

Somerset Council – Decisions taken by the Licensing Sub-Committee on Monday, 2 September 2024

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

<p>A6</p>	<p>The Bistro, Stogursey</p>	<p>The Licensing Sub-Committee had been asked to consider an application for a new premises licence for the premises known as The Bistro, 27 Clayland Corner, Stogursey, Somerset following objections from the Parish Council</p> <p>The Sub-Committee had considered all of the evidence presented by the Applicant and Objectors both in person and in writing. The Sub-Committee’s decision was made in accordance with the Council’s Statement of Licensing Policy, the Secretary of State’s Guidance and current case law. The Sub-Committee was advised that the Applicant had accepted conditions proposed by the Police and therefore there was no objection from them.</p> <p><u>DECISION</u></p> <p>It was apparent to the Sub-Committee that there was no overwhelming objection to the application for a premises licence in principle, however the terms of that licence were the concern.</p> <p>The Sub-Committee recognised that this was a well-prepared application with a comprehensive operating schedule, which comprehensively supports and promotes the licensing objectives.</p> <p>The question of the need for the premises and issues over bus provision and lack of footpath or streetlights do not in themselves fall within the remit of the Licensing Sub-Committee. It is the duty of the Licensing Authority to consider each application on its merits irrespective of the needs or demands for a licensed premises in the locality.</p> <p>The issue that remained was that of the licensed hours for the sale of alcohol. The Parish Council had brought to the Sub-Committee’s attention the planning consent of 14 June 2023 which restricted the trading hours of the premises by way of a terminal hour of 4.00pm, with the exception of 12 private functions. Planning and Licensing are separate regulatory codes with their own enforcement regimes and therefore whilst the decision reached by the planning committee may influence the licensing decision making process it was not bound to follow its</p>
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		<p>lead.</p> <p>The application was primarily for alcohol to be available to compliment food not as an alternative pub. The Operating Schedule made clear that all alcohol sales would be ancillary to the purchase of food and shall be sold by table service only.</p> <p>The Applicant had explained that the application for the hours outside of those permitted by the planning consent only apply to the additional 12 private functions per year permitted by the planning consent.</p> <p>It was therefore apparent that the Parish Council had misunderstood the terms of the application.</p> <p>Accordingly, it was the decision of the Sub-Committee to grant a premises licence to The Bistro, 27 Clayland Corner, Stogursey Somerset between the hours of 12.00 and 16.00, 7 days a week, together with the submitted operating schedule and the conditions agreed with the Police.</p> <p>For the avoidance of doubt the terms of the licence are as follows</p> <p>Sale and supply of alcohol Monday – Sunday 10.00 – 16.00</p> <p>During 12 private functions per year Sale and supply of alcohol 12.00 – 23.00 Late night refreshment 11.00 – 23.30</p> <p>The terminal hour for the 12 private events may be extended until 00.30 where a private function is held on Christmas Day, New Years Eve or a Bank Holiday weekend</p>

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