

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Main Committee Room** on **Friday 11 March 2016**.

(3.00 - 3.30 pm.)

Present:

Members: Martin Wale (Chairman)

Crispin Raikes Alan Smith

Officers:

Nigel Marston Licensing Manager
Jo Morris Democratic Services Officer
Ann Chislett Legal Executive

Also Present:

Tim Eggins Applicant

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

19. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

20. 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 introduced the members of the Sub-Committee and the Officers present.

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- That no representations had been withdrawn.

The Licensing Manager informed members that the Licensing Officer had tried to contact the person who had submitted the representation but had not received a response to her letter. The person who had submitted the representation was not present at the hearing.

21. Representation following the Application for a New Premises Licence at Holyrood Street, Mill Lane and Boden Street, Chard (Agenda Item 3)

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

- An application had been received from Mr Timothy Eggins, for a one day premises licence to be granted for 19th March 2016 under the Licensing Act 2003 for specified parts of Holyrood Street, Mill Lane and Boden Street, Chard;
- The licensable activities applied for were Live Music from 18:30 hours until 22.00 hours and Performance of Dance from 18:30 hours until 19:00 hours and 20:00 hours until 21:30 hours;
- Late Night Refreshment was also requested between 18:30 and 22:00 hours, however the selling of hot food and/or drinks was only licensable between 23:00 and 05:00 hours and therefore fell outside the hours requested;
- The applicant had applied to Somerset County Council for a Traffic Regulation Order and had also submitted a Traffic Management Plan;
- The applicant was required to put measures in place to ensure that no more than 4,999 people are in those streets at any one time;
- The applicant had confirmed that notices were displayed at the premises for the requisite period; the Licensing Enforcement Officer had visited the premises and confirmed the notices were in place at the time of the visits. A further notice was placed in the Chard and Ilminster Newspaper;
- One letter of representation had been received which concerned the potential issue of noise outside on the pavement;
- No representatives had been received from Responsible Authorities.

In response to a member question, the Licensing Manager confirmed that if the person who had submitted the representation had responded to the letter every effort would have been made to negotiate and arrive at a compromise.

The applicant, Tim Eggins was invited to address the Sub-Committee. He explained that Earth Hour Chard was a community based event involving live bands and market traders with the aim of encouraging renewable energy, recycling and upcycling. He hoped that the event would improve the viability of the town and increase community spirit. He said that 15 traders along Holyrood Street were supporting the event. He advised that in response to concerns raised by the Traffic Control Unit he had reduced the size of the event and confirmed that Mill Lane would no longer be used. He explained that the person who had submitted the objection lived two streets away from where the noise would be. He advised that there would be stewards located in key areas around the whole event to deal with any issues.

In response to member questions, the applicant confirmed the following:

- The person who made the representation lived two blocks away from the music;
- The stage would face away from the property;
- The music at the event would be folk music (i.e. fiddles, guitars) with all local performers;
- The event was very much about promotion of the town and the climate and green agenda.

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 by the Legal Executive.

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 consider whether they felt any additional conditions were required in order to promote the licensing objectives.

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 Holyrood Street, Mill Lane & Boden Street, Chard, Somerset, 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 Committee took account of the representations made by the Interested Party in relation to public nuisance but felt the conditions provided in the operating schedule were sufficient to cover all licensing objectives.

The Applicant confirmed that Mill Lane would not be used for the event following the submission of the Traffic Management Plan to Somerset County Council.

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