



Notice of Meeting of

LICENSING SUB-COMMITTEE (SOUTH)

Monday, 7 August 2023 at 10.00 am

**Council Chamber, Council Offices, Brympton
Way, Yeovil BA20 2HT**

To: The members of the Licensing Sub-Committee

Councillor Simon Coles

Councillor Hugh Davies

Councillor Tony Lock

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

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.

This meeting will be live streamed to YouTube and viewable at:

<https://www.youtube.com/watch?v=ruUvsN7xt6A>

Issued by David Clark, Monitoring Officer (the Proper Officer) on Thursday 3 August 2023.

AGENDA

Licensing Sub-Committee - 10.00 am Monday, 7 August 2023

Public Guidance Notes contained in Agenda Annexe (Pages 3 - 4)

Click here to join the online meeting (Pages 5 - 6)

1 Apologies for Absence

To receive any apologies for absence.

2 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](#))

3 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 (Pages 7 - 10)

4 Objection notices received in respect of a standard Temporary Event Notice for Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP (Pages 11 - 48)

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.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

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[+44 1823 772277,,350042622#](#) United Kingdom, Taunton

Phone Conference ID: 350 042 622#

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Procedure to be followed when considering Licensing Applications under the Licensing Act 2003

1. The Chair will open the Hearing and introduce the Sub-Committee and Officers. They will then ask each Party to introduce themselves.
2. The Chair will confirm that if a Party is not present their representation/application will be read and taken in to account in reaching the decision.
3. The Chair will address any registerable interest arising under the Code of Conduct.
4. The Chair will consider any submitted requests from a Party for permission for another person to appear at the Hearing. If necessary, the Sub-Committee will retire to deliberate before making a decision.
5. The Chair will confirm that the Hearing will take the form of a round-the-table discussion led by the Sub-Committee in accordance with this procedure. If all Parties present confirm that they have seen and understood the procedure to be followed at the Hearing and agree that they are ready to proceed then the Hearing shall commence.
6. The Chair will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e.

To enable those with a right to appear, to amplify their written application or representation. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues.

7. The Chair will confirm what advance papers have been received and that these have been read.
8. The Chair will make clear that all Parties should only address the Sub-Committee in relation to matters they have raised in their application/representation. Any Party wishing to submit late evidence at the Hearing will only be able to do so with the consent of all Parties present and with the consent of the Sub-Committee.
9. The Chair will confirm whether all Parties have seen and understood the procedure to be followed and are ready to proceed with the Hearing.

10. The Chair will ask the Applicant whether they wish to make any amendments to their application with a view to addressing any issues raised by representations.

11. Order of Oral Presentation

- (a) The Licensing Officer will present their report outlining the details of the application/notice/representations received.
- (b) Any Party may question the Licensing Officer.
- (c) The Members may question the Licensing Officer.
- (d) Responsible Authorities will present their case and call any witnesses.
- (e) Any Party may question the Responsible Authorities and any witnesses.
- (f) Members may question the Responsible Authorities and any witnesses.
- (g) Other Person(s) will present their case in turn and call any witnesses.
- (h) Any Party may question the Other Person(s).
- (i) Members may question the Other Person(s).
- (j) The Applicant/Licence Holder will present their case and call any witnesses.
- (k) Any Party may question the Applicant/Licence Holder and any witnesses.
- (l) Members may question the Applicant/Licence Holder and any witnesses.

The Chair at their discretion, may change the order of oral presentation at any stage, if it is considered to be beneficial to the flow of the hearing.

12. Before moving on to the next Party, the Chair will check there are no further points the current Party wishes to make or any further questions that need to be put to that Party.

13. The Licensing Officer may present any further information such as proposed non-mandatory Conditions deriving from the Operating Schedule or suggested by any Party. However, it will remain for the Sub-Committee to determine what conditions will apply, if any, should the application be successful.

14. Each Party will be invited to make closing submissions in the following order –

- a. Responsible Authorities
- b. Other Persons
- c. The Applicant
- d. Licensing Officer

15. The Chair will then close the Hearing and the Sub-Committee will retire to determine the matter. The Legal Advisor will retire with the Sub-Committee to answer any points of law.

16. The Sub-Committee will come to a decision which will be sent to the Applicant and all other relevant Parties together with the details of the right to appeal.

NOTE:

In producing this procedure the following has been considered: -

The relevant legislation and statutory guidance together with local policies and procedures.

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

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: Cllrs Lucy Trimnell and Tom Power, Wincanton and Bruton

Lead Officer: Rachel Lloyd – Specialist Licensing

Author: Rachel Lloyd

Contact Details: Rachel.lloyd@somerset.gov.uk

Summary / Background

1. To inform members that a standard temporary event notice has been received under the Licensing Act 2003 from Mr Le Monnier (The Premises User) for an event at Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP. The notice relates to an event taking place from 12 August to 13 August 2023. An objection notice has been duly served on behalf of the Chief of Police for Avon and Somerset Constabulary. The objection notice can be seen in Appendix 1.
2. Where an objection notice has been received from either the Police or the Environmental Protection department or both, the Council is the authority responsible for determining the notice under sections 105 and 106A of the Licensing Act 2003.

Recommendations

3. The Licensing Sub-Committee must decide to do one of the following:
 - Give a counter notice to the premises user so that event cannot proceed, or
 - Permit the event to proceed in accordance with the temporary event notice, or

- Permit the temporary event notice to proceed but attach one or more conditions (in accordance with paragraph 6, below).

Reasons for recommendations

4. There is statutory duty to consider the options above.
5. In determining a temporary event notice with a view to promoting the licensing objectives in the overall interests of the community, the Sub Committee must have regard to and give appropriate weight to the following considerations:
 - Any Notice of Objection (including supporting documentation received)
 - Guidance issued under s182 of the Act
 - The South Somerset Statement of Licensing Policy published in July 2022
 - The steps necessary to promote the licensing objectives
 - Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1
6. The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision-making process. The licensing objectives are:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
7. Section 106A of the Licensing Act 2003 permits licensing authorities to impose one or more conditions from a premises licence on a standard temporary event notice if:
 - a) The authority considers it appropriate for the promotion of the licensing objectives to do so.
 - b) The conditions are also imposed on a premises licence or a club premises certificate that has effect in respect of the same premises, or any part of the premises, as the temporary event notice; and
 - c) The conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

Other options considered

8. Not applicable.

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

9. The Council must carry out its functions in accordance with the Licensing Act 2003 with a view to promoting the licensing objectives and this remains the prime consideration of this report.

Financial and Risk Implications

10. There are no financial implications.
11. There are no significant risks identified providing the serving of a Temporary Event Notice is determined correctly, in accordance with the legislation and having due regard to the Statement of Licensing Policy adopted by South Somerset District Council.

Legal Implications

12. The Licensing Specialist has determined that the representation submitted by Avon and Somerset Constabulary is relevant. It is, therefore, the duty of the Sub-Committee to determine the Temporary Event Notice submission with regards to the licensing objectives. The issue for the Sub-Committee is whether or not the Temporary Event Notices as submitted undermines the licensing objectives as claimed by the representations submitted by Avon and Somerset Constabulary. If so, the Sub-Committee must issue a Counter Notice.
13. The Premises User may appeal should a Counter Notice be issued and, similarly, Avon and Somerset Constabulary may appeal should a decision be made not to issue a Counter Notice. Any appeal must be made to the Magistrate's Court.

HR Implications

14. None.

Other Implications:

15. None.

Equalities Implications

16. None.

Community Safety Implications

17. None.

Climate Change and Sustainability Implications

19. None.

Health and Safety Implications

20. None.

Health and Wellbeing Implications

21. None.

Social Value

22. The contents of the report do not relate to a procurement process, therefore there are no social value implications.

Scrutiny comments / recommendations:

23. This report relates to a statutory function of the Council, which is the responsibility of the Licensing & Regulatory Committee (delegated to a Sub-Committee), so there are no scrutiny comments or recommendations to make.

Background

24. The statutory guidance, issued by the Home Office in respect of the Licensing Act 2003, describes Temporary Event Notices (TENs) as being "*intended as a light touch process*". They are submitted to the Licensing Authority by the premises user (an individual 18 years or over) and copied to the Police and the Environmental Health Service, as a means to authorise licensable activities where either:

- no premises licence/club premises certificate exists;
- in cases where it (the licence or certificate) is not being used;
- where the operating schedule including days and timings do not meet the need of the premises user.

Proposed Activities and Timings

25. The proposed activities and timings are detailed below

Proposed Activities and Hours Day	Start Time	Finish Time	Maximum Number of persons at event at any one time	Licensable activity requested	Nature of Event
12 August 2023 *	11:00	00:00 (13 August 2023)	496	The sale by retail of alcohol Regulated Entertainment	Boxing Show

*the Event Safety Management Plan (ESMP) states and the Premises User confirmed that the sale of alcohol and boxing will start from 17:00 and be finished no later than 23:30.

Relevant Observations

26. The Premises User holds a personal licence.
27. Should the temporary event notices proceed; the Premises User will be responsible for ensuring that there are no more than 496 persons at each premises (as defined on the notices). If at any point there were 497 or more persons at the premises, the event would no longer be authorised and an offence under the Licensing Act 2003 would occur.
28. The Premises User has provided the following in support of their notice:
- ESMP for the August event (Appendix 2)
 - The response submitted to the Police following the objection (Appendix 3)
 - A letter from the company which has provided security at previous events and will be used to provide security at the event on 12 August, if the event is allowed to proceed, (Appendix 4) and

- Risk assessment for crowd trouble (Appendix 5).

Further Information

29. The Premises User has also provided the ESMP from an event they held in May 2023 (Appendix 6), copies of email correspondence with the Police for a previous event (Appendix 7) and copies of correspondence with Wincanton Sports Centre (Appendix 8)

Background Papers

The Licensing Act 2003

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

The Licensing Act 2003 (Permitted Temporary Activities) (Notices)(Amendment) Regulations 2012 No. 960

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

The South Somerset Statement of Licensing Policy published in July 2022.

Appendices

- Appendix 1 Objection notice submitted by the Police
- Appendix 2 Event Safety Management Plan (confidential)
- Appendix 3 Response to Police following the objection (confidential)
- Appendix 4 Letter from security company (confidential)
- Appendix 5 Risk assessment (confidential)
- Appendix 6 ESMP for May Event (confidential)
- Appendix 7 Correspondence with Police (confidential)
- Appendix 8 Correspondence with Wincanton Sports Centre (confidential)

Appendix 1



Police Objection Notice to a Temporary Event Notice (TEN) S104 Licensing Act 2003

Responsible Authority : Please delete as appropriate
POLICE

Your Name	Nicola King	
Job Title	Area Licensing Practitioner	
Postal and email address	Yeovil Police Station Horsey Lane Yeovil Somerset BA20 1SN	
Contact telephone number	101	
Name of the premises you are making a representation about.	Applicant: Jonathan Michael Le Monnier	
Address of the premises you are making a representation about.	Wincanton Sports Centre West Hill Wincanton BA9 9SP	
Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
General – all four licensing objectives.	Yes	<p>An application has been received from Jonathan Michael Le Monnier to permit the sale of alcohol at a 'boxing show' on 12th August – 13th August 2023, between the hours of 11am –12am. The capacity has been set at 496 persons.</p> <p>On behalf of the Chief Officer of Police we submit our formal representation in respect of this application.</p> <p>This will be the third event to be held at Wincanton Sports Centre in respect of the 'boxing show'. The two previous events have resulted in crime and disorder being experienced which is directly linked to the event.</p> <p>In September 2022 disorder broke out resulting in a GBH which is currently progressing through the court system.</p> <p>In May 2023 a further event took place under the same event organiser. Prior to the event taking place an event management plan was requested by the police to ensure that adequate planning had taken place so there would not be a repeat of the incident that took place in September 2022. Unfortunately, the police were called to a large-scale fight taking place at the premises involving 15-20 people fighting.</p> <p>Following this incident, the police made contact with both the Wincanton Sports Centre and Mr Le Monnier. Details were obtained in respect of the management of the event and the security that was in place. It was clear Wincanton Sports Centre had no control over the event and were not aware of the plans that were apparently in place. The Wincanton Sports Centre stated the event was not their responsibility and further stated all responsibility lies with the boxing club. They had supplied two members of staff</p>
To prevent crime and disorder		
Public Safety		
The protection of children from harm.		

	<p>who were not being paid. It was confirmed that there were 400-500 people at the premises although no actual count was in place and there were 12 security operatives employed.</p> <p>An application has now been received to permit the sale of alcohol at another 'boxing show' for a 13 hour period which the police believe to be excessive and no doubt will fuel anti-social behaviour. No further detail has been received and no event plan submitted.</p> <p>No prior consultation has taken place with the licensing department in respect of the application and given the issues experienced at other events we would have expected to see further plans and risk assessments put into place.</p> <p>Given the nature of the event, excessive drinking period, limited planning and poor management of the previous events the police are of the opinion that should the notice be authorised, then this event will once again result in crime and disorder being experienced at the event resulting in a significant risk to the safety of the public.</p> <p>Events of this nature can be very problematic if not managed correctly and unfortunately these types of events do suffer with outbreaks of crime and disorder which can also result in having a detrimental effect on neighbouring properties, communities, promotion of the licensing objectives and police resources.</p> <p>Given the previous crime and disorder and public safety issues linked to the event, which is clearly fuelled by the sale of alcohol, the police do not support this application.</p> <p>Whilst we strive to support all events in the area, the police believe, that on this occasion, should this notice be authorised then it will undermine the licensing objectives of the prevention or crime and/or disorder and public safety.</p> <p>It is on these grounds that we object to the Temporary Events Notice and request that a counter notice be issued in respect of this application.</p>
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<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	
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N.B If you, as the Responsible Authority, make a representation, a member from your Authority will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: Nicola King

Date 27th July, 2023

Please return this form along with any additional sheets to: The Licensing Unit, Somerset Council

This form must be returned within the Statutory Period.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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