

## South Somerset District Council

**Minutes** of a meeting of the **Licensing Sub Committee** held as a **Virtual Meeting using Zoom meeting software on Tuesday 4 August 2020.**

(10.00 am - 11.20 am)

**Present:**

**Members:** Councillor Martin Wale (Chairman)

Karl Gill Wes Read

**Also Present:**

Linda Vijeh

**Officers:**

Rachel Lloyd	Specialist - Licensing
Ann Chislett	Specialist - Legal
Angela Cox	Specialist (Democratic Services)
Jo Boucher	Case Officer (Strategy & Commissioning)

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

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**15. Declarations of Interests (Agenda Item 1)**

There were no declarations of interest made by Members of the Sub-Committee.

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

The Sub-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.

It was agreed to adjourn the hearing for 15 minutes to allow the applicant to join the virtual meeting.

The Sub-Committee reconvened and 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 confirmed 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, including further information from the applicant in support of their application.

It was confirmed that no representations had been withdrawn.

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**17. Representation following the Application for a New Premises License at Forester's Arms, Holywell, East Coker, BA22 9NF (Agenda Item 3)**

The Specialist – Licensing presented the report. She informed members that the previous license holders had surrendered their license when they vacated the premises.

The Specialist – Licensing advised that the main points of the application were:-

- The use of the outdoor area of the premises allowed the applicant to take advantage of the live and recorded music exemptions which were currently in place from 8.00am to 11.00pm.
- It was not possible to attach any conditions to the live and recorded music before 11.00pm where less than 500 people were present.
- The request for 12 live outdoor performances was 12 in total and they did not intend to apply for any more.
- It was intended to play recorded music outside.
- The additional opening times for the sale of alcohol at Bank Holidays and during international sporting events.
- The representations did not object in principle to granting the license but only to the later opening hours after 11.00pm, noise from customers leaving the premises late at night and smoking near their properties.
- A notice has been displayed at the premises and in the local press which complied with the necessary advertising.

In response to questions from Members, the Specialist – Licensing advised:-

- The applicant had submitted additional evidence of their previous premises license to demonstrate the opening times were similar.
- The application requested an additional hour up to 12.00pm on Fridays and Saturdays for live and recorded music indoors and outdoors and up to 1.00am on Bank Holidays.
- Late night refreshments were the same time as previously allowed.
- Supply of alcohol was requested up to 1.00am on Fridays and Saturdays.
- The last recorded noise complaint made regarding the premises was 2010.
- Up to 500 customers were allowed at premises for the sale of alcohol under the Licensing Act 2003.

The applicant then addressed the Committee in support of his application. He said most of the application was copied from their original application and the original license when he purchased the premises in 2011 allowed the supply of alcohol up to 1.00am on Fridays and Saturdays. Taking account of the current Covid-19 restrictions, and to support the business, more activities were likely to take place outside as he expected the current distancing restrictions to be in place for up to two years. The extended late night refreshment request was to encourage customers to stay on after an event.

In response to questions from Members, the applicant advised:-

- Outside the premises, no more than 200 customers, including the car parking area and beer garden were expected.
- Inside the premises had previously been limited to 200 customers but this would be difficult with Covid-19 restrictions.

- The car park allowed up to 26 vehicles and a nearby field had been used as an overflow car park on two occasions.
- Around 20 customers were within walking distance of the premises.
- Outdoor activities would be from May to August and 12 events would be the maximum and maybe only 6 would be viable.

The Chairman invited any further comments from Members, officers and the applicant and all parties confirmed that they were satisfied with the conduct of the hearing.

Members of the Licensing Sub-Committee, the Specialist - Legal and the Case Officer – Strategy & Commissioning, attending in an 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 Specialist.

When the meeting reconvened, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

The Licensing Sub-Committee resolved to GRANT the application for a premises licence for Foresters Arms, Holywell, East Coker, BA22 9NE under section 18 of the Licensing Act 2003 subject to the following conditions to promote the licensing objective(s) of the prevention of crime and disorder/public safety/the prevention of public nuisance and the protection of children.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the applicant's Operating Schedule with the exception of the following amendments;
  - Outside events to be limited to a maximum of nine (9) per year.
3. The following conditions imposed by the Licensing Sub-committee relating to the Licensing Objectives:
  - The premises licence holder shall ensure that all drinks for consumption in the outside areas of the premises shall only be dispensed in polycarbonate receptacles or shatterproof containers.

The Sub-Committee took full account of the representations made by all Other Parties in relation to concerns about crime and disorder and public nuisance. They balanced the right for local residents' enjoyment of their homes against the right of the applicant to operate their business and were mindful that there is a process for reviewing the licence if any concerns of anti-social behaviour arise as a result of the granting of the licence.

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