



Representation following the Application for a Variation to the Premises Licence The Bull Inn, The Square, Ilchester BA22 8LH

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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 The Bull Inn, The Square, Ilchester, BA22 8LH.

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.

Application

A copy of the application form and plan is enclosed with the agenda. The purpose of the application is to authorise the sale of alcohol from the mobile bar in the garden, play live music in the skittle alley (the timings for the indoor areas at the premises would apply to this area if the variation is granted) and patio, add hours for international sporting events, add hours for event days and amend hours for bank holidays.

The details of the application are summarised as follows:

- Applicant: Mr Brendan McGee and Mrs Lucy McGee

Licensable activities applied for:

Live Music (E) Outdoors only

Day	Start Time	Finish Time
Monday	15:00	23:00
Tuesday	15:00	23:00
Wednesday	15:00	23:00
Thursday	15:00	23:00
Friday	15:00	23:00
Saturday	15:00	23:00
Sunday	15:00	22:00

Further Details: We will be using amplified and unamplified live music hiring local bands

Seasonal Variations:

Non Standard Timings: Spring/Whitsun bank holiday and every August Bank Holiday
Thursday Friday, Saturday, Sunday and Monday for the Easter bank holiday weekend
Christmas Eve, Boxing Day, New Year's Eve and New Year's Day
Maximum of 5 events per year for up to 150 people
11:00 to 00:00

Recorded Music (F) Outdoors only

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	22:00

Further Details: Amplified Jukebox and TV music

Seasonal Variations:



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Non Standard Timings: Spring/Whitsun bank holiday and every August Bank Holiday
Thursday Friday, Saturday, Sunday and Monday for the Easter bank holiday weekend
Christmas Eve, Boxing Day, New Year's Eve and New Year's Day
Maximum of 5 events per year for up to 150 people
11:00 to 00:00

Supply of Alcohol (J) – Consumption On and Off the Premises

Day	Start Time	Finish Time
Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	23:00
Friday	10:00	23:00
Saturday	10:00	23:00
Sunday	11:00	22:30

The hours outlined are the hours we wish to sell alcohol from the outside bar. Our existing license states until 00.00 for the supply of alcohol, we would like this to still apply. These times are only for our outside bar and do NOT apply to the whole premises.

The timings for international sporting events are indoors only.

The outside bar is a temporary fixture and can be emptied, removed and locked away out of site from the public. The outside bar is on wheels so can easily be moved and stored in a secure place

Seasonal Variations: We would like a mobile bar to be able to use in peak times such as June-September during the summer months where outside drinkers are at a high. We would like extended this by one hour during all bank holidays, annual and fundraising events including the day before and after an event or bank holiday for example, Christmas eve 10.00-00.00 and Christmas day 10.00-00.00 this including new years eve, Christmas, bank holidays such as may day and august bank holiday and Easter Sunday and Monday.

Non-Standard Timings: Alcohol to be sold outside standard times during an international sporting event, e.g. world cup football matches, Olympics, commonwealth games. or sporting event 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 starts and finishes 30 minutes after the broadcast of the sporting event ends.

Up to five events which can last for up to 2 days 10:00 to 00:00 maximum of 150 attendees.

Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday.

Every Easter bank holiday – Thursday, Friday, Saturday, Sunday and Monday

Christmas Eve, Boxing Day and every New Year's Eve and Day
10:00 to 00:00

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

Day	Start Time	Finish Time
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	23:00

Non-Standard Timings: Extending the opening and closing hours regarding seasonal variations will be needed as when broadcasting international sporting events or sporting events taking place outside the UK. Alcohol can be served one hour before the broadcast of the sporting event taken place on live television on the premises, and can be sold 30 minutes after the sporting event ends. therefore we would like to extend the opening and closing hours to allow customers to leave the building with out causing a public disturbance. this means allowing the building to remain open for one hour after the sporting event ends. allowing time for customers to leave.

Up to five events which can last for up to 2 days 10:00 to 01:00 maximum of 150 attendees.

Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday.

Every Easter bank holiday – Thursday, Friday, Saturday, Sunday and Monday

Christmas Eve, Boxing Day and every New Year's Eve and Day
10:00 to 01:00

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 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.



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;
- 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 people; 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;



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- 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, live and recorded music as follows:

LIVE MUSIC

Monday -	START: 11.00	FINISH: 00.00
Tuesday -	START: 11.00	FINISH: 00.00
Wednesday -	START: 11.00	FINISH: 00.00
Thursday -	START: 11.00	FINISH: 00.00
Friday -	START: 11.00	FINISH: 00.00
Saturday -	START: 11.00	FINISH: 00.00
Sunday -	START: 12.00	FINISH: 22.30

Location: Indoors

Further Details: Live performance of amplified and/or unamplified music by no more than 2 entertainers.

Non Standard Timings: A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours

RECORDED MUSIC

Monday -	START: 11.00	FINISH: 00.00
Tuesday -	START: 11.00	FINISH: 00.00
Wednesday -	START: 11.00	FINISH: 00.00
Thursday -	START: 11.00	FINISH: 00.00
Friday -	START: 11.00	FINISH: 00.00
Saturday -	START: 11.00	FINISH: 00.00
Sunday -	START: 12.00	FINISH: 23.30

Location: Indoors

Further Details: To match sales of liquor. Amplified recorded music ancillary to sale of alcohol.

Non Standard Timings: A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.



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To reflect existing New Year's Eve/Day hours

SUPPLY OF ALCOHOL

Monday -	START: 11.00	FINISH: 00.00
Tuesday -	START: 11.00	FINISH: 00.00
Wednesday -	START: 11.00	FINISH: 00.00
Thursday -	START: 11.00	FINISH: 00.00
Friday -	START: 11.00	FINISH: 00.00
Saturday -	START: 11.00	FINISH: 00.00
Sunday -	START: 12.00	FINISH: 22.30

Non Standard Timings: A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours

The opening hours of the premises

Monday -	START: 11.00	FINISH: 00.30
Tuesday -	START: 11.00	FINISH: 00.30
Wednesday -	START: 11.00	FINISH: 00.30
Thursday -	START: 11.00	FINISH: 00.30
Friday -	START: 11.00	FINISH: 00.30
Saturday -	START: 11.00	FINISH: 00.30
Sunday -	START: 12.00	FINISH: 23.00

Non Standard Timings: A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Public Safety

1. Fire fighting equipment must be serviced annually under contract.
2. an accident/incident book must be available for staff and customers.
3. Standard glassware should be replaced by toughened safety glass.

Protection of Children

1. No unaccompanied children are allowed on the premises.
2. No children are allowed on the premises after 21.00 hrs.



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3. No nudity, striptease or performance of restricted films are to be allowed on the premises.

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:

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



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(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.