

South Somerset District Council

Minutes of a meeting of the Licensing Sub Committee held at the Council Chamber - Council Offices, Brympton way, Yeovil on Thursday 18 April 2019.

(10.00 am - 10.34 am)

Present:

Members:

Val Keitch
David Norris

Linda Vijeh (Chairman)

Also Present:

Mr Jason Frost Applicant

Officers:

Anita Legg Specialist - Licensing
Ann Chislett Specialist - Legal
Angela Cox Democratic Services Specialist

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

22. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

23. 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 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.

24. Representation following the Application for a New Premises Licence at Kiki Lounge, 29 Princes Street, Yeovil, BA20 1EG (Agenda Item 3)

The Licensing Specialist informed members that an application had been received from Mr J Frost for a new Premises License at 29 Princes Street, Yeovil. She explained the licensable activities applied for and the proposed opening hours. The requisite notices had been displayed and advertised in the local press from which two objections from the police and local residents had been received. The police had subsequently withdrawn

their objection. The applicant had been reminded that planning permission was also required but that was a separate issue to the Premises License application.

The Chairman then invited the applicant, Mr J Frost, to address the Committee.

The applicant stated that he had taken reasonable steps to address the local residents issues regarding background music emanating from the premises by only installing two of the planned four speakers. The rear fire door would remain closed and there was also an 8ft high wall between the rear of the premises and Clarence Court. No public would be allowed to leave via the rear exits and signs would be placed at the front of the building to ask patrons to leave quietly. He said that he would move his car by 9.00pm each evening from the Clarence Court car park to avoid disturbing residents late at night and the glass recycling would only be carried out during the day. He confirmed that he would be considerate to his neighbours.

In response to questions from Members, the applicant confirmed:-

- Only authorised staff would have access to the car park at Clarence Court.
- The rear doors will have Staff Only signs on them.
- One door supervisor would be on duty at the weekend as the premises capacity was 50 persons.
- The smoking area would be at the front of the property and no glasses would be allowed outside.
- The smoking area would be patrolled by the door supervisor at weekends and the serving staff during the week. No tables would be outside.

The Officers and Parties with the exception of the Legal Specialist and Democratic Services Specialist, 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 application for a New Premises Licence for the property at Kiki Lounge, 29 Princes Street, Yeovil, Somerset, BA20 1EG under Section 18 of the Licensing Act 2003, the Licensing Sub-Committee has determined to GRANT the Premises Licence, in accordance with the application, 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, subject to the amended conditions agreed with the Police.
3. Conditions agreed between the Applicant, the Avon & Somerset Police Constabulary and the Environmental Protection in advance of the hearing.

Reasons:

The Sub-Committee took full account of the representations made by the Interested Party in relation to concerns about public nuisance. They balanced the right for local residents' enjoyment of their homes against the right of the applicant to operate their business and were mindful that there is a process for reviewing the licence.

The Committee felt the conditions provided by the Police were sufficient to cover the licensing objectives for the prevention of public nuisance.

The applicant was advised of the need to discuss with the Planning Authority if any planning permission is required and it was for the applicant to seek independent legal advice with regard to the restrictive covenant on the Register of Title for the property.

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