

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Monday, 13 November 2023 at 10.00 am

Present:

Cllr Tony Lock (Chair)

Cllr Marcus Kravis

Cllr Andy Soughton

9 Apologies for Absence - Agenda Item 1

There were no apologies for absence.

10 Declarations of Interest - Agenda Item 2

Councillor Tony Lock declared that the applicant lived in his division but he was not known to him personally.

11 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

The Licensing Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003.

The Chair 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.

12 Consideration of an application for a Premises Licence in respect of Yeovil Showground - Agenda Item 4

The Licensing Specialist explained that a premises licence application had been received for an event at Yeovil Showground. The application was for an annual event, lasting up to 10 days. The licensable activities applied for were live and recorded music and the sale of alcohol. She referred to other activities listed within the application such as a fairground, ice rink and Santa's grotto and advised that

these fell outside the scope of the Licensing Act 2003 and were not to be considered as part of the application.

The Licensing Specialist informed members that a relevant representation was received from Avon & Somerset Constabulary that had been withdrawn following positive negotiations with the applicant resulting in additional conditions being agreed. One of the conditions agreed was for the licence only being in force for the December 2023 event. Other conditions agreed related to stewarding and security.

Members were further informed that three relevant representations had been received from local residents. The Licensing Specialist explained that she had tried to engage with those individuals to ask if any measures could be introduced but no satisfactory outcome was made. The persons were also not present at the meeting. She said that the representations raised concerns in relation to noise nuisance, the venue being near to residential properties and concerns with damage to residential properties and trespassing.

The Licensing Specialist concluded that the application had been satisfactorily advertised in accordance with the regulations.

In response to questions raised by members, the Licensing Specialist confirmed the following:

- The Police were satisfied that their concerns had been addressed and had therefore withdrawn their objection to the application.
- Up to 3,000 people would be permitted to attend the event.
- The applicant would be expected to monitor the number of people at the event.
- The applicant had agreed to the event being a one off event subsequent to the application being submitted.
- The actual dates that the event was intending to run would be part of the Event Management Plan.
- There had been no representations made by Environmental Health.

The Applicant's Agent addressed the Sub-Committee. Points made included the following:

- In response to the representations made regarding noise, several steps would be put in place including conducting noise monitoring near residential properties and providing a dedicated telephone number for any complaints should it be needed.
- 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 with a closable door. The tented structure would be located at the bottom end of the showground towards the A37 away from residential properties.

- There would be no camping at the event.
- The fireworks would be set off no later than 8pm and last no longer than 15 minutes.

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

- Noise monitoring readings would take place during the event on an hourly basis. When the live and recorded music was taking place, noise readings would be undertaken every half an hour at various locations on the site.
- There would be a small number of crew and fairground operators who would camp overnight at the far bottom corner of the showground.
- The event was a family event and no under 18's would be allowed access without being accompanied by an adult.

Members of the Licensing Sub-Committee, the Legal Specialist and the Democratic Services Officer, attending in an advisory capacity only withdrew from the meeting 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.

On reconvening, the Chair informed those present at the hearing of the decision of the Licensing Sub-Committee:

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.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the applicant's Operating Schedule.
3. Conditions agreed with the Avon and Somerset Police in advance of the hearing.

Reasons:

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.

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.

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 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.

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.

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.

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 the venue was in close proximity to residential properties and they also had concerns with intrusion and damage to resident's properties.

Representations submitted by the Responsible Authorities had been withdrawn following conditions being agreed prior to the Hearing.

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.

The applicant wanted to assure the Sub-Committee they will comply in full with all conditions within their operating schedule.

The Licensing Sub-Committee is satisfied from the evidence presented that it is not appropriate to refuse the application.

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 undermined and that the concerns of those who made representations will be addressed.

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.

(The meeting ended at 10.40 am)

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CHAIR