

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Main Committee Room** on **Thursday 11 October 2018**.

(1.30 - 1.45 pm)

Present:

Members:

Wes Read Crispin Raikes
Nigel Gage

Also Present:

Officers

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

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

16. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

17. Procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Event 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.

Members noted that the Notice Giver was not attending the hearing.

18. Objection notice received in respect of a standard Temporary Event Notice for Phoenix Fitness, Fore Street, Chard, TA20 2DL (Agenda Item 3)

The Licensing Officer informed members that a standard temporary event notice had been received under the Licensing Act 2003 from Mr Simon Mainwaring for Phoenix Fitness, Fore Street, Chard, TA20 2DL. The temporary event notice related to an event on 13 October 2018 for the sale of alcohol from a bar/food area placed in the car park area of the Phoenix Fitness from 17:00 hours until 23:00 hours for a maximum of 100 persons at the premises for the purposes of Chard Carnival. An objection notice had duly been served by Avon and Somerset Constabulary for the temporary event notice.

The Licensing Officer advised that should the temporary event proceed; the premises user would be responsible for ensuring that there were no more than 100 persons at the premises. Should there be 101 or more persons in the area, it would mean that the event was unlicensed. She also informed members that the venue was not subject to a premises licence.

The Committee was addressed by Nicola King on behalf of Avon and Somerset Constabulary. She referred members to the Objection Notice submitted by the Police outlining their objections. She advised that the Police had not had any further contact with the Notice Giver and not been provided with any answers to their questions. She felt that not enough details about the event had been provided and the plan was unacceptable. In relation to other establishments in the area selling food and alcohol, she noted that there were nine other licenced premises in the immediate vicinity of the carnival route and four supermarkets.

The Licensing Officer read a statement submitted by the Notice Giver. The statement informed members that:

- The bar would only serve alcohol to people 18 or over with ID if required
- The event would be shut by 10.00pm
- Plastic glasses would be used

There were no questions raised by members of the Licensing Sub-Committee.

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:

In respect of the Temporary Event Notice received for Phoenix Fitness, Fore Street, 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 which were read to the committee in his absence and took into account the submissions of the Police. The Committee took the view that it did not have sufficient evidence and were not satisfied that the notice giver had demonstrated that they could promote the licensing objectives.

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