

Public Agenda Pack



Notice of Meeting of

LICENSING AND REGULATORY COMMITTEE

Thursday, 14 September 2023 at 2.00 pm

Luttrell Room - County Hall, Taunton TA1 4DY

To: The members of the Licensing and Regulatory Committee

Chair: Councillor Simon Carswell

Vice-chair: Councillor Marcus Kravis

Councillor Jason Baker

Councillor Simon Coles

Councillor Lance Duddridge

Councillor Tony Lock

Councillor Tom Power

Councillor Diogo Rodrigues

Councillor Andy Soughton

Councillor Peter Clayton

Councillor Hugh Davies

Councillor Jenny Kenton

Councillor Connor Payne

Councillor Tony Robbins

Councillor Brian Smedley

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Friday, 8 September 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by the Proper Officer on Monday 4 September 2023

AGENDA

Licensing and Regulatory Committee - 2.00 pm Thursday, 14 September 2023

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

Click here to join the online meeting (Pages 7 - 8)

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes from the Previous Meeting (Pages 9 - 12)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

5 Statement of Licensing Policy (Pages 13 - 76)

The Committee is asked to consider the consultation comments made regarding the policy, recommend any amendments, and recommend the final draft for approval by Full Council.

6 Fixing of fares charged by taxi drivers (Pages 77 - 84)

The Committee is asked to note the report for Executive.

7 Minutes of the Licensing and Regulatory Sub-Committees (Pages 85 - 138)

The Committee are asked to note the minutes of the Sub-Committees.

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

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Phone Conference ID: 783 761 754#

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Minutes of a Meeting of the Licensing and Regulatory Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Thursday, 15 June 2023 at 2.00 pm

Present:

Cllr Simon Carswell (Chair)
Cllr Marcus Kravis (Vice-Chair)

Cllr Simon Coles	Cllr Hugh Davies
Cllr Lance Duddridge	Cllr Tony Lock
Cllr Connor Payne	Cllr Tom Power
Cllr Tony Robbins	Cllr Diogo Rodrigues
Cllr Brian Smedley	Cllr Andy Soughton

Other Members present remotely:

Cllr Jason Baker	Cllr Leigh Redman
Cllr Claire Sully	

5 Apologies for Absence - Agenda Item 1

An apology was received from Councillor Peter Clayton.

6 Minutes from the Previous Meeting - Agenda Item 2

The Committee **resolved** that the minutes of the Licensing and Regulatory Committee held on 11 May 2023 be confirmed as a correct record.

7 Declarations of Interest - Agenda Item 3

Councillors present at the meeting declared the following personal interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Jason Baker	Chard Town Council
Simon Carswell	Street Parish Council
Marcus Kravis	Minehead Town Council

Tony Lock	Yeovil Town Council
Leigh Redman	Bridgwater Town Council
Tony Robbins	Wells City Council
Brian Smedley	Bridgwater Town Council
Andy Soughton	Yeovil Town Council

Councillors Carswell and Kravis further declared personal interests as Gambling License Holders.

8 Public Question Time - Agenda Item 4

No questions or statements had been received for Public Question Time.

9 Statement of Principles - Gambling Policy - Agenda Item 5

The Licensing and Fraud Manager, Alan Weldon, presented his report on the draft Statement of Principles document for the Gambling Policy and explained the consultation process to be followed.

During the discussion, the following points were raised:-

- Councillors queried the link between Planning and Licensing and whether either department had the power to restrict how many gambling premises could be located within a certain area.
- Councillors queried whether there was enough resource to carry out the necessary inspections.
- Councillors requested clarification on demarcation and whether it should be the same for all.
- Concern was raised on the suitability of the location of certain gambling premises, for example near schools, community halls and parks.
The Licensing and Fraud Manager advised that some premises had been established years ago before the Gambling Act 2005 had come into force. He also clarified the aim was to permit gambling unless there was evidence of any problems in the area.
- Concern was raised on applications being agreed by Planning Committee which might not meet the requirements of the Gambling Act 2005.
The Licensing and Fraud Manager agreed and advised that if that were to happen, a Licensing Sub-Committee would be required to make the decision.
- Councillors mentioned the white paper that was due to go to consultation and the impact that might have on the policy.
- Councillors highlighted that the Gambling Commission had clamped down on larger businesses which had had a good impact.

- Councillors agreed the document had been well written and thanked the officers for their work.

Resolved that the Licensing and Regulatory Committee agreed to permit the draft Statement of Principles document be made available for consultation as required by the Gambling Act 2005.

10 Minutes of the Licensing and Regulatory Sub-Committees - Agenda Item 6

The Committee **noted** that the minutes of the Licensing and Regulatory Sub-Committees held on 19 April 2023, 28 April 2023 and 15 May 2023 be confirmed as a correct record.

(The meeting ended at 2.55 pm)

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CHAIR

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Somerset Council
Licensing and Regulatory Committee – 14 September
2023



Statement of Licensing Policy

Executive Member: Councillor Federica Smith-Roberts, Lead Member for Communities, Housing and Culture

Local Member(s) and Division: Licensing and Regulatory Committee Chair – Councillor Simon Carswell

Lead Officer: Jack Godley – Senior Licensing and Business Support Officer

Author: Jack Godley – Senior Licensing and Business Support Officer

Contact Details: jack.godley@somerset.gov.uk – 01749 341453

1. Summary / Background

- 1.1 Under the Licensing Act 2003 (the 2003 Act), Somerset Council as Licensing Authority must determine a Statement of Licensing Policy that supports and guides our administration and enforcement of the provisions of that Act, for each five-yearly period.
- 1.2 Somerset Council is a Licensing Authority for the purposes of section 3 of the 2003 Act. It must publish a valid policy to carry out any function under the 2003 Act, during each relevant period. During the five-year period, the policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate.

In producing this Policy the Council has had to have had regard to the Statutory Guidance, issued under Section 182 of the 2003 Act. The Statement of Licensing Policy sets out the policies the Council will apply to promote the licensing objectives when making decisions on applications made under the 2003 Act. It clarifies to applicants, Other Persons, and Responsible Authorities how this Council will determine applications and process notifications under the 2003 Act.

The Authority will consult all persons required to be consulted, as listed in section 5(3) of the 2003 Act, the details are provided below: -

- a) the Chief Officer of Police for the area
- b) the Fire Authority for the area
- c) persons/bodies representative of local holders of premises licences
- d) persons/bodies representative of local holders of club premises certificates
- e) persons/bodies representative of local holders of personal licences and
- f) persons/bodies representative of businesses and residents in its area

The draft Statement of Licensing Policy can be found at Appendix 1.

Consultation has taken place over an 8-week period, and 52 responses were received of which 11 were supportive of the policy, 9 made no comment, 5 raised issues viewing the document on the consultation platform and 18 were not relevant.

Those that had issues viewing the document or were not relevant have been contacted on an individual basis to either rectify the issue or to provide an explanation as to why their responses were not considered relevant. In the main they were questions rather than responses so they could be quickly answered.

The remaining 9 responses are presented in Appendix 2 along with Officer recommendations for consideration by the Committee.

2. Recommendations

- 2.1 The Committee is asked to consider the consultation comments made regarding the policy, recommend any amendments, and recommend the final draft for approval by Full Council.

3. Reasons for recommendations

- 3.1 It is a legal requirement that each Licensing Authority has in place a Statement of Licensing Policy.

4. Other options considered

- 4.1 Not applicable – Legal requirement.

5 Links to Council Vision, Business Plan and Medium-Term Financial Strategy

5.1 Not applicable – Legal requirement.

6 Financial and Risk Implications

6.1 Not applicable – Legal requirement.

7 Legal Implications

7.1 The Council must publish a Statement of Licensing Policy under the Licensing Act 2003

8 HR Implications

8.1 None

Other Implications:

9 Equalities Implications

9.1 None

10 Community Safety Implications

10.1 Improves public safety and protects communities

11 Climate Change and Sustainability Implications

11.1 None

12 Health and Safety Implications

12.1 None

13 Health and Wellbeing Implications

13.1 Addressed as part of the consultation.

14 Social Value

14.1 Not applicable – Legal Requirement

15 Scrutiny comments / recommendations:

15.1 Not applicable – Legal Requirement

16 Background Papers

16.1 Please see paragraphs 1 and 2.

16.2 Appendices: Appendix 1 - Draft Statement of Licensing Policy 2023,
Appendix 2 - Responses to the Consultation and Licensing & Regulatory
Committee Decisions LA03 - 2023 - Final



Somerset
Council

STATEMENT OF LICENSING POLICY

Organisation	Somerset Council
Title	Statement of Licensing Policy
Author	Licensing
Owner	Licensing
Primary Legislation	Licensing Act 2003

Sub-Heading

Text

Sub-Heading

Responsible	Licensing
Accountable	Licensing
Consulted	Public
Informed	Responsible Authorities

Version History

Revision Date	Author	Version	Description of Revision
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20/10/2022	Jack Godley	1	New policy created
26/01/2023	Jack Godley	2	District lead approved policy

Document Notification

Approval	Name	Date
Consultation	Licensing and Regulatory Committee	11 th May 2023

Contents Page

	Contacts	5
	District Map and Summary	6
1.0	Introduction	7
1.1	Background	7
1.2	Aim	7
1.3	Purpose	8
1.4	Consultation	8
1.5	Fundamental Principles	9
2.0	General Principles	10
2.1	Legislation	10
2.2	Revisions to Policy	11
2.3	Areas of Concern	11
2.4	Children	11
2.5	Vulnerable Groups	12
2.6	Licensing Hours	12
2.7	Late Night Refreshment	13
3.0	Licensing Approach	14
3.1	Partnership Working	14
3.2	Licensing Authority as a Responsible Authority	15
3.3	Cumulative Impact Policy	16
3.4	Local Strategies and Policies	17
3.5	Integrating Strategies	17
3.6	Avoiding Duplication	17
3.7	Representations	18
3.8	Conditions	18
3.9	Enforcement	19
3.10	Complaints Against Licensed Premises	20
3.11	Live Music, Dancing and Theatre	21
4.0	Administrative Procedures	21
4.1	Premises Licence	22
4.2	Garages	25
4.3	Mobile Premises	25
4.4	Temporary Event Notices	26
4.5	Personal Licences and DPS Exemptions	27
4.6	Large Scale Events	28
4.7	Sustainable Event Management	32
4.8	SAGs	33
4.9	Reviews of Licence or Club Premises Certificate	33
4.10	Administration, Exercise and Delegation of Functions	34
5.0	Charging	35
Appendix A	Glossary of Terminology	36
Appendix B	List of Responsible Authorities	40
Appendix C	Relevant Weblinks	43
Appendix D	List of Consultees	44
Appendix E	Table of delegations of licensing functions	45
Appendix F	Child Sexual Exploitation and Trafficking	47

Contacts, links, and useful websites

If you wish to make comments on this Licensing Policy or if you want further information regarding the Licensing Act 2003 please contact: -

Somerset Licensing Team

Telephone: 0300 123 2224

Email: licensing.mendip@somerset.gov.uk; licensing.sedgemoor@somerset.gov.uk; licensing.south@somerset.gov.uk; licensing.west@somerset.gov.uk

The Licensing Act 2003 can be viewed at: -

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

The Secretary of State's Guidance can be found at: -

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Somerset Council's Corporate Enforcement Policy: -

<https://www.somerset.gov.uk/council-and-democracy/enforcement-policy/>

Somerset Council's Pavement Licence application: -

[Apply for a pavement licence \(somerset.gov.uk\)](#)

Sustainable Events with ISO 20121: -

<https://www.iso.org/iso-20121-sustainable-events.html>

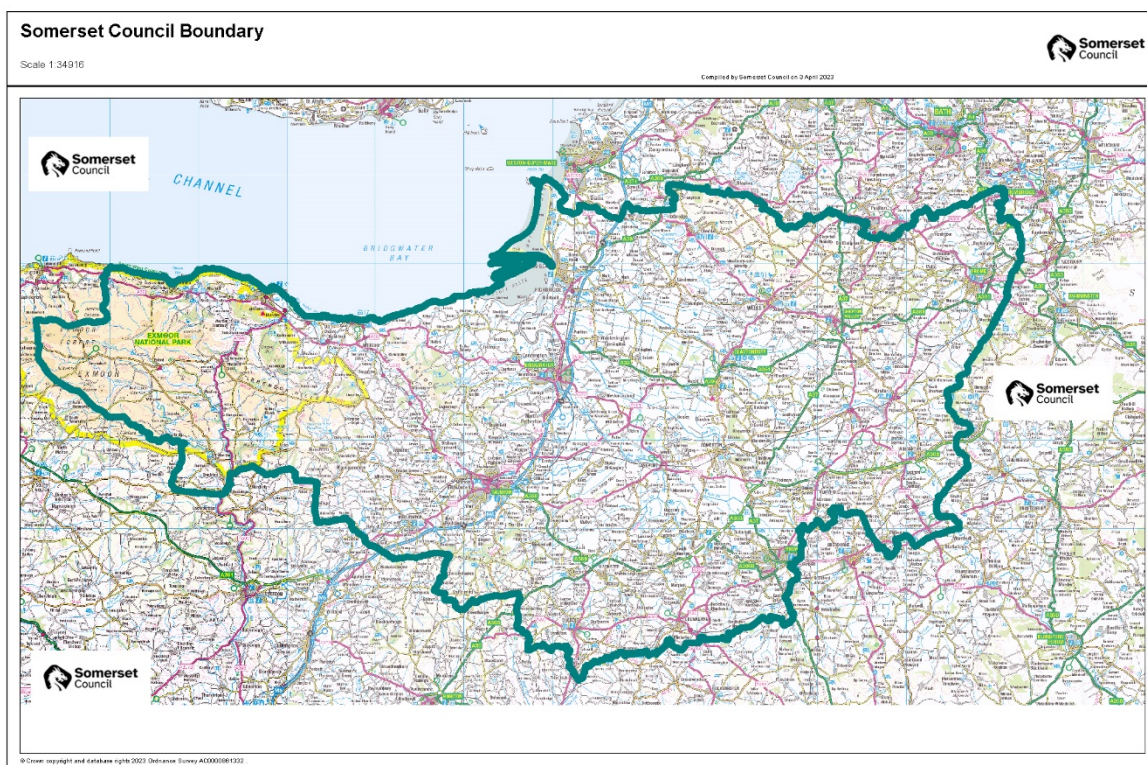
Somerset Council Public Health

<https://www.somerset.gov.uk/social-care-and-health/public-health/>

District Map and Summary

Somerset Council covers the administrative area of Somerset, formerly served by four district councils – Mendip, Sedgemoor, South Somerset and Somerset West and Taunton and Somerset County Council - and is one of largest unitary authority in the UK. Somerset Council serves 572,000 residents; covers 3,500 square Kilometres; has a 5,000-strong workforce; 110 elected members and a gross budget of £1bn.

Consequently, there is considerable variation demographically within the District when considering matters of policy. Because of its sheer size, Somerset Council has many different and diverse communities, neighbourhoods and economies from low carbon electricity generation at Hinkley Point C and Gravity, to world-leading aerospace industry, alongside small market towns, food and farming industries and National Parks. Noted for its stunning rural countryside ranging from rolling hills, Levels and Moors to coastal resorts, it is also well served by strategic transport links. Alongside neighbouring North Somerset and Bath and North East Somerset, these three unitary councils serve the historic county of Somerset.



1.0 INTRODUCTION

1.1 BACKGROUND

1.1.1 Somerset Council is the Licensing Authority under the Licensing Act 2003 (the 2003 Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment within the District: -

- premises licences including provisional statements, full and minor variations, transfers, interim authorities and reviews
- club premises certificates
- temporary event notices
- personal licences

1.1.2 The Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy before the Authority can carry out any licensing or regulatory functions under the terms of the Licensing Act 2003. This Policy must be kept under review and the Licensing Authority may make any revisions to it, as it considers appropriate. In any event the Licensing Authority is required to review their Statement of Licensing Policy every 5 years.

1.1.3 This Licensing Policy sets out the issues that the Licensing Authority will consider when determining licences throughout the Somerset Council area and encompasses experience gained in the implementation and regulation of the Licensing Act 2003.

1.1.4 In determining this Policy the Licensing Authority has had regard to the [Statutory Guidance](#) issued under Section 182 of the Licensing Act 2003. In determining applications under the 2003 Act the Licensing Authority shall consider: -

- The promotion of the four Licensing Objectives
- Representations and evidence presented by all parties, together with any relevant supporting documentation
- The latest Guidance issued by the Government
- The Licensing Authority's own Statement of Licensing Policy

1.2 AIM

1.2.1 The 2003 Act requires the Licensing Authority to carry out its various licensing functions to promote the four licensing objectives.

1.2.2 The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote the four licensing objectives, which are: -

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

1.2.3 These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance when considering the provision of the following licensable activities in accordance with the Act:

- The sale by retail of alcohol or the supply of alcohol
- Regulated entertainment
- Late night refreshment

1.3 PURPOSE

1.3.1 The main purpose of this Policy is to provide clarity to applicants, other persons and Responsible Authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment. The Licensing Authority will consider all representations from any person. The Licensing Authority shall however apportion the weight of the representation between those persons immediately affected by the premises and its operation and those persons who may have a lack of knowledge of the area or of personal experience.

1.3.2 Where revisions are made to the Guidance there may be a period when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Licensing Policy.

1.4 CONSULTATION

1.4.1 Before determining its policy for any five-year period, the Licensing Authority will consult the following: -

- the Chief Officer of Police
- the Fire and Rescue Authority
- the Director of Public Health
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates

- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the District

1.4.2 The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals as appropriate.

1.5 FUNDAMENTAL PRINCIPLES

1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the 2003 Act. Nothing in the Policy will undermine the right of any individual to apply for authorisations and to have any such application considered on its individual merits. Similarly, nothing in the Policy will override the right of any person to make representations on an application or to seek a review of a Licence or Certificate in accordance with the provisions of the 2003 Act.

1.5.2 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The applicant must give due consideration to disabled persons under this Act for access and egress so that they are not at a substantial disadvantage.

1.5.3 The introduction of the Anti-Social Behavior, Crime and Policing Act 2014 extends Police closure powers. The Licensing Authority further acknowledges and supports that this legislation has been introduced against the background of increasing alcohol-related anti-social behaviour and subsequent hospital admissions that has led to criticism due to the increased cost to local residents. This Act signifies a shift back from deregulation towards offering greater support for communities being adversely affected.

1.5.4 The Licensing Authority may recommend actions over and above the requirements of a licence/certificate and applicants are asked to give these recommendations serious consideration, as adoption of best practice may be considered in the investigation of complaints if they arise in connection with the premises in the future.

1.5.5 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule. However, they cannot impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

1.5.6 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.

1.5.7 Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of disturbance to later in the night; therefore, the Licensing Authority acknowledges that tighter control may be justified in residential areas always, however, having regard to the individual merits of any application.

1.5.8 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the Licensing Objectives.

1.5.9 Once people are beyond the control of the individual, club or business holding the relevant authorisation, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the district.

1.5.10 The Licensing Authority expects every licence holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. Whether or not incidents can be regarded as being in the vicinity of the licensed premises is recognised as a question of fact and will depend on the specific circumstances in each case. In cases of dispute, the question will ultimately be decided by the courts, where an appeal is heard by them. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

1.5.11 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues. For example, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a well-managed public house located in a quiet back street that provides limited regulated entertainment and closes at 11pm.

2.0 GENERAL PRINCIPLES

2.1 LEGISLATION

2.1.1 In all applications relating to premises, the Legislation requires applicants to

specify methods by which they will promote the four licensing objectives in their operating schedules. The operating schedule should include reference to the measures the applicant intends to use to promote the licensing objectives. Prior to submitting your application, you may find it useful to seek the views of responsible authorities and local community to obtain information on local issues and concerns that you may wish to take into consideration prior to making your application.

2.2 REVISIONS TO POLICY

2.2.1 The Policy shall be subject to periodic reviews and further consultation as and when required. The Licensing Authority may revise this Policy following changes to, for example:

- Local circumstances;
- The Licensing Act, associated regulations or [statutory guidance](#);
- Other national legislation; or
- The policies and practices of a Responsible Authority

2.3 AREAS OF CONCERN

2.3.1 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they will prevent sales of alcohol to persons under 18 years, minimise glass related injuries and or assaults, prevent noise from licensed premises becoming a nuisance and manage customers outside their premises who are smoking. It is expected that a Challenge 25 Policy will be adopted at the premises.

2.3.2 Experience indicates that a last time of entry condition is assisting in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will detail in their operating schedules that there will be no new entry or re-entry to the premises after 1am other than premises which are only open after 1am for late night refreshment.

2.4 CHILDREN

2.4.1 We shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee but it is expected that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective.

2.4.2 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984

specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.

2.4.3 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to amend the classification imposed by the British Board of Film Classification.

2.4.4 The Licensing Authority expects licence holders to ensure that gaming machines in premises licensed to sell/ supply alcohol (authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the Gambling Commissions code of practice regarding gaming machines in alcohol-licensed premises. [Section C - Gaming machines in clubs and premises with an alcohol licence - Gambling Commission](#)

2.4.5 For information on Safeguarding issues, applicants and existing licence holders are advised to consider Appendix F of this Policy.

2.5 VULNERABLE GROUPS

2.5.1 The Licensing Authority encourages licensed premises and event organisers to promote the licensing objectives taking into consideration vulnerable groups. It is suggested that venues implement relevant policies and procedures, provide training to staff and display campaign signage so that customers and visitors know how to get help and support. Through this policy the Licensing Authority hopes that residents and visitors to the area will be able to enjoy their leisure time safely without fear of violence, intimidation, or disorder whilst in licensed premises.

2.6 LICENSING HOURS

2.6.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits. This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight. Applicants are strongly recommended to seek the advice of both the Licensing Authority's Licensing Officers and the Police in this regard.

2.6.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the Licensing Objectives. Specifically, the applicant should ensure that the operating schedule for such premises demonstrates how the Licensing Objectives will be met.

2.6.3 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as

an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.

2.6.4 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Licensing Authority is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns in relation to later closing hours.

2.6.5 The Licensing Authority will pay special regard to the proximity of residential properties to the proposed premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential properties.

2.6.6 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for licensable activities and managing the dispersal of the same.

2.6.7 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.

2.7 LATE NIGHT REFRESHMENT

2.7.1 The Licensing Authority will expect applicants for licences in respect of late night refreshment premises to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter and noise disturbance.

2.7.2 Where appropriate, and, in line with the Public Nuisance and Public Safety Licensing Objectives, the Licensing Authority may recommend that applicants display their company name on containers and packaging; this will enable the Licensing Authority to identify any premises causing concern.

2.7.3 The Licensing Authority expects that any premises providing late night refreshment will have a responsible policy for regularly clearing litter from outside their premises and for 25 metres along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. Such Policy could also include the display of notices advising customers to use the bins

provided. In addition, where there is evidence that grease and food, etc. has emanated from the premises, the Licensing Authority recommends that the highway in the vicinity of the premises is swilled or scrubbed so as not to attract gulls, pigeons and vermin. The Licensing Authority recommends that all such inspections and action taken be recorded in the Premises logbook.

2.7.4 Where a new applicant wishes to sell alcohol either on or off the premises in such an establishment or provide an alcohol delivery service, the Licensing Authority recommends that the Operating Schedule sets out specific measures to promote the licensing objectives.

2.7.5 Any premises that seek to provide an alcohol delivery service are expected to consult with both the Licensing Authority and Police prior to applying and provide details of their proposed age verification procedure.

3.0 LICENSING APPROACH

3.1 PARTNERSHIP WORKING

3.1.1 The Licensing Authority recognises that Licensing functions under the 2003 Act are not the only means of promoting the principles behind the Licensing Objectives. Delivery includes working with Planning, Environmental Health, the Police, the Fire Authority, the Crime Reduction Partnerships, Town Councils, Parish Councils, Local Community Networks (LCN's), Pubwatch, local businesses and residents, transport operators and those involved with child protection.

3.1.2 The Licensing Authority recognises that co-operation across services within the Authority and with our external partners remains the best means of promoting the Licensing Objectives.

3.1.3 The Licensing Authority seeks to encourage and support the night-time economy by providing a vibrant and safe town centre experience. It shall work closely with the Responsible Authorities to promote the Licensing Objectives, including the licensed trade, local people and businesses. The Licensing Authority will continue to work closely as part of these groups to promote the common objectives and shall recognise its duty under Section 17 of The Crime and Disorder Act 1998 when carrying out its functions under the 2003 Act. In addition, the Licensing Authority will seek to support strategies where they are allied to the Licensing Objectives such as the National Alcohol Harm Reduction Strategy and any other relevant strategies and policies.

3.1.4 The Licensing Authority recognises that the private sector, local residents and community groups in particular have a vital role to play in promoting the licensing objectives. The Licensing Authority shall work closely with other enforcement

agencies in the management of the night time economy, particularly relating to the tackling of underage sales and proxy sales of alcohol and drunkenness or disorder on or in the immediate vicinity of the licensed premises.

3.2 LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY

3.2.1 There is no requirement under the Act for responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. The Licensing Authority will therefore determine when it considers it appropriate to Act in its capacity as a Responsible Authority based on the individual circumstances of each situation and in accordance with its duties under section 4 of the 2003 Act.

3.2.2 The Licensing Authority would not normally expect to act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority considers it reasonable to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as Responsible Authority.

3.2.3 The Licensing Authority will normally expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other Responsible Authority.

3.2.4 The 2003 Act enables licensing authorities to Act as responsible authorities as a means of early intervention; where it considers it appropriate the Licensing Authority may do so without having to wait for representations from other responsible authorities.

3.2.5 In cases where the Licensing Authority is also acting as Responsible Authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or Sub-Committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officials within the authority.

3.2.6 In these cases, the Licensing Authority where possible will allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the

licensing committee (i.e. the authority acting in its capacity as the Licensing Authority) will be a different individual to the officer who is acting for the Responsible Authority. The officer acting for the Responsible Authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the Licensing Authority.

3.2.7 Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, will be made in writing.

3.3 CUMULATIVE IMPACT POLICY

3.3.1 Cumulative Impact refers to the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. The Licensing Authority recognises that the cumulative effect of a proliferation of late night entertainment premises (including night cafes) may result in an increase in numbers of people either walking through or congregating in streets during the night and this in turn may have a number of undesirable consequences which undermine the licensing objectives. These may include:-

- An increase in crime against both property and persons;
- An increase in noise causing disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

3.3.2 This may result in the amenity of local residents being placed under severe pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

3.3.3 Where there is evidence that a particular area of the district is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified. Cumulative impact assessments” (CIA) were introduced to the Licensing Act 2003 by the Policing & Crime Act 2017, with effect from 6th April 2018. A CIA can be published by a licensing authority to help it to limit the number or types of licences granted. This would apply to areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact as described above.

3.3.4 Somerset Council has no immediate plans to publish a CIA but recognises that the Act provides a mechanism for consideration should the need arise.

3.4 LOCAL STRATEGIES AND POLICIES

3.4.1 Where appropriate, the Committee will take into account local strategies and policies. These will include: -

- Sustainable Community Strategy
- Somerset Health & Well-Being Plan
- Somerset Climate and Ecological Commitment

3.5 INTEGRATING STRATEGIES

3.5.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Licensing Authority will aim, as far as possible, to coordinate them.

3.5.2 Where appropriate, the Licensing Authority will also have regard to:

- local crime prevention strategies
- needs of the local tourist economy
- employment situation in the area and the need for new investment and employment where appropriate
- needs of the local community
- the duty on Public Authorities to eliminate unlawful discrimination
- the policy on cumulative impact

3.6 AVOIDING DUPLICATION

3.6.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable Activities and in such cases tailored conditions may be necessary but only if relevant representations are received.

3.6.2 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether or not to grant a licence but only if relevant representations are received. Applicants, licence holders and notice givers are therefore reminded, in particular, of the need to be correctly registered with the Licensing Authority's food safety function and ensure the appropriate form of planning permission is in place, as these are separate regulatory regimes which are not superseded or overridden by an authorisation under the Licensing Act 2003. The Licensing Authority's website can be consulted for further information on each.

3.7 REPRESENTATIONS

3.7.1 Under the 2003 Act both Responsible Authorities and 'other persons' may make representations on licence/certificate applications and review existing premises licences/certificates.

3.7.2 Other persons are defined as any individual, body or business that may be affected by the operation of a licensed premises regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition, the other person is encouraged to provide evidence supporting their representation or review. This may be for example by way of recording dates where noise nuisance or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general. The representation should also detail how the granting of the application is likely to affect the person making it.

3.7.3 The Licensing Authority will however consider the geographical location of the other person who has made the representation in their consideration of their evidence.

3.7.4 In addition all representations must be relevant relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. If appropriate, the benefit of the doubt will be given to the person or body making that representation.

3.8 CONDITIONS

3.8.1 Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.

3.8.2 In addition conditions imposed by a Licensing Authority shall be precise and enforceable, clear in what they intend to achieve, should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall not replicate offences set out in the 2003 Act or other legislation, shall be justifiable and capable of being met and shall not seek to manage the behaviour of customers once they are beyond the direct management of the licence/certificate holder and their staff.

3.8.3 The Licensing Authority recommends that conditions volunteered in the Operating Schedule should be: -

- Targeted on the deterrence and prevention of crime and disorder
- Appropriate for the promotion of the licensing objectives;
- Proportionate and enforceable;
- Consistent and not conflicting;
- Relevant, clear and concise;
- Not duplicating other legislation; and
- Expressed in plain language capable of being understood by those expected to comply with them.

3.8.4 The Licensing Authority when preparing the licences/certificates shall not simply replicate the wording from an applicant's Operating Schedule but will interpret conditions in accordance with the applicant's overall intentions.

3.9 ENFORCEMENT

3.9.1 The Licensing Authority has adopted a [Corporate Enforcement Policy](#), available on the Licensing Authority's web site.

3.9.2 Enforcement action will be: -

- Targeted toward those premises presenting the highest risk
- Proportional to the nature and seriousness of the risk those premises present
- Consistent, so that the Licensing Authority takes similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that the Licensing Authority and its officers take responsibility for their actions

3.9.3 The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the 2003 Act and any licence conditions. It will also monitor the District for unlicensed activities that may or may not require authorisation.

3.9.4 The Licensing Authority has established protocols with the Fire Authority, Police, and Trading Standards on enforcement issues to ensure an efficient deployment of officers. Where official warnings are given prior to any decision to prosecute for an offence, the Licensing Authority shall ensure that these

enforcement authorities are informed of these warnings and the result of any action taken.

3.9.5 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will also carry out whenever possible unscheduled 'non routine' evening inspections with Avon and Somerset Constabulary. After each visit, the Designated Premises Supervisor and Premises Licence Holder shall be notified of any concerns and be given an opportunity to rectify any issues.

3.9.6 The Licensing Authority recognises that most Licence Holders seek to comply with the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly firm action will be taken.

3.9.7 The Licensing Authority may seek to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible Authorities in implementing a Premises Improvement Plan where appropriate.

3.9.8 Where the premises does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Responsible Authority or Licensing Authority can consider further sanctions, either by way of a review, formal caution or prosecution. In any event, the Licensing Authority will have regard to the Regulators' Compliance Code (www.gov.uk/government/publications/regulators-code) and the Enforcement Concordat together with the Licensing Authority's own [Corporate Enforcement Policy](#).

3.9.9 Any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

3.10 COMPLAINTS AGAINST LICENSED PREMISES

3.10.1 Complainants are advised, whenever possible, in the first instance to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for complaints to be raised directly. In such circumstances, complaints in the first instance should be addressed to the most appropriate body. For example, crime and disorder related issues should be raised with the Police.

3.10.2 All noise-related complaints are investigated by the Licensing Authority's Environment and Community Protection Service and complaints regarding unlicensed activities and operating outside the permitted hours are investigated by the Licensing Team. There will be collaboration between the two teams to assist in reaching effective and appropriate outcomes for noise related matters.

3.10.3 On receipt of a complaint, the Authority shall investigate the circumstances, discussing the complaint with the Designated Premises Supervisor of the licensed premises, the Premises Licence Holder, any Relevant Responsible Authority and the complainant. Where it is a valid complaint, the Licensing Authority shall endeavour to seek a resolution through informal means prior to taking any legal action.

3.10.4 Suitably qualified officers will be allocated to discharge enforcement duties as appropriate to their seniority, professional qualifications and/or experience in order to resolve any complaint.

3.10.5 The Licensing Authority recognises that this Policy and the promotion of the Licensing Objectives relies on partnership between all the parties. Therefore, where there are any concerns identified at the premises, or there is need for improvement, the Licensing Authority shall work closely with the parties at an early stage to address these concerns.

3.10.6 The Licensing Authority is unlikely to investigate any complaints that are made anonymously. In most cases, however, the complainant's identity will not be disclosed to the licence holder during the early stages of a complaint being dealt with. Complainants may be asked to complete logs of the disturbances that they are experiencing to provide evidence for licensing and/or environmental health officers. This will be relevant should, for instance, a review of the premises licence be undertaken, or action taken under environmental health legislation.

3.11 LIVE MUSIC, DANCING AND THEATRE

3.11.1 The Licensing Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular for children and young people.

3.11.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

3.11.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merit.

4.0 ADMINISTRATIVE PROCEDURES

4.0.1 The Licensing Authority will accept online and electronic applications; however, applications will not be treated as valid until all relevant documents have been received together with the appropriate [fee](#).

4.0.2 All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in piecemeal form to avoid the potential for any errors or confusion.

4.0.3 As the Regulations require advertising of all new and full variation applications, the Licensing Authority recommends that the applicant contact them prior to displaying the statutory notice or advertising the application in a local newspaper circulating in the vicinity of the premises. This will ensure that an accurate consultation date will be given which will avoid any errors and the potential of a breach of the regulations that would result in the application being rejected or delayed.

4.0.4 Photographs clearly showing the notice on display at the premises and a scanned copy of the notice in the newspaper will both need to be provided to the Licensing Authority as part of the application process.

4.1 PREMISES LICENCE

4.1.1 The Premises Licence application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence. It should include information that is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.

4.1.2 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application.

4.1.3 The Licensing Authority especially recommends that applicants liaise with the Relevant Authorities prior to submitting their applications, e.g. Police or Fire Authority, when compiling their Operating Schedules and the local Pubwatch if one operates in that area.

4.1.4 In completing their Operating Schedule the Licensing Authority suggests the applicant considers the following: -

General

- Premises logbook
- Management and staff training and awareness of duties under the 2003 Act
- Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc.

- Safe capacities
- Evidence of competent management procedures

Prevention of Crime and Disorder

- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- Frequency of glass bottle disposal and provision of secure storage before collection
- An appropriate ratio of tables and chairs to customers
- Management of outside areas
- Use of 'spikeys' or similar anti drink spiking device
- Calming atmosphere at close of business/event
- Safe capacities
- Queuing policy
- Stewards for events and event plan

Public Safety

- Health and Safety and Fire Safety risk assessments and staff training
- Safeguarding measures
- Use of CCTV in and around the premises
- Safe capacities and monitoring procedures
- Provision of local taxi companies who can provide safe transportation home
- Procedures to control access to and egress from premises
- Patrolling of premises
- Glass clearance policy
- Control of ventilation
- Control of litter immediately outside the premises
- The presence of trained first aiders and appropriate & sufficient first aid kits
- Adequate external lighting
- Consideration of the safety of performers appearing at any premises
- Indoor sporting events: medical practitioner; flame retardant material, location of public to wrestling ring; water sports events – lifeguards
- Stewards for events and event plan; and regard to standards of the National Sporting Body
- Ensuring appropriate access for emergency services

Prevention of Public Nuisance

- Control of general noise, disturbance, light, odour, litter and anti-social behaviour
- Whilst regulated entertainment taking place, management of noise disturbance
- Control of litter (e.g. cigarette ends, rubbish, etc.), vomiting, urinating and anti-social behaviour in the vicinity of the premises
- Dispersal policy to ensure customers respect their neighbours
- Removal of persons causing disturbance
- Management of outside areas, e.g. pub gardens, smokers, etc.
- Control of deliveries in early hours
- Queuing policy
- Winding down period

Protection of Children from Harm

- Refusals book
- Consideration of access to premises where adult entertainment may take place
- Consideration to proximity of premises to schools and youth clubs
- Restriction on hours when children under a specified age can be present and whether they should be accompanied by a responsible adult
- Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children
- Challenge 21 or 25 policy
- Prompting mechanism on tills at retail outlets
- Measures to control access to hotel minibars
- Operational measures to avoid proxy purchases
- How to prevent children from being exposed to alcohol sales at underage events, gambling, incidents of violence and disorder and drugs or drug taking
- Consideration of safeguarding issues
- Consideration of children as performers where relevant
- Supervision of children
- Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, DBS checks, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premises safely, etc.

These lists are not exhaustive, and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

4.1.5 Public Health - Although there is no specific Public Health objective, The Licensing Authority recognises that the Statement of Licensing Policy provides an

important opportunity to consider relevant local Public Health concerns and that, as a responsible authority, the Director of Public Health (DPH) has a key role in identifying and interpreting health data and evidence. The DPH may hold information unavailable to other Responsible Authorities which may assist the Licensing Authority in exercising its functions. We will, therefore, as far as the legislation will allow, consider health related harms when they are relevant to the promotion of the licensing objectives.

When the DPH exercises its functions as a Responsible Authority and wishes to make representations, these should be evidence based and may potentially cover any of the licensing objectives.

The harms to health associated to the use of alcohol are well documented and applicants are, therefore, encouraged to make use of the DPH's Alcohol Harm Index (AHI), which provides a summary of alcohol harm at very local level. Applicants seeking to apply for a new, or a variation to an existing, Premises Licence or Club Premises Certificate can use the AHI to inform their risk assessment and shape the steps they intend to take to promote the four licensing objectives when considering the completion of their operating schedule within the application.

<http://www.somersetintelligence.org.uk/alcohol-harm-index/>

4.2 GARAGES

4.2.1 With regard to the licensing of garages, and/or filling stations, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage. However, the Licensing Authority will use the court's approach based on intensity of use, to establish primary use. Where such applications are submitted, the Licensing Authority will expect sufficient relevant evidence to accompany the application form to prove the issue of primary use.

4.2.2 Section 176 also refers to land acquired or appropriated by a special road authority and associated facilities. Applicants will, therefore, be expected to seek advice from the Licensing Authority in advance of submitting an application to consider the sale or supply of alcohol from premises within service areas, including those associated with Motorways.

4.3 MOBILE PREMISES

4.3.1 Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The Operating Schedule must indicate the specific pitch from where trading is to take place.

4.3.2 As this type of premises is likely to cause people to congregate, the Licensing Authority shall expect applicants to demonstrate specific measures to prevent Crime

and Disorder and Public Nuisance. In addition, the Licensing Authority shall expect the applicant to consider specific measures to ensure that litter from such premises is regularly disposed of and that the licensee has adopted a Litter Policy as set out above.

4.3.3 Where temporary structures are used for licensable activities they shall be shown on plan of the premises as the location where they will take place. Once a premises licence has been granted, the location of those structures may not change until an application for a full or minor variation of the premises licence has been submitted and granted.

4.4 TEMPORARY EVENT NOTICES

4.4.1 The 2003 Act states that the premises user must give the Licensing Authority a minimum of 10 clear working days notice for a standard temporary event notice and between 5 and 9 clear working days for a late temporary event notice. The 'working day' requirement means that the day of receipt of the notice, Saturdays or Sundays, Bank Holidays, or the day of the event are not included as a working day.

4.4.2 Premises users are advised to submit their TENS well before the date of the event, using our online service. When serving TENS in a hard copy format, the premises user must serve the notice on the Licensing Authority, Police and the "local authority exercising environmental health functions" ("EHA") at the same time to avoid a situation where one of the bodies does not receive their copy within the statutory timescale, which could mean that the event cannot proceed even if the other bodies have received their copy in time.

4.4.3 It is a legal requirement for all organisers to carry out Health and Safety and Fire Safety Risk Assessments with regards to their event. Guidance on how to conduct such risk assessments may be obtained from the relevant enforcing authority. The Licensing Authority may notify the Fire Authority of any TENS submitted so that they can offer advice to event organisers if necessary. Members of any relevant Safety Advisory Group may also be notified of any TENS for similar reasons. Organisers are recommended to give thought to the provision of first aid at such events. It should be noted that if the Fire Authority is of the opinion that the use of premises/venue involves, or will involve, a risk to relevant persons so serious, including anything affecting their escape from the premises in the event of fire, the Fire Authority may prohibit or restrict premises use without notice.

4.4.4 Those intending to serve a TEN are strongly advised to consider whether their proposals should be considered by a SAG (see paragraph 4.8) and ensure they follow the advice given, this is particularly relevant for small scale festivals and/ events that take place over more than 1 day.

4.4.5 Finally, the Authority strongly recommends that premises users address the following issues: -

- Applicants are strongly advised to consider and mitigate the potential impact in terms of public nuisance, i.e. noise, vehicle parking of attendees, traffic
- Seek relevant professional advice on public liability insurance
- Seek relevant professional advice on noise, public safety, sanitation, food hygiene, health & safety and fire safety matters
- Liaise with local residents and businesses that may be affected by the event, to raise awareness of the nature and duration of the event
- Seek relevant professional advice on medical provision
- Ensure that the event site and environs are maintained free of litter to a reasonable extent during an event and completely cleared following an event. This includes the removal of all advertising material used to promote events, within a reasonable period
- Consider the conditions attached to a Premises Licence or Club Premises Certificate and manage the event in accordance with such conditions, where appropriate. (This is to mitigate the potential for adverse impacts on the promotion of the Licensing Objectives and/or complaints)

4.5 PERSONAL LICENCES & EXEMPTION OF THE REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR

4.5.1 The Licensing Authority places particular emphasis on the role of Designated Premises Supervisors (DPS) and Premises Licence Holder and where the Police object on the grounds of prevention of crime and disorder there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

4.5.2 The Licensing Authority advises that it is good practice for the Personal Licence Holder to give specific written and dated authorisation to individuals to demonstrate due diligence. Whilst the DPS and Personal Licence Holder may authorise sales in their absence, they remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing law and conditions are complied with at that premises. Any authorisations should be meaningful and properly managed.

4.5.3 Where a Premises Licence is in force authorising the supply of alcohol, a DPS will need to be nominated. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified by Responsible Authorities as the individual who has day-to-day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly. As such the DPS will occupy a pivotal position. Experience has proved that in some cases the Premises Licence Holder has employed a DPS who is remote from the

premises and therefore not involved in the day-to-day running of that premises; the Licensing Authority will therefore pay particular attention to those premises.

4.5.4 Whilst the Licensing Authority recognises that a DPS may supervise more than one premises, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises for whatever reason, the Licensing Authority recommends a responsible individual is nominated who can deal with matters in the absence of the DPS. In addition, the Licensing Authority recommends that a notice is displayed prominently indicating the name and position of that nominated person. Whenever alcohol is to be sold it is recommended that written and dated consent be given to that nominated person.

4.5.5 Experience has indicated that a number of Personal Licence Holders have failed to produce their Personal Licence to the court in accordance with Section 128 of the 2003 Act. In view of this the Licensing Authority will take appropriate action against those who continue to fail to notify the courts and/or provide notification of their change of address in accordance with their statutory duty.

EXEMPTION OF THE REQUIREMENT FOR A DPS

4.5.6 Where a community premises applies for an exemption from the requirement to have a DPS, the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The applicant will be required to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is conducted. Copies of the Constitution and other management documents must be submitted. The management committee is strongly encouraged to notify the Licensing Authority if there are any key changes in the committee's composition as this committee will collectively be responsible for ensuring compliance with licence conditions and licensing law. Where management arrangements are unclear, the Licensing Authority may seek further details to confirm that the management board or committee is properly constituted and accountable. While overall responsibility lies with the management committee where premises are hired out, the hirer will be clearly identified as having responsibilities falling within their control. Community premises are encouraged to check with the Licensing Authority before making any application.

4.6 LARGE SCALE EVENTS

4.6.1 The Somerset Council area is a popular location for a wide range of cultural and entertainment events to be held, and these events can enhance the availability of such activities for the benefit of the area; and even beyond, with events of national

or even international significance. Events can range from village days to small scale festivals to Glastonbury Festival.

4.6.2 However, such events can involve considerable and complex planning and management. This involves a high level of competency from those involved with organising and managing such events.

4.6.3 The Authority recognises the potential for varied and extreme impacts on the promotion of the Licensing Objectives, where such events take place. Therefore, it follows certain policy principles, when its discretion is engaged, and relevant representations are received and not withdrawn.

4.6.4 The representations concerned must refer to these principles and be evidenced/ reasoned for them to be considered as relevant.

4.6.5 Therefore, organisers of such events are advised to contact the Licensing Team in writing in the planning stages to ascertain the policy principles that may be relevant to an application.

4.6.6 The Authority has a general statutory duty under section 4 of the 2003 Act to promote the Licensing Objectives. The legislation does not refer to the special circumstances and sometimes very different issues that can be relevant to these types of application. However, the Authority has taken all reasonable endeavours to balance the demands and aspirations of the event industry against the protection of the local communities and the attendees that may be adversely affected by or at such events.

4.6.7 This section does not apply where licensable activities are proposed to take place solely within permanent buildings that are used solely or regularly for such licensable purposes.

4.6.8 The Authority will take this general approach to its determination of all new and variation applications for a premises licence for events of over 500 persons capacity, where relevant and appropriate. (All references to Premises Licence in this section apply where appropriate to Club Premises Certificate).

4.6.9 In respect of variations, the degree of complexity and/or alteration to the existing licence will be considered to determine relevancy. Applicants are advised to contact the Licensing Team, in writing, so that early discussion on this matter takes place.

4.6.10 The policy set out in the following paragraphs concerns applications for permanent premises licences where these are to be used to support occasional events for capacities exceeding 19,999.

4.6.11 These events have significant potential to undermine the promotion of the Licensing Objectives, due to their sheer size and complexity. The Authority believes that this risk can only be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule that is specific to the proposed event on each separate occasion or for a specific period less than permanent.

4.6.12 The Authority believes that it is inherent in the 2003 Act that Responsible Authorities should be given the opportunity to make representations related to the nature of different events as far as possible. This is because the potential for adverse impacts on the promotion of the Licensing Objectives can vary significantly between events even when planned at the same premises. It supports the promotion of the Licensing Objectives for these organisations to be given as meaningful a role as possible.

4.6.13 The enforcement policies of the Licensing Authority may be significantly undermined by the short duration and potentially occasional nature of these events. This is because the Licensing Authority's graduated response to problems arising may not be as effective in responding to these issues on an occasional and irregular basis, particularly with different event organisers.

4.6.14 Sites for large occasional events are not usually entirely purpose built for the proposed licensable activities to take place. Therefore, there is considerable work involved in planning and organising these events. The Authority believes that this is only achievable by ongoing involvement of the Authority and Responsible Authorities in dealing with such events, as far as is reasonable and appropriate.

4.6.15 For the above reasons, the Authority believes that where an applicant submits plans that may be relevant to a whole range of events; the detail and relevance of this important document may well be critically diluted. In such circumstances, this may lead to an adverse impact on the promotion of the Licensing Objectives.

4.6.16 While the problems set out above may be addressed to some extent by the exercise of powers on review, the purpose of the 2003 Act is to prevent harm arising at the outset, rather than merely reacting to actual or anticipated harm later.

4.6.17 Therefore, the Authority has adopted the following policy: -
Where relevant representations are received in respect of an application for a permanent licence for the holding of occasional events with a capacity of more than 19,999, the Authority will consider, amongst other matters, whether the operating schedule a) defines the events proposed with sufficient certainty to enable Responsible Authorities and the Authority itself to consider the risks to the licensing objectives arising from the event; b) defines the measures proposed to avert those risks with sufficient certainty to enable Responsible Authorities and the Authority

itself to make a balanced judgment as to whether the measures will be sufficient to avert those risks. The authority will generally require a high degree of particularity before deciding that the operating schedule fulfils this requirement but will decide that matter on the merits of each case.

Where the Authority judges that the operating schedule is not drafted with sufficient certainty, the application will normally be refused, save in exceptional circumstances. It is unlikely that the circumstances will be considered exceptional unless they give assurance that the licensing objectives will be met despite the lack of certainty in the operating schedule and therefore in the conditions of the licence.

Where the Authority judges that the operating schedule is drafted with sufficient certainty, then in deciding the application, the Authority will take account of any risks arising from the temporary nature of the event(s) proposed in the application.

4.6.18 It is likely that applications that are not submitted and duly made with the following minimum notice periods prior to the event may attract relevant representations resulting in a Licensing Sub-Committee hearing. This could lead to a refusal except in exceptional circumstances: -

Maximum number of attendees at any time	Minimum notice period
500 - 999	Not less than 2 months
1000 - 2999	Not less than 3 months
3000 - 4999	Not less than 4 months
5000 - 19999	Not less than 5 months
20000 - 49999	Not less than 6 months
50000 +	Not less than 7 months

4.6.19 The reasons for this policy principle are the following: -

These events have significant potential to undermine the promotion of the Licensing Objectives due to the numbers of people attending, the temporary nature of facilities and the variety and complexity of matters that may be relevant. The Authority believes that these concerns can only be properly mitigated by an applicant engaging with the licensing process at an appropriate time before the event.

Where less notice is provided there may be insufficient time for the licensing process to run its full course, namely that there may be insufficient time prior to a proposed event for any party to appeal a decision of the Authority. It is clear that such cases can be complex and controversial, potentially involving considerable court time on appeal; this may create a situation where the opportunity for any aggrieved party to an application to engage in the appeal process becomes effectively impossible due to time constraints before a proposed event.

If less notice is given by an applicant, they may have insufficient time to respond fully to representations that may have been submitted. This is particularly relevant where

Responsible Authorities and/or Other Persons take the view that an application is lacking in detail and substance, and where the licensing process becomes drawn out in the lead up to the proposed event. This can lead to pressures on an organiser in the crucial lead up time to an event itself.

4.6.20 Responsible Authorities (and sometimes Other Persons) may often engage with applicants prior to submission of an application. This notion is referred to in the [Statutory Guidance](#) (section 9.34), as it promotes the Licensing Objectives by fostering a partnership approach; and is supported by the Authority (where appropriate).

4.6.21 Applicants are expected to rely most heavily on their own competence and knowledge or that of persons/ bodies that they employ in making their plans. They cannot and should not rely on the input of the Responsible Authorities to ensure that detailed and comprehensive plans for their event are produced.

4.6.22 The main reasons for this policy principle are the following: -

The demands on the Responsible Authorities can be disproportionate to their resources. This might place undue pressure on such bodies, undermining the level of scrutiny of such applications.

It must be considered that the legal responsibilities connected to holding such events primarily rest with the organiser and landowner. Where an application does not contain reference to such guidance and expertise, statutory bodies may be placed in an untenable position where they may be open to litigation due to the level of input/advice they may have provided, and by implication may have taken an inappropriate degree of legal responsibility/ liability in connection with the event. Therefore, it seems pertinent to attempt to avoid such a problem arising.

Where an applicant does not consider such advice and guidance before making an application this can place Responsible Authorities and/or Other Persons in a difficult position due to the fact that many aspects of an application may be lacking and it may not allow full and proper consideration of the proposals during the objection period. This may undermine their full and proper consideration of an application.

4.7 SUSTAINABLE EVENT MANAGEMENT

4.7.1 Events can impact heavily on our resources, society, and the environment, as they can generate significant waste, put a strain on local resources like water or energy, and generate large volumes of traffic. It is, therefore, important that event organisers are taking the right steps to integrate sustainability into their event management and ensure that they are organised responsibly. As such, the Licensing Authority encourages event organisers to take the necessary steps to develop proposals that are conscious of the Licensing Authority's [Climate and Ecological](#)

[Emergency Commitment](#), by way of demonstrating what steps will be taken to ensure the environmental impacts of the event are kept to a minimum.

4.7.2 It is highly recommended that event organisers consider the following points:

1. Banning single use plastic glasses/cups in the bars and look to use reusable receptacles.
2. Encourage non fossil fuel powered events, including any caterers.
3. Alcohol sourced from local brewers/suppliers to keep bars with a lower carbon footprint.
4. High recycling rates, a target of 70% plus, which could be evidenced from weighbridge tickets provided by recycling transfer stations.

4.8 SAFETY ADVISORY GROUPS (SAGS)

4.8.1 The Authority acknowledges the benefits of working closely with Responsible Authorities and other statutory bodies in supporting event organisers in operating safe and well managed events. Safety Advisory Groups or ‘multi agency meetings’ are one means of promoting such partnership working.

4.8.2 The Authority will facilitate and host such meetings from time to time to assist applicants and those organising events that do not require an authorisation under the 2003 Act, where appropriate.

4.8.3 All applicants should consider whether to attend such a meeting before they apply, as failure to do so could undermine the promotion of Licensing Objectives.

4.9 REVIEWS OF LICENCE OR CLUB PREMISES CERTIFICATE

4.9.1 The Licensing Act 2003 details that where a premises licence or club premises certificate has effect, a Responsible Authority or other person may apply to the relevant Licensing Authority for a review of the licence. Nothing in this Policy shall restrict their right to apply for a review of a licence or make relevant representations in accordance with the 2003 Act, however the Licensing Authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a Responsible Authority, that the ground is frivolous or vexatious, or the ground is a repetition.

4.9.2 Where a person or body is considering making an application for a review, they are advised to contact the Licensing Team. This is so that Officers may provide some initial feedback on the matter and then, if appropriate, attempt to facilitate a

meeting or a series of meetings between relevant persons and bodies to consider alternative solutions and/or discuss the review process.

4.9.3 Applicants should make all reasonable efforts to set out their concerns regarding a representation concisely and clearly and ensure that these concerns are relevant to a failure to promote the Licensing Objectives.

4.9.4 Examples of triggers for a review may be: continual complaints of noise from or in the vicinity of the premises; continual complaints of noise or intimidation from customers outside the premises; an accumulation of breaches of licensing conditions; poor management where the licensing objectives are undermined; underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour; sales of alcohol outside of the permitted hours, etc.

4.9.5 The Licensing Authority shall expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. Regarding reviews on noise complaints, applicants are encouraged to liaise with the Licensing Authority's Environmental Community Protection Service who may be able to assist with and support the review process.

4.9.6 Prior to a review, however, Avon and Somerset Police, other Responsible Authorities or the Licensing Authority may seek to meet with the licence/certificate holder to address issues through a Premises Improvement Plan.

4.10 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

4.10.1 The Licensing Authority has a Licensing Committee, consisting of 15 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a Statement of Licensing Policy.

4.10.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to Sub-Committees and officers.

4.10.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence, these matters should be dealt with by officers.

4.10.4 The table attached at Appendix E sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

4.10.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

4.10.6 Members of the Licensing and Regulatory Committee will comply with Somerset Council's [Code of Conduct for Councillors](#) and will declare any personal or prejudicial interest in any matter coming before them in accordance with the Code. Members with a prejudicial interest will have the opportunity to speak as any member of the public (i.e. only where they make relevant representations) is permitted but will withdraw from the room in which the meeting is being held immediately after speaking and will not seek to improperly influence the decision.

4.10.7 Members of the Licensing and Regulatory Committee who make representations on behalf of any Other Person or in their own right as a member of the Licensing Authority will not sit on any Committee making any decision in relation to the matter in question, nor take any other part in the decision-making process.

5.0 CHARGINGF

5.0.1 The Authority may charge for pre – application advice where it sees fit.

APPENDIX A

GLOSSARY OF TERMINOLOGY

Cumulative Impact	Where there is a potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.
Club Premises Certificate	Means a certificate granted to a qualifying club under the 2003 Act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members by or on behalf of the club.
Hot food or hot drink	Food or drink supplied on or from any premises is 'hot' for the purposes of Schedule 2 to the 2003 Act if the food or drink, or any part of it: <ul style="list-style-type: none"> (i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or (ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
Licensable activities and qualifying club activities	Are defined in the Licensing Act as: <ul style="list-style-type: none"> (i) the sale by retail of alcohol (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (iii) the provision of regulated entertainment (iv) the provision of late night refreshment - for those purposes the following licensable activities are also qualifying club activities: <ul style="list-style-type: none"> (i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place (ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Other Persons	Any individual, body or business affected by the operation of a licensed premises, regardless of their geographical proximity to the premises
Personal Licence	Authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.
Premises Licence	Authorises the premises to be used for one or more licensable activities.
Provision of late night refreshment	Is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11pm and 5am or, at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.
Regulated Entertainment	Is defined as: (a) a performance of a play (b) an exhibition of film (c) an indoor sporting event (d) a boxing or wrestling entertainment (e) a performance of live music (f) any playing of recorded music (g) a performance of dance (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Responsible Authority

Is defined as:

- The relevant licensing authority and any other licensing authority in whose area part of the premises is situated,'
- The Chief Officer of Police for any Police area in which the premises are situated
- The Fire and Rescue Authority for any area in which the premises are situated
- The relevant enforcing authority under the Health and Safety at Work etc Act 1974 for any area in which the premises are situated
- The local authority with responsibility for Environmental Health
- The local Planning Authority
- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm
- Each local authorities Director of Public Health (DPH) in England and Local Health Board (Wales)
- The local weights and measures authority (Trading Standards)
- Home Office Immigration Enforcement (on behalf of the Secretary of State)

In relation to a vessel:

- A navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities
- The Environment Agency
- The Canal and River Trust, or
- Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA))

Safety Advisory Group

A group of officers from Licensing, Health & Safety, Environmental Community Protection Service, Police, Fire, Ambulance Service, Building Control, Trading Standards, County Highways and any other relevant body.

Temporary Event	Is defined as the use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place.
Temporary Event Notice	A document giving notice to the Licensing Authority of intention to hold a temporary event

APPENDIX B

LIST OF RESPONSIBLE AUTHORITIES

1. Licensing Authority

Licensing Department
County Hall
The Crescent
Taunton
Somerset
TA1 4DY

Telephone: 0300 123 2224

E-mail: licensing.mendip@somerset.gov.uk; licensing.sedgemoor@somerset.gov.uk;
licensing.south@somerset.gov.uk; licensing.west@somerset.gov.uk

2. Environmental Community Protection Service

EP Team
County Hall
The Crescent
Taunton
Somerset
TA1 4DY

Telephone: 0300 123 2224

E-mail: environmentalhealth.mendip@somerset.gov.uk;
environmentalhealth.sedgemoor@somerset.gov.uk;
environmentalhealth.south@somerset.gov.uk;
environmentalhealth.west@somerset.gov.uk;

3. Public Safety

Public Protection Team
County Hall
The Crescent
Taunton
Somerset
TA1 4DY

Telephone: 0300 123 2224

E-mail: environmentalhealth.mendip@somerset.gov.uk;
environmentalhealth.sedgemoor@somerset.gov.uk;
environmentalhealth.south@somerset.gov.uk;
environmentalhealth.west@somerset.gov.uk;

4. Planning

Planning Enforcement
County Hall
The Crescent
Taunton
Somerset
TA1 4DY

Telephone: 0300 123 2224

E-mail: planningnorth@somerset.gov.uk; planningeast@somerset.gov.uk;
planningsouth@somerset.gov.uk; planningwest@somerset.gov.uk

5. Avon and Somerset Constabulary

Liquor Licensing
PO Box 3119
Bristol
BS1 2AA

Tel: 07761 405731

E-Mail: somerseteastliquorli@avonandsomerset.police.uk;
SomersetWestLiquorLicensing@avonandsomerset.police.uk

6. Protection of Children from Harm

Somerset Direct
Childrens and Young Persons Team
PO Box 618
Taunton
Somerset
TA1 3WF

Telephone: 0300 123 2224

E-Mail: cpadmin@somerset.gov.uk

7. Devon and Somerset Fire and Rescue Service

Devon and Somerset Fire & Rescue Service
Yeovil Group HQ
The Fire Station
Reckleford
Yeovil
BA20 1JF

E-Mail: admintauntonyeovil@dsfire.gov.uk

8. Trading Standards

Devon and Somerset Trading Standards
Buckland Road
Chelston
Wellington
TA21 9HP

Tel: 0300 123224

Email: tradingstandards-mailbox@devon.gov.uk

9. Public Health

Public Health
County Hall
The Crescent
Taunton
TA1 4DY

Telephone: 0300 123 2224

Email: publichealth@somerset.gov.uk

10. Home Office

Alcohol Licensing Team
Luna House
40 Wellesley Road
Croydon
CR9 2BY

Email: alcohol@homeoffice.gov.uk

APPENDIX C

RELEVANT WEBLINKS AND DOCUMENTS

Department of Culture Media and Sport

www.culture.gov.uk

Home Office

<http://homeoffice.gov.uk/>

British Institute of Inn Keeping (BII)

www.bii.org.uk

Equality and Human Rights Commission

www.equalityhumanrights.com

BIS 'Code of Practice on Consultation'

www.bis.gov.uk/policies/better-regulation/consultation-guidance

The Purple Guide

<https://www.thepurpleguide.co.uk/>

Event Industry Forum

<https://www.eventsindustryforum.co.uk/>

APPENDIX D

LIST OF CONSULTEES

Section 5 Licensing Act 2003 - Statutory:

The Chief Officer of Police for the licensing authority's area.

The Fire and Rescue authority for that area.

Each Local Health Board for an area any part of which is in the licensing authority's area.

Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area.

Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority.

Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority.

Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority.

Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

A full list of consultees will be held by Somerset Council.

APPENDIX E

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

The Licensing Authority has followed the [Statutory Guidance](#) in relation to this matter. Many of these functions will be purely administrative in nature. This Policy reflects this point, by underlining the principle of delegation, in the interests of speed, efficiency and cost effectiveness.

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a police objection is made and not withdrawn	If no objection
Application for personal licence, with unspent convictions		All cases	
Application for Premises Licences/Club Premises Certificate		If a relevant representation is made and not withdrawn	If no relevant representation
Application for provisional statement		If a relevant representation is made and not withdrawn	If no relevant representation
Application to vary Premises Licences/Club Premises Certificate		If a representation is made and not withdrawn	If no representation
Application to vary Designated Premises Supervisor		If a police objection is made and not withdrawn	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licences		If a police objection is made and not withdrawn	All other cases
Application for Interim Authorities		If a police objection is made and not withdrawn	All other cases
Application to review Premises		All cases	

Licences/club premises registration			
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		If a representation is made and not withdrawn	
Application for a minor variation			All cases
Application to remove the requirement for a Designated Premises Supervisor and personal licence at a community premises			All cases
Decision to make, vary or revoke an Early Morning Restriction Order	Yes		

APPENDIX F

CHILD SEXUAL EXPLOITATION & TRAFFICKING OF CHILDREN & YOUNG PEOPLE

This Licensing Authority is helping to tackle child sexual exploitation and trafficking by working together with key partners.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people, and prosecute perpetrators of sexual exploitation. Sharing information with Police and Child Protection services helps to protect young people from harm. Safeguarding children and young people is everyone's responsibility.

Child sexual exploitation and trafficking is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion, and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol, or cigarettes.

How licensed premises and their employees can help tackle child sexual exploitation

Licensed premises and their employees should ask themselves the following questions when they see young and vulnerable people on their premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

Licensed premises are encouraged to have in place appropriate Safeguarding measures and should seek appropriate advice where necessary to ensure that they are aware of both national and local issues, best practice and/ or priorities.

Further information on reporting child/ adult abuse in Somerset can be found at <http://www.somerset.gov.uk/childrens-services/safeguarding-children/report-a-child-at-risk/>

<https://www.somerset.gov.uk/care-and-support-for-adults/report-an-adult-at-risk/>

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101) and Somerset Council Child Protection Unit. (Tel: 0300 123 2224).

Somerset Council Statement of Licensing Policy 2023 Consultations

Reference	Consultee	Comment	Officer Recommendation	Licensing Board Decision
	Parish Council	<ol style="list-style-type: none"> 1. Town and Parish Councils should be listed as consultees in Appendices D and in the list of Responsible Authorities 2. Further there should be a responsibility to inform residents within 200m of an application to ensure that they have an opportunity to make representations and this should be added to the consultee list in Appendix D 3. The area AONB's and CPRE should also be included on the consultee list as representing bodies. 4. 1.5.3 Please clarify what the 'greater support' offered by the licensing authority to communities is. 5. We have been led to understand that the licensing authority is against conditions that place a burden on the licensing team which would seem to contradict the spirit of this paragraph. It is felt by the Parish Council that conditions are the way forward to promote licensing objectives and the principle of this paragraph is supported. 6. 1.5.6 - 1.5.7 There should be clarity in the approach of the licensing authority to these contradicting statements. 7. 2.1.1 Applicants should be required to seek the views of responsible authorities/local communities and it should be clear how this is to be done to ensure robust consultation. (For instance it is felt that a notice outside a property is not enough particularly where there is likely to be little footfall). 8. 2.6.5 How will the licensing authority monitor and enforce noise conditions and what basis will be used for measuring noise in imposing conditions? 9. 3.7.1 'other persons' may make representations. However the administration procedure is not transparent or clear. The public notice does not invite electronic representations although applications may be electronic. The notice does not provide a link to the application documents for detail of the application although this documentation is an important part of the process. For transparency these documents should be available electronically on the Council website and should not require access to physical copies for partners or other persons. 10. 3.8 The Parish Council understands that the licensing authority could not enforce conditions and would expect other relevant authorities to carry out the enforcement. Are the licensing authority able to put conditions in place that they would enforce? 11. 3.9.5 Will enforcement officers be employed to carry out these visits? It would seem that this requirement could only be carried out if an out of hours officer is 	<ol style="list-style-type: none"> 1. Recommend no change as the Consultees and RA's are set by legislation, namely the Licensing Act 2003. We do notify Ward Members and Parish Clerks of any applications for the grant or variation of a premises licence in their area. 2. Recommend no change as the Consultees and RA's are set by legislation, namely the Licensing Act 2003. We do notify Ward Members and Parish Clerks of any applications for the grant or variation of a premises licence in their area. 3. Recommend no change, please see above but it would be helpful for Parish Clerks to pass on the notification if they are situated in such an area. 4. Anti-Social Behaviour, Crime and Policing Act 2014 give greater powers to the Police to close premises. 5. This is untrue, conditions need to be tailored to an individual licence to promote the Licensing Objectives. 6. Recommend no change as each application needs to be considered on its own merits. 7. Recommend no change as there is no legal requirement to do this so the policy advises that it may be useful to do so. The advertising of the application, as already stated, is set by statute. 8. Any complaints received will be assessed and appropriate action taken. This may involve the use of monitoring equipment and could lead to a review of the premises licence. 9. This is something we are working towards, updating the website, and aligning our procedures. 10. The Licensing Authority does enforce conditions and has prosecuted for breach of conditions. 	

Page 66		<p>employed and would be an undue burden on officers who work 9-5, part time or work from home.</p> <p>12. 4 Administrative procedures require the advertising of applications - but displaying them at locations that are unlikely to be visible to other residents such as those with little footfall by the general public; or in newspapers with declining readership are unlikely to meet the requirements or spirit of the regulations. Requiring that Town and Parish Councils are notified would form a more direct link to residents as these bodies are elected representatives. Offering a subscription service such as the planning online subscription service offered by the Sedgemoor District which is now part of Somerset Council would allow groups and residents to subscribe to receive new notices or variations for specific Parishes, the system would not create an undue burden for officers and as the software is already owned by Somerset Council it should not place a financial burden on the department. This would create a robust and transparent administrative procedure to meet the fundamental principles of the policy</p> <p>13. 4.0.3 Clarity on variations is sought – is there a control on the cumulative effect of minor variations to a full variation on a licence.</p> <p>14. 4.4 The minimum time of 5 days notice does not seem practical for consultation unless this must be offered due to the 2003 Act.</p> <p>15. 4.4 Which policy would take precedence if a premises has a licence for events, the LSE policy or the extant premises licence as para 4.6.12 recognises that responsible authorities should be given the opportunity to make representations relating to different events at the same location. How do the two approaches connect for a premises that holds a variety of unspecified large events.</p> <p>16. 4.9 There is no process for regular reviews, a licence could be in place for decades with no review of the activities licensed, except in the instance of a complaint. If there are no regular checks standards may slide.</p> <p>17. 4.9.1 For clarity does this paragraph mean that a body such as a Parish or Town Council could request a review.</p>	<p>11. This is in-line with the Somerset Council Enforcement Policy, but each case would be considered on its own merits.</p> <p>12. Recommend no change as the advertising of applications is set out in statute.</p> <p>13. The Minor Variation process is a simplified process that can only be used if it has no adverse effect on the Licensing Objectives. If it does, the application is rejected the only way forward is to submit a Variation.</p> <p>14. There is no consultation for a Temporary Event Notice (TEN). It is not a licence; it is a notice served on the Licensing Authority informing them that a licensable event is taking place. The only persons who can object to a TEN are the Police or Environmental Health.</p> <p>15. Recommend no change as each event needs to be considered on its own merits.</p> <p>16. Under the Licensing Act 2003 licences are usually held in perpetuity and we carry out proactive inspections as well as being reactive to complaints.</p> <p>17. Yes</p>	
2	Member of public	<p>1. 2.1 Legislation Prior to submitting your application you ARE REQUIRED to seek the views of responsible authorities and local community to obtain information on local issues and concerns that you may wish to take into consideration prior to making your application</p> <p>2. 4. Administrative procedures 4.03 and 4.04 need to be amended to have more wider distribution using community sites and media besides newspapers. Notice needs to be prominently displayed in the relevant area not only at the site itself.</p> <p>3. 4.12 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application. What if this recommendation is not taken up and neighbours and community groups are unaware of the licensing application so are unable to make</p>	<p>1. Recommend no change as there is no legal requirement to do this but the policy advises that it may be useful to do so. The advertising of applications is set by statute.</p> <p>2. Recommend no change as the advertising of applications is set by statute.</p> <p>3. Recommend no change as there is no legal requirement to do this so the policy advises that it may be useful to do so.</p> <p>4. Recommend no change as this would be a planning issue, not a licensing one.</p>	

		<p>representation in the required period? Applicants should be required to show evidence of liaison /consultation</p> <p>4. 4.1.5 Public Health This aspect needs to be strengthened. Public Health can be endangered if the sewage system is overwhelmed by a large increase in occupants at a site. How this will be dealt with needs to be a requirement prior to granting a licence for large numbers of people over 24 hours 7 days a week</p>		
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 67</p> <p>3</p>	<p>Member of public</p>	<ol style="list-style-type: none"> 1. Page 11 'Legislation': After Para 2.1.1 the Policy should set out the other legislation which the licensing authority is bound by in undertaking its licensing function under the Act, including: <ul style="list-style-type: none"> o S17 of the Crime & Disorder Act 1988 <p>(Note: the above list replicates what appears at 2.1.1 of Mendip's Policy)</p> 2. Page 11 Para 2.3.1: spelling error: the word 'become' should read 'becoming' 3. Page 12 Para 2.4.1- 'Children' this should also state (as para 2.3.2 of Mendip policy does) that "Applicants for a premises license are advised to include in their operating schedule (where applicable) specifically how they will prevent sales of alcohol to persons under 18 years, minimise glass related injuries and assaults, prevent noise from licensed premises becoming a nuisance and manage customers outside their premises who are smoking" 4. After 2.4.5 the Policy should set out the child protection bodies to whom the 2003 Act requires Applicants to copy details of their application, (as per Mendip's policy 2.4.1 and 2.4.2); 5. The Policy should also itemise examples of issues likely to raise concern in relation to children (as per Mendip's policy 2.4.7), and examples of entertainment likely to cause concern (as per Mendip's policy 2.4.8). The Licensing authority's strong advice in relation to children where music and alcohol are the main reasons for an event taking place, should also be included (as per 2.4.9 of Mendip's policy) . In addition the Licensing Authority's strong advice should be included in relation to events provided solely for young people (as per 2.4.10 of Mendip's policy), and finally, a statement should be included of the conditions which an applicant is advised to offer for consideration in its operating schedule, where adult entertainment or services may give rise to concern in respect of children: (as per 2.4.11 of Mendip's policy.) 6. Page 14: 'Late Night Refreshment' After 2.7.5 the Policy should set out details of the licensing authority's power to charge late-night levies (as per para 2.6.1 and 2.6.2 of Mendip's Policy) 7. Page 15 'Partnership Working' para 3.1.2 should set out examples of the form which 'co-operation across Services within the Authority' will include or be likely to take. In this regard the Policy document might take its cue from the House of Lords Select Committee Report following their post-legislative Scrutiny of the Licensing Act 2003 (published 4.4.17) at https://publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf Specifically, para 245 of the report cites examples of authorities where there is 	<ol style="list-style-type: none"> 1. Recommend no change as: <ul style="list-style-type: none"> Section 17 of the Crime and Disorder Act 1988 is referenced at 3.1.3 Human Rights Act not referenced as it is enshrined in everyday life. Equalities Act 2010 is referenced at 1.5.2 Anti-Social Behaviour, Crime and Policing Act 2014 is referenced at 1.5.3 2. Corrected 3. Recommend no change as this paragraph is now at 2.3.1 4. Recommend no change as this is referenced at Appendix B and further information on Safeguarding can be found at Appendix F 5. Recommend no change as this was intentionally not included in the policy as it was thought most of the text was common sense and each application would be decided on its individual merits. 6. Recommend no change as this was intentionally removed as it is a legislative power not a policy issue and there are no late-night levies within the Licensing Authority area. 7. Recommend no change as this is a report from 2017 which made recommendations but were never adopted within the Section 182 Guidance. We do liaise with our Planning colleagues and as Responsible Authority they are consulted on all applications for the Grant or Variation of a premises licence. 8. Recommend no change as this is not a recent change in legislation, this refers to the Police Reform and Social Responsibility Act 2011 so has been enacted for the past 12 years. The role of the 	

		<p>already good co-operation between licensing committees and planning officers, and Para 247 which recommends: “Coordination between the licensing and planning systems can and should begin immediately in all local authorities. The section 182 Guidance should be amended to make clear that a licensing committee, far from ignoring any relevant decision already taken by a planning committee, should take it into account and where appropriate follow it; and vice versa.”</p> <p>8. Page 16 ‘Licensing Authority as Responsible Authority’ After 3.2.4 the policy should make it clear what this recent change in the legislation means by reference to the Home Office explanatory Guidance, which is detailed as follows at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98130/licensing-authorities.pdf “What is the proposed change to be made through the Bill? We will make licensing authorities responsible authorities under the Licensing Act. This will empower them to refuse, remove or review licences themselves without first having had to have received a representation from one of the other responsible authorities listed above.</p> <p>What are the advantages of giving licensing authorities this additional power? This proposal will ensure that licensing authorities are better able to respond to the concerns of local residents and businesses by taking the necessary actions to tackle irresponsible premises without having to wait for representations from other responsible authorities.”</p> <p>9. Somerset’s Policy should also clarify that relevant representations from Responsible Authorities which are made within the prescribed period, shall be considered, where submitted in any written or verbal form.</p> <p>10. It is Important to note that: whilst s17 of the Licensing Act 2003 imposes a duty on Applicants and any advertisements to use a ‘prescribed form’, the section only refers to the ‘prescribed period’ within which Responsible Authorities and Other Persons may make representations to the Licensing Authority. Accordingly, the legislation does not impose any prescribed form for representations from this sector.</p> <p>11. The Policy should additionally make clear that in the interests of transparency and freedom of information, details of any representation from a Responsible Authority relevant to a pending application for a license shall be disclosed on written request to all parties including the applicant or any other person or body who has made a representation, at least 2 clear days in advance of any hearing.</p> <p>12. Page 18 ‘Avoiding Duplication’ para 3.6.2: After the words “ensure that the appropriate form of planning permission is in place” insert: “prior to operation” (as para 3.6.2 of the Mendip policy provides)</p> <p>13. This part of the Policy should include the licensing authority’s warning in relation to an applicants who do not obtain such consents (as per para 3.5.5-6 of Mendip’s Policy)</p>	<p>Licensing Authority as a Responsible Authority is clearly explained within section 3.2.</p> <p>9. Recommend no change as the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 Section 21 states that an application, notice or representation shall be given in writing, which includes being transmitted in electronic form.</p> <p>10. Recommend no change as this is detailed in the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.</p> <p>11. Recommend no change as this is covered by the Licensing Act 2003 (Hearings) Regulations 2005</p> <p>12. Recommend no change as this was intentionally removed as it is not a requirement for the application but is a suggestion.</p> <p>13. Recommend no change as this is covered in 3.6.2</p>	
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	<p>Member of public</p>	<ol style="list-style-type: none"> 1. 2.31 I welcome the recognition that an area of concern is preventing noise from licensed premises becoming a nuisance. However the policy could go further and indicate that creating a noise nuisance outside the license conditions is unacceptable and will be subject to enforcement. 2. Surely another known area of concern is overcrowding/crushing at large indoor and outdoor events? 3. 2.6.5 Suggest second sentence should read “If representations are received in areas with a concentration of residential properties, then imposition of stricter noise control conditions will likely be necessary. 4. 3.1.1 I welcome the recognition that delivery of the Licensing function involves a partnership approach with, amongst others; residents, parish councils and LCNs. However I would like to see more policy guidance to demonstrate this involvement. For example, it is presently not a requirement on the applicant or LA to notify Parish Councils (or presumably LCNs). I assert that SC should introduce this requirement or at the very least “strongly recommend” notification of local community groups including parish councils. 5. 3.3 Cumulative Impact Policy: This policy still doesn’t address sequential licensed events at the same location. 6. Also it would be useful for the policy to state how the LA controls the cumulative impact of multiple TENs e.g. off-site campsites around Glastonbury Festival. NB: It is understood that the Festival license conditions has no legal effect on these sites. 7. 3.9 Enforcement: Is it not appropriate for this policy to enshrine formal reviews of large events? For example, each year there is a review of Glastonbury Festival under the behest of the (Mendip) Scrutiny Board – surely this should be formalised within this Somerset wide policy? 8. 3.10.3 More could be done to explain or signpost the complaint procedures. Surely any complainant has the right of appeal if it is not considered a “valid complaint”? 9. 4.1.2 I believe that SC should adopt a mandatory policy of liaising with neighbours. At the very least it should strongly recommend this approach, with some appropriate sanctions if this approach is not followed. 10. 4.1.4 The applicant needs to describe safe capacities together with the procedures that are in place to ensure safe capacities are not exceeded. For example certification control of ticket numbers. 11. 4.7.1 This is a praiseworthy statement but most legal controls are outside the LA. For example the Environmental Agency controls the impact on watercourses. It would be useful for the policy to explain its relationship with other agencies involved in ensuring sustainable management. 	<ol style="list-style-type: none"> 1. Recommend no change as a Premises licence includes the entire licensable area and this paragraph advises applicants what to address in their operating schedule to promote the licensing objectives. Enforcement is detailed at 3.9. 2. Recommend no change as this will be assessed by Safety Advisory Groups and event Multi partnership Meetings on a case-by-case basis. 3. ” Agree with the re-wording but use “will be considered” rather than “likely to be necessary”. 4. Recommend no change as Ward members and Parish Clerks are notified of all new premises licence applications and applications to vary an existing licence within their area. 5. Recommend no change as each application will be considered on its own merits. 6. Recommend no change as the LA cannot control the number of TENs as it is a notice served on the LA that a temporary event is taking place. 7. Recommend no change as the licence is not reviewed on annual basis, officers make recommendations to Scrutiny Board in relation to the Event Management Plan if required. 8. Recommend no change as it is quite easy to find the complaints page on the Somerset Council website Complaints, comments and compliments (somerset.gov.uk) Any appeal would be to the ombudsman. 9. Recommend no change as we cannot make this mandatory as it is not a legal requirement, but the paragraph recommends this approach. 10. Recommend no change as each application will be considered on its own merits by Responsible Authorities and any required conditions will be tailored to individual applications by either mediation or a hearing. 11. The climate team will update their webpage with the event sustainability information to include links to other agencies and their responsibilities around events. 	
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<p style="text-align: center;">5 Page 70</p>		<p>1. Clause 3.1.2 (page 15) of the Licensing Policy should state that the Licensing Authority WILL co-operate with other services across the Authority to promote the Licensing Objectives and be clear about the form such co-operation should take.</p> <p>2. In 2017 the House of Lords Select Committee published its post-legislative scrutiny report of the Licensing Act 2003. The House of Lords specifically identified inadequacies in decision making by Licensing Authorities due to lack of connection with the Planning regime, which had led to “numerous examples of the absurdities caused by the separation of the systems... [particularly where both licensing and planning are relevant and where] permission for one without the other is of no use”.(para 118 HoLreport)</p> <p>The House of Lords further noted the good practice in some authorities which had arranged for Licensing and Planning enforcement to work together and wanted this to become the norm in all local authorities, on the basis that coordination between the licensing and planning systems can and should begin immediately.(para 245 HoL report)</p> <p>The failure of the Licensing Authority to properly co-ordinate with the Planning regime and consider existing planning permissions prior to granting a license leads to licensing hours being permitted which exceed those allowed under planning restrictions. Planning enforcement then have to step in.</p> <p>At paragraph 122 of its report the House of Lords states: "Licensing committees are not bound by decisions made by a planning committee, and vice versa. We believe that this policy, far from avoiding duplication and inefficiency, has increased it, and has led to confusion and absurdity."</p> <p>I urge Somerset Council to use this opportunity to take on board the recommendations of the House of Lords Select Committee to ensure better coordination between the planning and licensing regimes. You should include a full statement of how the relationship between the two will work thus avoiding the shocking waste of time and resources the current lack of co-ordination causes.</p>	<p>1. Recommend no change as the LA seeks co-operation but must follow current legislation.</p> <p>2. Recommend no change as this is a report from 2017 which made recommendations but were never adopted within the Section 182 Guidance. We do liaise with our Planning colleagues and as Responsible Authority they are consulted on all applications for the Grant or Variation of a premises licence.</p>	
<p style="text-align: center;">6</p>	<p>Responsible Authority</p>	<p>1. 2.4 Children To support the licensing objectives, we suggest alcohol advertising should be addressed. There is overwhelming evidence that alcohol marketing profoundly influences children. It encourages them to drink earlier and once they have started, it encourages them to consume more; and it is both the content and volume of advertising and marketing that causes the damage. We believe that alcohol should not be advertised within a 400m radius of schools, children’s homes, or in other locations which are likely to be seen by high numbers of children and young people. We would like businesses to take this into consideration, when designing and displaying their point of sale advertising.</p>	<p>1. This is regulated by the Advertising Standards Authority (ASA) who is the UK’s independent regulator of advertising across all media. They apply the Advertising Codes, which are written by the Committees of Advertising Practice (CAP) Home - ASA CAP</p> <p>Recommend referencing and signposting ASA within 2.4 – RA in agreement.</p> <p>2. Recommend no change as each application will be considered on its own merits.</p>	

APPENDIX 2

		<p>2. 2.5 Vulnerable Adults This section could go further, by highlighting how the physical layout of the premises may present particular risks for vulnerable persons.</p> <p>3. 3.1 Partnership Working - 3.1.1 Please can Somerset Strategic Drugs and Alcohol Partnership be added as an organisation that works to support the licensing objectives.</p> <p>4. 3.3 Cumulative Impact Policy We have ongoing concerns that Cumulative Impact Areas are not currently used in Somerset. There are areas where evidence indicates the density of licensed premises is impacting adversely on the licensing objectives. We support the new policy recognises that the Act provides a mechanism for consideration should the need arise in the future.</p> <p>5. 4.1.5 Public Health We welcome the inclusion of Public Health.</p> <p>6. Under section 4.1.5 referenced in the new policy we would ask the following sentence: The DPH may hold information unavailable to other Responsible Authorities which may assist the Licensing Authority in exercising its functions is amended for transparency as we would prefer it to state: The DPH collates data which may be unavailable to other Responsible Authorities, but its analysis may be presented to assist the Licensing Authority in exercising its functions.</p>	<p>3. Agreed – add email address to page 5. SSDAP@somerset.gov.uk</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>6. Amend as requested.</p>	
Page 74	Member of public	<p>1. The supporting document appears to cover most aspects when granting a License .All that I would want included or made clearer is that the impact on a Community is taken into account and the Devon made is mindful that a license till midnight has wider implications in noise and anti social behaviour if the venue is in a residential area</p>	<p>1. Recommend no change as this is covered in section 2.6 paragraphs 2.6.2 & 2.6.5.</p>	
8	Somerset Council Officer	<p>1. I would suggest that section 5 is too vague to comply with general principles around fair enforcement. The statement has no clear definition and so is open to a wide range of interpretation “if it sees fit” is not clearly defined.</p> <p>A better format for section 5 might be to state that “ charging will be in accordance with the council`s adopted fees schedule ”. As licensing fees have to be set annually a fee schedule can then be created which creates a basic minimum or maximum charge. This schedules should also include an ability to waiver for certain appropriate bodies. This would need to be defined by the council in the charging schedule and would provide clarity to support the overarching policy.</p>	<p>1. Recommend amendment to – The Authority may charge for pre – application advice on request in accordance with the council`s adopted fees schedule.</p>	
9	Member of Public	<p>1. No account of past failings to protect the community I am concerned to see that this policy , which does not appear to differ in any substantial way from the former Mendip policy , does not take account of the issues that were raised (and accepted as action points) at a recent Mendip Scrutiny Board (November 22?) concerning the Glastonbury Festival. These issues illustrated failings in your licensing and enforcement regime and therefore by implication likely also your policy and included concerns about noise, traffic and overcrowding,</p>	<p>1. Recommend no change as the minutes of the Scrutiny Board 22/11/23 have been reviewed and there are no action points recorded but the following was resolved.</p> <ul style="list-style-type: none"> Note the report. 	

		<p>(a) I propose that the minutes of the scrutiny Board are reviewed and the relevant parts of this policy strengthened to mitigated the issues that were raised there; and for the record were repeated again this year.</p> <p>2. Independent review of this policy Your records will show that Mendip failed in the application of the license. For example it failed in to have in place a means of monitoring compliance with the noise curfew and when challenged sent correspondence which was contradictory and fell short of the standard I and others in my village expected of our local authority. They even failed in responding properly to my FOI request (which I felt compelled to make because of their handling).</p> <p>(a) I therefore request that someone other than the Mendip Licensing team deals with the revisions to the policy on which you are consulting. It is normal practice in Auditing for the lead auditor to be changed periodically and I suggest this is done here too a team that has not felt the need to take action to mitigate serious breaches in the past will very likely not have the independent mind and fresh approach that review of this important policy needs.</p> <p>(b) I also propose that the review must take account , if not already done so ,of good practice as operated by other authorities in whose area there are similar large scale events. Somerset should learn from he experience of others if there is learning to be had.</p> <p>3. Engagement of members of the communities within the Council's area of responsibility.</p> <p><i>Consultation on the policy</i></p> <p>(a) Shortfalls on licensing (the policy, the licenses and their application), can and do have a profound impact on the quality of life in our communities. I was surprised therefore that this consultation was not widely publicised, that it was not drawn to the attention of those that have expressed concern over licensing matters previously and that there were not consultation meetings. It was only by chance that a neighbour drew this to my attention at the 11th hour.</p> <p>(b) Some of my comments that follow are from experience of the Glastonbury Festival has on the surrounding communities. I appreciate this is not a consultation on the festival per se but it provides a useful reference as to how the hither-to licensing arrangements have failed us.</p> <p><i>Consultation concerning the changes to and application of licences</i></p> <p>(a) I would like to propose , if it does not already exist, that you enable members of the community to be automatically notified of matters in which that they have registered an interest.</p>	<ul style="list-style-type: none"> • Support the Officer recommendations summarised in Appendix 2 of the report. • Request a written response to the recommendations from the Licensee. <p>(a) Recommend that this is not a policy issue but a licence issue specific to Glastonbury Festival.</p> <p>2. Recommend that this is not a policy issue but a specific licence issue.</p> <p>(a)Recommend no change as the draft policy has been reviewed by Licensing Leads from previous districts who are now part of Somerset Council. Also, the consultation process is a review of the policy.</p> <p>(b) As above</p> <p>3. Engagement of members of the communities within the Council's area of responsibility.</p> <p><i>Consultation on Policy.</i></p> <p>(a) Recommend no change as this consultation was widely publicised as required in statute as well as parishes and various social media outlets.</p> <p>(b) Recommend that the comment is noted.</p> <p><i>Consultation concerning the changes to and application of licences.</i></p> <p>(a) Recommend no change as members of the community are notified of applications by way of notification to Ward and Parish Cllrs and by way of advertising as set out in the Licensing Act Regulations.</p> <p><i>The Policy should be revised so that members of the community are consulted in the detail of Operating Plan.</i></p> <p>(a) Recommend no change as under the Licensing Act 2003 there is a 28-day consultation period for any grant or variation of a premises licence. A Responsible Authority or any other person may make a representation for or against the application during that period. In respect of Glastonbury Festival, multi-agency partnership meetings are held specifically for Responsible Authorities to scrutinise event management plans. GFEL organise community engagement</p>	
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The Policy should be revised so that members of the community are consulted in the detail of Operating Plan

Your policy again excludes a requirement for the local authority to consult members of the community on the very issues that will impact them . Members of the community should be consulted on the Operating Plan . Mendip has told us repeatedly when we have raised issues concerning the license for the festival that these matters would be taken care of in the Operating Plan. However members of the community are specifically excluded from consultation or engagement in the plan. This is a critical weakness in your policy . People who live near the licensed premises will have a perspective that the authority may not, and at the end of the day the license should protect those same people.

The applicant's consultation and wash up meetings with the community should be mandated and the licensing authority should supervise this to ensure appropriate measure are taken as a result of the consultation.

- (a) The policy should be strengthened (if the legislation allows) to mandate proper consultation with the community and in good time. I have attended such meetings when I was told by the applicant that it was too late to change anything. This is NOT consultation. Equally there must be a proper wash up meetings for repeated events
- (b) In previous years the it has been our experience consultation meetings concerning a licensed event have been chaired by the Applicant. If the legislation allows, the policy should make provision for the consultees to shape the agenda and for the chair to be independent (ie using the f license as an example of the principle that should be in the policy, this would then not be chaired by the festival, nor the local licensing team or the parish council- although those organisations should be present).

4. Conditions on the license
 Para 1.5: The policy should be revised (if legally possible) so that conditions can be applied also if there have been previous complaints about the applicant in relation to matters covered by licensing in general.

5. Cumulative impact Policy
 Where an event happens repeatedly and incurs significant impact time and time again and/or where the event attracts other events such as camping under other 'permissions' then total impact of all these events must be taken into account. Your policy should specifically reflect this.

- (a) To illustrate how the licensing policy fails to take cumulative impact into account and where the new policy should be strengthened , your festival license does not seem to exercise any control over very significant numbers of people arriving in or near our village for camping well in advance of the festival . That camping only takes place because of the festival. Your license should extend to businesses that have a 'dependence' on the licensed event and certainly to 'partnerships' (eg where camping and ticket are jointly purchased).

meetings for members of the community and the Parish Council to raise any concerns. If there are issues that are not addressed, there is the option to review the licence.

The applicant's consultation and wash up meetings with the community should be mandated and the licensing authority should supervise this to ensure appropriate measure are taken as a result of the consultation.

- (a) Recommend no change as what is being referred to is not consultation, it is community engagement and these meeting are convened by the event organisers. There is no legal requirement to do this, but it is something we encourage and are keen to see it continue.

(b) As above.

4. Recommend no change as conditions can only be added to a license by way of minor variation, variation, or review.

5. Recommend no change as this is covered in section 3.3 and at paragraph 3.3.4 it clearly states, Somerset Council has no immediate plans to publish a CIA but recognises that the Act provides a mechanism for consideration should the need arise.

(a) As above

6. Recommend that the comment is noted but is a statement in relation to Glastonbury Festival and not a policy issue.

7. Complaints, Monitoring and Enforcement.

- (a) Recommend no change as the draft policy has been reviewed by Licensing Leads from the former districts who are now part of Somerset Council.

(b) As above but not a policy issue but a specific licence issue.

(c) Recommend no change as this is not a policy issue but a specific licence issue.

		<p>6. Integrated Strategies The LA administration of the festival so far has had inadequate regard to the interests of the local community. It has not engaged properly with the negative impact on those communities and has cited unsubstantiated arguments about significant benefit of the festival to the community. Competing interests must be considered but the way in which this has been voiced at LA meetings indicates an improper application. For example the claimed local commercial benefits should not prevent proper control over noise on the community. There also needs to be clear criteria as to how alleged benefits (commercial and linked businesses) compare with the disruption to residents</p> <p>7. Complaints, Monitoring and Enforcement (a) Mendip’s track record on license monitoring and enforcement has been woeful. Because of this the policy needs to be completely reviewed by persons within the Somerset Authority who have had no prior engagement with Mendip. (For example ,last year (2022) there were repeated significant breaches of the so called festival noise curfew period;the correspondence with members of Mendip was inconclusive (and in my opinion unacceptable). Even their handling of a related FOI breached the legal standards of handling).</p> <p>(b) The policy and expressed requirements of the Authority should be overhauled such that all activities are assigned appropriate standards , is properly supervised and monitored and enforced if materially breached. The current policy clearly fails to do that in that we have had repeated and serious breaches of the festival noise curfew in the last 2 years (and previous years) .</p> <p>(c) The permitted levels of noise have not been ‘managed ‘ by application of your current policy and the proposed policy does not differ</p> <p>8. Traffic, roads and pathways The policy should take into account the use of helicopters for transport. For example at this year’s festival there was significant use of helicopters to the festival site including during the night which caused disturbance. It should also be a consideration under ‘sustainability’ in your policy.</p> <p>Where there are alternatives, traffic to an event on the side of a community should not be allowed to :</p> <ul style="list-style-type: none"> -deny the community normal access to their house and parking, - subject it to large volumes of traffic, some of it quite unsuitable for the nature of the village roads. - put pedestrians at risk. <p>Your policy should categorically require that where there are alternative for parking and traffic flows they MUST be used.</p> <p>As we are encouraged to have active lifestyles the local authority should not be shutting down footpaths and bridleways for 2 months of the year in connection</p>	<p>8. Recommend no change as this is not policy issue but could be considered on a case-by-case basis on application or a review of the licence.</p> <p>9. Recommend no change as this is not a policy issue but a specific licence issue.</p> <p>10. Recommend no change as this is not a policy issue but a specific licence issue.</p> <p>11. Recommend no change as this is not a policy issue but a specific licence issue.</p>	
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<p>Page 75</p>		<p>with a licensed commercial activity. Could you consider how this could be curtailed by your policy?</p> <p>9. Security Using the festival again as an example ,people scaled the festival fence and making unauthorised entry to the festival site this year. The license should increase its attention to security including in the community.</p> <p>10. Sustainability and environment. From this years festival there was evidently inadequate provision of toilets. Your policy needs to focus on pollution an hygiene.</p> <p>11. Crowd control Your should have a specific requirement concerning crowd control at large events. I have been dismayed at this absence in practice. Had the lack of crowd control at the festival been associated with a football match it would have been banned</p>		
			<p>Delegated authority required to continue to make minor textural changes as and when required</p>	

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Somerset Council
Licensing and Regulatory Committee – 14 September
2023



Fixing of fares charged by taxi drivers

Lead Officer: John Rendell, Licensing Manager

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Executive Lead Member: Councillor Federica Smith-Roberts, Lead Member for
Communities, Housing and Culture

Division / Local Member: Licensing and Regulatory Committee

1. Summary

- 1.1 Somerset Council is the 'licensing authority' responsible for issuing licences to hackney carriages (more commonly referred to as 'taxis') and private hire vehicles, drivers and private hire operators, who work from within the Council's administrative area.
- 1.2 The Council has the power to fix the fares and other charges connected with hiring a taxi. These are set out within a 'table'. There are currently four separate tables of fares currently being charged in Somerset, each one set by the Councils predecessor, district councils.
- 1.3 The Licensing Service has created a new table of fares with the aim of replacing the four legacy tables, thus harmonising the maximum rate that passengers can be charged when travelling in Somerset.

2. Issues for consideration/recommendations

- 2.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 identifies local authority functions which are not the responsibility of the Executive i.e. are that of the Council. The fixing of hackney carriage fares is not identified alongside other hackney carriage and private hire licensing functions in Schedule 1 of the Regulations, and is therefore an Executive function.

2.2 The recommendation is that this report be noted.

3. Background

3.1 The cost of using a taxi largely depends on when a journey is undertaken and the distance covered. The total cost of using a taxi is referred to as a 'fare' and is calculated on an electronic meter installed in the vehicle, where it can be easily seen by passengers.

3.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council the power to fix the fares that taxi drivers may charge for time, distance and "all other charges in connection with the hire of the vehicle or arrangements for the hire of a vehicle". There is no power to fix the fares charged by private hire operators/drivers.

3.3 A taxi driver can charge anything up to, but not more than, the fares fixed by a council. This allows for competition in the market.

3.4 To create new table of fares, or vary an existing one, a council must publish the proposed table in a local newspaper, display it at the council offices, and allow at least 14 days for any person to object. If no objections are received, the new table will come into effect on a date which must be specified beforehand. If there are objections, a council must, within two months, consider them and decide whether to adopt the proposed table or a variation of it.

3.5 A council that has fixed fares, may at any time vary them, going through the same process described above.

3.6 The Council has a certain balance to strike if it fixes the fares that hackney carriages charge. If those fares are set too high, then it is no longer affordable for many of the people who rely on them in some way or another. If those fares are set too low, drivers and firms will struggle which, in turn, would eventually negatively impact on the availability of taxis in the local area.

3.7 Tables of fares can however vary dramatically from council to council, with multiple rates or percentage multipliers for different times of the day, days of the week and on public holidays. This is true of the four existing tables of fares adopted by the predecessor district councils in Somerset.

3.8 The cost of using taxis in different council areas is often compared by taking the price of a basic, two-mile journey. Trade publication Private Hire and Taxi Monthly (PHTM) publish a '[national hackney fare league table](#)' on this basis, with the most expensive authorities featuring at the top. There are 344 separate authorities listed in the PHTM league table. Authorities that charge the same amount for the two-mile journey are not ranked jointly and are instead ranked in alphabetical order. The PHTM league table is only indicative of price differences and does not give a wholly accurate picture.

3.9 Using the basic, two-mile journey as an example, the four existing tables of fares compare as follows:

Predecessor authority	Price of a basic 2-mile journey	Fares introduced	PHTM table rank
South Somerset	£7.60	July 2022	#81
Mendip	£7.10	April 2022	#142
Sedgemoor	£6.80	November 2019	#191
SWT	£6.80	September 2022	#192

3.10 A working group of Licensing Officers came up with the proposed table of fares below. As there are so many different rates, measurements, multipliers and extras across the four existing tables, coming up with one was not an easy task. Furthermore, no one table of the current four comes out as being the most 'expensive' when different charges for various journeys are calculated. For example, the most expensive charge for four people to travel 4 miles at 9am on a Monday is in South Somerset, whereas the most expensive charge for six people to travel 7 miles at 1am on a Sunday is in Mendip.

Standard Fare:	
First mile	£4.60
For each completed 1/10 of a mile or part thereof	£0.30
Waiting time:	
Each completed 2 minutes	£1.00
Multipliers:	
Between 23:00 and 07:00	50%
Sundays	50%
Bank holidays	100%
Christmas Eve and New Year's Eve, from 18:00 to 00:00	100%

Extras:	
In excess of 4 passengers, per extra passenger	£2.00
Soiling charge	£100
Toll/clean air zone charges	As required

- 3.11 The working group decided that, as a starting point, the new table for Somerset would be based on the existing table with the highest cost per mile, this being the South Somerset. Hence, the ‘standard fare’ is £4.60 for the first mile and 30p for every completed tenth of a mile, or part thereof. When it came to other rates and multipliers, the working group went with a ‘majority rules’ method where certain features were selected in favour of others if they were common across three of the four existing tables/areas. The ‘time and a half’ rate on Saturdays for the Somerset West and Taunton area and booking fee for the Sedgemoor area were ‘odd ones out’ compared to their neighbours.
- 3.12 Attached at **Appendix 1** is a table demonstrating how taxi costs vary under the existing tables of fares and the one that is proposed, for journeys at different times of day and days of the week.
- 3.13 Overall, the cost of journeys under the proposed table is largely similar to costs under the South Somerset table, with some higher charges for certain journeys. Members of the public travelling across the County of Somerset are therefore likely to, in some way, notice an increase in taxi costs, although this will be greater for some than others. This is on the assumption that a majority of drivers decide to set their taxi meters to the proposed table. They, of course, do not have to. The table is the legal maximum they can charge, and are free to charge less if they wish.
- 3.14 Once our proposed table was drafted, it was sent to all taxi licence proprietors along with a survey. There were 23 responses to the survey in total, of which 13 people supported the proposed table, 3 were not sure and 7 did not support it.
- 3.15 Some concerns were raised about increasing the maximum that can be charged and how this might discourage the public from choosing to travel in a taxi. As stated before, this is a legal maximum and drivers can choose to continue charging the rates they currently do.
- 3.16 The working group has considered the responses to the survey but believes the current proposal is the correct one to carry forward i.e. publish for consultation.

- 3.17 It is planned that, in the future, once we have a county wide table of fares in place, it will be reviewed on a much more frequent basis than it has in the past across the districts. Most likely, annually. This would avoid the need for the trade to come forward to request an increase and hopefully make increases more palatable to the public, rather than to impose big increases many years apart.

4. Consultations undertaken

- 4.1 Officers conducted a survey with hackney carriage proprietors (those who hold hackney carriage vehicle licences) to seek their views on the proposed table of fares, before finalising it and in lieu of undertaking the statutory public consultation.
- 4.2 As explained at paragraph 3.4, the Council (in the form of the Executive) must, if there are objections during the consultation, decide whether or not to change from the existing table(s) within two months of the consultation finishing. Officers aim to publish the proposed table of fares around the beginning of September, with a view to a decision being made by the Executive at its meeting on the 8th of November (TBC), should there be objections. If there are no objections, the aim would be for the proposed table to come into effect after the end of the consultation.

5. Implications

- 5.1 The introduction of one table of fares for the entire Somerset area would harmonise the maximum that taxi drivers licensed by Somerset Council can charge passengers.
- 5.2 Passengers may, just as they do now, experience differences in the rate of fares charged by different taxi firms across the area, since drivers can lawfully decide to charge less than the maximum shown in the table set by the Council. What this does mean is that there will be competition in the market.

Appendices

- Appendix 1 – Comparison of maximum taxi charges

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Appendix 1 - Comparison of maximum taxi charges

Journey	No. of passengers	South			SWT	Average
		Sedgemoor	Mendip	Somerset		
2 miles at 9am on Monday	4	£6.80	£7.10	£7.60	£7.20	£7.18
2 miles at 9am on Monday	6	£10.20	£7.10	£9.90	£10.80	£9.50
2 miles at 1am on Sunday	4	£10.20	£10.40	£11.90	£10.80	£10.83
2 miles at 1am on Sunday	6	£17.00	£13.70	£14.20	£14.40	£14.83
2 miles at 6pm on Christmas Day	4	£13.60	£13.70	£15.20	£14.40	£14.23
2 miles at 6pm on Christmas Day	6	£17.00	£17.00	£17.50	£14.40	£16.48
4 miles at 9am on Monday	4	£11.40	£11.70	£13.60	£12.40	£12.28
4 miles at 9am on Monday	6	£17.10	£17.30	£15.90	£18.60	£17.23
4 miles at 1am on Sunday	4	£17.10	£17.30	£21.90	£18.60	£18.73
4 miles at 1am on Sunday	6	£22.80	£28.50	£24.20	£24.80	£25.08
4 miles at 6pm on Christmas Day	4	£22.80	£22.90	£27.20	£24.80	£24.43
4 miles at 6pm on Christmas Day	6	£28.50	£28.50	£29.50	£24.80	£27.83
7 miles at 9am on Monday	4	£18.40	£18.60	£22.60	£20.20	£19.95
7 miles at 9am on Monday	6	£27.60	£27.65	£24.90	£30.30	£27.61
7 miles at 1am on Sunday	4	£27.60	£27.65	£36.90	£30.30	£30.61
7 miles at 1am on Sunday	6	£36.80	£45.75	£39.20	£40.40	£40.54
7 miles at 6pm on Christmas Day	4	£36.80	£36.70	£45.20	£40.40	£39.78
7 miles at 6pm on Christmas Day	6	£46.00	£45.75	£47.50	£40.40	£44.91
20 miles at 9am on Monday	4	£48.20	£48.30	£61.60	£54.00	£53.03
20 miles at 9am on Monday	6	£72.30	£72.20	£63.90	£81.00	£72.35
20 miles at 1am on Sunday	4	£72.30	£72.20	£101.90	£81.00	£81.85
20 miles at 1am on Sunday	6	£96.40	£120.00	£104.20	£108.00	£107.15
20 miles at 6pm on Christmas Day	4	£96.40	£96.10	£123.20	£108.00	£105.93
20 miles at 6pm on Christmas Day	6	£120.50	£120.00	£125.50	£108.00	£118.50

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Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Wednesday, 31 May 2023 at 10.00 am

Present:

Cllr Brian Smedley (in the Chair)

Cllr Diogo Rodrigues

Cllr Lance Duddridge

1 Apologies for Absence - Agenda Item 1

None.

2 Declarations of Interest - Agenda Item 2

None.

3 Maunsel Lock Tearoom - Agenda Item 3

Members of the Panel, officers and the following attendees introduced themselves:

Mr & Mrs Whitcombe – Objectors

The Licensing Officer presented his report and confirmed that although the Applicant was unable to attend she had come to an agreed position with Mr & Mrs Whitcombe that:

- The finishing time would be amended to 21:00hrs.
- Notices would be displayed advising that ‘children must be supervised by an adult on the premises at all times’.

However, she wished to be allowed to sell alcohol to all customers and not just those consuming food and that she estimated that she would have between five and ten private hire events a year.

The Officer explained that the issue regarding car parking had yet to be resolved

with North Petherton Town Council and was likely to be a planning issue rather than a licensing one.

Mr & Mrs Whitcome as part of their presentation and in response to questions confirmed that:

- They had previously owned the Tea Rooms and were not really objecting but wanting to give comments and wished the business well.
- They were worried about children and the close proximity to the water as there had been incidents involving children from the Somerset Boat Centre
- They had concerns that if it was just a bar that people drove to:
 - There would be increased noise.
 - Potential drink driving.
 - Reduced supervision of children by people drinking
- Displaying notices regarding the supervision of children would help allay some of their fears.
- The Boat Centre, approximately 600m away, only opened until 9pm

In response to questions from the Sub-Committee the following points were clarified:

- The licensable area included the garden and car parking area to allow orders of food and drink to be taken at the tables.
- The car park had two disabled spaces and about three or four other spaces and were usually used as staff parking.
- Whilst the Boat Centre's licence was up to between 22:00hrs and 23:45hrs, depending upon the day, it was possible that they only operated until 9pm because of a planning restriction or were making a business decision to close at that time.

When summing up the Objectors raised their concerns over the request for music until the Licensing Officer explained that it was just for incidental music.

Having heard all the evidence, members of the Panel made their decision in private, in the presence of the Solicitor and the Committee Manager.

Resolved

The Licensing Sub-Committee (North) had been asked to consider an application for a new premises licence for the premises known as Maunsel Tea Room, Bankland, North Newton, Somerset following an objection from a local resident. The Sub-Committee was advised that the Applicant and Objector had met and reached some agreement but with reservations, together with some suggested conditions to be included on any licence that might be granted.

The Sub-Committee had considered all of the evidence presented by the Applicant and Objector both in person and in writing. The Sub-Committee's decision was made in accordance with the Council's Statement of Licensing Policy, the Secretary of State's Guidance and current case law.

Decision

It was apparent to the Sub-Committee that there was no overwhelming objection to the application for a premises licence in principle. However, the terms of that licence and the risks associated with the sale of alcohol adjacent to the canal were a concern. The Sub-Committee welcomed the efforts of the parties to reach a settlement in this matter.

The Panel recognised that this was a well-prepared application with a comprehensive operating schedule, which was acceptable in principle. However, the Objector has, quite rightly, identified reasonable concerns over public nuisance and public safety, in particular, which, given the premises location adjacent to the canal, the Sub-Committee shared.

The Sub-Committee was advised that there was agreement that the sale of alcohol will be limited to 21.00hrs rather than 21.30hrs as originally requested and that warning notices should be displayed.

The Sub-Committee believed that given the location of the premises adjacent to the canal, that a health and safety risk assessment needed to be in place and regularly maintained and updated.

The Sub-Committee understood the request for a condition limiting alcohol sales to food purchases but believed there was no evidence to support such a condition and that such a condition was likely to be unenforceable.

Whilst the issue of car parking was a concern, it was not a matter that fell within the remit of this Committee. However, the Sub-Committee trusted that the Applicant

would use their best endeavours to reach an amicable solution with the Town Council over access to the car park in the evening, when required.

The Sub-Committee understood that the premises were already a thriving business and an asset to the locality and the proposed application was modest in its terms. The Sub-Committee believed that given the general consensus of the parties and the addition of additional conditions on the licence, the application would promote the licensing objectives.

Accordingly, it was the decision of the Sub-Committee to grant a premises licence for Maunsel Tea Room, Bankland, North Newton, Somerset, subject to the provisions of the operating schedule and the following restrictions and conditions:

TERMS

- Sale/supply of alcohol – from 10.30hrs – 17.00hrs daily on the premises between October and April and from 10.30hrs – 21.00hrs May to September
- Sale/supply of alcohol to be restricted to 10.30hrs – 21.00hrs for any private venue hire

CONDITIONS

- Notices to be prominently displayed advising that alcohol not to be taken outside the licensed area and that children must be supervised by an adult at all times
- A health and safety risk assessment must be in place, maintained and updated as required and produced on demand to the Council's Licensing Officers

4 Regresso Ltd. - Agenda Item 4

This item had been withdrawn from the agenda following the withdrawal of the objection and the licence being granted.

(The meeting ended at 11.17 am)

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CHAIR

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Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Monday, 19 June 2023 at 10.00 am

Present:

Cllr Simon Carswell (Chair),
Cllr Connor Payne
Cllr Lance Duddridge (online)

1 Apologies for Absence - Agenda Item 1

None

2 Declarations of Interest - Agenda Item 2

None

3 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4

The procedure was noted

4 Objection Notice received in respect of Bath Rugby Limited, Farleigh House, Farleigh Hungerford, Bath, BA2 7RW - Agenda Item 3

The Licensing and Business Support Officer was invited to present his report. He explained the Council had received an application from Bath Rugby Limited for a new Premises Licence at Farleigh House, Farleigh Hungerford, Bath, BA2 7RW.

The report explained Farleigh House was a Grade II listed 18th century country house standing on a 135-acre estate and was primarily used by Bath Rugby Club as their headquarters and an elite level training facility. The premises had undertaken a major refurbishment and the applicants were now looking to host weddings, private parties, and corporate events. Farleigh Hungerford was a village within the Parish of Norton St Philip in the Somerset Council area, 8 miles north of Frome.

The application asked for the following licensable activities:

Supply of Alcohol, Sunday – Thursday, 10:00 - 23:00 hours
Supply of Alcohol, Friday and Saturday, 10:00 - 01:00 hours
Regulated Entertainment, Friday and Saturday, 10:00 – 01:00 hours
Late Night Refreshments, Friday and Saturday, 23:00- 01:00 hours

The Council had received 34 representations from Other Persons that related to all four of the Licensing objectives. A site visit had taken place on 12 May 2023. A Licensing Officer had been present, along with 3 representatives of Bath Rugby, several local residents and 2 Division Members. A second meeting between the applicant and local residents had taken place on 16 May 2023. However, no agreement was forthcoming from these meetings therefore representations had been submitted. These were considered by Officers to be relevant, and the application was therefore referred to the Licensing Sub Committee to determine.

Some of the representations were very similar. Therefore, to help outline the concerns raised in all representations, the similar representations had been grouped together and appended to the report. The proposed conditions were a collective of all conditions suggested within the grouping of representations. The proposed conditions were also appended to the report.

Grounds for concern included the following:

- Guest behaviour when consuming alcohol
- Increased traffic
- Increased noise
- Increased light pollution
- Risk of injury due to increased traffic
- Use of fireworks
- Use of drones
- The number of events
- Size of events
- Children entering the licensable area and child safety
- The impact on wildlife
- Fear of crime
- Lack of privacy
- Respect for local residents

The Council had not received any representations from any Responsible Authority.

The Chair thanked the Officer for his report. He reminded members of the role of the Licensing Sub Committee. He noted that a lot of the representations had raised the same concerns, some of which raised issues relating to planning rather than

licensing.

The Council's Legal Advisor reminded Members that the Licensing Sub Committee were being asked to consider whether or not the application before them was acceptable in terms of the licensing objectives. She went on to explain the licensing objectives. She reiterated that the Licensing Sub Committee would not be able to consider planning issues as they were not relevant to this meeting.

Questions:

In response to questions the Officer confirmed neither the Council's Environmental Protection Team nor the Planning Team had registered an objection to the application.

The Officer read aloud the comments which had been submitted by the Environmental Protection Team. They had been satisfied with the Noise Management Plan and did not object to the application. The comments by the Planning Team were not permitted to be read because they were not relevant to the licensing objections.

The Chair invited the Legal Advisor to reiterate that the Licensing Sub Committee would not be able to consider planning issues.

The Officer confirmed the Noise Management Plan had been circulated.

There was concern from the Other Persons that the marquee might be considered as indoors.

The Senior Licensing and Business Support Officer said the Council's Environment Protection Team had confirmed that the marquee was considered as outdoors.

The Solicitor representing the Applicant disagreed. He felt the marquee should be considered as indoors.

The Officer confirmed that marquees were generally considered as outdoors. However, the Applicant's side remained unable to accept this. Other Persons pointed out that Appendix 5A of the report set out the Noise Management Plan which said Outside (Marquee) Music.

The Chair agreed to adjourn the meeting in order for an Environmental Health Officer to attend and give an expert opinion.

Richard Keith-Hill, Senior Environmental Protection Officer joined the meeting.

He explained there was no definition of whether a marquee should be considered as outdoors or indoors according to Environment Protection Law. However, marquees were considered to be acoustically transparent. He said in his view the application, including the Noise Management Plan, and including use of the marquee for live music had been acceptable. He confirmed the team had not carried out a noise impact assessment at the site and that he had not requested the Applicant to do so either.

He said that in the event of noise nuisance the Environmental Health Team would be able to enforce the Noise Management Plan. It would also be possible for the licence to be reviewed should it be necessary.

There remained concern from the Other Persons. They were concerned that live music events held between 11 pm and 1 am should be indoors only and not held in the marquee which they considered to be outdoors.

Applicant

The Chair invited the Solicitor representing the Applicant to speak. He said every licensable premises had a measure of risk. He said the representations had included worst case scenarios and the potential for problems. He did not accept that the Applicant would allow the Licensing Objectives to be undermined as a result of the application. He said application needed to be considered on its own merits.

He set out the details of the application, and the contents of the Noise Management Plan. He asked Members to note that the Senior Environmental Protection Officer had been satisfied with the application and had not required a noise assessment.

With regard to light pollution the Applicant did not accept that the lighting of the events would be a public nuisance.

With regard to crime and disorder as a result of the application. Neither the Applicant nor the Police considered this to be an unacceptable risk.

He said he would be happy to discuss the detail of the Traffic Management Plan. However, he understood this was not for consideration at the meeting.

He said the Applicant had held discussions with the residents in an effort to resolve concerns and the lines of communication was open to them.

He said the Applicant had accepted the additional proposed conditions which included a restriction on the number of events.

He said the Applicant was sensitive to the location of the premises. He said their reputation was important to them and they were aware that events would need to operate in a way that was mindful of its rural location.

He was satisfied that the application was legitimate including the detail that the marquee was considered within the application to be outdoors. However, he explained, in his opinion, marquees could be considered to be indoors based on other legislation such as smoking which was not permitted in marquees due to them being considered as indoors. However, he said activities within the marquee on this particular site would be treated sensitively so as not to cause a public nuisance. Although, he noted that the Senior Environmental Protection Officer had confirmed that even if the entertainment was held outdoors, it would still be acceptable to him.

The proposal was for up to 15 events this year and up to 50 events next year. A further condition was offered by the Solicitor of 80 events per year in the future, with 50% maximum having over 100 guests. However, they did not expect to hold that many events.

Questions:

In response to questions the Solicitor confirmed the Applicant had agreed to amend the application to finish events on Fridays and Saturdays at 00:30 hours. He agreed that the conduct of the Applicant was crucial.

There was a discussion about what would be an unreasonable nuisance. The Solicitor said it was not the intention of the applicant to disturb the public and prevent them from sleeping.

He confirmed no upper decibel limit had been set and that the Senior Environmental Protection Officer had been satisfied with this.

Representations by Other Persons

1 Ian Steuart Fotheringham was invited to speak. He said a large number of the local community in Farleigh Hungerford were opposed to the application because of concerns about noise nuisance and increased traffic. He said the application was likely to change the nature of the hamlet significantly.

He said Bath Rugby had a history of breaking conditions including the use of loud

horns during practice and holding practice sessions for longer hours than allowed. In his opinion, they had not proved themselves to be a respectful neighbour. They had already begun to take bookings for events based on a licence which they had yet to obtain.

He was concerned that the application would allow Bath Rugby to hold so many events that it would be a nuisance.

2 John Davidson was invited to speak. He gave examples of how Bath Rugby had been a bad neighbour over the last 12 years. He said the Applicant had not worked with local residents to resolve problems they had already experienced. Residents were particularly concerned about noise and traffic. For instance, a wedding held July 2016 had caused a noise nuisance. In his opinion, the response from Bath Rugby had been unsatisfactory. He doubted the Applicant would be able to manage the licence.

The Council's Legal Advisor reminded the Licensing Sub Committee that traffic was a planning issue and was not relevant to the meeting. She said the Sub Committee was being asked to determine whether the application before them would uphold or undermine the Licensing Objectives.

3 Parish Councillor Catriona Murfitt was invited to speak on behalf of the Norton St Philip Parish Council. She said she understood that Planning and Licensing acted separately from each other. However, she believed that the Licensing Sub Committee ought to be able to consider planning issues because the draft Somerset Licensing Policy said other relevant issues could be taken into account, and she believed that applicants should have Planning Permission in place before applying for a Premises Licence. Further she talked about discussion from the Government's Select Committee when they considered the determination of Premises Licences.

She said the Parish Council remained concerned that the application would undermine the Licensing Objectives and matters relevant to planning.

Councillor Adam Boyden was invited to speak. He was opposed to the application because of concerns for noise and an increase in traffic.

Questions:

In response to questions the Licensing and Business Support Officer clarified that the application had been subject to a consultation with Responsible Authorities. One of which was the Council's Planning Department. He confirmed they had

responded by saying they had no objection to the proposal.

The Chair thanked all of the participants and moved the meeting to the summing up.

Closing Submissions:

The Chair asked each part to make their closing submission.

Other Persons

Mike Smith was invited to speak. He said that the application had caused a huge amount to upset in the village. They were very concerned about the impact the application would have on the residents. They asked the Licensing Sub Committee to consider the wider picture and refuse the application.

Applicant

The Solicitor for the Applicant said he believed the application was legitimate. He said the Applicant would not be playing music blaring into the night. He noted that the Senior Environmental Protection Officer had not objected to the application even if the events were to be held outdoors. Nor had any other Responsible Authority raised any objection to the application. With regard to the representations from the Other Persons he felt some of the concerns were irrelevant and others were unlikely to be realised. He said the Applicant was not in any breach of Planning Permission.

With regard to the Licensing Objectives, he said the Applicant did not accept that public safety was at risk, nor that children would be put at harm as a result of the licence. The issue of prevention of crime and disorder had been satisfied by the Police. This left the prevention of public nuisance and particularly the potential for noise nuisance. He said it was inconceivable that the premises would not be very closely monitored.

The Licensing and Business Support Officer

The Licensing and Business Support Officer reminded the Sub Committee they must consider this application on its own merits and from the information contained within the application and the report.

Members were reminded that the duty of the Licensing Authority was to take steps necessary to promote the licensing objectives in the interests of the wider

community, the Licensing Objectives, as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In its decision-making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy.

The options available to the Sub Committee were as follows:

- Grant the application with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the application, giving reasons for its decision.

Should the Committee be mindful to attach conditions to the licence, they must only do so if they are:

- Appropriate, necessary, and proportionate
- Precise, clear, and unambiguous
- Practical, realistic, and enforceable
- Non-duplicative of existing statutory requirements or offences
- Modern and fit for purpose.
- Consideration must also be given the number of conditions being attached.

Finally, the Officer stated that all relevant parties to the decision of the Licensing Authority had the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

The Chair thanked everyone for attending. He said the decision of the Sub Committee would be made known within 5 working days of the hearing.

Private Session

The Chair then closed the meeting and the Sub Committee considered the

application in private session.

RESOLVED:

On the evidence before it, having considered all the circumstances, in particular the expert opinion from the Environmental Protection Officer, the Sub-Committee grants the application for the Premises Licence as applied for, subject to the offered amendments as set out below and with the conditions as contained in the Operating Schedule.

The amended conditions are:

1. The Noise Management Plan submitted by the Applicant shall be complied with at all times that licensable activities are conducted and any amendments to the Plan shall be approved in writing by the Environmental Protection Team before being brought into force.

2. The Traffic Management Plan submitted by the Applicant shall be complied with at all times that licensable activities are conducted and all attendees at events where licensable activities are conducted shall be advised of appropriate routes of egress.

3. The number of events at which the licensable activities are conducted shall be restricted as follows:

- (a) For the period from the date of issue of the Licence to 31 December 2023: 15
- (b) From 1 January – 31 December 2024: 50
- (c) Each calendar year from 1 January 2025: 80 with no more than 40 of these having a capacity of over 100 persons.

4. No events at which the licensable activities are conducted shall be held on Mondays or Tuesdays and no such events shall be held on Boxing Day or Christmas Day.

5. All recycling and refuse collections at the Premises shall be carried out between the hours of 9:00am and 6.00pm.

6. No fireworks shall be permitted at events where licensable activities are conducted.

7. The Premises Licence Holder shall arrange and convene a minimum of two meetings every calendar year to which neighbouring residents of the Premises shall be invited to discuss previous and forthcoming events at which licensable activities are conducted.

The Sub-Committee delegates authority to the Licensing Officer to add these to the Operating Schedule on the licence as issued.

(The meeting ended at 1.00 pm)

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CHAIR

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Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Monday, 19 June 2023 at 2.00 pm

Present:

Cllr Simon Carswell (Chair)
Cllr Connor Payne
Cllr Lance Duddridge

In attendance:

Alex Kershaw-Moore	Legal Advisor
Phil Wake	Licensing and Business Support Officer
Claire Dicken	Democratic Services Officer
Jack Godley	Senior Licensing and Business Support Officer
Debbie Widdows	Democratic Services Officer

Also Present:

Melissa Toney	Shakespeare Martineau Solicitors, representing Mr Alex Major, the Applicant
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5 Apologies for Absence - Agenda Item 1

None

6 Declarations of Interest - Agenda Item 2

None

7 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

The Chair confirmed the procedure.

8 Objection Notice received in respect of application made for variation of a

**Premises License for White Hart Inn, 19-21 Sadler Street, Wells, Somerset,
BA5 2RR - Agenda Item 4**

The Licensing and Business Support Officer was invited to present his report. He explained the Council had received an application from Scarlett Pub Company Limited. The application was for a variation to the current Premises Licence at the White Hart Inn, 19-21 Sadler Street, Wells, BA5 2RR to amend the hours for the Sale of Alcohol, Regulated Entertainment and Late-Night Refreshment.

The Report explained The White Hart was a 15th century Inn located in the City Centre of Wells. On the ground floor there was a bar area and a snug, (which could accommodate up to 12-people) there was a large self-contained function room situated on the first floor, (which could accommodate up to 80 people). Finally, there were 15-bedrooms for guest accommodation and an outside seating area to the side of the premises. The premises was surrounded by a mixture of shops, businesses, restaurants, hotels, and residential homes.

The application asked for the following licensable activities:

Supply of Alcohol (On and Off the Premises), Monday – Sunday, 10:00am – 01:00am
Regulated Entertainment (Indoors), Monday – Sunday, 10:00am – 01:00am
Late Night Refreshment (Indoors), Monday – Sunday, 23:00pm – 01:00am

The Council had received four representations from Other Persons. The representations raised concerns surrounding public nuisance, one of the four licensing objectives. The principal cause for concern was the potential for noise nuisance.

The application was to increase the times that the premises could supply alcohol, have live and recorded music and offer late night refreshment by an extra hour. The current terminal hour for these activities was 12-Midnight. There had been a request to add a new condition in relation to 'Challenge 25' and to remove Condition 3 of Annex 2. The Licensing Officer confirmed that the condition at issued had been put on the licence in error.

It was further noted that the request for a challenge 25 condition was covered by the Police conditions as agreed with the Applicant.

This variation application would be in keeping with other premises in the immediate vicinity of Sadler Street, examples of which were set out in the report. The Authority had no record of any public nuisance complaints against these premises, and the Environmental Protection Team have raised no objections to this application.

Avon and Somerset Police Liquor Licensing had recommended certain conditions to the applicant during the representation period. These conditions had been agreed and would be added to the premises licence. A copy of these conditions were attached to the report.

Applicant

The Solicitor representing the applicant was invited to speak.

She said she had nothing to add to what the Licensing Officer had already outlined.

She further stated that she would like to make reference to appendix 8 of the report and that through the consultation period The White Hart had sought to engage all parties with regards to any objections they had. The White Hart sought to engage with the Licensing Officers at all times and this has proven to be successful.

The owners have agreed to ensure that they will try and work within all parameters to ensure that the objectives are upheld.

The Solicitor representing the applicant wished to draw attention to the fact that The White Hart was an accommodation premises and so it would seek to not cause any disturbance to their own clientele as well as the neighbouring residents.

After further deliberations it was confirmed that the variation of the license applies to regulated activities inside and not outside.

Closing Submissions:

The Chair asked each party to make their closing submission.

There was nothing further from the Solicitor representing the applicant.

The Licensing and Business Support Officer reminded the Sub Committee they must consider this application on its own merits and from the information contained within the application and the report.

Members were reminded that the duty of the Licensing Authority was to take steps necessary to promote the licensing objectives in the interests of the wider community, the Licensing Objectives, as follows:

- Prevention of Crime and Disorder

- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In its decision-making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy.

The options available to the Sub Committee were as follows:

- Grant the application with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the application, giving reasons for its decision.

Should the Committee be mindful to attach conditions to the licence, they must only do so if they are:

- Appropriate, necessary, and proportionate
- Precise, clear, and unambiguous
- Practical, realistic, and enforceable
- Non-duplicative of existing statutory requirements or offences
- Modern and fit for purpose.
- Consideration must also be given the number of conditions being attached.

Finally, the Officer stated that all relevant parties to the decision of the Licensing Authority had the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

The Chair thanked everyone for attending. He said the decision of the Sub Committee would be made known following a short determination.

Private Session

The Chair then closed the meeting and the Sub Committee considered the application in private session.

RESOLVED:

On the evidence before it, having considered all the circumstances and agreement between the Applicants and Other Persons, the Sub-Committee grants the application to vary the Premises Licence as applied for, with the additional conditions as agreed with the police and set out in Annex (8) of the papers.

The sub-Committee further approves the removal of Condition 3 from Annex 2 of the Licence.

The Sub-Committee advises the Other Persons that if they feel that noise is excessive their best option is to contact the Applicants, and that such procedures are used to keep channels of communication open. In addition the Other Persons are advised to report incidents to Environmental Protection as well as keeping records of any concerns.

Parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to review of the premises licence. This provision permits nearby residents, businesses or responsible authorities to apply for a review of a premises licence where problems with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. The Panel respectfully reminds all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermine the licensing objectives.

(The meeting ended at 3.00 pm)

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CHAIR

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Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Tuesday, 20 June 2023 at 10.00 am

Present:

Cllr Simon Carswell (Chair)

Cllr Marcus Kravis

Cllr Lance Duddridge

1 Apologies for Absence - Agenda Item 2

Apologies were received from Cllr Hugh Davies who was substituted by Cllr Marcus Kravis.

2 Declarations of Interest - Agenda Item 3

There were no declarations of interest made by Members.

3 Bason Bridge Tap Room - Agenda Item 4

The Licensing Officer, Simon Bawler, introduced his report in respect of a new premises licence for the Bason Bridge Tap Room, Unit 3, 129 Church Road, Basonbridge, Highbridge, Somerset, TA9 4RG, following receipt of four relevant objections from local residents.

The application sought authorisation for the following licensable activities to take place:

- The sale and supply of alcohol on the premises only, within the internal area of the premises and an adjacent outside green space:
 - Monday to Saturday 12.00hrs to 23.00hrs.
 - Sunday 12.00hrs to 22.30hrs.
 - Seasonal variation of 12.00hrs to 01.00hrs on New Years Eve.
- Live music internally only:

- Monday to Saturday 12.00hrs to 23.00hrs.
- Sunday 12.00hrs to 22.30hrs.
- Recorded music internally and externally:
 - Daily 12.00hrs to 23.00hrs.

The Licensing Officer confirmed:

- Police and Environmental Health Officers had agreed a set of conditions.
- If there would be background music then the requirement for recorded music as a licensable activity would not be necessary.
- The Live Music Act would allow any licensed area within the premises to have live or recorded music 8.00hrs to 23.00hrs, unless overridden by the decision of the Licensing Sub-Committee.
- Since submission of the application the applicant had amended the request for authorisation of the licensable activities to Thursday to Saturday only, rather than every day.

The Objectors in attendance, Morris Wall and Richard O'Brien, presented their case including concerns regarding the following points:

- The omission of consultation with neighbouring properties, although not required by law.
- The potential noise nuisance to local residents, particularly with the lack of clarification on quantifiable volumes of music both inside and outside, so as to not disturb neighbouring properties.
- The necessity for music and long opening hours for the premises, and why these would be needed by the business to showcase and sample their products to customers.
- The safety of patrons walking to and from the venue on foot on a fast road, and the effects from the availability of alcohol during long opening hours.

The applicant, Tim Cullen, presented his case and confirmed the following:

- The businesses he operated on site included a beer wholesaler, brewery and the Beer Shed which he had previously operated in a similar manner under Temporary Event Notices.
- He requested seven days a week in the application purely to allow flexibility to be able to open on Bank Holiday Mondays and during weekdays during the summer months.
- He sought authorisation for occasional live music inside, and the ability to play background music at a low level.

During further discussions it was confirmed:

- Previous events at the Beer Shed under Temporary Event Notices had operated with background music both indoors and outdoors without any

complaints or issues.

- Background music should be at a level where you can still hear other people speaking, and if above that level, it would be licensable as recorded music.
- The applicant had set a limit for the venue to 99 people which he felt was manageable for the space, with around 45 people accommodated in the outdoor area.

In summing up, the Objectors felt that music was not appropriate for the intended purpose of the premises, but if necessary should be for a limited period and manageable so as to not disturb neighbouring properties.

Members of the Licensing Sub-Committee, the Legal Advisor and the Clerk, attending in an advisory capacity only, withdrew from the room to consider their decision in private session.

On reconvening, the Chair informed those present at the hearing of the decision of the Licensing Sub-Committee:

DECISION

The Licensing Sub-Committee had been asked to consider an application for a new premises licence for the premises known as Bason Bridge Tap Room, Unit 3, 129 Church Road, Bason Bridge, Somerset following objections from local residents. The Sub-Committee was advised that the Applicant had reached agreement with the Police and Environmental Health for conditions to be included on any licence that may be granted and therefore there was no objection from them.

The Sub-Committee had considered all of the evidence presented by the Applicant and Objectors both in person and in writing. The Sub-Committee's decision was made in accordance with the Council's Statement of Licensing Policy, the Secretary of State's Guidance and current case law.

The Sub-Committee had duly considered the representations from all parties. In considering the application the Sub-Committee was mindful of the fact that the Applicant had agreed additional conditions with the Police and Environmental Health.

The subsequent effect of the agreement with Environmental Health was to prohibit any music outside and to limit all regulated entertainment to Thursday to Saturday. The Sub-Committee welcomed the concessions by the Applicant in order to address the concerns of the Objectors.

It was apparent to the Sub-Committee that there was no overwhelming objection to the application for a premises licence in principle, however the terms of that licence especially in relation to music was a major concern to the objectors.

The Sub-Committee recognised that this was a well-considered application with a comprehensive operating schedule. However, it was apparent to the Sub-Committee that the application whilst being comprehensive for the day to day activities of the provision and sale of alcohol was lacking when it came to regulated entertainment, particularly outdoors. It was to his credit that the Applicant had recognised those concerns and agreed to a set of conditions proposed by the Police and particularly Environmental Health that would significantly address those issues. The Applicant admitted that he had misunderstood the regulations regarding the licensing of music and his intention was to only have primarily background music.

Many objectors were also concerned that the location was ill-suited to a licensed premises due to the additional car traffic it was likely to produce and the need for such a venture in the area. The demand for the premises was not a concern for the Sub-Committee. The Council has not adopted a cumulative impact policy and therefore this was not a consideration for the Sub-Committee. Similarly, the location of the premises was not, in the main, an issue. The Licensing Act 2003 was inspired by a government whitepaper titled "Time for Reform – Proposals for the Modernisation of our Licensing Laws. Amongst the proposals it outlined was to encourage more self-sufficient rural communities. Given the acceptance of the Environmental Health conditions the Sub-Committee believed that additional traffic movement resulting from the business would be limited and not significant so as to cause a public nuisance. It had to be accepted that many issues regarding traffic and traffic movements were planning issues and not directly related to the remit of the Licensing Sub-Committee.

The Applicant had also accepted 8 conditions proposed by the Police which further strengthened and enhanced those proposals already identified in his operating schedule and the Sub-Committee believed addressed the concerns of the Objectors over irresponsible drinking. As a result of this acceptance, the Police had not objected to this application and therefore it had to be acknowledged that crime and disorder was not a concern for them. Therefore, it was the belief of the Sub-Committee that the application, as amended by the addition of the agreed conditions, did promote the licensing objectives.

Accordingly, it was the decision of the Sub-Committee to grant a premises licence to Cheddar Valley Pub Group Ltd for Bason Bridge Tap Room, Unit 3, 129 Church Road, Bason Bridge, Somerset on the following terms, together with the submitted operating schedule and the conditions agreed with the Police and Environmental

Health:

TERMS

- Sale/supply of alcohol – from 12.00hrs – 2300hrs daily on the premises only
- The provision of regulated entertainment indoors only from 1900hrs – 2300hrs Thursday to Saturday only

Bason Bridge Tap Room

The Licensing Sub-Committee had been asked to consider an application for a new premises licence for the premises known as Bason Bridge Tap Room, Unit 3, 129 Church Road, Bason Bridge, Somerset following objections from local residents. The Sub-Committee was advised that the Applicant had reached agreement with the Police and Environmental Health for conditions to be included on any licence that may be granted and therefore there was no objection from them.

The Sub-Committee had considered all of the evidence presented by the Applicant and Objectors both in person and in writing. The Sub-Committee's decision was made in accordance with the Council's Statement of Licensing Policy, the Secretary of State's Guidance and current case law.

REASONS

The Sub-Committee had duly considered the representations from all parties. In considering the application the Sub-Committee was mindful of the fact that the Applicant had agreed additional conditions with the Police and Environmental Health.

The subsequent effect of the agreement with Environmental Health was to prohibit any music outside and to limit all regulated entertainment to Thursday to Saturday. The Sub-Committee welcomed the concessions by the Applicant in order to address the concerns of the Objectors.

It was apparent to the Sub-Committee that there was no overwhelming objection to the application for a premises licence in principle, however the terms of that licence especially in relation to music was a major concern to the objectors.

The Sub-Committee recognised that this was a well-considered application with a comprehensive operating schedule. However, it was apparent to the Sub-Committee that the application whilst being comprehensive for the day to day activities of the provision and sale of alcohol was lacking when it came to regulated entertainment, particularly outdoors. It was to his credit that the Applicant had recognised those concerns and agreed to a set of conditions proposed by the Police and particularly Environmental Health that would significantly address those issues. The Applicant

admitted that he had misunderstood the regulations regarding the licensing of music and his intention was to only have primarily background music.

Many objectors were also concerned that the location was ill-suited to a licensed premises due to the additional car traffic it was likely to produce and the need for such a venture in the area. The demand for the premises was not a concern for the Sub-Committee. The Council has not adopted a cumulative impact policy and therefore this was not a consideration for the Sub-Committee. Similarly, the location of the premises was not, in the main, an issue. The Licensing Act 2003 was inspired by a government whitepaper titled "Time for Reform – Proposals for the Modernisation of our Licensing Laws. Amongst the proposals it outlined was to encourage more self-sufficient rural communities. Given the acceptance of the Environmental Health conditions the Sub-Committee believed that additional traffic movement resulting from the business would be limited and not significant so as to cause a public nuisance. It had to be accepted that many issues regarding traffic and traffic movements were planning issues and not directly related to the remit of the Licensing Sub-Committee.

The Applicant had also accepted 8 conditions proposed by the Police which further strengthened and enhanced those proposals already identified in his operating schedule and the Sub-Committee believed addressed the concerns of the Objectors over irresponsible drinking. As a result of this acceptance, the Police had not objected to this application and therefore it had to be acknowledged that crime and disorder was not a concern for them. Therefore, it was the belief of the Sub-Committee that the application, as amended by the addition of the agreed conditions, did promote the licensing objectives.

Accordingly, it was the decision of the Sub-Committee to grant a premises licence to Cheddar Valley Pub Group Ltd for Bason Bridge Tap Room, Unit 3, 129 Church Road, Bason Bridge, Somerset on the following terms, together with the submitted operating schedule and the conditions agreed with the Police and Environmental Health:

TERMS

- Sale/supply of alcohol – from 12.00hrs – 23.00hrs daily on the premises only.
- The provision of regulated entertainment indoors only from 19.00hrs – 23.00hrs Thursday to Saturday only.

4 Burnham Association of Sports Clubs - Agenda Item 1a

The Licensing Officer, Simon Bawler, introduced his report in respect of a Temporary

Event Notice application for an event at the Burnham Association of Sports Clubs (BASC), Stoddens Road, Burnham on Sea, Somerset, TA8 2DE, following receipt of an objection from Mark Shipley on behalf of Somerset Council's Environmental Protection Team.

The application was for a single day event on an external rugby field at the BACS ground for a music festival called "Under A Summers Moon" on Saturday 22nd July 2023. Authorisation was sought for:

- The sale and supply of alcohol from 12.00hrs to 23.00hrs.
- The provision of regulated entertainment from 13.00hrs to 23.00hrs.

During his presentation, the Licensing Officer confirmed:

- The BACS ground did have an existing premises licence, however this was restricted to the BACS main club house room and bar area only and did not include off sales and therefore was not relevant to this application.
- The Applicant attended a Virtual Safety Advisory Group meeting on 15th June 2023 with Somerset Council's Environmental Protection and Licensing Teams. During this he had given an overview of the planned management of the event and a virtual tour of the site.
- An updated Emergency Management Plan had been submitted last night.
- Conditions cannot be attached to a Temporary Event Notice, whereas they could be attached to a premises licence.

The Environmental Health Officer, Mark Shipley, presented his objections around the lack of information given, in order to effectively manage the prevention of public nuisance, including:

- There was not enough information in the application to explain the mitigation measures.
- There was no Noise Management Plan detailing how noise would be controlled and managed including a procedure for noise complaints, a public contact and a responsible person to act on this during the event.
- There was no detailed Event Management Plan, omitting specifics such as, the type of music, location of stages, orientation of speakers and control of crowd noise, to fully understand the implications of the event on nearby residential properties.

The Applicant, Robert Holden, explained that he ran a mobile bar business and had experience of running events in other areas. He was confident he could address the issues raised. He had been unable to get all the information written within the plans in time, but gave further details of the plans for the event:

- They would keep the noise levels to nearby properties below the details

specified in the updated Event Management Plan.

- There would be a wristband system in place and only those over 18 years of age would be allowed into the licensable area.
- There would be 15 security guards and stewards to keep the crowd safe, including bag searches on entry.
- There would be 2 stages with a sound engineer each and a third sound engineer to monitor noise levels at the boundary to local properties, who would be authorised and able to turn the volume down remotely.
- The speakers would be facing towards the countryside and not towards properties.
- When the event had ended the marshals would guide event attendees off site promptly, avoiding residential areas where possible and keeping noise to a minimum.

During discussions the following points were made:

- The Environmental Protection Team were happy to work with the Applicant on the points needed for clarification within the application, for further consideration to the Licensing Sub-Committee.
- The Applicant had hoped in future to operate under a variation of the existing premise licence held by the BASC ground, however could not do this currently in the timescales needed prior to the event.
- The Legal Adviser confirmed the importance of the noise planning information being written down within the documented plans to ensure accountability.

In summing up, the parties made the following representations:

- The Environmental Health Officer stated that paperwork was currently unsatisfactory to demonstrate the prevention of public nuisance, but he was open to discussions with the Applicant on how to address this.
- The Applicant signified his desire to work with the Environmental Protection Team to find a solution.
- The Licensing Officer and Members expressed the importance of the correct planning for this event, in order to also promote the possibilities of future events.

Members of the Licensing Sub-Committee, the Legal Advisor and the Clerk, attending in an advisory capacity only, withdrew from the room to consider their decision in private session.

On reconvening, the Chair informed those present at the hearing of the decision of the Licensing Sub-Committee:

The meeting was adjourned until Tuesday 27th June 2023 at 10.00am, to allow time for the Applicant to address the specific concerns raised by the Environmental Protection Team.

Subsequent to the adjournment the Temporary Event Notice application was withdrawn and the re-adjournment not required.

(The meeting ended at 12.59 pm)

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CHAIR

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Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Committee Room, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 18 July 2023 at 1.00 pm

Present:

Cllr Brian Smedley (Chair)
Cllr Hugh Davis
Cllr Tony Robbins (online)

Also Present:

Olivia Denis	Licensing and Business Support Officer
Claire Dicken	Democratic Services Officer
Lesley Dolan	Legal Advisor
Jack Godley	Senior Licensing and Business Support Officer
Debbie Widdows	Democratic Services Officer

Applicants:

Ian Wilson
Chris Goodchild

Other Persons:

Rodney Stoke Parish Councillor Mike Sealey
Somerset Councillor Ros Wyke
John smith
Colin Symes
Valerie Bullen

5 Apologies for Absence - Agenda Item 1
None

6 Declarations of Interest - Agenda Item 2
None

7 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

The procedure was noted.

8 Objection Notice received in respect of application made for a Premises Licence for Bucklegrove Holiday Park, Wells Road, Rodney Stoke, Cheddar, BS27 3UZ - Agenda Item 4

The Licensing and Business Support Officer was invited to present her report. She explained the Council had received an application from Wookey Hole Limited for a new Premises Licence at Bucklegrove Caravan Park, Wells Road, Rodney Stoke, Cheddar, BS27 3UZ.

The report said the Bucklegrove Holiday Park was a family friendly park situated at the foot of the Mendip Hills on the outskirts of Rodney Stoke, which was just over 3 miles from the town of Cheddar. The Park was approximately 7.5 acres in size. The Park offered a range of accommodation including:

- 3 lodges with hot tubs
- 34 static caravans (of which 6 were privately owned)
- 40 seasonal pitches for touring caravans
- 2 woodland camping cabins
- 1 pod
- 36 camping pitches
- 25 touring caravan / motor home hard standing pitches

Park facilities included:

- A heated, indoor swimming pool and toddler pool
- Games room
- Outdoor play area
- Shop and guest reception
- The Lodge – Bar & Restaurant
- Guest toilets, shower facilities and laundrette

The premises already had a premises licence. However, a new application had been submitted for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late-night refreshment. The timings for the licensable activities in the application were:

Supply of Alcohol, Monday - Sunday 08:00 - 02:00, On/Off the Premises
Regulated Entertainment, Monday - Sunday 06:00 - 02:00, Indoors/Outdoors
Plays, Monday - Sunday 23:00 00:00, Indoors/Outdoors Indoor
Sporting Events, Monday - Sunday 23:00 - 00:00
Late Night Refreshment, Monday - Sunday 23:00 - 05:00, Indoors/Outdoors

The Council had received 8 representations from Other Persons that related to at least one of the four of the Licensing objectives. Several site visits had been undertaken during the representation period with the applicant and the Licensing Authority, Somerset Council's Environmental Protection team, Avon and Somerset Constabulary's Liquor Licensing Officer and the Chairperson of Rodney Stoke Parish Council. At the end of the representation period the representations from Other Persons remained and were considered under the Act as relevant. The matter was therefore presented to the Licensing Sub-Committee to determine.

Included in the some of the representations were concerns/points raised in relation to Planning, but these were classed as not relevant as Planning and Licensing acted independently of each other. It was the responsibility of the premises to ensure they were compliant with both Licensing and Planning conditions. Residents had also raised concerns in relation to the highway and sewage networks, both of which were part of national infrastructure and under The Licensing Act 2003 were not classed as valid.

Relevant grounds for objection to the application included:

- The hours of operation which were seen to be excessively long and potentially operating every day of the year.
- Noise and disturbance until very late, particularly as the site was elevated,
- Large scale events would have to be held outside due to the limited capacity of the clubhouse, thus the noise may disturb neighbours.
- Lighting would be required in an area of dark skies, an AONB.
- Consumption of alcohol until very late.
- Increased traffic very late. Given the capacity of the site, events for 1500 people would mean lots of additional traffic movements. There were concerns for road safety.
- Lack of adequate parking for large events.

The report went on to state the applicant had arranged pre-application liaison with the Licensing Authority through a site visit on 25 April 2023.

The Police and Environmental Protection Officers visited the site on 12 May 2023. Following the visit, they were given a draft application to allow for any comments they may have wanted to make prior to the application being officially served on the Licensing Authority. Agreement was made with the applicant for relevant conditions to be attached to the licence, should it be issued, under the prevention of crime and disorder and public nuisance.

The Council had not received any representations from any Responsible Authority.

The Chair thanked the Officer for her report.

Questions:

In response to questions the Officer confirmed the application had been made for the hours of supply of alcohol from 8 am until 2 am.

She further confirmed that each application was treated on its own merits. And was not affected by other licences in the area. Each application was made subject to its own consultation.

She confirmed the proposed conditions had been circulated with the agenda. An amendment to these had also been circulated namely, that proposed condition 12 would mean regulated activities outside would cease at 23:00 except for films which would cease at midnight where they occur outside.

Applicant:

Ian Wilson was invited to speak on behalf of the Applicant. He said the caravan park was operating in a competitive market. The guests brought an economic benefit to the local area. The Applicant believed they had proven themselves to be a responsible neighbour. However, the current licence had proven to be too restrictive for their needs. For instance, the bar currently closed at 11 pm. They believed the requested times would give them flexibility and be able to respond to needs such as events. He said the Applicant was trying to future proof the premises licence in order to keep the business going.

He explained, whilst the Applicant had requested an end time of 2 am, it would not mean the bar would always stay open that late. However, their guests were on holiday and would appreciate the bar. As holiday guest most of them would be staying on site thus not creating additional vehicle movements or noise leaving the site.

With regard to events, the Applicant explained the figure of 1500 people, had been requested by the Police during discussion with them. This number of people meant the premises would be required to supply an Event Management Plan and be subject to additional guidance and a police inspection. However, there were no immediate plans for events of this size.

Questions:

The Chair asked the Applicant to answer questions from others as they arose.

Representations by Other Persons

1 Somerset Councillor Ros Wyke was invited to speak. She said that historically the campsite had been a good neighbour. However, in recent times there had been a firework display which the village had not been told about in advance. She was concerned that visitors who were not staying at the site would come and cause a noise nuisance as they arrived and left. She said the licensing activities had moved beyond the planning permission for it. She felt the application was too much of a change from the current licence. She was concerned that the number of events could move from 10 events a year, to an unlimited number of events during the year. She said several local residents had contacted her with concerns about the application. She suggested that noise levels be set in the conditions.

She said the site was very rural site which was situated within the AONB. It was important that the area continue to have dark skies. She was suggested that lighting be limited by condition. She said LED lights could be harsh and they should be set low.

She said it would have been helpful for Westbury Sub Mendip to be sent detail of the application as the village neighboured the site and residents would be affected by it. She said it would be useful for residents to know when events were going to be held. She was concerned that the campsite continue to attract families.

The Applicant replied by saying the firework display had not been held at the caravan park and had not organised by them.

The Licensing and Business Support Officer was invited to speak. She said the Licensee would be subject to a condition where they must provide a telephone number for neighbours to call in the event of problems. She explained that any premises which were causing a nuisance could be subject to a Review in accordance with the Licensing Act. She said noise levels could be assessed by the Council's Environmental Protection Team.

2 Colin Symes was invited to speak. He said was concerned whether the residents who lived on the site had been consulted. He was particularly concerned about potential noise nuisance. He suggested that the volume be set so that it could not

exceed an acceptable noise level.

The Applicant confirmed that there were no permanent residents on the site. He further said the Applicant had consulted with the Environmental Protection Team and they had not required noise limiting equipment.

The Legal Advisor explained the Environmental Protection Team had been consulted on about the application and they had not made any objection to the application, subject to recommended conditions which had been circulated with the agenda.

3 Valerie Bullen was invited to speak. She was very concerned about events where 1500 people may be in attendance. She felt this would cause noise and have a negative impact on the area. She wondered where they would all stay. She was further concerned about the length of the operating hours. She noted that soft refreshments could be available 23 hours a day. She was concerned how the site would be lit. And she was concerned about noise nuisance if people were outside all night, given the facilities could not accommodate 1500 people inside.

The Applicant explained the site was very large. He said if there were to be a large event then additional measures would have to be used. But there were no immediate plans to hold a large event.

The Applicant said investment had been made into providing a modern lighting system. The lights were LDC and low lit at night.

4 Rodney Stoke Parish Councillor Mike Sealey was invited to speak. He agreed the park had been good neighbours historically. He said residents in Rodney Stoke enjoyed living in a quiet area. He said this was a rural campsite. Therefore, he was concerned about the possibility of events for 1500 people because the site did not have the capacity for them. He was concerned where guests would park. He said there was no clear justification for the numbers.

He understood the licence could be subject to a Review. However, he thought that once it had been granted it would be very difficult to have it rescinded.

He said the residents of the Parish were concerned about the application.

The Applicant confirmed the clubhouse would be open to the public.

The Licensing and Business Support Officer confirmed the Parish Council had been sent a copy of the site notice.

5 John Smith was invited to speak. He was particularly opposed to the condition that films could be showed outside until midnight. He felt this was too late.

The Applicant said they would look at the content of the film before they were shown in order to ensure they would not cause a nuisance.

In response to queries from the Sub-Committee the Licensing and Business Support Officer read aloud the proposed conditions that related to drugs. This included a drugs Prevention Policy and zero tolerance of drugs.

The Chair thanked all of the participants for their comments and moved the meeting to the summing up.

Closing Submissions:

The Chair asked each part to make their closing submission.

Other Persons

Parish Councillor Mike Sealey was invited to speak. He said the problem was the scale of the change between the application and the current licence and the permanency of the licence once it was granted. He said if the applicants had made a staged approach, then there may not have been any objection.

He said conditions should be restrictive so as to ensure the interests of the residents.

Applicant

Ian Wilson was invited to speak on behalf of the Applicant. He said the Applicant was trying to stay competitive in a very competitive industry. He noted none of the Responsible Authorities had submitted an objection. The premises were well managed. They had been a good neighbour and would continue to be so.

The representative of the Applicant went on to say that as a result of the discussion

at the meeting they would be willing to offer amendments to the application, namely:

- That all regulated activities outside cease at 23:00 including the cinema
- That an Event Management Plan be required for events of 1000 and more people .

The Licensing and Business Support Officer

The Licensing and Business Support Officer reminded the Sub-Committee they must consider this application on its own merits and from the information contained within the application and the report.

Members were reminded that the duty of the Licensing Authority was to take steps necessary to promote the licensing objectives in the interests of the wider community, the Licensing Objectives, as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In its decision-making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy.

The options available to the Sub Committee were as follows:

- Grant the application with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the application, giving reasons for its decision.

Should the Committee be mindful to attach conditions to the licence, they must only do so if they are:

- Appropriate, necessary, and proportionate
- Precise, clear, and unambiguous
- Practical, realistic, and enforceable
- Non-duplicative of existing statutory requirements or offences

- Modern and fit for purpose.
- Consideration must also be given the number of conditions being attached.

Finally, the Officer stated that all relevant parties to the decision of the Licensing Authority had the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

The Chair thanked everyone for attending. He said the decision of the Sub-Committee would be made known within 5 working days of the hearing.

Private Session

The Chair then closed the meeting, and the Sub-Committee considered the application in private session.

RESOLVED:

On the evidence before it, having considered all the circumstances, in particular the business interests of the applicant against the interests and concerns of the Other Persons, the Sub-Committee grants the Application for the Premises Licence as applied for subject to the offered amendments as set out below and with the conditions as contained in the Operating Schedule:

The amended conditions are:

- The amended conditions from the operating schedule, circulated by the Democratic Services Officer in the email to relevant parties on the 13 July 2023 at 21:17
- At condition 10 under the Public Safety Objective, the applicant was prepared to reduce the number of people from 1500 to 1000 to require an Event Management Plan to be produced.

At condition 12 under the Prevention of Public Nuisance objective, the wording “except for films which will cease at 00:00 where they occur outside.”

to be removed, so that the condition now reads –

“Regulated activities outside will cease at 23:00.”

The mandatory conditions required by the Licensing Act 2003.

The Sub-Committee delegates the authority to the Licensing Officer to add these to the Operating Schedule on the License as issued.

(The meeting ended at Time Not Specified)

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CHAIR

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Monday, 7 August 2023 at 10.00 am

Present:

Cllr Tony Lock (Chair)

Cllr Simon Coles

Cllr Hugh Davies

1 Apologies for Absence - Agenda Item 1

There were no apologies for absence.

2 Declarations of Interest - Agenda Item 2

There were no declarations of interest made by members.

3 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

The Licensing Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003.

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

The Chair 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.

4 Objection notices received in respect of a standard Temporary Event Notice for Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP - Agenda Item 4

The Legal Specialist advised that the applicant had made a request for a number of documents to be considered which had been received by the Police that morning. She advised that if the Sub-Committee wished to view the documents, an

adjournment would need to be agreed. In response, the Chair advised that due to the lateness in receiving the information and the fact that they were lengthy documents, he would not be seeking an adjournment.

The Licensing Specialist presented the report in respect of a Temporary Event Notice application for an event at Wincanton sports Centre, West Hill, Wincanton, BA9 9SP, following receipt of an objection on behalf of the Chief of Police for Avon and Somerset Constabulary.

She explained that the application was for a boxing show event taking place from 12th to 13th August 2023. The proposed activities were for the sale by retail of alcohol and regulated entertainment. The timing of the event had been amended following the submission of the event management plan and would now start at 5.00pm, with last orders at 11.00pm and the last service of alcohol being around 11.30pm with all members of the public vacating the premises by 12 midnight. The applicant was a personal licence holder and in support of his application, he had submitted an event safety management plan, risk assessment for crowds, a response to the police objection and a letter from the security company along with an event management plan in relation to a previous event.

The Police Licensing Officer confirmed that the information submitted by the applicant and received by the police that morning following a meeting held the previous Friday had not been considered and did not form part of their representations. The Police Licensing Officer addressed the Licensing Sub-Committee. Her representations included the following:

- Details of two previous events that had resulted in crime and disorder and anti-social behaviour being experienced which were directly linked to the events and the persons involved in the disorder being heavily intoxicated.
- The police believed that the hours applied for were excessive and would fuel anti-social behaviour.
- The event management plan submitted was almost identical to the plan for the May event. It was noted that the SIA provision had been increased from ten to twelve. The police were informed that twelve operatives were working at the event in May therefore if this was the case no additional measures to promote the licensing objectives had been put in place.
- The show was a white-collar boxing event and therefore would not operate within the defined and appropriate rules and guidance for a safe boxing event other than those adopted by the applicant.
- There was no detail provided around the promotion of the licensing objections and the sale of alcohol within the event management plan and other

documentation.

- The applicant had referred to only three percent of his total capacity being involved in serious disorder. The police considered a zero percentage to be acceptable.
- The venue was not considered to be in a serviceable condition as it was currently undergoing building work and two of the fire exits in the main event area were obstructed. A site plan had been requested but not received.
- The police had been unsuccessful in contacting the owners to establish the safe capacity of the building.
- The police were not satisfied that the issuing of the temporary event notice would promote the licensing objectives.
- Wincanton Sports Centre did not have a premises licence and therefore there were no relevant conditions for boxing that could be transferred over to the temporary event notice.
- The two previous events that had taken place adhering to the same event management plan and the plan submitted to support this event had resulted in serious crime and disorder fuelled by alcohol intoxication.
- There was no control over the sale and re-sale of tickets for the event.
- There was no mechanism in place to record the capacity of persons within the venue.
- The applicant had not provided adequate plans or risk assessments to ensure that the licensing objectives would be upheld and promoted.
- The police requested that a counter notice be issued in respect of the application.

In response to questions from the Applicant's Head of Security regarding body cam footage and the attendance of the police at one of the events, the Police Licensing Officer indicated that she was not aware of the detail around the body-worn camera footage so could not dispute whether it had been received. Due to the incident being under criminal investigation, she was unable to discuss the case further. She was not aware from the police recording system that the incident that had occurred at the last event had not been dealt with effectively by the police. She confirmed that the local police were made aware of the event being held prior to it taking place.

The Applicant confirmed that the fire exits within the venue had been cleared and that a clicker device would be used to record the exact number of people within the venue at any one time. He also clarified that this would be his fourth show at Wincanton Sports Centre.

In response to questions from members, it was noted that:

- The police had been unsuccessful in finding out the capacity of the building

from the owners or staff working at the venue.

- The boxing events were classed as family friendly events.
- ID checks would be undertaken on the door against a list of people who were known to cause anti-social behaviour and these people would be refused entry.
- Twelve SIA operatives would be provided by the applicant for the event which was slightly higher than the one per fifty people ratio.
- There was no legislation around security provision. It was calculated on a risk assessment basis.
- At the last event eight out of twelve operatives had body-worn cameras.

The Applicant addressed the Sub-Committee in support of his application. His representations included the following:

- He understood and appreciated the increased potential of there being incidences due to the nature of the event. Security for the event had been increased above the normal ration.
- The isolated incidences that had occurred at two of the events equated to 1.3% of spectators causing anti-social behaviour. The events were operating at 98.7% safe, fun, happy and entertaining evenings.
- The shows had got bigger, better, safer and more enjoyable bringing the local community together as well as raising money for local organisations benefiting the local community.
- He was concerned about the detrimental effect on the boxing community if the temporary event notice were to be refused.

The Applicant's Head of Security commented that he had supplied security services to the applicant for a number of years. He said that the applicant believed in safety and had a duty of care to look after the spectators, boxers and staff at the events.

In response to questions to the Applicant, members noted the following:

- The list of people known to cause anti-social behaviour was held by the applicant and the head of security. The two security guards at the front of house and the applicant's own stewards would also be responsible for checking the list.
- The Licensing Specialist advised that the boxing element of the event was also a licensable activity. If the temporary event notice were to be refused both the sale of alcohol and boxing would not be permitted.

In summing up, the parties made the following representations:

- The Police Licensing Officer did not believe that any additional information provided by the applicant would reassure the police that there would not be a repeat of the disorder that had been experienced at previous events. The applicant was reliant upon the same plans that were put into place at

previous events. They also felt that not enough information had been provided in relation to the list of people who were known to cause anti-social behaviour. The Police were unable to support the application.

- The Applicant stated that if the police were willing to be at the event, they could have access to the list. He could only take as many measures as he possibly could as well as anticipate and react as best he could.

The Licensing Specialist advised that Wincanton Sports Centre did not have a premises licence therefore there were no conditions that could be applied to a temporary event notice.

Members of the Licensing Sub-Committee, the Specialist - Legal and the Case Officer - Democratic Services, attending in an advisory capacity only, remained in the meeting and all other officers and parties withdrew 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.

On reconvening, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

In respect of the Temporary Event Notice received for Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP, under the Licensing Act 2003, the Licensing Sub-Committee has determined that the events on 12th August to 13th August 2023 should proceed in accordance with the temporary event notices.

A written objection notice had been received from the Avon and Somerset Police objecting to the application on the grounds of crime and disorder, public safety and protection of children from harm. Their main concern being the crime and disorder experienced at two previous events organised by the same applicant.

They were also concerned that the applicant had not provided enough detailed information on how the event would be managed and that an insufficient risk assessment had been undertaken. Following assurances from the applicant, the Police remained concerned that there was insufficient security available and that in the event of a disturbance, they would be unable to manage public disorder, comprising the safety of visitors to the event. They concluded by stating that Police could only judge such an event based upon the information before them, and this was completely insufficient and they could not be convinced that the event would be run safely and could not support it in its current form.

The applicant assured members of the Sub-Committee that measures had been put in place to alleviate the concerns expressed by the Police. They had increased the security staff and would not allow anyone into the event who were known to have caused anti-social behaviour at previous events.

The Sub-Committee noted the significant objections raised by the Police in respect of the proposed security arrangements and their concerns that a proper risk assessment had not been completed.

The Sub-Committee listened to the assurances of the applicant of the additional measures they had put in place such as additional security staff, body camera's and I.D checks. They were keen for the event to proceed and supported events of this nature. They took into account the incidents that had occurred at the previous events and were satisfied that the applicant had put measures in place to promote the licensing objectives.

The Sub-Committee approved the applications for the temporary event notice.

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.

(The meeting ended at 12.20 pm)

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CHAIR

Minutes of a Meeting of the Regulatory Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Monday, 5 June 2023 at 10.00 am

Present:

Cllr Simon Carswell (Chair)

Cllr Hugh Davies

Cllr Marcus Kravis

1 Apologies for Absence - Agenda Item 1

There were no apologies for absence received.

2 Declarations of Interest - Agenda Item 2

There were no declarations of interest made by Members.

3 Procedure to be followed when considering Licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement - Agenda Item 3

The Regulatory Sub-Committee noted the procedure to be followed when considering Operator Licences. The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chair 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.

4 Consideration of a Private Hire Operator Licence - Agenda Item 4

The Licensing Officer, Simon Guest introduced his report in respect to the consideration of the status of a Private Hire Operator Licence for Fairview Minibuses

Ltd, following the company being convicted in Bath Magistrates Court for taxi related offences.

During the presentation he summarised the course of events as follows:

- In October 2022 the Council were informed by the Police that they had stopped an unlicensed driver at Bristol Airport, in one of the Operator's licensed vehicles.
- Following this, the unlicensed driver contacted the Licensing Officer and explained she had been driving for the Operator for 4-6 weeks, undertaking a variety of work including airport runs and school transport journeys. During this time she was unknown to Somerset Council School Transport Team, did not appear to have a DBS criminal records check, and was not licensed as a Private Vehicle Hire driver. All of these were deemed serious breaches of public safety.
- The Police decided to undertake criminal proceedings against the Operator. This was on the understanding that the Council would refer the Operator Licence status to this Sub-Committee to decide whether any further action would be taken on the Operator licence.
- The Police took the matter to court on behalf of the Council. The matter was heard at Bath Magistrates Court on 24 April 2023 where the Operator was charged with the following offences:
 1. Proprietor of Private Hire Vehicle employing unlicensed driver.
 2. Operate a vehicle as a Private Hire Vehicle using an unlicensed driver.
 3. Permit the use of a Public Hire Vehicle without displaying plate.
- The Operator had not made any contact with the Council regarding this matter or to declare their convictions in the Magistrates Court.
- The Licensing Officer did confirm that in the last 9 years there had been no records of any significant complaints relating to the Operator or their drivers.

David King and Gemma King attended the Sub-Committee representing Fairview Minibuses Ltd and confirmed the following during their representation:

- They were a family run company working in the area for over 25 years. The impacts of lockdowns in recent years had led many taxi firms in the local area to close and the Operator had taken on extra work to cover contracts, whilst also experiencing difficulties in recruiting drivers.
- The driver was looking for short term work during a break from working at a local College. At the college the driver drove minibuses for students and had an existing DBS with the employer. They had no doubts over the public safety of the driver in question.
- On meeting the driver in September 2022, they started the DBS application process, and online tracking showed this was well underway, however was not finalised and issued until 13 November 2022.

- They accepted they should not have allowed the driver to work before finalisation of the DBS check, and obtaining the correct licences for the driver from the Council.
- They had not declared the offences to the Council because they understood the Police were keeping the Council informed.
- The roof sign had not been present and had not been questioned previously.
- The rear plate sign was missing from the vehicle following recent body work repairs.

During discussions the Operator confirmed they had since made changes to their booking procedures, to manage more efficiently the balance of bookings and drivers available. Directors met daily to discuss booking enquiries from the previous day, to allocate drivers before confirming bookings. All school transport contracts routes had one allocated regular driver. They were also ensuring there was a spare driver available each day from one of the four directors, in case of a driver being unavailable at short notice.

Members of the Regulatory Sub-Committee, the Legal Advisor and the Clerk, attending in an advisory capacity only, withdrew from the room to consider their decision in private session.

On reconvening, the Chair informed those present at the hearing of the decision of the Regulatory Sub-Committee:

DECISION

The Sub-Committee had been asked to consider the operator's licence held by Fairview Minibuses Ltd following their recent conviction for taxi related offences. In reaching its decision the Sub-Committee had considered the Council's Guidance and Statement of Policy, the Government's Taxi & Private Hire Vehicle Licensing Best Practice Guidance and current case law.

In licensing the taxi trade the Council had a legal duty to protect the public. As public trust and confidence in the overall safety and integrity of the private hire system was vital, the same standards were applied to operators as those applied to drivers.

In accordance with section 55 of the Local Government Miscellaneous Provisions Act 1976 the Council should not grant an application for a private hire operator's licence unless it was satisfied that the applicant was and remained a "fit and proper person" to hold such a licence.

RESOLVED

The Panel had considered the evidence against Fairview Minibuses Ltd (Fairview) following their conviction on 24 April 2023 for 3 offences in relation to their private hire operator's licence.

The Department for Transport statutory taxi and private hire standards states "Although private hire vehicle operators may not have direct contact with passengers, they were still entrusted to ensure that the vehicles and drivers used to carry passengers were appropriately licensed and so maintained the safety benefits of the driver licensing regime."

The offences of which Fairview were convicted were serious. Failing to ensure that their driver was properly licensed and driving before their DBS certificate was complete presented a significant risk to the public and risked the confidence and integrity of the licensing system.

There could be no excuse for such lapses by a well-established and reputable operator. In mitigation the company had stressed that this was an isolated incident arising out of a shortage of drivers and the ability of the company to fulfil their contracts.

Notwithstanding the remorse and mitigation put forward by Fairview the Sub-Committee could not ignore the risks that the company were running by their actions. It was accepted that no issues or complaints were received over the conduct of the unlicensed driver. However, it had to be accepted that she drove, unlicensed, on numerous occasions including school transport, hospital and airport runs, many of which involved vulnerable passengers. It was to her credit that as soon as she was made aware of her part in driving an unlicensed vehicle she ceased driving for them. Fortunately, whilst the actions of Fairview did not have any significant consequences, it could have been so much different.

In addition, it was concerning that contrary to the Council's policy, Fairview had failed to formally declare their conviction to the Council, instead relying upon the Police to make the disclosure.

The Sub-Committee accepted and acknowledged that Fairview have already been punished for these offences in the criminal court and that they had had an unblemished record for a significant number of years. The Government guidance made clear that "public safety was the paramount consideration in licensing the taxi regime." The Sub-committee accepted the company's remorse and that they had amended their policies and procedures and had learnt from their mistake, and that public safety was and remains at the forefront of their business.

It was the decision of the Sub-Committee that Fairview Minibuses Ltd were and remained a fit and proper person to hold an operator's licence. However, the Sub-committee would issue a formal warning as to the company's future conduct which would include an inspection of the company's records and procedures, and that any future breach of the Council's policy would result in a further appearance before this Sub-committee with their licence at risk.

(The meeting ended at 11.40 am)

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CHAIR

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