

**South Somerset District Council**

**Minutes** of a meeting of the **Licensing Sub-Committee** held on **Friday 16<sup>th</sup> May 2008**  
in the Committee Rooms 3 & 4, Council Offices, Brympton Way, Yeovil

(10.00am – 11.20am)

**Present:** Cllr Roy Mills (In the Chair)

Cllr Peter Roake

Cllr Alan Smith

**Officers:**

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

**Applicant:**

Roger Bastable  
Amanda Askew  
Andrew Avery

**Interested Party:**

Robert Pring

---

**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 a New Premises Licence for Haselbury Mill, Haselbury Plucknett (Agenda Item 3)**

In accordance with the agreed procedure the Chairman introduced the members of the Sub-Committee and the officers present.

He 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- That no representations had been withdrawn;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:-

- The applicant currently had a premises licence and had applied for a new licence to include the newly built Tithe Barn with slightly extended hours for licensable activities;
- Members had received a folder, submitted by the applicant, of colour photographs illustrating various aspects of the Tithe Barn;
- The additional steps put forward by the applicant to comply with the licensing objectives;
- The requirements relating to advertising the application and the serving of notices had been met;
- No noise complaints had been recorded in connection with Haselbury Mill within the last four years;
- No representations had been received from Responsible Authorities.

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

- The photographs previously circulated to members were explained in further detail;
- It was 130 metres from the Tithe Barn to the property owned by the Interested Party;
- The marquee which was situated immediately adjacent to the Barn had been removed;
- The history and background of Haselbury Mill including the construction of the Tithe Barn was explained in detail;
- The background including planning permission relating to the erection of the steel clad disco area which had been situated in the marquee;
- The complaints made by the interested party in relation to noise. An acoustic study had been undertaken and all problems resolved;
- Haselbury Mill was an invaluable amenity for the community;
- A full traffic survey had been undertaken as part of the planning process;
- Merriott and Haselbury Mill Parish Councils had voted unanimously to support the application for the Tithe Barn;
- The Tithe Barn had been fully supported through the planning process by the District Council;
- Fireworks had been banned from the premises since 2007;
- The marquee had been granted permanent planning permission in 2005;
- There had been no police or health and safety incidents within the 10 years that the applicant had owned the facility;
- Additional insulation had been used in the roof of the Tithe Barn to promote the licensing objective of the prevention of public nuisance;
- Various letters of support had been received in respect of the application. Letters from Haselbury Mill Parish Council, Councillors Ric Pallister and Simon Bending were read to members of the Sub-Committee;
- A number of events including weddings and a charity event had been booked for the forthcoming year and so the licence was crucial;
- A valid licence was still held for the marquee;
- The application was for an additional hour every day. Government guidance supported longer and later licensing hours.

The Chairman invited the Interested Party present at the meeting to address the Sub-Committee.

His comments are summarised as follows:

- He was a Parish Councillor and had lived and worked at his place of residence for the past 35 years;
- There would soon be a development of 5 houses with a total of 16 bedrooms within close proximity of the site;
- He objected to the extended hours for the supply of alcohol and the provision of late night refreshment as well as the number of events being held with a PA System;
- His main concern related to the noise generated by people leaving the premises late at night including car doors slamming and the tooting of car horns;
- He felt that there should be an additional condition attached to the licence whereby the applicant is required to erect notices asking people to leave the premises quietly;
- In the past fireworks had been released on the premises causing distress. He felt that there should be a condition added to the licence banning the use of fireworks;
- He believed the finish time of midnight for outdoor events to be unacceptable;
- He would like to see the use of the PA system ceasing at 9.00pm;
- Local residents should be informed of the conditions attached to the licence.

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:-

- The present licence was for the main building and the marquee with a finish time of midnight;
- The majority of events such as weddings would finish around midnight. The additional hour would allow flexibility for charity events to finish slightly later;
- If the licence were to be refused the applicant would have no other option but to re-erect a marquee for the sale of alcohol adjoining the Tithe Barn.

The applicant confirmed that he was willing to include the following as voluntary conditions of the licence.

- That within three months of the licence being granted appropriate signage be erected requesting patrons to leave the premises quietly; and
- That no fireworks be released on the premises.

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 his 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 points:

- The Committee should establish whether conditions were necessary as only conditions necessary to promote the licensing objectives could be imposed;

- 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 problems. In this case, there was no evidence of any recent noise problems and, in addition, the Responsible Authorities had not made any representation about noise (or other) issues either;
- The new licensing regime anticipated a 'lighter' touch because the provisions relating to review of the licence could be used if problems arise after the licence was been granted and amendments made to deal with any issues;
- Conditions should not be imposed to duplicate other legal powers available to deal with nuisance and anti-social behaviour;
- Consideration should be given to the potential for nuisance associated with the style, characteristics and activities of the business and also the history of the premises for nuisance.

The Chairman informed all parties present of the decision.

The Sub-Committee **RESOLVED** that:

In respect of the application to grant a new 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, and also subject to the voluntary conditions offered by the Applicant at the hearing. These are that:

- Within three months of the licence being granted the licensee shall ensure that suitably clear and prominent signage be erected requesting patrons to leave the premises quietly.
- That no fireworks be released on the premises.

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.

All parties were reminded of their right of appeal against the decision of the Licensing Authority as set out in the Agenda.

---