

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

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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