

South Somerset District Council

Minutes of a meeting of the **Licensing Sub-Committee** held on **Friday 13th June 2008** in the Main Committee Room, Council Offices, Brympton Way, Yeovil

(10.30am – 11.10am)

Present: Cllr Tony Fife (In the Chair)

Cllr John V Chainey

Cllr Martin Wale

Officers:

Anita Legg - Licensing Officer
Lynda Creek - Legal Officer
Jo Morris - Committee Administrator

Applicants' Representatives:

Graham Rowswell
Anita Charles

Interested Party:

Ian Hall, Merriott Parish Council

1. Declarations of Interest (Agenda Item 1)

There were no declarations of interest.

2. Procedure to be followed when considering Licensing Applications (Agenda Item 2)

The Committee noted the agreed procedure to be followed when considering licensing applications as outlined in the agenda.

3. Application for a New Premises Licence for Merriott Social Club, Merriott (Agenda Item 3)

In accordance with the agreed procedure the Chairman confirmed the following points:

- That no representations had been withdrawn;
- 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.

The Licensing Officer presented the report and drew Members' attention to the following points:-

- Details of what licensable activities had been applied for including Regulated Entertainment, Facilities for Dancing, Late Night Refreshment and the Supply of Alcohol;

- The additional steps put forward by the applicant to comply with the licensing objectives which would become conditions of the licence;
- The applicant currently held a Club Premises Certificate for the supply of alcohol;
- The requirements relating to advertising the application and the serving of notices had been met;
- The applicant had held a meeting with local residents prior to the application being made;
- A meeting had been held with members of the social club and two Interested Parties and the Licensing Officer;
- No noise complaints had been recorded in connection with Merriott Social Club;
- No representations had been received from Responsible Authorities;
- A letter had been received by a person who lived more than 175 metres from the Club, which was more than the 100 metres away, as stated in the Council's policy so this was, therefore, not a 'relevant representation' under the Act.

The Licensing Officer pointed out the following errors on page 5 of the application form:

- Under provision of entertainment facilities (i) making music should not have been ticked.
- Provision of late night refreshment (l) and the supply of alcohol (m) should have been ticked.

The Chairman invited Mr Hall, who was representing Merriott Parish Council, to address the Sub-Committee. Merriott Parish Council had submitted a 'relevant representation', as an Interested Party.

His comments are summarised as follows:

- Merriott Social Club was situated on the road side with no designated parking and was surrounded by dwellings;
- The Parish Council considered the Club to be well run but had concerns about the lateness of the additional hour applied for and the anticipated disturbance from people leaving the premises late at night and the public nuisance that could arise from this;
- There were also concerns about the move from being just a social club, under the control of a committee and its rules, to holding a normal 'commercial' licence with the changes this might signal.

The Chairman invited the applicant to address the Sub-Committee. Members were informed of the following:

- The Club was situated away from the centre of the village predominately surrounded by fields. A Public House was situated approximately 175 metres away from the Club, a factory was in operation 24 hours a day and was situated 100 metres down the lane and a working farm was also close by;
- The extended half an hour applied for on Monday to Thursdays for the supply of alcohol would allow the skittles team to enjoy a drink after their game. It would not be for use at all times;
- The licensing hours for Fridays and Saturdays would remain the same as at present;
- Signage was erected outside of the Club asking people to leave the premises quietly;
- CCTV was installed at the front of the club which was monitored on a regular basis;
- A Committee member patrolled the outside area during functions;
- There had been no complaints from neighbours or visits from the Police;

- Local residents were happy with the way the club was being run;
- It was not felt that parking was a problem as it was a wide stretch of road which easily allowed two cars to pass at the same time;
- Many people walked to the Club from the village or tended to use a taxi or minibus.

Members of the Sub-Committee were then asked if there were any points they wished to have clarified. In response to Members' questions, the following points were noted:-

- There were no windows within the function room;
- The Club were attempting to install air conditioning;
- Emergency lighting had been installed;
- The Skittles League was not a licensable activity. The licence was only applicable to tournaments;
- There were often cars parked along the road but the drivers were not always using the Club;
- The representations put forward by Merriott Parish Council related to anticipated noise;
- There had been no recorded noise complaints associated with Merriott Social Club.

The Chairman asked the Sub-Committee to withdraw to consider its decision on the application. He requested that the Committee Administrator and Legal Representative accompany them in an advisory capacity only.

In considering their decision in private session, Members took into consideration the points raised by the Interested Party in the representation, the Council's Statement of Licensing Policy, the Licensing Objectives and the latest Guidance issued by the Secretary of State. They were also mindful of the advice given to them by the Legal Officer.

The meeting was reconvened with all parties present and before declaring the decision reached by the Sub-Committee, the Chairman asked the Legal Officer to give a summary of the advice that had been given during the private session.

The Legal Officer indicated that members of the Sub-Committee had been given guidance on the following point:

- A High Court decision issued in May had reiterated the importance of there being clear reasons with evidence to support any decision to impose conditions because of anticipated noise nuisance. In this case, there was no evidence of any noise problems nor had any representation from the Police or Environmental Health been received.

The Chairman informed all parties present of the decision.

The Sub-Committee **RESOLVED** that:

In respect of the application to grant a Premises Licence under Section 17 of the Licensing Act 2003, the Licensing Sub Committee has determined to grant the premises licence in accordance with the application as submitted, including the voluntary conditions set out in the Operating Schedule.

The Mandatory Conditions under S19, S20 and S22 of the Licensing Act 2003 will also apply in relation to the supply of alcohol, exhibition of films and plays.