable to attend in person. He noted that the report contained conditions requested by the Police, 12 representations from members of the public and a petition of 84 names. He advised Members that planning permission may be required for the proposed use of premises but the Planning Department had not considered it necessary to make representations. He outlined the options available to the Sub-Committee under the Licensing Act. There were no questions.

Jason Smith, one of the applicants, advised Members that it was intended to operate a delivery service from the premises. There would be no purchases made at the premises and the address would not be included in any promotional material. Deliveries would only be made to properties with an address. Although the application was for 24 hour/7 day operation, it was not anticipated that all the hours would be used. Only one car would be used and it was expected that noise would be minimal. There were no questions.

Constable Lucy Smith, for the Police, advised that the conditions sought were detailed in the report and she had no further representation to make.

Mrs O'Connor asked why the Police had not objected to the application as the premises were located in a quiet residential area. Constable Smith explained that she had made a site visit but the Police were only able to object in relation to impact on the licensing objectives. In this case, the Police concerns were addressed by the proposed conditions and the legislation required the use of conditions to address concerns where possible. There were no further questions.

Shajee Kurian sought assurances that the premises would not be developed into a retail outlet. Mr Knights advised that the application had no hours specified so the premises could only be used as a base for making deliveries and no change could be made without a further application to vary the premises licence.

Mrs O'Connor expressed concern that objections could only be made in relation to the four licensing objectives. She believed that there were other areas in the City more suitable to locate such a business. She believed that it would increase public nuisance and, when it became known, would be the cause of an increase in crime. She noted that houses opened directly onto the street and many were family homes as well as an old peoples' home with 35 residents many of whom were dependent on wheelchairs.

Saji Thomas expressed his concerns about noise as he worked night shifts and had two children. He said that residents could not be sure how the business would develop and how it would be monitored. He was concerned that deliveries could be made to individuals in the nearby park.

**LICENSING SUB-COMMITTEE**  
**14.02.11**

Lijo John expressed concerns about the potential fire hazard presented by the storage of alcohol, the number of vehicles to be used and the lack of a specified minimum distance for deliveries. He also expressed concern about communication of the application to local residents.

Mr Knights clarified that the Council had no specific power to write to residents under the legislation which specified one newspaper advertisement and the display of the blue notice on the premises for 28 days. Any other notification by the Council would exceed the powers available to it. He noted that should the licence be granted and there were issues, residents could request a review of the licence and a further hearing.

Members discussed the layout of the property and were advised by the Solicitor that if they considered the layout to be a material factor it was essential that they fully understood the plans or visited the site. There was a short adjournment for clarification of the plans by the applicants.

In his summing up, Shajee Kurian questioned the lack of arrangements for waste disposal and asked why the business could not be located in a commercial area. Saji Thomas believed that the grant of a licence would lead to an increase in alcohol related problems in the area.

Mrs O'Connor stated that she failed to understand how the business could not have a negative impact on the licensing objectives.

Constable Smith had nothing further to add and Mr Knights advised that it was possible to restrict storage of alcohol to a particular room by condition.

Joshua Mills reaffirmed that it was not intended to operate the business for the full extent of the permitted time. Deliveries would only be made to specified addresses and to persons over 18 years of age. Only one car would be used and the expected stock value would be around £500. He confirmed that the applicants were investigated the possibility of renting alternative premises at Waterwells. He reminded the interested parties that the premises would be monitored by CCTV cameras.

Members of the Sub-Committee withdrew to consider the application. Upon their return the Chair announced their decision and reminded the interested parties that they had a right to make an application for a review in the event of problems but firm evidence would be required.

The Chair stated that in the absence of any evidence that the licensing objectives would not be achieved the Sub-Committee was bound to grant the application.

**RESOLVED** that the application for a new premises licence made under section 17 of the Licensing Act 2003 for 36A, Bishopstone Road, Gloucester be granted subject to the conditions detailed in paragraph 4.7 of report ES21107 and a condition that bedrooms 1 & 2 on the application plan should not be used for the storage of alcohol.

**LICENSING SUB-COMMITTEE  
14.02.11**

**Time of commencement: 18:30 hours  
Time of conclusion: 20:25 hours**

**Chair**