

Representation following the Application for a New Premises Licence at Gilcombe Farm, Bruton BA10 0QE

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Purpose of the Report

To inform members that an application has been received from Shindig Productions Ltd, for a time limited premises licence to be granted under the Licensing Act 2003 at Gilcombe Farm, Bruton, BA10 0QE from 27 May to 30 May 2016.

Recommendation

To determine the granting of the premises licence in accordance with the options detailed later in the report.

Background

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Licensing Manager has delegated authority to determine 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case, relevant representations were received from Three Responsible Authorities (two of which have been subsequently withdrawn) and One “Other Persons” (this has also been withdrawn): as there is one representation still outstanding it is necessary to convene a hearing to determine the application.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 is enclosed with the agenda; it does not however include a copy of the plan of the premises or the public copy of the Event Management Plan (EMP), which is available for inspection at the Council offices, Brympton Way, Yeovil.

The details of the application are summarised as follows:

- Applicant: Shindig Productions Ltd

Licensable activity applied for:

Plays (A) Indoor and Outdoor

Day	Start Time	Finish Time
Monday	00:01	02:00
Friday	15:00	00:00
Saturday	00:01	00:00
Sunday	00:01	00:00

Seasonal Variations: None
Non-Standard Timings: None

Films (B) Indoor and Outdoor

Day	Start Time	Finish Time
Friday	15:00	23:00
Saturday	12:00	23:00
Sunday	12:00	23:00

Seasonal Variations: None
Non-Standard Timings: None

Live Music (E) Indoors Only as originally submitted

Day	Start Time	Finish Time
Monday	00:01	02:00
Friday	15:00	00:00
Saturday	00:01	00:00
Sunday	00:01	00:00

Seasonal Variations: None
Non-Standard Timings: None

AMENDED SCHEDULE – Live Music (E) Indoor Only

Day	Start Time	Finish Time
Monday	00:01	02:00
Friday	15:00	00:00
Saturday	00:01	03:00
Saturday	11:00	00:00
Sunday	00:01	04:00
Sunday	11:00	00:00

Recorded Music (F) Indoors Only

Day	Start Time	Finish Time
Monday	00:01	02:00
Friday	15:00	00:00
Saturday	00:01	03:00
Saturday	11:00	00:00
Sunday	00:01	04:00

Sunday	11:00	00:00
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Seasonal Variations: None
 Non-Standard Timings: None

Performance of Dance (G) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	00:01	02:00
Friday	15:00	00:00
Saturday	00:01	00:00
Sunday	00:01	00:00

Seasonal Variations: None
 Non-Standard Timings: None

Entertainment of a Similar Nature (H) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	00:01	02:00
Friday	15:00	00:00
Saturday	00:01	00:00
Sunday	00:01	00:00

Seasonal Variations: None
 Non-Standard Timings: None

Late Night Refreshment (I) Indoors and Outdoors - ALL CAFÉ's

Day	Start Time	Finish Time
Monday	00:01	05:00
Friday	23:00	00:00
Saturday	00:01	05:00
Saturday	23:00	00:00
Sunday	00:01	05:00
Sunday	23:00	00:00

Seasonal Variations: None
 Non-Standard Timings: None

Supply of Alcohol (J) – Consumption On The Premises Only

Day	Start Time	Finish Time
Monday	00:01	02:00
Friday	17:00	00:00
Saturday	00:01	03:00
Saturday	11:00	00:00
Sunday	00:01	04:00
Sunday	11:00	00:00

Seasonal Variations: None
 Non-Standard Timings: None

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. **(K)**

None.

Within the timescales set out above only the following venues stated below will hold regulated entertainment or sell alcohol - (where applicable) and only within the specific times set out below:

Marquee Venues

Venue	Categories of licensable activities	Timings Friday to Saturday	Timings Saturday to Sunday	Timings Sunday to Monday
The Dig Inn	A. E. F.G.H J	17:00 – 02:00	12:00 – 03:00	12:00 – 02:00
Ghetto Funk Nightclub	E.F. J	20:00 – 03:00	20:00 – 04:00	20:00 – 02:00
Circus & Cabaret	A.B.E.F.G.H J	19:00 – 23:00	12:00 – 23:00	12:00 – 23:00
Cocktail Bar	E.F.G.H. J	19:00 – 23:00	11:00 – 01:00	11:00 – 00:00
Open Mic	A.E.F.G.H. J	N/A	11:00 – 23:00	11:00 – 23:00
Ghetto Funk Merch Stall	F	17:00 – 20:00	11:00 – 20:00	11:00 – 20:00

Entertainment Outdoors

Category A.G & H within the licensed premises which will include walkabout performance, fire performance and dance pieces. Start time 12:00 On 27 May to 00:30 on 29 May 2016.

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

Day	Start Time	Finish Time
Monday	00:01	12:00
Friday	15:00	00:00
Saturday	00:01	00:00
Sunday	00:01	00:00

Non-Standard Timings:

None

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (pages 16 - 21) of the application form and the Event Management Plan (these where appropriate, will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Evidence that advertising/notice requirements have been complied with:

- The applicant has confirmed that notice(s) were displayed at premises for the requisite period; the Licensing Enforcement Officer has visited the premises and confirmed the notice was in place at the time of his visit. A further notice was placed in the Western Gazette newspaper on 24 December 2015 of which we have a copy.

Representation – Responsible Authorities

A representation was received from Mr Bowden on behalf of the Chief of Police for Avon & Somerset; this was withdrawn due to the applicant amending their operating schedule to contain the following conditions:

1. The premises licence holder shall arrange a planning meeting with Avon & Somerset Constabulary; it will be held at a mutually agreeable time & date (which is no later than 29 February 2016) so as to ensure there is adequate time to implement changes and addendums to the plans.
2. The premises licence holder shall submit a final version of the event management plan to the Licensing Authority four weeks prior to the event taking place. It shall be agreed by Avon & Somerset Constabulary and the Environmental Protection and Health & Safety teams of South Somerset District Council prior to submission.
3. The premises licence holder shall submit a traffic management plan to the Licensing Authority four weeks prior to the event taking place. It shall be to the satisfaction of the relevant Highways Authority and Avon and Somerset Constabulary.
4. The premises licence holder shall ensure that the site is ready for a full site inspection by all relevant Responsible Authorities and other relevant statutory organisations at least 24 hours before the event is due to take place and shall contact those bodies when site is ready for inspection.

A representation was received from Mr Huntington on behalf of the Environmental Protection team; this was withdrawn due to the applicant amending their operating schedule to contain the following conditions:

- 1) Outdoor stages and outdoor sound systems shall not operate beyond 23:00 unless agreed with the Environmental Protection team at least 28 days prior to the event taking place.
- 2) Noise levels from the operation of the event during the operating hours of 09:00 and 23:00 shall not exceed 55dB LAeq (15 minutes) when measured 1 metre from the facade of any noise sensitive property (such properties to be agreed with the Environmental Protection team prior to the Event).
- 3) Noise levels from the operation of the event during the operating hours of 23:00 and 24:00 shall not exceed 50dB LAeq (15 minutes) when measured 1 metre away from the facade of any noise sensitive property.
- 4) Noise levels from the operation of the festival during the operating hours of 00:00 and 09:00 shall not exceed 45dB LAeq (15 minutes) when measured 1 metre away from the facade of any noise sensitive property.
- 5) Low frequency noise levels in the 63Hz and 125Hz octave frequency bands shall not exceed 75dB Leq (15 minutes) during the operating hours of 09:00 and 23:00.

- 6) Low frequency noise levels in the 63Hz and 125Hz octave bands shall not exceed 70dB Leq (15 minutes) during the operating hours of 23:00 and 24:00.
- 7) Low frequency noise levels in the 63Hz and 125Hz octave bands shall not exceed 65dB Leq (15 minutes) during the operating hours of 00:00 and 09:00.
- 8) The Licensee shall ensure that suitably qualified, competent and experienced Noise Control Consultant shall be appointed, for the Event, to ensure that during the operating time for each venue, the sound levels are controlled appropriately, in line with the Licence Conditions. The venues and sound systems on the Licensed Site shall be managed and operated in a responsible manner at all times.
- 9) The Licensee shall ensure that the Noise Control Consultant will produce, for the Event, a Noise Management Strategy (NMS). The NMS must then be implemented, in all material matters, for the Event.
- 10) The final version of the NMS must then be submitted to the Council and other relevant agencies, for comment, at least 28 days prior to the proposed Event.
- 11) A competent and suitably experienced Production Manager will be appointed for the event. The Production Manager will work closely with the Noise Control Consultant to ensure that any venues at the Event are managed in accordance with these Conditions and with the NMS.
- 12) Suitably experienced and competent sound engineers shall be present at the sound control position, for the duration of the operating times, at each of the venues, for the Event.
- 13) Noise levels will be monitored at the noise sensitive locations cited in Condition 3, both in relation to the noise limits set out in Conditions 2 – 7 (inclusive) and the subjective impact of that noise. The noise sensitive locations will be agreed with the Environmental Protection team before the Event and included in the NMS. The results of the noise monitoring shall be forwarded to the Environmental Protection team within 28 days after the close of the event.
- 14) Should the noise limits set out in Conditions 2 – 7 (inclusive) be exceeded or the subjective impact of the noise be such as to cause a nuisance or unreasonable disturbance, then this shall be reported back to the Production Manager immediately.
- 15) The Production Manager shall identify the source of any noise which exceeds the relevant limit, causes a nuisance or unreasonable disturbance and shall correct the situation within 15 minutes of the initial notification.
- 16) Licensee will provide a point of contact to the Council for the duration of the Event by nominating a named person and telephone number.
- 17) Licensee will provide a hot line telephone number, for the duration of the Event, to enable local residents to contact the Licensee with any queries or concerns. The Licensee will ensure that there are an adequate number of lines to the site and that such lines are adequately staffed so that the said local residents can receive a response to their call within a reasonable times

A representation was received from Mr Hallett on behalf of the Health & Safety team; this has not been withdrawn.

Representations – Other Persons

One letter of representation was received from a Parish Council which mainly concerned the potential issues of noise; this was withdrawn due to the applicant amending their operating schedule to contain conditions relating to noise as specified above.

Relevant Observations

Members will note that it is proposed that most licensable activities will extend beyond the hours open to the public, which will permit these activities to continue for persons such as crew.

Further Information

None

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 18 of the Licensing Act 2003 are as follows:

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii) together with the current mandatory conditions.
- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

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 the Licensing Authority has rejected an application for a premises licence, the applicant may appeal to the Magistrates' Court against the decision to reject.

Where the Licensing Authority has granted the licence, the holder of the licence may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed where having regard to any relevant representations, are considered appropriate to promote the licensing objectives.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities or refused to specify a person as the premises supervisor, the holder of the licence may appeal to the Magistrates Court against the decision.

Where a person who made a relevant representation desires to contend that the licence ought not to have been granted, or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor, 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.
