



## LICENSING SUB-COMMITTEE

**MEETING** : Wednesday, 2nd August 2023

**PRESENT** : Cllrs. Ackroyd, Finnegan and Hyman

**Officers**

Licensing Officer

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

**APOLOGIES** : None

### 8. ELECTION OF CHAIR

Councillor Finnegan was elected chair.

### 9. INTRODUCTIONS AND PROCEDURES

Those present introduced themselves and the Chair outlined the procedure for the meeting.

### 10. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 11. APPLICATION FOR DETERMINATION

#### Licensing Officer Report

The Licensing Officer presented the report detailing an application for a new Premises Licence at 102 Finlay Road, Gloucester.

#### Statement of the Applicant

*As the applicant did not attend the Sub-Committee, the committee report was taken as the applicants evidence.*

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The Chair asked how the children would be safeguarded, if the store received a licence to serve alcohol.

The Licensing Officer responded that all premises that served alcohol, needed to operate a “Challenge 25” policy. He said that the Police also conducted test purchases. He added that the Licensing Team also conducted checks on premises to ensure that they stuck to each condition of the licence, such as the requirement for training every six months.

Councillor Hyman asked if there had been any reports of anti-social behaviour or street drinking at other premises in the area.

The Licensing Officer replied that there had not.

Councillor Ackroyd asked why the store wished to serve alcohol as early as 7am,

The Licensing Officer replied that the reason may be to put them in line with other premises in Gloucester. He added that, if the opening of the store at 7am created issues, then a relevant party would be allowed to conduct a review process.

### **Officer Sum Up**

The Licensing Officer outlined the options to the Sub-Committee outlined in paragraph 2.1 of the officer report.

### **The Decision**

#### **BACKGROUND**

Gloucester City Council (“the Council”), being the relevant Licensing Authority, received an application dated 16<sup>th</sup> June 2023 for a new Premises licence under section 17 Licensing Act 2003 for the Premier Store, 102 Finlay Road, Gloucester. Following two Representations from Other Persons, the Council’s licensing sub-committee (“the Panel”) held a hearing on 2<sup>nd</sup> August 2023 to determine the application.

#### **HEARING**

The Panel comprised of Councillors Finnegan, Hyman and Ackroyd. The Panel heard from the Licensing Officer, the Applicant nor either of the Other Persons who made representations attended the hearing. Consideration was given to relevant written Representations received from the Other Persons at the hearing. No Representations were received from the Responsible Authorities.

#### **LEGAL MATTERS**

The Panel had due regard to:

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1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application;
2. The obligation to promote the four licensing objectives; and
3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Panel considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act. The Panel cannot take into account Representations which do not relate to one or more of those licensing objectives, and acknowledges that any Representations which are received must be relevant and evidenced-based.

### **OTHER PERSONS' REPRESENTATIONS**

In making written representations to the Panel, the Other Persons highlighted a number of concerns around issues of public nuisance and crime and disorder, including:

- That there are already a number of other shops selling alcohol in the street
- That a certain number of customers will become anti-social under the influence of alcohol, to the possible harm and detriment of residents.
- That there is already a big problem with litter around the area and the opening of the premises could make the issue worse
- Concerns that patrons of the Premises will cause intimidation to people waiting at the bus stop.

This list is not exhaustive but highlights some of the concerns expressed in the written submissions. The members note that some of the concerns raised did not refer to the licensing objectives and therefore could not be taken into account. Furthermore, there was no evidence to back up some of the assertions raised by the other persons.

### **DECISION**

The Panel decided to **GRANT** the application subject to the following extra condition: -

- The Licence Holder will ensure the outside of the premises is free of any litter at the end of each working day.

In deciding the application, the Panel considered the fact that no Responsible Authorities had objected to the application. The fact that there had been no other issues with any other premises on that road. They also considered the fact that the Applicant had amended the hours of operation to try and promote the licensing objectives.

### **APPEAL**

All parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act

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2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Council's decision.

**REVIEW**

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allows the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arise, such as: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted. The Council's Environmental Health Service can be contacted out of hours to report complaints of excessive noise nuisance.

**Time of commencement: 6.00 pm hours**

**Time of conclusion: 6.11 pm hours**

**Chair**