

Representation following the Application for a New Premises Licence at Westland Leisure Complex, Westborne Grove, Yeovil BA20 2DD.

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Purpose of the Report

To inform members that an application has been received from South Somerset District Council, for a premises licence to be granted under the Licensing Act 2003 at Westland Leisure Complex, Westborne Grove, Yeovil BA20 2DD.

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this case, relevant representations were received from two Responsible Authorities (one of which has been subsequently withdrawn): as there is one representation still outstanding it is necessary to convene a hearing to determine the application.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: South Somerset District Council

Licensable activities applied for:

Plays (A) Indoor and Outdoor

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

Seasonal Variations: None

Non-Standard Timings: Outdoor Plays will not start earlier than 08:00 and will finish by 23:00

Films (B) Indoors Only

Day	Start Time	Finish Time
Monday	08:00	05:00
Tuesday	08:00	05:00
Wednesday	08:00	05:00
Thursday	08:00	05:00
Friday	08:00	05:00
Saturday	08:00	05:00
Sunday	08:00	05:00

Seasonal Variations: None

Non-Standard Timings: None

Indoor Sporting Events (C)

Day	Start Time	Finish Time
Monday	08:00	02:00
Tuesday	08:00	02:00
Wednesday	08:00	02:00
Thursday	08:00	02:00
Friday	08:00	02:00
Saturday	08:00	02:00
Sunday	08:00	02:00

Seasonal Variations: None

Non-Standard Timings: None

Boxing or Wrestling (D) – Indoors Only

Day	Start Time	Finish Time
Monday	08:00	03:00
Tuesday	08:00	03:00
Wednesday	08:00	03:00
Thursday	08:00	03:00
Friday	08:00	03:00

Saturday	08:00	03:00
Sunday	08:00	03:00

Live Music (E) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	08:00	04:00
Tuesday	08:00	04:00
Wednesday	08:00	04:00
Thursday	08:00	04:00
Friday	08:00	04:00
Saturday	08:00	04:00
Sunday	08:00	04:00

Seasonal Variations: None

Non-Standard Timings: Outdoor live music events shall not commence before 08:00 and shall finish by 23:00

Recorded Music (F) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	08:00	04:00
Tuesday	08:00	04:00
Wednesday	08:00	04:00
Thursday	08:00	04:00
Friday	08:00	04:00
Saturday	08:00	04:00
Sunday	08:00	04:00

Seasonal Variations: None

Non-Standard Timings: Outdoor recorded music events shall not commence before 08:00 and shall finish by 23:00

Performance of Dance (G) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	08:00	02:00
Tuesday	08:00	02:00
Wednesday	08:00	02:00
Thursday	08:00	02:00
Friday	08:00	02:00
Saturday	08:00	02:00
Sunday	08:00	02:00

Seasonal Variations: None

Non-Standard Timings: Outdoor performance of dance events shall not commence before 08:00 and shall finish by 23:00

Entertainment of a Similar Nature (H) Indoors only

Day	Start Time	Finish Time
Monday	08:00	02:00

Tuesday	08:00	02:00
Wednesday	08:00	02:00
Thursday	08:00	02:00
Friday	08:00	02:00
Saturday	08:00	02:00
Sunday	08:00	02:00

Seasonal Variations: None
 Non-Standard Timings: None

Late Night Refreshment (I) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	23:00	05:00
Tuesday	23:00	05:00
Wednesday	23:00	05:00
Thursday	23:00	05:00
Friday	23:00	05:00
Saturday	23:00	05:00
Sunday	23:00	05:00

Seasonal Variations: None
 Non-Standard Timings: None

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

Day	Start Time	Finish Time
Monday	10:00	05:00
Tuesday	10:00	05:00
Wednesday	10:00	05:00
Thursday	10:00	05:00
Friday	10:00	05:00
Saturday	10:00	05:00
Sunday	10:00	05:00

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)**

- Certain comedy & music events.

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

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	00:00
Tuesday	00:01	00:00

Wednesday	00:01	00:00
Thursday	00:01	00:00
Friday	00:01	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 16B & 16C of the application form (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 19 January 2017 of which we have a copy.

Representation – Responsible Authorities

A representation was received from Mrs King on behalf of the Chief of Police for Avon & Somerset.

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

- The Licensee shall ensure that a Noise Management Plan is developed for the routine operation of the site. This plan should be submitted to and approved by the licensing authority before licensable activities commence at the site.
- Outdoor stages and outdoor sound systems shall not operate beyond 2300 hours unless agreed with the Local Authority at least 28 days prior to the event taking place.
- Should outdoor stages and sound system be used beyond 23:00hrs the Licensee shall ensure that a Noise Management Plan specific to the event be submitted to and approved by the licensing authority at least 28 days prior to the event taking place.
- Outdoor music events shall be limited to no more than 12 per calendar year. (*This condition would be suspended between the hours of 08:00 and 23:00, whilst the premises are open for the sale of alcohol for consumption on the premises providing the audience does not exceed 500 persons*).
- When performances of live and recorded music are taking place indoors after 23:00hrs, doors and windows at the venue shall be kept closed aside from allowing ingress and egress to the building.
- The Licensee shall maintain a log of noise complaints received. The log shall record the date, time, name of the complainant, cause of the complaint and action taken with respect to the complaint.

Representations – Other Persons

None

Relevant Observations

The following condition “Outdoor music events shall be limited to no more than 12 per calendar year” is suspended between the hours of 08:00 and 23:00, whilst the premises are open for the sale of alcohol for consumption on the premises providing the audience does not exceed 500 persons.

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.
