

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Main Committee Room** on **Monday 4 September 2017**.

(2.00 pm - 3.33 pm)

Present:

Members:

Dave Bulmer
Val Keitch
Martin Wale

Also Present:

Mr & Mrs Blake (applicants)
6 members of the public

Officers:

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

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

44. Declarations of Interests (Agenda Item 1)

There were no declarations of interest made.

45. Procedure to be followed when considering licensing applications under the Licensing Act 2003 (Agenda Item 2)

The Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003. The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chairman confirmed the following:

- That the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting;
 - That no representations had been withdrawn.
 - That all parties had received the additional information submitted by the applicants dated 31st August 2017.
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46. Representation following the Application for a New Premises Licence at The Old Bridge, South Petherton TA13 5JE (Agenda Item 3)

The Licensing Officer advised that representations had been received from the Environmental Protection Team and seven local residents in opposition to the application relating to noise issues and 15 in support of the application. She noted that up to 15 Temporary Event Notices (TENs) were allowed in a one year period and the applicant had already submitted 15 in the current year. The Licensing Act had been relaxed to a degree relating to alcohol and recorded music was allowed from 8.00am to 11.00pm 365 days per year. However, conditions relating to music could be attached to the license and if any issues were reported then the licensing application could be reviewed. She noted that events held in private, for example weddings, where guests were by invitation only and no charge was made with a view to profit, were not regulated by the Licensing Act 2003, however, they would be regulated by the Environmental Protection Act 1990.

The Senior Environmental Protection Officer advised that although they had submitted a representation requested that the applicants submit a noise management plan, it was difficult to request suitable conditions due to uncertainties in the law. He explained the differences between statutory nuisance and public nuisance

The Environmental Health Officer advised that following a complaint received, she had attended a property close to Old Bridge on 26th August and in her opinion, the noise from an event being held at Old Bridge was a statutory nuisance. A Notice had been served on them under the Environmental Protection Act 1990 the previous week to cease the nuisance.

In response to questions from Members, the Environmental Health Officer and Licensing Officer confirmed:-

- A draft noise management plan had been submitted by the applicants and they were in discussion with them regarding this.
- The statutory noise nuisance was a professional judgement of the officer and it was not recorded in decibels.
- If the applicants were not involved in the management of the music at events held on their site, then this was not a licensable activity, however, they had mentioned other events held which could be classed as a licensable activity.

The Committee were then addressed by Mr Blake, one of the applicants. He advised that the property, Old Bridge, had been in his family for 150 years, they were all very involved in the local community and had no wish to have poor relations with their neighbours. Although the wedding venue business had grown it was their intention to remain below the VAT level. He said that other local businesses like B&B accommodation, caterers, photographers etc. also benefitted. He concluded that he had discussed noise reduction measures with Environmental Health Officers and he had submitted a draft noise management plan.

Mr G Reynolds of West Lodge welcomed the proposal for sound reduction measures to be installed in or near the marquee which he said was currently acoustically transparent. He referred to the intrusive bass beat noise which he could hear at 300m distance. He also noted that the wind direction and temperature affected the noise level and he suggested that either a noise limiter be placed on the music equipment, or, the applicants use their own equipment which could be set to an acceptable noise level.

Ms A Touhig referred to an incidence a few weeks previous when 4 local residents had complained of noise from an event being held at Old Bridge but no officers from Environmental Health had attended to verify their complaints.

The Environmental Health Officer regretted that the complaints had not been forwarded to them by Deane Helpline, the Council's out of hours duty telephone service.

Mrs S Vance and Mr D Bowden, residents of Bridge House Park, both voiced their support for the licensing application and said the traffic noise from the nearby A303 was more intrusive.

The Officers and Parties with the exception of the Legal Executive and the Democratic Services Officer, attending in advisory capacity only, withdrew from the meeting to allow the members of the Sub-Committee to consider their decision in private.

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

When the meeting reconvened, the Chairman asked the Legal Executive to give a summary of the advice given to them during the private session.

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

In respect of the application for a New Premises Licence for Old Bridge, South Petherton, Somerset, TA13 5JE under Section 18 of the Licensing Act 2003, the Licensing Sub-Committee has determined **subject to the submission in writing of a noise management plan acceptable to the Council by 1st April 2018 at the latest**, to GRANT the Premises Licence, in accordance with the application as submitted, but subject to the following conditions to promote the licensing objectives.

- 1. The relevant mandatory conditions under the Licensing Act 2003;**
- 2. Conditions consistent with the applicant's Operating Schedule;**

In reaching this decision, the Sub-Committee took full account of the representations made by all Interested Parties in relation to public nuisance but they were mindful that there is a process for reviewing the licence if the anticipated concerns of nuisance in relation to noise arise in the future.

The Parties should note that they will receive the Committee's official decision in full in the written Notice of Decision which will follow shortly.

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