



## **Representation following the Application for a New Premises Licence at Tatworth Pavilion and Playing Fields**

Strategic Director: Netta Meadows – Service Delivery  
Lead Specialist: Vicki Dawson - Environment  
Lead Officer: Anita Legg, Specialist Licensing  
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### **Purpose of the Report**

To inform members that an application has been received from Tatworth Playing Fields Committee, for a premises licence to be granted under the Licensing Act 2003 at Tatworth Pavilion and Playing Fields, Post Office Lane, Tatworth Chard TA20 2QU.

### **Recommendation**

To determine the granting of the premises licence in accordance with the options detailed later in the report.

### **Background**

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Lead Specialist – Environmental Health has delegated authority to determine a Premises Licence application, subject to no objections being received from a Responsible Authority or “Other Persons”. In this case, relevant representations were received from two “Other Persons” it is therefore necessary to convene a hearing to determine the application.

### **Licensing Objectives**

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in

whole or part or any conditions attached except those offered by the applicant or required by law except where appropriate to promote the licensing objectives.

## Application

A copy of the application form and plans of the premises are enclosed with the agenda.

The details of the application are summarised as follows:

- Applicant: Tatworth Playing Fields Committee

Licensable activities applied for:

### Live Music (E) Indoors and Outdoors

Day	Start Time	Finish Time
Friday	16:00	23:00
Saturday	16:00	23:00

Further Details

Up to three events per year on the playing fields and/or in the Pavilion

Seasonal Variations: None

Non-Standard Timings: None

### Recorded Music (F) Indoors and Outdoors

Day	Start Time	Finish Time
Friday	16:00	23:00
Saturday	16:00	23:00

Further Details

Up to three events per year on the playing fields and/or in the Pavilion

Seasonal Variations: None

Non-Standard Timings: None

### Supply of Alcohol (J) – Consumption ‘On the Premises Only

Day	Start Time	Finish Time
Monday	12:00	23:59
Tuesday	12:00	23:59
Wednesday	12:00	23:59
Thursday	12:00	23:59
Friday	12:00	23:59



## South Somerset District Council

Saturday	12:00	23:59
Sunday	12:00	23:59

Seasonal Variations: None  
Non-Standard Timings: None

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. **(K)**

None.

**Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.**

Day	Start Time	Finish Time
Monday	00:01	01:00
Monday	12:00	00:00
Tuesday	00:01	01:00
Tuesday	12:00	00:00
Wednesday	00:01	01:00
Wednesday	12:00	00:00
Thursday	00:01	01:00
Thursday	12:00	00:00
Friday	00:01	01:00
Friday	12:00	00:00
Saturday	00:01	01:00
Saturday	12:00	00:00
Sunday	00:01	01:00
Sunday	12:00	00:00

Non-Standard Timings:

None

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (pages 17 - 18) of the application form; (these where appropriate, will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Evidence that advertising/notice requirements have been complied with:

- Both the applicant and the Locality Team have confirmed that several notices advertising the application were displayed at the premises. A further notice was placed in the Chard & Ilminster newspaper on 23 December 2020 of which we have a copy.

### **Representations – Responsible Authorities**

- None.

### **Representations – Other Persons**

Two representations were received from ‘Other Parties’, which mainly relate to concerns about antisocial behaviour, debris being thrown in their garden and antisocial behaviour from people being denied entry to the ‘Party in the Park’ event.

A letter was also received about the number of licensed premises in the area, but it did not relate to the licensing objectives and was received after the statutory deadline. The person concerned was written to explaining that it could not be taken into consideration.

### **Relevant Observations**

The previous premises licence which authorised the sale of alcohol, live & recorded music and the performance of dance at these premises lapsed due to the death of the licence holder. The management committee were unaware that there are only 28 days to reinstate it, therefore they have had to apply for a new premises licence.

The following information is a redacted form of the lapsed premises licence, which has longer hours for licensable activities than the proposed application.

#### **LIVE MUSIC**

Monday -	START: 12.00	FINISH: 23.00
Tuesday -	START: 12.00	FINISH: 23.00
Wednesday -	START: 12.00	FINISH: 23.00
Thursday -	START: 12.00	FINISH: 23.00
Friday -	START: 12.00	FINISH: 23.00
Saturday -	START: 12.00	FINISH: 23.00
Sunday -	START: 12.00	FINISH: 23.00

Location: Indoors

Location: Outdoors

Further Details: Inside for private parties.

Outside for occasional events during summer months - would be amplified.

#### **RECORDED MUSIC**

Monday -	START: 12.00	FINISH: 23.00
Tuesday -	START: 12.00	FINISH: 23.00
Wednesday -	START: 12.00	FINISH: 23.00
Thursday -	START: 12.00	FINISH: 23.00
Friday -	START: 12.00	FINISH: 23.00
Saturday -	START: 12.00	FINISH: 23.00
Sunday -	START: 12.00	FINISH: 22.00

Location: Indoors

Location: Outdoors

Further Details: Inside for private parties.

Outside for occasional events during summer months would be amplified.

#### PERFORMANCES OF DANCE

Monday -	START: 12.00	FINISH: 23.00
Tuesday -	START: 12.00	FINISH: 23.00
Wednesday -	START: 12.00	FINISH: 23.00
Thursday -	START: 12.00	FINISH: 23.00
Friday -	START: 12.00	FINISH: 23.00
Saturday -	START: 12.00	FINISH: 23.00
Sunday -	START: 12.00	FINISH: 22.00

Location: Indoors

Location: Outdoors

Outside for occasional events during summer months - would be amplified.

#### SUPPLY OF ALCOHOL

Monday -	START: 10.00	FINISH: 23.00
Tuesday -	START: 10.00	FINISH: 23.00
Wednesday -	START: 10.00	FINISH: 23.00
Thursday -	START: 10.00	FINISH: 23.00
Friday -	START: 10.00	FINISH: 01.00
Saturday -	START: 10.00	FINISH: 01.00
Sunday -	START: 12.00	FINISH: 22.30

#### Non Standard Timings:

Good Friday -	START: 12.00	FINISH: 22.30
Christmas Day -	START: 12.00	FINISH: 15.00
	START: 19.00	FINISH: 22.30
New Year's Eve -	START: 10.00	FINISH: Commencement of permitted hours
on New Year's Day.		

#### The opening hours of the premises

Monday -	START: 10.00	FINISH: 23.00
Tuesday -	START: 10.00	FINISH: 23.00
Wednesday -	START: 10.00	FINISH: 23.00
Thursday -	START: 10.00	FINISH: 23.00
Friday -	START: 10.00	FINISH: 01.00
Saturday -	START: 10.00	FINISH: 01.00
Sunday -	START: 12.00	FINISH: 22.30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On the Premises

Off the Premises

Conditions consistent with the operating Schedule

### **General - all objectives**

1. No intoxicating liquor shall be supplied otherwise than to:-

(a) A member of the club who has been a member for at least 2 days or whose nomination or application for membership was made at least 2 days before his admission or,

(b) To a full member who fulfills the requirements of paragraph 1 (a) above and who makes the purchases for a bona fide guest or guests admitted pursuant to rule 22 of the rules of the club, or

(c) A person who fulfills the requirements of paragraph 1 (a) above and whose admission to the club premises is provided for by rule 21 of the rules of the club

4. No intoxicating liquor shall be supplied for consumption off the premises.

5. A list of the names and addresses of all members of the said club shall be kept on the premises and produced on demand for inspection by a constable in uniform who shall be entitled to enter the premises at all reasonable times.

6. Extended opening hours are generally only to be used for private parties.

7. Staff are to be trained in the licensing objectives.

### **Prevention of Crime & Disorder**

1. No drinks promotions are to be used.

### **Public Safety**

1. The maximum capacity of the venue is 109 people.

### **Prevention of Public Nuisance**

1. No bottles or glasses are allowed outside.

### **Protection of Children**

1. There is to be no adult entertainment.

2. A proof of age scheme is to be in place and staff are to be trained in using the scheme.

### **Complaints - Party in the Park Event**

Three complaints were received by the council about the Party in the Park event in 2011 and one complaint in 2013. There is no evidence that any further complaints have received in subsequent years. In 2011 as the complaints were received after the event, the Environmental Protection team advised the Playing Fields Committee to a complete a noise management plan.

## **Live and Recorded Music**

Due to amendments to the Licensing Act 2003, live and recorded music can take place at the premises without the need for it to further authorised by a premises licence from 08:00 to 23:00, providing the premises are open for the supply of alcohol 'On' the premises AND it takes place before an audience of no more than 500. Further, any conditions added on a determination of an application for a premises licence which relate to live and recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day

## **Temporary Event Notices (TEN'S)**

TEN's can be used to authorise licensable activities such as sale of alcohol at premises for a period of time not exceeding 168 hours where no more than 499 people will be present at any one time. The notice giver will specify the premises, number of people and how long the event will last. A single premises can be used for up to 15 TEN's in one year as long as the total number of days is not more than 21. The consultees for TEN's are only the Police and Environmental Health. It is not possible to add conditions to a Temporary Event Notice unless there is already a premises licence in place AND a representation is received from one or both of the consultees AND the committee feel it is appropriate to apply relevant conditions from the premises licence to the TEN.

## **Further Information**

In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in January 2014.
- The steps appropriate to promote the licensing objectives as set out in s18(4)
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

## **Options**

The options available to the committee are stated at section 18 of the Licensing Act 2003 and are as follows:

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii) together with the current mandatory conditions.



## South Somerset District Council

- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

### Right of Appeal

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:

Where the Licensing Authority has rejected an application for a premises licence, the applicant may appeal to the Magistrates' Court against the decision to reject.

Where the Licensing Authority has granted the licence, the holder of the licence may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed where having regard to any relevant representations, are considered appropriate to promote the licensing objectives.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities or refused to specify a person as the premises supervisor, the holder of the licence may appeal to the Magistrates Court against the decision.

Where a person who made a relevant representation desires to contend that the licence ought not to have been granted, or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor, he may appeal against the decision to the Magistrates Court.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

### Background Papers

Licensing Act 2003

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005





## **South Somerset District Council**

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The Latest Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council January 2014.

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