



Representation following the Application for a Variation to the Premises Licence Ilchester Arms, Church Street, Ilchester, BA22 8LN

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Purpose of the Report

To inform members that an application has been received from Mr Brendan McGee and Mrs Lucy McGee, to vary a premises licence under the Licensing Act 2003 at Ilchester Arms, Church Street, BA22 8LN.

Recommendation

To make a recommendation to the Chief Executive on the granting of the variation to the premises licence in accordance with the options detailed later in the report.

Background

The Council is the authority responsible for the determination of variations to Premises Licences under Section 35 of the Licensing Act 2003.

The Lead Specialist – Environmental Health has delegated authority to determine a variation to a Premises Licence application, subject to no objections being received from a Responsible Authority or “Other Persons”. In this case, relevant representations were received from two “Other Persons” it is therefore necessary to convene a hearing to determine the application.

Licensing Objectives

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where appropriate to promote the licensing objectives.



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A copy of the application form and plan is enclosed with the agenda. The purpose of the application is to authorise licensable activities in the adjoining building (no. 16) and to make changes to the existing licensable activities, in particular the timings for bank holidays, peak trading periods, event days and during international sporting events.

The details of the application are summarised as follows:

- Applicant: Mr Brendan McGee and Mrs Lucy McGee

Licensable activities applied for:

Plays (A) Indoors

Day	Start Time	Finish Time
Monday	12:00	22:00
Tuesday	12:00	22:00
Wednesday	12:00	22:00
Thursday	12:00	22:00
Friday	12:00	22:00
Saturday	12:00	22:00
Sunday	12:00	22:00

Further Details

Amplified speakers may be used during plays only.

Seasonal Variations:

Non-Standard Timings:

Bank Holidays, annual and fundraising events extended for one hour for both the day before and the day of the event or bank holiday, for example Christmas Eve and Christmas Day.

A maximum of 5 events per year and each event can last up to 2 days. A maximum of 150 people for annual fundraising events.

Films (B) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	12:00	22:00
Tuesday	12:00	22:00
Wednesday	12:00	22:00
Thursday	12:00	22:00
Friday	12:00	22:00
Saturday	12:00	22:00
Sunday	12:00	22:00

Further Details: Outdoor films will end by 22:00



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Seasonal Variations: None

Non-Standard Timings: None

Live Music (E) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:00
Sunday	11:00	23:00

Further Details: Outdoor music will end by 22:30

Seasonal Variations:

Non Standard Timings: During annual events or bank holidays we would like to extend the timings for an additional hour on the day before and the day of the event or bank holiday in question. For example Christmas Eve 11:00 to 00:00 and Christmas Day 11:00 to 00:00

A maximum of 5 annual events throughout the year.

Recorded Music (F) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:00
Sunday	11:00	23:00

Further Details: Music outside will end by 22:30

Seasonal Variations:

Non Standard Timings: During annual events or bank holidays we would like to extend the timings for an additional hour on the day before and the day of the event or bank holiday in question. For example Christmas Eve 11:00 to 00:00 and Christmas Day 11:00 to 00:00

A maximum of 5 annual events throughout the year.

Performances of Dance (G) Indoors Only



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Day	Start Time	Finish Time
Monday	12:00	23:00
Tuesday	12:00	23:00
Wednesday	12:00	23:00
Thursday	12:00	23:00
Friday	12:00	23:00
Saturday	12:00	23:00
Sunday	12:00	23:00

Further Details: Music outside will end by 22:30

Seasonal Variations:

Non Standard Timings: During annual events or bank holidays we would like to extend the timings for an additional hour on the day before and the day of the event or bank holiday in question. For example Christmas Eve 11:00 to 00:00 and Christmas Day 11:00 to 00:00.

A maximum of 5 annual events throughout the year.

Late Night Refreshment (I) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	00:00
Saturday	23:00	00:00
Sunday	23:00	00:00

Further Details: This will not be for regular use but for special occasions. For example booked events, weddings, part of the 5 events throughout the year lasting over a two day period with a maximum of 150 people.

Supply of Alcohol (J) – Consumption ‘On the Premises Only

Day	Start Time	Finish Time
Monday	08:00	01:00
Tuesday	08:00	01:00
Wednesday	08:00	01:00
Thursday	08:00	01:00
Friday	08:00	01:00
Saturday	08:00	01:00
Sunday	08:00	01:00

Allowing the supply of alcohol to the new section of the building and it's outside grounds.

Seasonal Variations:

Non-Standard Timings: Extending the supply of alcohol for one hour during peak times (November to January and June to September) (08:00 to 02:00).

The day before a bank holiday and the day of a bank holiday an additional hour (08:00 to 02:00).

Intend to sell alcohol during International sporting events e.g. world cup football, Olympics, Commonwealth games and other sporting events taking place outside of the UK e.g. motor sport and boxing, which is being broadcast live on television and shown on the premises. The sale of alcohol to commence one hour before the broadcast of the sporting event and finishes 30 minutes after the broadcast of the sporting event ends.

Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.

Day	Start Time	Finish Time
Monday	07:00	01:30
Tuesday	07:00	01:30
Wednesday	07:00	01:30
Thursday	07:00	01:30
Friday	07:00	01:30
Saturday	07:00	01:30
Sunday	07:00	01:30

Non-Standard Timings: Extending the closing time by one hour during peak times (November to January and June to September) (08:00 to 02:30).

The day before a bank holiday and the day of a bank holiday an additional hour (07:00 to 02:30)

Maximum of 5 (up to 2 days) event days (the day before the event and the day of the event) 07:00 to 02:30

Intend to open during International sporting events e.g. world cup football, Olympics, Commonwealth games and other sporting events taking place outside of the UK e.g. motor sport and boxing, which is being broadcast live on television and shown on the premises. The premises shall open one hour before the broadcast of the sporting event and finishes one hour after the broadcast of the sporting event ends

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (page 16) of the application form; (these where appropriate, will



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become conditions of the licence, subject to the variation of the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation.

A satisfactory NICEIC periodic electrical installation report must be provided. The inspection to be carried out annually or as deemed necessary by a competent electrical engineer and a new report be provided following each inspection.

A satisfactory NICEIC periodic emergency lighting report must be provided. The inspection be carried out annually or as deemed necessary by a competent electrical engineer and a new report be provided following each inspection.

A CORGI certificate of inspection in respect of any gas boiler, calorifier or appliance must be provided. The inspection will be carried out annually or as deemed necessary by a competent CORGI registered engineer and a new report be provided following each inspection.

No portable heating appliances will be used on the premises.

Evidence that advertising/notice requirements have been complied with

Both the applicant and the Locality Team have confirmed that notices advertising the application were displayed at the premises. A further notice was placed in the Blackmore Vale Magazine on 16 April 2021.

Representations – Responsible Authorities

A representation was received from a representative of the Chief Officer of Police.

Representations – Other Persons

None.

Relevant Observations

The applicant has submitted information to the Police in response to the representation, but at the time of writing the report the representation had not been withdrawn.

No licence permission is required for live music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, live music remains licensable

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;



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- where a performance of amplified live music does not take place either on relevant licensed premises;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where a performance of amplified live music takes place at relevant licensed premises in the presence of an audience of more than 500 people⁵⁴; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review

No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes places before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

The existing premises licence authorises the sale of alcohol, films live & recorded music and the performance of dance at the premises is as follows:.

PLAYS

Monday	START: 12.00	FINISH: 22.00
Tuesday -	START: 12.00	FINISH: 22.00
Wednesday -	START: 12.00	FINISH: 22.00
Thursday -	START: 12.00	FINISH: 22.00
Friday -	START: 12.00	FINISH: 22.00
Saturday -	START: 12.00	FINISH: 22.00
Sunday -	START: 12.00	FINISH: 22.00

Location: Indoors

FILMS

Monday -	START: 12.00	FINISH: 22.00
Tuesday -	START: 12.00	FINISH: 22.00
Wednesday -	START: 12.00	FINISH: 22.00
Thursday -	START: 12.00	FINISH: 22.00
Friday -	START: 12.00	FINISH: 22.00
Saturday -	START: 12.00	FINISH: 22.00
Sunday -	START: 12.00	FINISH: 22.00

Location: Indoors

LIVE MUSIC



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Monday -	START: 12.00	FINISH: 23.00
Tuesday -	START: 12.00	FINISH: 23.00
Wednesday -	START: 12.00	FINISH: 23.00
Thursday -	START: 12.00	FINISH: 23.00
Friday -	START: 12.00	FINISH: 23.00
Saturday -	START: 12.00	FINISH: 23.00
Sunday -	START: 12.00	FINISH: 23.00

Location: Indoors

Location: Outdoors

Further Details: Music Outdoors will end by 22.00

Non Standard Timings: On High Days and Holidays music until 00.30

RECORDED MUSIC

Monday -	START: 12.00	FINISH: 23.00
Tuesday -	START: 12.00	FINISH: 23.00
Wednesday -	START: 12.00	FINISH: 23.00
Thursday -	START: 12.00	FINISH: 23.00
Friday -	START: 12.00	FINISH: 23.00
Saturday -	START: 12.00	FINISH: 23.00
Sunday -	START: 12.00	FINISH: 23.00

Location: Indoors

Location: Outdoors

Further Details: Music Outdoors will be terminated by 22.00

Standard Timings: On High Days & Holidays music until 00.30

PERFORMANCES OF DANCE

Monday -	START: 12.00	FINISH: 23.00
Tuesday -	START: 12.00	FINISH: 23.00
Wednesday -	START: 12.00	FINISH: 23.00
Thursday -	START: 12.00	FINISH: 23.00
Friday -	START: 12.00	FINISH: 23.00
Saturday -	START: 12.00	FINISH: 23.00
Sunday -	START: 12.00	FINISH: 23.00

Location: Indoors

Location: Outdoors

Further Details: Dancing Outdoors will be terminated by 22.00

Non-Standard Timings: On High Days & Holidays performances of dance until 00.30

LATE NIGHT REFRESHMENT

Monday -	START :23.00	FINISH: 00.00
Tuesday -	START :23.00	FINISH: 00.00
Wednesday -	START :23.00	FINISH: 00.00
Thursday -	START :23.00	FINISH: 00.00
Friday -	START :23.00	FINISH: 00.00
Saturday -	START :23.00	FINISH: 00.00
Sunday -	START :23.00	FINISH: 00.00

Location: Indoors

Location: Outdoors



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Further Details: This will not be for regular use but for special occasions

SALE BY RETAIL OF ALCOHOL

Monday -	START: 09.00	FINISH: 01.00
Tuesday -	START: 09.00	FINISH: 01.00
Wednesday -	START: 09.00	FINISH: 01.00
Thursday -	START: 09.00	FINISH: 01.00
Friday -	START: 09.00	FINISH: 01.00
Saturday -	START: 09.00	FINISH: 01.00
Sunday -	START: 09.00	FINISH: 01.00

Non Standard Timings: On High Days & Holidays we would like to serve alcohol until 03.00

The opening hours of the premises

Monday -	START: 07.00	FINISH: 01.30
Tuesday -	START: 07.00	FINISH: 01.30
Wednesday -	START: 07.00	FINISH: 01.30
Thursday -	START: 07.00	FINISH: 01.30
Friday -	START: 07.00	FINISH: 01.30
Saturday -	START: 07.00	FINISH: 01.30
Sunday -	START: 07.00	FINISH: 01.30

Seasonal Variations: We open to the public for breakfast at 07.00

Non Standard Timings: On High days & Holidays the premises will remain open to the public until 03.30 Hours

Prevention of Crime & Disorder

1. ID will be requested from any customer appearing to be under 18.

Public Safety

1. A satisfactory NICEIC periodic electrical installation report must be provided. The inspection to be carried out annually or as deemed necessary by a competent electrical engineer and a new report be provided following each inspection.
2. A satisfactory NICEIC periodic emergency lighting report must be provided. The inspection be carried out annually or as deemed necessary by a competent electrical engineer and a new report be provided following each inspection.
3. A CORGI certificate of inspection in respect of any gas boiler, calorifier or appliance must be provided. The inspection will be carried out annually or as deemed necessary by a competent CORGI registered engineer and a new report be provided following each inspection.
4. An adequate and appropriate supply of first aid equipment and materials must be available on the premises.
5. All bottles and glasses must be removed from public areas as soon as they are finished with or empty.
6. Any glasses that are renewed must be replaced with ones made from toughened glass.
7. Where tables and chairs are provided, clear gangways to exits must be maintained.



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8. No portable heating appliances will be used on the premises.

Prevention of Public Nuisance

1. There will be a maximum of 5 outdoor events per year.
2. All music outdoors must be terminated by 22:00 hours.

Protection of Children

Children must be accompanied by an adult.

Further Information

In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in January 2014.
- The steps appropriate to promote the licensing objectives as set out in s18(4)
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

Options

The options available to the committee are stated at section 35(4) of the Licensing Act 2003 and are as follows:

- (a) to modify the conditions of the licence
- (b) to reject the whole or part of the application
- And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

The Committee may also vary the premises so that it has effect subject to different conditions in respect of-

- (a) Different parts of the premises concerned:**
- (b) Different licensable activities.**

Right of Appeal

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:



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Where an application to vary the premises licence is granted (in whole or in part) under section 35.

The applicant may appeal any decision to modify the conditions of the licence

Where a person who made relevant representations in relation to the application desires to contend that

- (a) The variation made ought not to have been made, or
- (b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against the decision to the Magistrates Court.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

Background Papers

Licensing Act 2003

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The Latest Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council January 2014.