

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held in the **Council Chamber** on **Monday 9 January 2017**.

(10.00 - 11.40 am)

Present:

Members: David Norris (Chairman)

Alan Smith

Linda Vijeh

Officers

Anita Legg	Licensing Officer
Ann Chislett	Legal Executive
Jo Morris	Democratic Services Officer
Vicki Dawson	Principal Environmental Protection Officer
Sally-Anne Webster	Environmental Health Officer
Alison Kilpatrick	Environmental Health Officer (Food Safety)

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

26. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

27. Procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Events Notice (TEN) has been received (Agenda Item 2)

The Committee noted the procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Events Notice (TEN) has been received. The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chairman confirmed that the Notice Giver was not present at the hearing.

28. Objection notice received in respect of a standard Temporary Event Notice for Bruton Unionist Club, Quaperlake Street, Bruton BA10 0HQ (Agenda Item 3)

The Licensing Officer presented the report as detailed on page 5 of the agenda and drew members' attention to the following points:

- A standard temporary event notice had been received under the Licensing Act 2003 from Mr Matthew Runacre for Bruton Unionist Club and further that an objection notice has been duly served by Ms Sally-Anne Webster on behalf of the Environmental Protection Team;
- The Temporary Event Notice was for a live band, singers and DJ event on 21st January 2017;

- The proposed activities requested was sale by retail of alcohol and the provision of regulated entertainment from 20:00 hours to midnight;
- The venue was subject to a club premises certificate, which permits live and recorded music and the supply of alcohol from 11:00 to midnight on Saturdays: however this is only for its members and bone fide guests and does not include members of the public;
- The conditions attached to the club premises certificate as outlined in the agenda;
- The conditions relating to live or recorded music that would be suspended if members were minded to impose any conditions on the Temporary Event Notice where certain conditions are met. This would mean that providing the requirements are met, that the public nuisance conditions would only apply from 23:00 to midnight;
- The options available to the Sub-Committee.

In response to questions, members were informed of the following:-

- An Abatement Notice was issued in relation to the event held on 10th December 2016. A copy of the Notice was served on the Club Secretary, the Club and on the person who had submitted the TENs application for that date;
- The Licensing Officer was unaware of the relationship between the applicant who had submitted the TENs on 21st January and the person who had submitted a TEN for an event on 10th December.

The Chairman invited the Environmental Health Officer to address the Sub-Committee. She advised that she objected to the TEN's application on 21st January at the Bruton Unionist Club. The Environmental Protection Team had received several complaints in the past about the noise associated with Dub Club events. The first complaint had been received in August 2016 and had been logged on the out of hours system. The Environmental Health Officer informed members that a statutory noise nuisance was established on 10th December and an Abatement Notice was served. She explained that there was an appeal period and during this time she had received no communication from Bruton Unionist Club as to how they intended to manage the noise nuisance.

The Sub-Committee was then addressed by the Environmental Health Officer (Food Safety) who was the Officer on call on the evening of 10th December. She explained that she had received a call from the Dean help line at 22:25 hours with regards to noise from the Unionist Club in Bruton. The complainant had informed her that the music had been ongoing since 18:30 hours. She arrived in Bruton at 11:25 hours and explained that the noise was audible in her car with the windows closed when parked at the bus stop slightly up the street from the club. She also went into the complainant's living room and could hear the music in the house. She confirmed that the music stopped at 00.04 hours and people attending the event started leaving the building.

The Chairman read a statement to the Sub-Committee which had been received from the applicant. It stated that the Bruton Dub Club had been putting on events nearly every month for over 2 years using the same sound equipment. To his knowledge this was the first complaint received and therefore asked that the licence be granted.

In response to questions, members were informed of the following:

- There were two complainants associated with Dub Club events who were both registered on the out of hours system;
- The location of the complainants homes in relation to the Bruton Unionist Club;

- This was the first time that an Abatement Notice had been issued for the event at Bruton Unionist Club;
- It was confirmed that the windows to the right hand side of the building on 10th December had been closed;
- The noise assessment undertaken was subjective. There was no requirement to record decibels;
- A person without a personal licence could only submit up to five TEN's in a calendar year; the premises could submit up to 15 TEN applications;
- Notices had been served previously for Dub Club events held at Bruton Community Hall;
- It was confirmed that there were other properties that were closer to the venue;
- Due to a breakdown of the out of hours system, there had been a missed opportunity to witness the event in November;
- The Environment Health Officer explained about the advice given to Bruton Unionist Club when the Abatement Notice was issued. It was highlighted that it was the responsibility of the club as to how they comply with the Notice;
- It was confirmed that a letter was sent out to Bruton Unionist Club when the first complaint was received;
- There had been no complaints from other music events held at the Club.

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 members of the Sub-Committee to consider their decision in private.

Members of the Committee considered their decision in private session and were mindful of the advice given to them by the Legal Executive.

When the meeting was reconvened, 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 considered the objection from the Environmental Health Officers, took into account the duty to promote the licensing objectives and the options available to the Sub-Committee in this case.

The Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee.

In respect of a Temporary Event Notice received for Bruton Unionist Club, Quaperlake Street, Bruton, BA10 0HQ, under the Licensing Act 2003, the Licensing Sub-Committee has determined to REFUSE the temporary licensable activities due to take place in accordance with the dates submitted on the application.

The Committee were mindful of the issues of previous complaints highlighted by Environmental Health. They were concerned with the lack of communication and action being taken following the issue of the Noise Abatement Notice for a previous event of a similar nature at the premises. As the Notice Giver was not present at the hearing to put forward further representation, they were not confident that a public nuisance would not occur again.

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