



LICENSING SUB-COMMITTEE

MEETING : Tuesday, 29th November 2016

PRESENT : Cllrs. H. Norman, Pullen and Brazil

Officers

Lisa Jones, Food, Licensing and Markets Manager

Vikki Fennell, Solicitor from One Legal

Darren Mountford, Senior Licensing and Markets Officer

Tony Wisdom, Democratic Services Officer

Also in Attendance

Rasamanikkam Kandeepan, Applicant

Nira Suresh, Licensing Agent

5. ELECTION OF CHAIR

Councillor Pullen was appointed Chair for the meeting.

6. INTRODUCTIONS AND PROCEDURES

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

7. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

8. APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF THE DAILY FIELD, 192, BARTON STREET, GLOUCESTER. GL1 4HE

Licensing Officer's Report

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29.11.16

The Senior Licensing and Markets Officer presented the report which invited the Sub-Committee to consider an application by Rasamanikkan Kandeepan for a new premises licence in respect of The Daily Field Store, 192, Barton Street, Gloucester.

He outlined the background to the application which was detailed in Section 3 of the report and stated that the applicant had applied for the retail sale of alcohol between the hours of 06.00 and 23.00, Monday to Sunday inclusive.

He drew Members' attention to Section 18 of the application (page 19 of the report) which detailed the measures which the applicant proposed to promote all four of the Licensing Objectives.

He noted that six objections had been received which were attached to the report as Appendix 4. Five of the objectors were prepared to withdraw their objections if the applicant would amend the starting time for the sale of alcohol to 09.00 or 10.00hrs. The agent for the applicant had declined the proposal.

There were no questions of the Officer from either Members of the Applicant.

The Applicant's Case

The applicant was represented by Mr Nira Suresh.

The Agent stated that the applicant, who was experienced in licensable activities, had considered the local area and the history of the premises. He had believed that a licence had existed when he took over the premises.

He noted that concerns expressed by the objectors were not based on any evidence that granting the licence as applied for would cause public nuisance. He stated that the applicant and his family would live in the area and would not want any public nuisance. The main business was not alcohol but was based on newspapers, vegetables and other goods.

He reiterated that the concerns of the objectors were not evidence based and the applicant was willing to accept a condition setting a maximum strength of 6.5 per cent ABV for beers, lager and cider to be sold from the premises.

The Chair asked why the applicant had not accepted the variation suggested by five of the objectors and was advised that the applicant wanted the hours for the sale of alcohol to be the same as the store opening hours.

Councillor Norman asked if the applicant had any experience of working in licensed premises including turning away customers who had had too much to drink. She was advised that the applicant had five or six years such experience.

The Senior Licensing and Markets Officer confirmed that there were other premises in the City with a 6.5 per cent ABV limit condition attached to their licences.

Summing Up by the Licensing Officer

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The Senior Markets and Licensing Officer outlined the options available to the Sub-Committee detailed at paragraph 2.1 of the report.

Summing Up on behalf of the Applicant

In conclusion, the agent noted that the majority of customers in the morning were elderly and the previous owner had sold alcohol in the mornings. He stated that there had been no evidence of public nuisance linked to the previous licence at the premises.

Decision

Members of the Sub-Committee and the Solicitor retired to consider their decision. Upon their return the Chair read the following statement:-

The Sub-Committee has considered the application made under Section 17 of the Licensing Act 2003 for a premises licence by Mr Rasamanikkam Kandeepan in respect of the The Daily Field, 192 Barton Street and having had regard to the representations made by Other Persons, evidence from the applicant, the Home Secretary's guidance, the Council's own statement of licensing policy, and the legal implications as set out in the report, have decided to:-

Grant the application as applied for and the Sub-Committee accept the offer from the applicant to add the additional condition on the licence that they do not sell beer, lager or cider over 6.5 per cent ABV and they welcome and accept this offer.

The Sub-Committee and the applicant acknowledge the concerns of the objectors but at this stage there is no evidence to show that the concerns would or could happen and the Sub-Committee needs to avoid speculation.

The objectors are reminded that should there be any issue, supported by evidence, of breach of any of the Licensing Objectives then this should be reported to the Licensing Authority and the licence can be called in for review at any time.

There is a right of appeal within 21 days to the local Magistrates' Court.

Time of commencement: 6.15 pm

Time of conclusion: 6.55 pm

Chair