

## South Somerset District Council

**Minutes** of a meeting of the **Licensing Sub Committee** held at the **Council Chamber B** on **Tuesday 2 October 2018**.

(2.30 - 3.35 pm)

**Present:**

**Members:**

Tony Lock  
Crispin Raikes

David Recardo (Chairman)

**Also Present:**

Nicola King  
Paul Thomas  
Steven Jones  
Mark Pearce

Avon & Somerset Constabulary  
Avon & Somerset Constabulary  
Phoenix Hotel  
Phoenix Hotel

**Officers**

Anita Legg  
Jo Morris  
Ann Chislett

Licensing Officer  
Case Services Officer (Support Services)  
Legal Specialist

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

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**13. Declarations of Interests (Agenda Item 1)**

There were no declarations of interest.

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**14. 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.

It was confirmed that no notices of objection had been withdrawn and that all parties had received the relevant documentation.

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**15. Objection notices received in respect of two Standard Temporary Event Notices for The Phoenix Hotel, 15 Fore Street, Chard, TA20 1PH (Agenda Item 3)**

The Licensing Officer informed members that two standard temporary events notices had been received under the Licensing Act 2003 from Mr Mark Pearce for The Phoenix

Hotel, 15 Fore Street, Chard. The temporary events notices related to two separate events on 14<sup>th</sup> October 2018 and 21<sup>st</sup> October 2018. An objection notice had been duly served by Avon and Somerset Constabulary for each of the temporary event notices.

She outlined the proposed activities and hours for each of the Temporary Event Notices. The first event was due to take place on 14<sup>th</sup> October and was in relation to Chard Carnival. Hours requested for sale by retail of alcohol for on the premises was from 3:00am until 5:00am for a maximum of 400 persons at any one time. The second event was on 21<sup>st</sup> October 2018 and was in relation to a Birthday Party. Hours requested for sale by retail of alcohol on the premises was from 3:00am until 5:00am for a maximum of 400 people at the event at any one time.

The Licensing Officer advised that should the temporary events proceed; the premises user would be responsible for ensuring that there are no more than 400 persons at the premises. Should there be 401 or more persons in that area, it would mean that the temporary event was unlicensed.

The Licensing Officer referred members to the list of suggested conditions put forward by the Police and advised that the Police had requested the removal of condition one: The premise licence holder must be a member of pubwatch as it would mean that the Notice Giver would have to personally be a member of pubwatch.

The Committee was addressed by Nicola King and Paul Thomas on behalf of Avon and Somerset Constabulary. With regard to the event due to take place on 14<sup>th</sup> October, the Police were requesting some conditions consistent with the operating schedule currently attached to the Phoenix Hotel premise licence as they felt that the conditions were imperative in the promotion of the licensing objectives. Members were informed that there would be additional Police resources on Carnival night in light of the event attracting large numbers of people.

With regard to the event proposed in relation to the birthday party on 21<sup>st</sup> October, members were informed that the Police considered the hours to be excessive as those persons attending the birthday celebrations would have already consumed a varied amount of alcohol over a prolonged period of time at another venue. To then add another 4 hours of drinking time could have a detrimental effect on the promotion of the licensing objectives. There was also lack of information around how the Notice Giver would deal with asking people to leave the venue who were not part of the birthday party celebrations and that this could lead to further issues of crime and disorder and the number of people attending the event. Beat Manager, Paul Thomas gave an idea of the number of logs including the times of drunken behaviour that had taken place in the town centre in recent months. He highlighted that the majority of incidences had occurred between the hours of 3:00 am and 5:00 am.

The Sub-Committee was addressed by the owner of The Phoenix Hotel. He stated that he would abide by all the licensing conditions and would be present at the premises on carnival night. He also confirmed that he attended every Pubwatch meeting. With regard to the hours requested on 21<sup>st</sup> October he advised that he would not be making any financial gain from the event and that he had applied for the TEN as he knew there would be a lot of people around in the town and the additional hours would make sure groups of people would not be on the streets.

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

- The Police were happy for the event on 14<sup>th</sup> October to proceed as long as the proposed conditions were adhered to.
- The birthday party was being held at Cricket St Thomas Golf Club.
- The golf club was one mile from the Phoenix Hotel. A minibus was running from Chard Town Centre to get people to and from the party.
- The withdrawn condition related to both Temporary Event Notices.

The Officers and Parties with the exception of the Legal Specialist and Case Services Officer (Support Services), attending in an advisory capacity only, withdrew from the meeting to allow members of the Sub-Committee to consider their decision in private.

When the meeting was reconvened, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee.

## **Decision**

### **Event on 14<sup>th</sup> October 2018**

In respect of the Temporary Event Notice received for The Phoenix Hotel, Chard, Somerset, under the Licensing Act 2003, the Licensing Sub-Committee has determined that the event on 14 October 2018 between 03:00 and 05:00 can take place, but only subject to adherence to the following conditions:

1. CCTV must continue to operate on all 16 cameras throughout the hours of trading.
2. Door staff must be on duty during the event to supervise and request people to leave the premises quietly; this condition will only apply where numbers of patrons are greater than 100 persons and will be in line with SIA standards for numbers of door supervisors.
3. Measures shall be in place to ensure that customers do not take bottles or glasses outside the premises.
4. A member of door staff must be present outside the premises 05:00 (or at closing time if this is an earlier time) to supervise and request people leave quietly.
5. Proof of age must be requested during the event for persons attempting to gain access to either the bar or ballroom who is not a member of a private party.
6. Persons under the age of 18 will only be allowed to remain on the premises when accompanied by a responsible adult.

The Committee carefully considered the notice giver's submissions for the event on 14<sup>th</sup> October 2018 and took into account the submissions of the Police. Members were mindful that the conditions requested by the Police were accepted by the notice giver with the exception of the withdrawn condition under Prevention of Crime and Disorder.

### **Event on 21<sup>st</sup> October 2018**

In respect of the Temporary Event Notice received for The Phoenix Hotel, Chard, Somerset, under the Licensing Act 2003, the Licensing Sub-Committee has determined,

to REJECT the temporary licensable activities due to take place in accordance with the date submitted on the application.

The Sub-Committee carefully considered the notice givers submissions for the event on 21<sup>st</sup> October 2018 and took into account the submissions of the Police. The Sub-Committee were not satisfied that the notice giver had demonstrated that they could promote the licensing objectives and therefore they were not confident that they could prevent public nuisance occurring in the area.

All parties are reminded that there is a right of appeal against the decisions 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. But no appeal may be bought later than five working days before the day on which the event period specified in the temporary event notice.

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Chairman

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Date