

**Somerset Council – Decisions taken by the Licensing Sub-Committee on Monday, 13 November 2023**

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

<p><b>A4</b></p>	<p>Consideration of an application for a Premises Licence in respect of Yeovil Showground</p>	<p>The Licensing Sub-Committee resolved to GRANT the application for a premises licence for land at Yeovil Showground, under section 18 of the Licensing Act 2003 subject to the following conditions to promote the licensing objective(s) of the prevention of crime and disorder/public safety/the prevention of public nuisance and the protection of children.</p> <ol style="list-style-type: none"> <li>1. The relevant mandatory conditions under the Licensing Act 2003;</li> <li>2. Conditions consistent with the applicant’s Operating Schedule.</li> <li>3. Conditions agreed with the Avon and Somerset Police in advance of the hearing.</li> </ol> <p>Reasons:</p> <p>The Licensing Sub-Committee is required to consider the application for the Premises Licence as submitted in accordance with Section 18 of the Licensing Act 2003.</p> <p>In reaching their decision the Sub-Committee has considered all that they have read and heard, and have had due regard for the Licensing Objectives, the s 182 Guidance and the Council’s Statement of Licensing Policy.</p> <p>Paragraphs 9.42 and 9.43 of the Statutory Guidance issued under Section 182 of the Licensing Act 2003 (August 2023) state that each application for a Premises Licence</p>
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**Gravesham Borough Council – Decisions taken by the Licensing Sub-Committee on Monday, 13 November 2023**

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		<p>must be considered by a Licensing Authority on a case-by-case basis and that representations submitted by Responsible Authorities, other persons and the applicant should be taken into account.</p> <p>The decision of a Licensing Authority should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what is intended to be achieved. The imposition of standard conditions should be avoided and may be unlawful where it cannot be shown that they are appropriate for the promotion of the licensing objectives in an individual case. In this case, having regard to the application and the representations made prior to and during the Hearing the Licensing Sub-Committee considers that it is not proportionate and necessary for the promotion of the licensing objectives to impose any further conditions.</p> <p>In considering this application for a Premises Licence, the Licensing Sub-Committee has had regard to the application and the submissions made at the Hearing by the applicant and written representations submitted by three local residents who objected to the event, which were based on the licensing objective of the prevention of public nuisance and prevention crime and disorder.</p> <p>The Licensing Sub-Committee noted that the main thread of the representation objecting to the application was set in the context of the concerns that there would be noise nuisance emanating from the premises until 11.00hours. The concern was that</p>

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		<p>the venue was in close proximity to residential properties and they also had concerns with intrusion and damage to resident’s properties.</p> <p>Representations submitted by the Responsible Authorities had been withdrawn following conditions being agreed prior to the Hearing.</p> <p>The applicant stated that if the licence is granted, the live music at the premises would be different than other events previously held at the premises as the music would be confined within a tented structure and anticipate that the music should not be audible within the residential properties. The applicant confirmed that they will conduct regular noise monitoring at the event. They will provide a telephone number for any complaints should it be needed. They advised that the event is a family event and no under 18’s would be allowed access without being accompanied by an adult.</p> <p>The applicant wanted to assure the Sub-Committee they will comply in full with all conditions within their operating schedule.</p> <p>The Licensing Sub-Committee is satisfied from the evidence presented that it is not appropriate to refuse the application.</p> <p>Furthermore, the Sub-Committee felt that the measures offered to deal with any issues of noise nuisance are sufficiently robust to ensure that the objectives will not be</p>

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		<p>undermined and that the concerns of those who made representations will be addressed.</p> <p>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.</p>