

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber B, Council Offices, Brympton Way, Yeovil BA20 2HT on Tuesday 11 April 2017.**

(11.00 am - 12.10 pm)

Present:

Members:

David Recardo (Chairman)
Val Keitch
Tony Lock

Also Present:

Mr M Runacre	Notice Giver, Bruton Dub Club
Mr D Skidmore	Bruton Unionist Club member

Officers:

Anita Legg	Licensing Officer
Ann Chislett	Legal Executive
Sally-Anne Webster	Environmental Health Officer
Angela Cox	Democratic Services Manager

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

38. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

39. 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 Notice Giver, Mr M Runacre, introduced himself and advised that a member of the Bruton Unionist Club Committee, Mr M Skidmore, would join him shortly.

It was confirmed that no notices of objection had been withdrawn and the Notice Giver confirmed his understanding of the procedure to be followed.

40. 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 7 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 music, singers and DJ event on 15th July 2017;
- The proposed activities requested was sale by retail of alcohol and the provision of regulated entertainment for up to 499 people from 12:00pm to midnight;
- Amplified music for up to 200 people would commence from 20:00pm inside the club premises;
- The venue was subject to a club premises certificate, which permitted live and recorded music and the supply of alcohol from 11:00 to midnight on Saturdays: however this was only for its members and bone fide guests and did 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 were met, that the public nuisance conditions would only apply from 23:00 to midnight;
- The Sub-Committee could not add any further conditions other than those listed in the Agenda papers.

The Notice Giver, Mr M Runacre advised:-

- The Bruton Reggae Fest was an outdoor event held at the rear of the Bruton Unionist Club on the old bowling green.
- This would be a family orientated event and live acts would perform on stage outside, with music outside starting at 12 noon and ending at 8.00pm.
- The music and singers would then continue inside the Club until midnight, with monitored access so numbers inside the building complied with the maximum numbers permitted (200). Most people would stay outside the Club at this point.
- The Bruton Dub Club would provide 6 stewards and the Bruton Unionist Club would provide 2 hired stewards and 6 of their club members to cover as well.
- He held a first responder training certificate and there were several first aid boxes on site.
- All drinks would be served in plastic cups and glass bottles were not permitted.
- The Bruton Unionist Club members would operate the bar and they were highly vigilant on ID requests for young looking drinkers.
- A disabled toilet would be hired and all attendees would have wristbands.
- He was aware of 1 complaint received following an event held in December 2016, however, there had not been any event held during August 2016 and so he could not account for that complaint.

The Chairman invited the Environmental Health Officer to address the Sub-Committee. She advised that she objected to the TEN's application event to be held on 15th July at the Bruton Unionist Club. The Environmental Protection Team had received complaints following Bruton Dub Club events held in July, September, October and December 2016. Following these complaints, an Environmental Health Officer had attended a complainants house and confirmed that a statutory noise nuisance was established on

10th December 2016. An Abatement Notice was served on the Bruton Unionist Club but no immediate response had been received from them. Subsequently, officers spoke to a member of the Club who confirmed that the Abatement Notice had been received but were under the impression that the Bruton Dub Club were dealing with it. A TEN notice had been applied for by the same club in January 2017, which had been refused by the Licensing Sub Committee. An event had also been held by the Bruton Dub Club at the Caryford Hall, from which no complaints had been received, although this venue was in a relatively isolated position. On 17th March 2017, an email was received from a resident of Bruton who wished to register their complaint at the proposed event for 15th July 2017 following concerns at previous events. There had been no contact from either the Bruton Unionist Club or the Bruton Dub Club to discuss possible mitigation measures and she concluded that the Bruton Unionist Club were at risk of prosecution if there were any further infringements of the Abatement Notice.

Mr D Skidmore, Committee Member for the Bruton Unionist Club, advised that the club had been in existence since 1913 and was well supported but it needed to hold events to keep the club viable and to raise funds to sound proof the building. Its location near to residential properties was an issue and some residents were new to the town.

In response to questions from members, officers advised the following:-

- Apart from the conversation between a committee member of the Bruton Unionist Club and an Environmental Health Officer immediately after Christmas, there had been no other contact with SSDC from either club.
- The Environmental Health team were concerned that the Notice Giver would not be able to prevent another statutory noise nuisance at the event on 15th July.
- The Clerk to the Town Council had confirmed that they supported the Bruton Dub Club but not all Town Councillors had given their opinion of the proposed Reggae Fest.

In response to questions from members, the Notice Giver, Mr M Runacre and Mr Skidmore of the Bruton Unionist Club advised the following:

- The Bruton Unionist Club were concerned about the Abatement Notice but they needed an income to keep the club viable. They had also requested the assistance of the Town Council.
- The noise from the event would be no more than that during the Bruton Pack Horse Fair.
- People outside the Club after 8.00pm would be controlled by the committee club members acting as Stewards.
- The proposed Reggae Fest to be held on 15th July would be larger than the regular Dub Club events but otherwise the same.
- The Bruton Dub Club had not responded to the Abatement Notice as it had not been served on them.
- The Bruton Dub Club had offered to close the event at 11.00pm.

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

Decision

In respect of a Temporary Event Notice received for Bruton Unionst 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. Members were keen to support local events and activities as long as there was no negative impact on the community. However members 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