

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber B** on **Tuesday 13 June 2017**.

(12.30 - 1.10 pm)

Present:

Members: David Norris (Chairman)

Wes Read Alan Smith

Officers

Rachel Lloyd	Licensing Officer
Anita Legg	Licensing Officer
Angela Watson	Legal Services Manager
Jo Morris	Democratic Services Officer

Note: All decisions were approved without dissent unless shown otherwise.

41. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

42. Procedure to be followed when considering licensing applications under the Licensing Act 2003 (Agenda Item 2)

The Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003. The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chairman confirmed the following:

- That the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting;
- That no representations had been withdrawn.

Members noted that although agreement had been reached between the Police and the Applicant's Solicitor the Hearing still had to be held because the 24 hours' notice required under the Licensing Act had not been given.

(Prior to the start of the hearing Members had been provided with a copy of the proposed amended conditions)

43. Representation following the Application for a New Premises Licence at The Dolphin Hotel, 38 Fore Street, Chard, TA20 1PT (Agenda Item 3)

The Licensing Officer presented the report as outlined in the agenda. She explained that the Premises Licence had lapsed due to the death of one of the original Licence Holders. She pointed out an error on page 10 of the report in relation to Late Night Refreshment – the finish time for Wednesday should read 00:30. She explained that the new application was seeking additional hours for Live Music, Recorded Music, Performance of Dance and Supply of Alcohol. The Licensing Officer further explained that a representation had been received from the Environmental Protection Team but had been withdrawn due to the applicant amending their operating schedule to include: music played outside after 2300 is limited to 2 events per year. She confirmed that the Police and the Applicant's Solicitor had reached agreement on the proposed conditions. She also advised that the premises were situated in an area where the Cumulative Impact Policy applies.

The Area Licensing Practitioner, Avon and Somerset Constabulary confirmed that the Applicant had now agreed to meet the outstanding condition - All drinks to be served in toughed/poly carbonated or/shatterproof glasses.

The Sub-Committee was addressed by the Applicant's Solicitor. He advised that there had been no issues with the proposed hours of the licence and that the only issue outstanding had been the use of toughened/poly carbonated or shatterproof glasses. He apologised for taking extra time to deal with the issue and explained that the applicant had had concerns about the requirement for using toughened/poly carbonated/shatterproof glasses all the time. The applicant had a particular issue with the wine glasses in the pub as she did not think these were compliant. She had since discovered that all glassware in the pub (with the exception of some half pint glasses that would no longer be used) was compliant with the Police condition and was therefore happy to agree to the condition.

The Area Licensing Practitioner, Avon and Somerset Constabulary explained that Chard Town Centre still undergoes crime and disorder as a result of drunken behaviour. There was a lot of crowd movement in the town and the Police saw a lot of excess drinking with people continuing to be served. The figures for crime and disorder were still quite high. When she first looked at the application she felt that it lacked detail hence the requirement for a range of conditions.

The Officers and Parties with the exception of the Legal Services Manager and the Democratic Services Officer, attending in advisory capacity only, withdrew from the meeting to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Services Manager.

When the meeting reconvened, the Chairman asked the Legal Services Manager to give a summary of the advice given to them during the private session. She explained that the Sub-Committee had been advised on the following:

- The Cumulative Impact Policy applied in this instance which creates a presumption for refusal;
- Each application should be considered on its own merits;
- Appropriate and proportionate conditions should only be applied;

- Consideration should be given to the absence of problems at the premises in the past.

The Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

In respect of the Application for a New Premises Licence at The Dolphin Hotel, 38 Fore Street, Chard, TA20 1PT under Section 18 of the Licensing Act 2003, the Licensing Sub-Committee has determined to GRANT the Premises Licence, in accordance with the application, but subject to the following conditions to promote the licensing objectives.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the applicant's Operating Schedule (except where any such conditions have been superseded by item 3. below);
3. Additional conditions proposed by the Police and agreed with the applicant at the hearing; and
4. In relation to outdoor music after 2300 hours there shall be no more than 2 events per year.

In reaching this decision, the Sub-Committee took full account of the representations made by the Police and Environmental Health regarding the potential for crime and disorder and public nuisance. They were also mindful that the Council's Cumulative Impact Policy applied in this instance. However members were satisfied that, given the absence of problems at the premises in the past and the fact that the applicant had agreed the conditions sought by the Police, it was appropriate to depart from the Cumulative Impact Policy in this instance.

The Parties should note that they will receive the Committee's official decision in full in the written Notice of Decision which will follow shortly.

All parties are reminded that there is a right of appeal against the decision of the Licensing Authority. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination, and should be made to the South Somerset Magistrates Court.

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Chairman

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Date