

## South Somerset District Council

**Minutes** of a meeting of the **Licensing Sub Committee** held at the **Virtual Meeting using Zoom meeting software on Monday 8 February 2021.**

(11.30 am - 12.20 pm)

**Present:**

**Members:**

David Recardo  
Linda Vijeh

Jeny Snell

**Officers**

Ann Chislett	Specialist - Legal
Anita Legg	Specialist - Licensing
Jo Boucher	Case Officer (Strategy & Commissioning)
Michelle Mainwaring	Case Officer (Strategy & Commissioning)

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

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### **27. Declarations of Interests (Agenda Item 1)**

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

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### **28. 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 clarified that Councillor Jeny Snell was attending this hearing as a replacement for Councillor Jason Baker as he has been asked to attend another emergency meeting. He confirmed she had received the papers last Friday and therefore has had sufficient time to familiarise herself with the application.

The Chairman confirmed 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.

The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

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## 29. Representation following the Application for a New Premises Licence at Tatworth Pavilion and Playing Fields (Agenda Item 3)

The Specialist – Licensing presented her report. She confirmed that no representations have been withdrawn and therefore this hearing was required in order to determine this application for a new premises licence for Tatworth Playing Fields. She then proceeded to go through the report highlighting the main licensing activities that they have applied for, including:

- Live Music – indoors and outdoors on Friday and Saturday from 16.00 hours to 23.00 hours - up to three events per year on the playing fields and/or in the pavilion.
- Recorded music Friday and Saturday from 16.00 hours to 23.00 hours - up to three events per year on the playing fields and/or in the pavilion.
- Supply of alcohol from 12.00 midday to 23.59 each day of the week – hours open to the public are from 12.00 midday to 01.00 each day of the week.

She explained that should the committee wish to grant the licence, that whilst the premises are open for the supply of consumption of alcohol 'On' the premises, it is actually possible to have live and recorded music from 8.00 hours to 23.00 hours but only for up to 499 people at any one time.

She also confirmed that:

- Additional steps have been put forward by the applicant to comply with the licensing objectives, that were contained within the application form and will become conditions of the licence should the licence be granted and any further additions imposed by this licensing committee.
- A copy of the advertisement placed in the local paper had been received, and that several notices had been displayed at the premises.
- Two representations had been received from other parties mainly concerned with anti-social behaviour and debris thrown in gardens, with particular concern to the 'Party in the Park' event.
- A letter had been received from a local resident in the area, but it did not relate to the licensing objectives, and had been received after the statutory deadline. The person concerned had been written too explaining this could not be taken into consideration.
- There were no representations received from responsible authorities.
- There used to be a premises licence that authorised the sale of alcohol, live recorded music and dance at these premises, but unfortunately this had lapsed due to the death of the premises licence holder. The management committee were unaware of the 28 days to reinstate the licence, hence the reason why they have needed to apply for a new licence. Details and conditions of the previous licence are set out in her report.

- Three complaints had been made regarding the 'Party in the Park' event. These were received in 2011 and 2013, however there is no evidence that any complaints have been received in subsequent years. Following the 2011 complaint the Council's Environment Protection Team requested that the Playing Fields Committee complete a noise management plan.
- It was possible to submit a temporary event notices which is not connected to the premises licence.

She concluded that she had explained the options available and the right to appeal against this committee's decision in the report.

In response to a members' question she also confirmed that there were no responsible bodies present at this meeting.

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

- Noted that information had been submitted summarising the activities held at the playing fields, the reason why the licence is being applied for and details of the fund raising events held.
- A licence had been held for over 50 years at the playing fields but the last one had unfortunately lapsed in September 2020 due to the death of the premises licence holder.
- The playing fields and bar facilities are used throughout the year, mainly for football match days, other village organisations and private hire functions.
- Held four annual fundraising events, this being the main source of revenue along with donations.
- Acknowledged the previous complaints received in relation to the 'Party in the Park' event and as a result, the risk assessment for this event is reviewed annually with additional controls now put in place to mitigate such concerns or inconvenience to the local residents. These include; security fencing, security guards, contact emergency number during the event which is well advertised to local residents.

In conclusion, she explained the sole income came from events, bar revenue and the hire of the facilities, which funds maintenance of the playing areas and sports facilities. She believed the premises provided vital recreational facilities and forms a main part of the village.

The Sub-Committee was then addressed by the 'other party' who made representations to the application. Some of the following points were raised:

- Not necessary objecting to the licence overall.
- Believe that some of the concerns have still not been addressed, such as anti-social behaviour, littering, urination and damage to vehicles.
- Do not believe they are doing all they can to minimise disruption to the community.
- Concern regarding the three exit and entrances especially the exit at Dean Way, which is very poorly lit and poses a safety hazard.
- Clarified that the 'Party in the Park' was the event of main concern and that other events were not an issue.
- Suggested that one entrance be solely used for the 'Party in the Park' event.

In conclusion he felt the 'Party in the Park' event caused a great deal of distress to the local residents, especially the elderly and believed that further mitigation measures could be done to help alleviate these issues.

In response to a committee member's query, the Specialist- Licensing confirmed that there had been no complaints received by the Council since 2013 and no representations had been received from responsible authorities.

In response to a committee member's queries, the applicant confirmed that:

- Prior to the complaints made in 2011 the event had not been fully secured by fencing, with no main entrance and provided no security guards. However since then, a fence is erected around the perimeter of the area ensuring only the one entrance and that security guards are employed to provide additional security checks such as ensuring no alcohol is brought onto the premises, ID checks for over 18's and additional policing of the area and nearby perimeter.
- A security guard is located at the exit of the event to ensure no bottles etc. are taken out of the event.
- Wished to clarify that no glass bottles are provided at the event and that alcohol is served in plastic glasses or bottles only.
- A clean up event always takes place the following morning to ensure no rubbish is left in the area and skips are provided at the event to clear up any rubbish.
- Confirmed that the gateway of concern at Drakes Crescent and Dean Way is fenced off separately to prevent any entrance or exit from this area and clarified that only the one entrance/exit is used.

The Legal Advisor wished to clarify that committee members' should only take into account the objections raised by the representative that purely affect him directly, as no other representations have been received.

In response to a query from the Legal Advisor, the applicant confirmed that of the three entrances/exits of the site, two are fenced off completely and the only entrance/exit of the event is permanently manned by a security guard. She also confirmed that at the 'Party in the Park' event there are bars located both inside and outside.

Members of The Licensing Sub-Committee, The Legal Advisor and the Case Officer – 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.

When the meeting was reconvened, the Chairman asked the Legal Specialist to give a summary of the advice given to them during the private session. She had advised appropriate conditions could be attached to the licence if granted.

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.

The Chairman explained this was a verbal approval and the applicant would receive written approval in due course. He thanked all parties for their cooperative attitude and thanked the officers in attendance.

**DETERMINATION**

The Licensing Sub-Committee resolved to GRANT the application for a Premises Licence for Tatworth Pavilion and Playing Fields 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.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the applicant’s Operating Schedule

The Sub-Committee has carefully considered all the evidence and listened to the representations from the Applicant. The committee has also taken into account the representations of the Other Parties in relation to concerns about crime and disorder, public safety and public nuisance which are relevant to the application.

The Sub-Committee noted the concerns of the residents resulting in anti-social behaviour that associated with people leaving the premises. The Members felt that the measures put in place by the applicant during the events at the premises such as only one entrance, security available at all times and cleaning up after the event were sufficient not to undermine the licensing objectives. They were mindful that there is a process for reviewing the licence if the anticipated concerns of anti-social behaviour did materialise.

The Committee also felt the conditions provided in the operating schedule were sufficient to cover all licensing objectives.

The Sub-Committee noted that there were no representations from any responsible authorities.

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