

Representation following the Application for a New Premises Licence at the Bowls and Cricket Pavilion, Westbourne Close, Yeovil BA20 2DD

Director: Kirsty Larkins, Service Delivery
Report Author: Anita Legg – Specialist Licensing
Contact Details: anita.legg@southsomerset.gov.uk or 01935 462137

Purpose of the Report

To inform members that an application has been received from Yeovil Community Sports and Recreation Organisation, for a premises licence to be granted under the Licensing Act 2003 at the Bowls and Cricket Pavilion, Westbourne Close, Yeovil BA20 2DD.

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 – Environment, 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 is enclosed with the agenda; it does not however include a copy of the plan of the premises, which is available for inspection upon written/email request.

The details of the application are summarised as follows:

- Applicant: Yeovil Community Sports and Recreation Organisation

Licensable activities applied for:

Live Music E – Indoors Only

Day	Start Time	Finish Time
Monday	09:00	23:30
Tuesday	09:00	23:30
Wednesday	09:00	23:30
Thursday	09:00	23:30
Friday	09:00	23:30
Saturday	09:00	23:30
Sunday	09:00	23:30

Non-Standard Timings: Christmas Eve, New Year's Eve and public bank holidays, start 09:00 and finish at 02:30 the next day except for Sunday when the start time will be 18:00 and finish at midnight

Recorded Music (F) – Indoors and Outdoors

Day	Start Time	Finish Time
Monday	09:00	23:30
Tuesday	09:00	23:30
Wednesday	09:00	23:30
Thursday	09:00	23:30
Friday	09:00	23:30
Saturday	09:00	23:30
Sunday	09:00	23:30

Further Details

Music is played during some cricket matches after match get-togethers and some social events

The standard days and timings for recorded music relate to indoor music only.

Outdoor music start time 09:00 finish time 22:00 Monday to Sunday

Seasonal Variations: None

Non-Standard Timings: these relate to Indoor Recorded Music Only

Christmas Eve, New Year's Eve and public bank holidays, start 9:00 and finish at 02:30 the next day except for Sunday when the start time will be 18:00 and finish at midnight

Late Night Refreshment (I) – Indoors Only

Day	Start Time	Finish Time
Monday	23:00	Midnight
Tuesday	23:00	Midnight
Wednesday	23:00	Midnight
Thursday	23:00	Midnight
Friday	23:00	Midnight
Saturday	23:00	Midnight
Sunday	23:00	Midnight

Seasonal Variations: None

Non-Standard Timings: Christmas Eve, New Year's Eve and public bank holidays, start 23.00 and finish at 02:00 the next day except for Sunday when it will finish at midnight

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

Day	Start Time	Finish Time
Monday	10:00	23:30
Tuesday	10:00	23:30
Wednesday	10:00	23:30
Thursday	10:00	23:30
Friday	10:00	23:30
Saturday	10:00	23:30
Sunday	10:00	23:00

Seasonal Variations: None

Non-Standard Timings: Christmas Eve, New Year's Eve and public bank holidays, start 10.00 and finish at 02:30 the next day except for Sunday when it will finish at midnight

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	09:00	00:30
Tuesday	09:00	00:30
Wednesday	09:00	00:30
Thursday	09:00	00:30
Friday	09:00	00:30
Saturday	09:00	00:30
Sunday	09:00	00:30

Non-Standard Timings:

Non-Standard Timings: Christmas Eve, New Year's Eve and public bank holidays, start 09.00 and finish at 02:30 the next day except for Sunday when it will finish at midnight

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (pages 17 - 19) 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:

- The applicant has confirmed that notices advertising the application were displayed at the premises from 10 September 2021 for the requisite 28 day period. A further notice was placed in the Somerset County Gazette on 23 September 2021 of which we have a copy.

Representations – Responsible Authorities

- None.

Representations – Other Persons

Two relevant representations were received from 'Other Parties', which mainly relate to anticipated noise from the premises.

Relevant Observations

There is no cumulative impact policy for this area; therefore another premises already licensed for the proposed licensable activities is not a factor in determining the application.

The proposal is that the Cricket and Bowls Club have their own premises licence rather than operate the two premises under one premises licence.

Amongst other licensable activities, the current Westland Entertainment Venue premises licence permits:

- Live and recorded music outdoors each day of the week from 08:00 until 23:00
- Live and recorded music indoors each day of the week until from 08:00 to 04:00 the following day.
- Late night refreshment indoors and outdoors the premises from 23:00 until 05:00 the next day
- Sale of alcohol for consumption 'On' and 'Off' the premises each day of the week from 10:00 to 05:00 the next day

Exemptions

There are exemptions in the Licensing Act 2003 for Live and Recorded Music which are as follows:

Live music: no authorisation is required for:

- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption 'on' those premises, provided that the audience does not exceed 500

Recorded Music: no authorisation is required for:

- Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption 'on' those premises, provided that the audience does not exceed 500

The premises is not just the building but also an outside area. The Westland Entertainment Venue also has an outdoor area as well as the building.

If the premises licence is granted for the hours applied for regarding the sale of alcohol for consumption 'on' the premises as per premises licence application, then the exemptions for live and recorded music will apply.

Any conditions added on a determination of an application for a premises licence which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day

More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

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.
- 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

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.
