

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held as a **Virtual Meeting** using **Zoom meeting software** on **Monday 6 December 2021**.

(2.00 - 2.50 pm)

Present:

Members: Martin Wale (Chairman)

Tony Lock David Recardo

Officers

Anita Legg Specialist - Licensing
Jo Morris Case Officer (Strategy & Support Services)
Becky Sanders Case Officer (Strategy & Support Services)
Ann Chislett Specialist - Legal

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

16. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

17. Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 (Agenda Item 2)

The Licensing 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.

It was confirmed that no representations had been withdrawn.

18. Representation following the Application for a New Premises Licence at the Bowls and Cricket Pavilion, Westbourne Close, Yeovil BA20 2DD (Agenda Item 3)

The Specialist – Licensing informed members that an application had 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.

The Specialist – Licensing advised members of the following:

- The licensable activities applied for were live music, recorded music, late night refreshment and supply of alcohol.
- The applicant had confirmed that notices advertising the application were displayed at the premises for the requisite 28 day period and a further notice was placed in the Somerset County Gazette.
- There were no representations from responsible authorities.
- Two relevant representations had been received from 'other parties' which mainly related to anticipated noise at the premises.
- There was no cumulative impact policy for the area; therefore another premises already licensed for the proposed licensable activities was not a factor in determining the application.
- The proposal was that the Cricket and Bowls Club have their own premises licence rather than operate the two premises under one premises licence.
- The activities permitted under the current Westlands Entertainment Venue premises licence as outlined in the report.
- The exemptions in the Licensing Act 2003 for Live and Recorded Music as outlined in the report.
- The premises was not just the building but also an outside area. The Westlands Entertainment Venue also has an outdoor area as well as the building.
- If the premises licence was 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 would apply.
- Any conditions added on a determination of an application for a premises licence which relate to live music or recorded music would remain in place, but would be 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 that are not specifically related to the provision of entertainment would continue to have effect.

In response to questions, members were informed of the following:

- The organisation currently operated under the Westlands Entertainment Venue premises licence.
- The hours applied for were slightly less than the hours permitted under the current Westlands Entertainment Venue premises licence.
- A licence was required for the supply of teas and coffees between the hours of 23.00 and 5.00 the next day. Late night refreshment had been applied for until midnight with the exception of non-standard timings.
- The premises licence, if granted, could be reviewed in the future if there were any issues at the premises.
- There were four steps as outlined in the application form that the applicant intended to take to promote the prevention of public nuisance.

The applicant addressed the Sub-Committee in support of his application and informed members that the organisation was a registered charity. He advised that the complaint received regarding a noisy group of youths was not after a cricket club event and noted that the field could not be secured and was accessible to the general public. He said

that the complaint regarding the club music may give the impression that this was a frequent occurrence but confirmed that music had been played on seven occasions and there was unlikely to be any increase in the future as all activities were organised entirely by volunteers and they did not have the time. One of the events had involved music being played as batsmen come and go and was a one off occasion as the under 15's had got to the final and it was agreed between both clubs playing to make it a special event. He referred to local residents purchasing their properties knowing that there would be regular late night noise from the Westlands Entertainment Centre and it was felt that six or seven events at the pavilion was not unacceptable. The applicant advised that the organisation relied on the events to generate income to enable the sporting facilities to continue and the operational costs of the pavilion were mainly covered by income generated through the bar. He confirmed that all staff involved in the sale of alcohol were fully trained and there would be no excessive drinking or anti-social behaviour to jeopardise the licence held by the designated premises supervisor. He explained that it was currently difficult to make any profit as all supplies were through the Westlands Entertainment Venue. The pavilion was not a competitive threat to the Westlands Entertainment Venue and therefore wished to have its own licence and buy its drinks at best price and hopefully generate an increase in income. If the licence were not to be granted, the organisation would continue to operate under the Westlands Entertainment Venue premises licence.

The Sub-Committee was then addressed by an objector to the application. She said that her main concerns related to the effect of noise on herself and other local residents. She said that many of the local residents fully supported the development and the growth of the Cricket Club and the Bowls Club and were delighted to see so many people taking part in sporting activities. She also recognised the amount of effort put into the running of the club which was a real asset to Yeovil. Her reasons for objecting to the premises licence were on the grounds of public nuisance due to noise. The pavilion was surrounded by residential properties and some properties were no more than 100 yards from the premises and the boundary of the cricket field was the bottom of people's gardens. She said that because the cricket pitch was surrounded by people's gardens, the noise appeared to be amplified. The licence being requested would adversely affect people living close to the pavilion. The timings requested for music indoors and outdoors would cause stress, anxiety and anguish for local residents. It was felt that any thought of being able to sit in their properties and enjoy the piece and quiet would not be possible and they would become prisoners in their own home. To have loud music played at the bottom of gardens, possibly any day of the week from 9.00pm was unimaginable and could cause a great deal of stress and anxiety to local residents.

In response to a member question, it was confirmed that live music would be indoor only, while recorded music would be permitted both indoors and outdoors, if the licence were to be granted.

The applicant referred to an occasion in the summer where loud music started playing, which she believed was when a wicket was taken which caused a lot of consternation between local residents about what was going to happen and residents feared that this would become a regular occurrence when there were home games.

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

Members of the Licensing Sub-Committee, the Specialist - Legal and the Case Officer – Strategy & Support Services, 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 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 Bowls and Cricket Pavilion, Westbourne Close, Yeovil, Somerset, BA20 2DD under section 18 of the Licensing Act 2003 subject to;

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

The representations were submitted by Residents from the locality, and these were considered by the Sub-Committee in the determination of the application for the Premises Licence. It is noted that the representations have been based mainly on concerns about the noise nuisance from the premises affecting the nearby residential properties. Their concerns also related to the potential for nuisance caused by noise emanating from the users of the premises and the playing of outside music.

During the presentation by the Applicant, the Sub-Committee was advised that they are a registered charity that run the Bowls and Cricket Pavilion. The premises is for community use and is run by volunteers. Having their own premises licence will allow them to bring in more income and therefore allowing the charity to continue.

The Sub-Committee took account that the hours requested in the operating schedule are less than the hours in the current premises licence. They also took account of the amount of events that would take place at the premises.

The Sub-Committee would encourage that if the Objectors have genuine concerns as to unreasonable disturbance to the enjoyment of their home they must communicate this to the Applicant and the Local Authority.

The Sub-Committee felt the conditions provided in their Operating Schedule were sufficient to cover all the licensing objectives.

In considering this application, it is noted that there are no objections by the 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