

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber A** on **Monday 16 January 2017**.

(10.00 - 10.45 am)

Present:

Members: David Recardo (Chairman)

Val Keitch

Linda Vijeh

Officers

Anita Legg

Licensing Officer

Ann Chislett

Legal Executive

Jo Boucher

Democratic Services Officer

Kelly Wheeler

Democratic Services Officer

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

29. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

30. 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.

The Licensing Officer informed members that although she had received an attendance form from the person who had submitted a representation, it was not clear whether they would be attending the hearing, so she had rung them on two occasions, but had not obtained a response. The person who had submitted the representation was not present at the hearing.

31. Representation following the Application for a New Premises Licence at 27 Holyrood Street, Chard TA20 2DN (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:

- The premises were previously subject to a premises licence, but it lapsed when the previous holder dissolved the company.
- Confirmed that there had been only one recent complaint made regarding noise, it was not thought previous complaints had been substantiated as no representation received from the Environmental Protection Unit. These complaints had all been in relation to the previous premises licence holder.
- Confirmed the appropriate advert had been placed in the newspaper and a notice displayed in the premises as required.
- Confirmed the cafe could open until 23.00 hours for hot food and drink – excluding alcohol even if the application for a premises licence was rejected.

The applicant Mr Arsenio Esteveao was invited to address the Sub-Committee. He clarified the opening times of the premises as set out in the agenda report and explained to the committee the steps he would take to mitigate any noise nuisance, including additional sound proofing measures and the exclusion of the screening of football matches. He also believed the sale of alcohol would benefit the viability of the business.

The Licensing Sub-Committee were advised by the Legal Executive to read the representations received.

The Licensing Officer and applicant withdrew from the meeting to allow the members of the Sub-Committee to consider their decision in private with the exception of the Legal Executive and Democratic Services Officer, attending in an advisory capacity only.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them during the private session.

The Chairman advised that there had been no need for any legal advice during the private session as they were happy with their decision.

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 27 Holyrood Street, Chard, Somerset, TA20 2DN 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 submitted, 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 this decision, the Sub-Committee took full account of the representations made by an Interested Party in relation to public nuisance but they were mindful that there is a process for reviewing the licence if the anticipated concerns of nuisance in relation to noise did materialise.

The Committee felt the conditions provided in the operating schedule were sufficient to cover all licensing objectives.

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
