

South Somerset District Council

Minutes of a meeting of the Licensing Sub Committee held at the Virtual Meeting - Virtual Meeting using Zoom meeting software on Tuesday 18 August 2020.

(2.00 - 3.00 pm)

Present:

Members:

Paul Rowsell
Jeny Snell

Linda Vijeh

Officers

Rachel Lloyd	Specialist - Licensing
Ann Chislett	Specialist - Legal
Rupert Williamson	Specialist (Environmental Health)
Angela Cox	Specialist (Democratic Services)
Becky Sanders	Case Officer (Strategy & Commissioning)
Michelle Mainwaring	Case Officer (Strategy & Commissioning)
Jo Boucher	Case Officer (Strategy & Commissioning)

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

21. Declarations of Interests (Agenda Item 1)

There were no declarations of interest made by Members of the Sub-Committee.

22. Procedure to be followed when considering licensing applications under the Licensing Act 2003 (Agenda Item 2)

The Sub-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.

23. Representation following the Application for a New Premises License at Dairyhouse Farm, Bere, Aller, Langport, TA10 0QX (Agenda Item 3)

The Specialist – Licensing presented her report. She confirmed the notice for the application had been on display throughout the consultation period. A representation was received from Environmental Health, which included conditions, and the applicant has agreed to amend their application to include the conditions. She then read the conditions

per the report. In response to what action would be taken to reduce noise from music the following would be put in place:

- Music noise levels should not exceed 40 dB(A) over a 15 minute period at 1m from the façade of any noise sensitive premises between 0900hrs and 2300hrs
- Music can be just audible but not discernible at the façade of any noise sensitive premises between the hours of 2300hrs and 0900hrs

The applicants then addressed the committee in support of their application and some of their points included:

- They are aware of the environment and neighbours surrounding the venue and do not want to upset anyone.
- Noise and behaviour is continually monitored by staff and the applicant when there is an event and anti-social behaviour is not allowed.

In response to questions from members, the applicant advised:

- There had been no complaints raised by anyone since the wedding events started in 2017.
- The nearest residents are about 175m away.

The Sub-Committee was then addressed by 'Other Parties' who made representations to the application. Some of the following point were raised:

- There is support for the need of diversification and the applicants building a future.
- Have experienced noise from discos throughout the evenings in the past.
- In relation to the noise management plan, can the council confirm this will be adhered to all year round?
- The rural location provides a much lower background level of noise than that of a town location, is this taken into consideration.
- Not necessarily objecting to the application.
- 40 decibels in their garden is louder than the ambient background noise which is about 10 decibels lower.
- An understanding has been reached in that the proposed 40 decibels is at the venue and not in the neighbouring garden.
- If the noise management plan can be met, then their concerns have also been met and they do not have a further objection.

The Committee Members were shown two videos, one from the applicant and one from the 'other party', showing the volume of sound from the venue and from the neighbouring garden.

In response to a committee member's query, the residents confirmed they had not made any complaints from previous events at the premises.

One Committee Member commented that the videos showed the noise levels would reduce dramatically in the neighbouring garden if the applicant can adhere to 40 decibels at their boundary.

All parties confirmed that they were satisfied with the conduct of the hearing.

In response to a query from the Legal Advisor, The Licensing Specialist confirmed that the conditions of 40 decibels had not been agreed between parties prior to this hearing.

In response to a query from a Sub-Committee Member, The Licensing Specialist confirmed that the consumption of alcohol is not a licensable activity.

Members of The Licensing Sub-Committee, The Legal Advisor and the Case Officers – Strategy & Commissioning, attending in an advisory capacity only, withdrew from the meeting to allow the members of the Sub-Committee 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.

The meeting reconvened for further clarification of points raised by the Members

The applicants responded to queries from the Sub Committee:

- They have evidence that they are fire compliant, they have had a fire inspection.
- The capacity of the premises is 150.
- There's built in toilet facilities and they hire in a disabled toilet
- The fire doors now all open outwards.

Members of the Licensing Sub-Committee, The Specialist - Legal and the Case Officers – Strategy & Commissioning, attending in an advisory capacity only, withdrew from the meeting to continue to consider their decision in private.

When the meeting reconvened, the Chairman 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 Dairyhouse Farm, Bere, Aller, Langport, TA10 0QX 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. In addition to the recommendation of the environmental health specialist.
- Music noise levels should not exceed 40 dB(A) over a 15 minute period at 1m from the façade of any noise sensitive premises between 0900hrs and 2300hrs

The Chairman explained this was a verbal approval and the applicant would receive written approval in the next 5 days. She thanked all parties for their cooperative attitude and thanked the officers in attendance.

The Sub-Committee took full account of the representations made by all Other Parties in relation to concerns about crime and disorder, public safety, public nuisance and protection of children. They balanced the right for local residents' enjoyment of their homes against the right of the applicant to operate their business.

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