

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber A** on **Monday 22 January 2018**.

(11.15 am - 12.35 pm)

Present:

Members: Martin Wale (Chairman)

Nigel Gage David Norris

Officers

Anita Legg Licensing Officer
Ann Chislett Specialist (Legal)
Jo Morris Case Services Officer (Support Services)

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

58. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

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

The Licensing Sub-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.

60. Exclusion of the Press and Public (Agenda Item 3)

RESOLVED: In accordance with Section 100A(4) of the Local Government Act 1972 (as amended), the Committee resolved that the press and public be excluded from the meeting for the following item in view of the likely disclosure of exempt information as described in Paragraph 1 of Part 1 of Schedule 12A to the Act, i.e. information relating to any individual.

61. Representation following the Application for a New Premises Licence at Cloud 9, 68 Middle Street, Yeovil BA20 1LU (Confidential) (Agenda Item 4)

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- That no representations had been withdrawn.

All parties were given sufficient time to read the responses from the applicant in relation to various questions submitted by the Police.

The Licensing Officer informed members that an application had been received from Cloud 9 Café and Bar Ltd, for a premises licence to be granted under the Licensing Act 2003 at Cloud 9, 68 Middle Street, Yeovil, BA20 1LU. She outlined the licensable activities applied for including the hours open to the public. She advised that the applicant had confirmed that no adult entertainment would take place and that no under 18's would be permitted on the premises. She also referred members to the applicant's registered address of the company and that clarity was sought from the applicant over the Performance of Dance section of the application form. She confirmed that the advertising/notice requirements had been met. She further advised that a representation had been received from Avon & Somerset Police Constabulary and that the premises were situated in an area where the Cumulative Impact Policy applied.

The Committee was addressed by the Police representative in objection to the application.

The Committee was then addressed by the Applicant.

Members of the Sub-Committee were given the opportunity to ask questions.

All Parties confirmed that they were satisfied with the conduct of the hearing.

The Licensing Officer and Parties with the exception of the Legal Specialist and the Case Services Officer (Support Services), attending in an 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 Specialist.

When the meeting reconvened, the Chairman asked the Legal Specialist to give a summary of the advice given to them during the private session. She had referred members of the Sub-Committee to the Cumulative Impact Policy and that the Council's Licensing Policy stated that there is a presumption that applications for new licences will normally be refused if relevant representations are received unless it can be demonstrated that the operator will not add to the cumulative impact already being experienced.

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 the property at Cloud 9, 68 Middle Street, Yeovil, Somerset, under Section 18 of the Licensing Act 2003, the Licensing Sub-Committee has determined to REJECT the Premises Licence, in accordance with the application as submitted.

The Sub-Committee considered the application on its own merits and also took into account the Cumulative Impact Policy, the representations submitted by the Police and the applicant and all of the Licensing Objectives of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm. In reaching this decision the Sub-Committee felt that the applicant had not provided sufficient evidence to demonstrate that the premises would not add to the cumulative impact already being experienced in the area.

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