



## LICENSING SUB-COMMITTEE

**MEETING** : Wednesday, 27th April 2022

**PRESENT** : Cllrs. Williams (Chair), Brooker and O`Donnell

### **Officers in Attendance**

Licensing Team Leader  
Licensing Officer  
Senior Lawyer, One Legal  
Democratic and Electoral Services Officer

### **Also in Attendance**

Solicitor, Winckworth Sherwood (Representing the applicant)  
Director, Samy Limited  
Employee, Samy Limited

Councillor Patel  
PC Hammond, Gloucestershire Constabulary

**APOLOGIES** : None

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

Councillor Williams was elected Chair. Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3. APPLICATION FOR DETERMINATION**

**Licensing Officer's Report**

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The Licensing Officer presented the report inviting Members to consider an application made by Samy Limited to vary a Premises Licence in respect of 227 Barton Street, Gloucester.

**Statement of the Applicant**

Counsel representing the applicant stated that the original application was to vary the opening hours so that the shop could sell alcohol for 24 hours, but that after consultation with Gloucestershire Constabulary, the application had now been amended.

He stated that the amended application was only for an additional hour to serve alcohol, that they would stop serving alcohol at 1am and that they would not sell single cans of beer, cider, or lager.

Counsel representing the applicant explained that Samy Limited bought the site from Sainsburys, that Samy Limited employed over 200 staff and had 25 stores across the country. He added that none of these stores had ever faced a licensing review.

He stated that the representations objecting to the application were based on when the application was to serve alcohol for 24 hours a day, as opposed to the amended application, which only stipulated the sale of alcohol for an additional hour.

He stated that he would encourage the Sub-Committee to attach very little weight to the petition in appendix 4 of the Council's report. This was because the petition was not dated, had a prejudicial message at the top of it and no signatories of it had attended the meeting.

Counsel representing the applicant stated that any potential for anti-social behaviour in the area would have been identified by Gloucestershire Constabulary and noted that they did not object to the application.

He said that the shop was not located in a Cumulative Impact Area so there was no presumption of refusal.

He stated that paragraph 9.3 of the Council's policy stipulated that shops should be allowed to serve alcohol whilst they were open. He stated that this was broadly consistent with governmental policy also.

He said that Samy Limited used the company CPL to provide training and confirmed that all staff were sufficiently trained, and they received refresher training every three months. He stated that they kept the area clean by providing litter bins. He further added that they provided parking spaces so that vehicles did not have to park on the road.

He stated that The Licensing Act was generally permissive but that there was a 'sting in the tail' which was the right to review. He said that if the application led to

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an increase in anti-social behaviour then any party would have a right to request a review.

He concluded by stating that the application before the committee proposed a small modification to the licence and that there was no evidence at this time to refuse the application and that the onus was on the objectors to prove to the contrary.

**Members' Questions to the Applicant**

The Chair asked whether the amended application was financially viable.

In response, Counsel representing the applicant said that if the additional hour of opening proved to be commercially unviable then they would close the store earlier. He said that his client wanted the entire store to be open and to serve hot drinks and confirmed that his client was commercially experienced enough to decide whether it was commercially viable.

The Chair asked what the applicant meant when stating that they would sell 'hot refreshments' at night.

In response, Counsel representing the applicant stated that this referred predominantly to hot drinks. In response to a question from Councillor Ackroyd, Counsel representing the applicant said that they would monitor noise in the area but that there had been no records of noise complaints up to midnight, which was the current cut-off point for serving alcohol.

**Interested Party Statement – Councillor Patel**

Councillor Patel stated that two out of three local Councillors objected to the application, as well as 300 local residents and that he believed that the petition should not be disregarded. He stated that local residents did not want a late-night premises on their doorstep and that the modified application still proposed to serve hot refreshments.

He stated that the shop was located in a residential area and was not on a main road. He added that it was in an area that had a myriad of issues with street drinking, gambling, deprivation and alcohol addiction. He said that he recently dealt with a situation where there was late night street drinking and partying which was creating issues for local residents and that this issue could not be ignored. He said that the granting of the application would escalate these problems.

He stated that two weeks ago, he witnessed a robbery outside of the store and antisocial behaviour.

Councillor Patel said that he believed that selling alcohol until 1am would lead to a huge rise in anti-social behaviour and an increase in drunkenness at night when residents were trying to sleep.

He said that the residents in his ward had a right to peace and quiet and that the application should be about the community and protecting their interests.

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He concluded by stating that the granting of the application would have the potential to attract street drinkers and that he was already beginning to see the issue of street drinking on Barton Street. He urged the Committee to refuse the application, and expressed the view that the granting of it could lead to more call outs to the Police and NHS and that the decision the Committee took could have a real impact on the younger generation in Barton Street.

*No members or interested party had any question to Council Patel regarding his statement.*

**Applicant Sum Up**

Counsel representing the applicant stated that the shoplifting incident referred to by Councillor Patel in his statement had nothing to do with alcohol or alcohol sales.

He said that his client had consulted with the police and that they only proposed a modest change to the licence.

He said that his client would be happy to just serve hot drinks and not hot food. He said that this may be of benefit to the local community as those who had been drinking could have a coffee in their store.

He said that most objections raised by Councillor Patel in his statement related to when the application was for 24 hour opening.

He stated that the situation on the ground would be monitored by his client and that the Police could raise concerns at anytime if the granting of the application did lead to any increase in anti-social behaviour.

He said that there had been no objections from experts and officers, including the Police and Environmental Health.

He concluded by stating that his client was not belittling concerns raised. However, on Licensing terms, there was zero evidence for refusing the application.

**Officer Sum Up**

The Licensing Officer outlined the options available to the Sub-Committee detailed in Paragraph 2.1 of the report.

**The Decision**

In relation to the application by Samy Limited in respect of 227 Barton Street, the Sub-Committee having considered the application, the relevant representations, the Licensing Objectives, the Council's statement of Licensing Policy and National Guidance (Section 182) has **resolved**:

- To accept the application and modify the conditions of the licence by adding that hot refreshments served from 23:00 and 01:00 are limited to hot drinks only.

At this stage there is no evidence to refuse the application.

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- There are no objections from the responsible authorities.
- The police and the applicant have worked together to agree a way forward that both parties are happy with, including the applicant amending the application and agreeing not to sell single cans of alcohol and the Sub-Committee welcome that negotiation.
- The Sub-Committee would hope that being a new business to the city the applicant will work with the local residents and the local Councillors to deal with any issues, should they arise, in a prompt manner.
- The Sub-Committee would remind the interested parties that should their fears come to fruition then there is the ability to call the matter in to review

**Right of Appeal**

All parties are reminded that there is a right of appeal to the local magistrates' court within 21 days of the decision.

**Time of commencement: 6.00 pm hours**  
**Time of conclusion: 6.40 pm hours**

**Chair**