

Representation following the Application for a New Premises Licence at Geek Out, 98 Middle Street, Yeovil, BA20 1NE

Director: Martin Woods – Service Delivery
Report Author: Rachel Lloyd – Licensing Officer
Contact Details: rachel.lloyd@southsomerset.gov.uk or 01935 462134

Purpose of the Report

To inform members that an application has been received from Geek Out Bars Limited for a premises licence to be granted under the Licensing Act 2003 at 98 Middle Street, Yeovil, BA20 1NE

Recommendation

To determine the granting of the premises licence in accordance with the options detailed later in the report.

Background

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Licensing Manager has delegated authority to determine a Premises Licence application, subject to no objections being received from a Responsible Authority or “Other Persons”. In this case, relevant representations were received from three Responsible Authorities and none have been withdrawn.

Licensing Objectives

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where appropriate to promote the licensing objectives.

Application

A copy of the application form is enclosed with the agenda.

The details of the application are summarised as follows:

- Applicant: Geek Out Bars Limited

Licensable activity applied for:

Films (B) - Indoors

Day	Start Time	Finish Time
Monday	12:00	Midnight
Tuesday	12:00	Midnight
Wednesday	12:00	Midnight
Thursday	12:00	Midnight
Friday	12:00	Midnight
Saturday	12:00	Midnight
Sunday	12:00	Midnight

Further Details: Viewing of streaming services (twitch, YouTube etc.) covering a range of topics such as coverage of events (E3, Insomnia etc), streaming of geek and gaming related activities such as playing video games, playing board games, playing role play games, painting, sculpting, engineering, etc.

Viewing of pre recorded films or other media

Playing of video games.

Seasonal Variations: None

Non-Standard Timings: Christmas Eve, Christmas Day, Boxing Day, New Year's Eve 12:00 to 02:00

Supply of Alcohol (J) – Consumption On the Premises

Day	Start Time	Finish Time
Monday	12:00	Midnight
Tuesday	12:00	Midnight
Wednesday	12:00	Midnight
Thursday	12:00	Midnight
Friday	12:00	Midnight
Saturday	12:00	Midnight
Sunday	12:00	Midnight

Seasonal Variations: None.

Non-Standard Timings: Christmas Eve, Christmas Day, Boxing Day, New Year's Eve 12:00 to 02:00

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. **(K)**

Possibility of children being exposed to video games or video media that are not age appropriate.

Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.

Day	Start Time	Finish Time
Monday	12:00	00:30
Tuesday	12:00	00:30
Wednesday	12:00	00:30
Thursday	12:00	00:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	00:30

Non-Standard Timings: Christmas Eve, Christmas Day, Boxing Day, New Year's Eve: 12:00 to 02:30

Additional steps put forward by the applicant to comply with licensing objectives. (Section M (pages 16 - 17) of the application will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Evidence that advertising/notice requirements have been complied with:

- The Licensing Enforcement Officer saw the notice on display at the premises on 26 July. The applicant was contacted on 31 August to find out when and where the newspaper notice was published, however, a response had not been received at the time of writing.

Representation – Responsible Authorities

Representations were received from:

- Mrs Nicola King on behalf of the Chief of Police for Avon & Somerset.
- Mr Kevin Hardwill on behalf of Devon and Somerset Fire and Rescue
- Mr Andrew Collins on behalf of the Planning Service.

Representations – Other Persons

None.

Relevant Observations

None.

Further Information

The premises are situated in an area where the cumulative impact policy applies. The Council's Licensing Policy states that there is a presumption that applications for new licences, variations or material variations, will normally be refused if relevant representations are received unless it can be demonstrated that the operator will not add to the cumulative impact already being experienced¹.

In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in January 2014.
- The steps appropriate to promote the licensing objectives as set out in s18(4)
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

Options

The options available to the committee are stated at section 18 of the Licensing Act 2003 are as follows:

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the

¹ Page 12, Paragraph 3.2.2 of the Council's Licensing Policy dated January 2014

promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii) together with the current mandatory conditions.

- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

Right of Appeal

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:

Where the Licensing Authority has rejected an application for a premises licence, the applicant may appeal to the Magistrates' Court against the decision to reject.

Where the Licensing Authority has granted the licence, the holder of the licence may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed where having regard to any relevant representations, are considered appropriate to promote the licensing objectives.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities or refused to specify a person as the premises supervisor, the holder of the licence may appeal to the Magistrates Court against the decision.

Where a person who made a relevant representation desires to contend that the licence ought not to have been granted, or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor, he may appeal against the decision to the Magistrates Court.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

Background Papers

Licensing Act 2003

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The Latest Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council January 2014.