

**South Somerset District Council**

**Minutes** of a meeting of the **Licensing Sub-Committee** held on Friday 25<sup>th</sup> April 2008 in Committee Rooms 3 & 4, Council Offices, Brympton Way, Yeovil

(10.00am – 10.30am)

**Present:** Cllr Nigel Mermagen (In the Chair)

Cllr John V Chainey

Cllr Lucy Wallace

**Officers:**

Anita Legg - Licensing Officer  
Angela Watson - Legal Officer  
Jo Morris - Committee Administrator

**Applicant's Representatives:**

Debbie Moseley - Open Spaces Officer (South Somerset District Council)  
Liz James - Brympton Parish Council

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**1. Declarations of Interest (Agenda Item 1)**

There were no declarations of interest.

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**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.

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**3. Application for a new premises licence for Oak Tree Park, Yeovil (Agenda Item 3)**

In accordance with the agreed procedure the Chairman introduced the members of the Sub-Committee and the officers present. He advised the Sub-Committee that the interested party was unable to attend the hearing.

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

- Brympton Parish Council were hoping to hold a community event for more than 499 people, which meant a licence was required;
- The licence would also allow for further events to be held by the District Council;
- The types of regulated entertainment applied for included Plays, Films, Wrestling, Live and Recorded Music and Performance of Dance;
- The hours applied for were for each day of the week from 8.00 until 21.00 hours;
- The application was for no more than 15 events to be held per year;
- The application did not include late night refreshments or the supply of alcohol;

- The requirements relating to advertising the application and the serving of notices had been met;
- Two letters of representation had been received from 3 interested parties, however only 1 representation was received within the statutory period.

The Chairman invited the applicant to address the Sub-Committee.

Debbie Moseley, South Somerset District Council's Open Spaces Officer referred to the representations raised by the interested party. She made the following points:

- The supply of alcohol was not within the terms of the licence;
- There would be community police presence during the event;
- A risk assessment would be required by the event organiser and also for any future events;
- The boxing and wrestling entertainment would involve Sumo Wrestling in inflatable suits;
- The organisation holding the event was a Christian organisation and would not wish in anyway to have alcohol or drugs permitted at the event;
- The organisers would provide litter pickers after the event;
- It was anticipated that a large proportion of people would walk to the event;
- Parking was available along Stourton Way, which was currently used for parking by people attending football matches without any particular problems;
- There was no particular need for people to divert traffic.

Liz James representing Brympton Parish Council explained that the reason why 15 days had been applied for was because it was felt that the Park could be an appropriate place for the Council to hold activities for young people during the summer holidays. There was also the possibility of holding an event involving Yeovil Town Band.

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 event was being held on a Sunday and was primarily aimed at families living within the vicinity of the Park. It was very much a family event.
- The Playbus, Somerset Youth Service, Healthy Living Team, SSDC Sports and Leisure Team were some of the organisations providing activities on the day.
- Once the event had finished, there would be nothing left on the site apart from portable toilets.
- The finish time of 9.00pm would allow plenty of time to clear up after the event.
- The problem of litter was currently being monitored. A working group involving Brympton Parish Council, Tesco and the PCSO was being established to look at the problem and it was the intention to work with the local schools.

The Licensing Officer explained that she had spoken to the interested party, who was now not quite so concerned about the event. His main concern related to the event ending at 9.00pm as he felt this would affect his young family being able to sleep at night.

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 Council's Statement of Licensing Policy, the four licensing objectives and the Guidance

issued by the Secretary of State. They considered the points raised by the written representation of the Interested Party, and 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:

- If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder.
- Live Music/dancing are to be encouraged and only necessary, reasonable and proportionate conditions should place any restriction on such events. This is also supported in the Council's own Licensing Policy.
- A natural concern to prevent disturbance in neighbourhoods should always be carefully balanced with these wider cultural benefits.
- Conditions must focus on the matters within the licensee's control.
- In relation to public nuisance concerns, 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.
- Public nuisance retains its broad common law meaning under the Act. It can therefore include low-level nuisance affecting a few people locally, or a major disturbance affecting the whole community.

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 Council has determined as follows:

To grant the licence in respect of:

- a. Plays (Section A)
- b. Films (Section B)
- c. Boxing or wrestling entertainment (Section D)
- d. Live Music (Section E)
- e. Recorded Music (Section F)
- f. Performance of Dance (Section G)
- g. Provision of Facilities for Dancing (Section J)

For a maximum of fifteen events in total a year.

The hours of operation shall be:

Monday to Sunday from 08.00 until 21.00 hours

That the Mandatory Conditions under S19 of the Licensing Act 2003 apply to the exhibition of film.

That the voluntary conditions set out in the Applicant's Operating Schedule shall apply.