

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber** on **Tuesday 1 December 2015**.

(1.30 pm - 3.25 pm)

Present:

Members: Martin Wale (Chairman)

Neil Bloomfield Val Keitch

Officers:

Anita Legg	Licensing Officer
Paul Huntington	Senior Environmental Protection Officer
Ann Chislett	Legal Executive
Jo Morris	Democratic Services Officer

Also Present:

Julie Pilbeam	Agusta Westland
Paul Coombs	Agusta Westland
Elizabeth James	Clerk to Brympton Parish Council
Fiona Gillett	Resident
John Clancy	Resident
Margaret Powell	Resident
Mike Larcombe	Resident
Sue Larcombe	Resident

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

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

There were no declarations of interest.

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

The Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003.

The Chairman confirmed the following:

- 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;
- That the representations from Avon and Somerset Constabulary, the Planning Service and the Environmental Protection Team had been withdrawn in light of the amended application.

The Licensing Officer explained that the difference between the original application and the amended application was that all regulated entertainment had been withdrawn which meant that there would be no provision for live or recorded music.

The licensable activities applied for as amended were as follows:

Light Night refreshment - Mon-Sun 23.00 until midnight, non-standard timings 24 hr for residents at the premises who are guests of Agusta Westland

Supply of Alcohol (On and Off Sales) - Mon-Sun 10.00 until midnight, non-standard timings 24 hour alcohol sales for residents at premises who are guests of Agusta Westland

Hours open to the Public (Not a licensable activity) – Mon-Sun 10.00 until midnight, 24 hour opening for residents at the premises who are guests of Agusta Westland

12. Representation following the Application for a New Premises Licence at Thorne House, Thorne Coffin, Yeovil, Somerset, BA21 3PZ (Agenda Item 3)

The Licensing Officer presented the report as detailed on page 8 of the agenda and drew members' attention to the following points:

- An application had been received from Elinor UK Holdings Ltd, for a premises licence to be granted under the Licensing Act 2003 for Thorne House, Thorne Coffin Yeovil;
- The licensable activities applied for as amended included late night refreshment and supply of alcohol;
- The applicant had confirmed that a notice had been displayed at the premises for the requisite period; the Licensing Officer had visited the premises and confirmed that notices were in place. A further notice was placed in the Western Gazette;
- The three representations from the Responsible Authorities had been withdrawn;
- Fifteen relevant representations representing twenty persons were received from individuals and one relevant representation was received from a Parish Council;
- Three letters and an email representing four persons were also received but not considered to be relevant representations;
- A representation had also been received from a solicitor representing thirty local residents, fifteen of which were included in the twenty persons from whom a relevant representation was received, four persons letter or email of concern was not a relevant representation and eleven other persons whom had not submitted an individual relevant representation;
- The regulated entertainment element of the application had been withdrawn;
- The supply of alcohol and late night refreshment would be restricted to guests of Agusta Westlands;
- Members were informed about the Licensing Act 2003 being amended with regard to live amplified music and record music between 08:00 and 23:00 for up to 500 persons as outlined in the agenda;
- The options available to the Committee;
- The Right of Appeal as outlined in the agenda.

The Chairman invited Paul Coombs, Head of Site Facilities, Agusta Westland to address the Sub-Committee. He advised that Agusta Westland had used Thorne House for over fifty years. Thorne House was a country property with 6 bedrooms and a clock house which was used as a meeting facility. Thorne House was used for conferences and

internal meetings as well as meetings with perspective customers from the UK and abroad. He explained that they had started to have issues with some of their customers with regard to bribery and corruption and that their customers were now requiring a receipt for bed and breakfast and evening meals. He highlighted that to comply with the law and relevant rules and regulations they could not currently sell alcohol to guests at the property. The premises licence would allow any guests/VIPs/representatives attending the property to be provided with an invoice. Paul Coombs explained that the maximum number of guests staying at the property at any one time would be twelve but was typically less and more like six people. With regard to larger groups attending for meetings and events, the capacity would be no greater than thirty people. He informed members that there were no plans to change how Thorne House currently operated.

The Chairman then invited Mike Larcombe to address the Sub-Committee. He advised that his comments were also on behalf of Mrs Grimster and Mrs Larcombe. Points mentioned during his representation included the following:

- The amended application addressed some of the concerns but there were still some outstanding issues or inconsistencies that needed to be addressed such as:
 - There was no clear indication of the maximum number of people or vehicles attending at any time;
 - Although the supply of alcohol had been limited to midnight, it was for consumption both on and off the premises – why off the premises, in public areas?
 - Section L still stated that the premises were open to the public until midnight – why the public? when elsewhere it is noted that the facility is for residents and guests of Agusta Westland.
 - There were significant shortcomings in the responses to meeting the licensing objectives particularly in view of the potentially large numbers of people and vehicles attending. He highlighted that the response at section b did nothing to prevent crime and disorder and there was no mention of any positive controls to achieve public safety.

Margaret Powell addressed the Sub-Committee on behalf of herself and her husband. She referred to the amended application going some way to providing assurances to her concerns. She sought clarification over whether the premises would be open to members of the public and was confused by Section L of the application form. She felt that some of the steps taken to promote the licensing objectives were weak and unenforceable if there were a larger number of guests. She explained that she had no problems with the way in which Thorne House was currently operated but would have concerns if Agusta Westland sold or handed over the building. She also felt that the issue of numbers attending the venue was a vague area and that the venue could be an in-house facility that catered for lots of people.

In response to questions, members were informed of the following:

- A licence could be transferred to another body in its entirety, however a new body would need to make an application to remove or vary any conditions of the licence;
- Hours open to the public was not a licensable activity but formed part of the Operating Schedule;
- Conditions of the licence would override the details on the application form;

- Paul Coombs, Augusta Westland confirmed that the second floor of the premises was out of use and was left empty for storage. He confirmed that he was happy to withdraw the second floor of the premises from the application.

The Officers and Parties with the exception of the Legal Executive and Democratic Services Officer, 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 during the private session.

When the meeting was reconvened, the Chairman asked the Legal Executive to give a summary of the advice given to them during the private session. She advised that the Sub-Committee had been asked to take into account the following points:

- Members of the Sub-Committee would need to justify any conditions added to the licence;
- Members were informed that there was a process for reviewing the licence if the anticipated concerns of public nuisance did materialise.

The Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee.

In respect of the Application for a New Premises Licence for the property at Thorne House, Thorne Coffin, Yeovil, Somerset, BA21 3PZ, under Section 18 of the Licensing Act 2003, the Licensing Sub-Committee has determined to GRANT the Premises Licence, in accordance with the application as amended, but subject to the following conditions to promote the licensing objectives.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the Applicant's Operating Schedule;

In reaching the decision, the Sub-Committee took full account of representations made by the Interested Parties with regard to the amended application. The Committee did have reservations about the number of persons that could attend corporate events at the premises but they took into account the assurances given to them that the capacity at any event would typically be no greater than 30 people. The committee felt therefore that no further conditions were required. They were also mindful that there is a process for reviewing the licence if the anticipated concerns of public nuisance did materialise due to the number of persons attending an event.

The Committee took note that the licence would not include the second floor of the premises as this was withdrawn at the hearing and no longer part of the Application.

The Parties should note that they will receive the Committee's official decision in full in the written Notice of Decision which will follow shortly.

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