

Public Agenda Pack



Notice of Meeting of

LICENSING SUB-COMMITTEE

Tuesday, 19 September 2023 at 10.00 am

**Committee Room - Council Offices, Shepton
Mallet, BA4 5BT**

To: The members of the Licensing Sub-Committee

Chair: Councillor Simon Carswell
Vice-chair: Councillor Marcus Kravis
Councillor Brian Smedley
Councillor Tony Robbins (in reserve)

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, 15 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 Monitoring Officer on Thursday, 14 September 2023

AGENDA

Licensing Sub-Committee - 10.00 am Tuesday, 19 September 2023

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

1 Click Here to Join the Meeting - 19.09.23 (Pages 5 - 6)

2 Apologies for Absence

To receive any apologies for absence.

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

5 Consideration of an application for a TEN received in respect of a bar pitch at Frome Carnival (Pages 11 - 26)

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.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 388 595 240 196

Passcode: ARcBMG

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+44 1823 772277,,585094743#](#) United Kingdom, Taunton

Phone Conference ID: 585 094 743#

[Find a local number](#) | [Reset PIN](#)



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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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**Consideration of a TEN received in respect
of Frome Carnival**

Author: Olivia Denis

Email: olivia.denis@somerset.gov.uk

Telephone: 01749 341436

Applicant: Miss Kimberly Jones

Premises Name: Boyles Cross

Premises Address: Market Place, Frome, Somerset, BA11 1AJ

Introduction

1 A Temporary Event Notice has been served on the Licensing Authority on 08th September 2023 for the sale of alcohol, at Boyles Cross, Market Place, during the Frome Carnival taking place on Saturday, 23rd September 2023. The maximum number of people at any one time that intend to be present at the premises during the times when the licensable activities are taking place, including any staff will be ten persons.

A copy of the Temporary Event Notice can be found at **Appendix 1**.

A map showing the location of the Temporary Event Notice can be at **Appendix 2**.

Licensable Activities

Licensable Activities	Days	Start Time	Finish Time	ON/OFF	Capacity
Supply of Alcohol	Saturday 23/09	15:00	23:00	ON/OFF	10

Reason for referral to Licensing Sub-Committee

2 An objection to the Temporary Event Notice was received from the Area Licensing Practitioner for Avon and Somerset Constabulary dated 13th September 2023, stating that the police have taken into account the nature of the event, the location, hours requested, amenities, limited plans and that during the most recent communication with the carnival committee organisers at a Safety Advisory Group meeting an Event Management Plan was provided which outlined that “this event does not require any Temporary Event Notices or Premises Licence”. The carnival does not start until 19:00 hours and is normally completed by 22:00 hours. Road closures are not put into place until 18:00 hours, meaning that the area proposed for the TEN will still have operational traffic whilst alcohol is being sold.

From town centre already benefits from multiple drinking establishments, who will be serving alcohol on carnival night in controlled environments.

The police do not consider that another alcohol outlet is required.

The Police, on this occasion have not been furnished with adequate information to ensure that the licensing objectives will be promoted and therefore believe that the issuing of the notice will undermine the licensing objectives.

A copy of the objection can be found at **Appendix 3**.

Relevant Observations

3 The applicant holds a personal licence with Wiltshire Council.

Legal Implications

4 The Licensing Authority has a duty to promote the Licensing Objectives in its decision-making process.

These objectives are as follows: -

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Where a person wishes to conduct licensable activity on an occasional basis or on an extended basis (in the case of where a premises licence or club premises certificate has effect) they may give a TEN to the local council, where it acts as the Licensing Authority.

The format of the form for a TEN is prescribed and an applicant must give not less than 10 clear working days’ notice to the Licensing Authority (unless it is a ‘Late TEN’) and to certain other statutory bodies.

Those bodies then have 3 clear working days from the day following their receipt of the TEN to consider the potential impact(s) of the TEN, and then if they believe that the notification will undermine the promotion of any of the four licensing objectives, they may issue an objection notice to the applicant and the Licensing Authority. Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary.

If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

The grounds under the 2003 Act for consideration of this matter by the Licensing Authority are the four licensing objectives.

Decision Making Process

5 The deliberations should be confined to the Police's objection and any representations made at the hearing.

- Give the premises user a counter notice under this section if it considers it appropriate for the promotion of the crime prevention or public safety objectives to do so; or
- Not give a counter notice and allow the licensable activities to go ahead as stated in the notice. In this case the licensing authority must give the premises user and the relevant chief officer of police notice of this decision.

Reasons must be given for any decision the sub-committee makes and parties notified accordingly.

Right of Appeal

6 All relevant parties to the decision of the Licensing Authority have 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.

Appendices

7 Appendix 1 – Copy of the Temporary Event Notice

Appendix 2 – Map showing location of Temporary Event Notice

Appendix 3 – Copy of the objection received from Avon and Somerset Constabulary

From: [donotreply](#)
To: [CHcase; BIS; SomersetEastLiquorLi@avonandsomerset.police.uk](#)
Subject: Order placed for TENS
Date: 08 September 2023 16:46:34



Form Submission

Item Description: TENS
Item Reference: 6300-6539----FEECH0074
Amount Paid: £21.00
Capita Auth Code: 934292
Capita Transaction Code: 3d4913f8-f6cd-404f-99f0-ca58f95b58e7
GOSS Item reference: 2257-5233-1493-3545

Form Data

Title:	Miss
First Name:	KIMBERLY
Last Name:	JONES
Previous Name?:	No
Previous Title:	Please select
Previous First Name:	
Previous Last Name:	
Previous Names?:	
Previous Title:	Please select
Previous First Name:	
Previous Last Name:	
Date of Birth:	████████
Place of birth:	████████
NI Number:	████████
Current Address:	
Property Name and or Number:	████████████████████
Street or Road Name:	████████

Town:	████
County:	████
Postcode:	████
Contact details:	
Daytime telephone number:	████████
Evening telephone number:	
Mobile number:	
Fax Number:	
Email address:	████████████████████████████████████████
Alternative Contact Information:	
Do you have alternative contact information?:	No
Alternative address:	
Property Name and or Number:	
Street or Road Name:	
Town:	
County:	
Postcode:	
Alternative Contact details:	
Daytime telephone number:	
Evening telephone number:	
Mobile number:	
Fax Number:	
Email address:	
Section 2 The Premises:	
Please give the address of the premises:	
House Name or Number:	Boyles Cross
Street or Road:	Market Place
Town:	Frome
Postcode:	BA11 1AJ

Ordnance Survey/market pitch:	
Does a premises license or club premises certificate have effect in relation to the premises:	No
Premises licence number:	
Club premises certificate number:	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.:	Bar pitch as allocated by event organiser at Frome Carnival
Please describe the nature of the premises:	Open air pedestrian market area
Please describe the nature of the event:	Frome Carnival
Section 3 The Licensable Activities:	
Please state the licensable activities that you intend to carry on at the premises (please tick):	SaleAlcohol
The licensable activities includes the supply of alcohol, please state whether the supplies will be for the consumption:	Both
Are your giving a late temporary event notice?:	No
I confirm there are a minimum of 5 clear working days for a Late TEN and 10 clear working days for a Standard TEN between the date of submission and the start of the event:	Yes
Please state the dates and times on which you intend to use these premises for licensable activities:	
Day 1:	23/09/2023
Day 1 times:	15:00
Day 2:	23/09/2023
Day 2 times:	23:00
Day 3:	
Day 3 times:	
Day 4:	
Day 4 times:	
Day 5:	
Day 5 times:	
Day 6:	

Day 6 times:	
Day 7:	
Day 7 times:	
Day 8:	
Day 8 times:	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers:	10
Please state if the licensable activities will include the provision of regulated entertainment :	No
If so, please state the times during the event period that you propose to provide regulated entertainment:	
Section 4 Personal licence holders:	
Do you currently hold a valid personal licence?:	Yes
Licence number:	LN/0018180
Issuing licensing authority:	WILTSHIRE COUNCIL
Date of issue:	20/09/2020
Further Information:	
Section 5 Previous temporary event notices you have given:	
Have you previously given a TENS in respect of any premises for events falling in the same calendar year as the event for which you are now giving this TENS?:	Yes
If Yes, please state the number of temporary event notices you have given for events in that same calendar year:	14
Have you already given a TEN for the same premises in which the event period ends 24 hours or less before the event period proposed in this notice and/or begins 24 hours or less after the event period proposed in this notice::	No
Section 6 Associates and business colleagues:	
Has any associate of yours given a TENS for an event in the same calendar year as the event for which you are now giving a TENS?:	No
Please state the total number of TENSs your	

associate(s) have given for events in the same calendar year:

Has any associate of yours already given a TEN for the same premises in which the event period ends 24 hours or less before the event period in this notice and/or begins 24 hours or less after the event period proposed in this notice::	No
Has any person with whom you are in business carrying on licensable activities given a TENs for an event in the same calendar year as the event for which you are now giving a TENs:	No
Please state the total number of TENs your business colleague(s) have given for events in the same calendar year:	
Has any person with whom you are in business carrying on licensable activities given a TENs for an event in the same calendar year as the event for which you are now giving a TENs?:	No
Declarations:	
I agree with the above statement:	Yes
Date Submitted:	08/09/2023
Name of Person completing online form::	KIMBERLY JONES
This form will be sent by the Licensing department to the Police and Environmental Health, on behalf of the applicant:	Yes
I confirm I have read the TEN guidance notes.:	Yes
Licence Value £21.00:	21.00

IMPORTANT: This e-mail (including any attachments to it) is strictly confidential and intended solely for the person or organisation to whom it is addressed. It may contain privileged, confidential or sensitive information. If you are not the intended recipient, you must not copy or distribute it to any other person or take any action in reliance. If you have received it in error, please notify your system manager and the sender as soon as possible and then delete it from your system.

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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: Kimberly Jones	
Address of the premises you are making a representation about.	Boyles Cross, Market Square, Frome	
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 Kimberly Jones to permit the sale of alcohol at Boyles Cross, Market Place, Frome. The hours requested are: 23rd September, 2023 1500-2300hrs. The capacity has been set at 10.</p> <p>On behalf of the Chief Officer of Police we submit our formal representation in respect of this application.</p> <p>Having considered the application and the details provided in the application by the applicant the Police are not satisfied that the issuing of the notice will promote the licensing objectives.</p> <p>When considering the application and the promotion of the licensing objectives the police have taken into account the nature of the event, the location, hours requested, amenities, limited plans and the most recent communication with the carnival committee organisers. At a recent Safety Advisory Group meeting an Event Management Plan was provided to the SAG which outlined the following:</p> <p>Licenses: This event does not require any Temporary Event Notices or Premises License.</p> <p>The plans provided to the police for the event, of which this TEN will form part, do not indicate any provision or planning for alcohol being sold at the carnival. The Safety Advisory Group input was based on those plans and risk assessments.</p> <p>The sale of alcohol is requested from 1500hrs until 2300hrs – when the carnival does not start until 1900hrs and is normally complete by 2200hrs. Road closures are not in place until 1800hrs so this area would still be</p>
To prevent crime and disorder		
Public Safety		
The protection of children from harm.		

operational to traffic whilst alcohol was being sold.

As the area applied for will now be licensed, Article 8 of the Regulatory Reform (Fire Safety) Order 2005 states that a suitable and sufficient Fire Safety Risk Assessment should be undertaken. As the area will be licensed the risk assessment will need to be recorded which would need to be to the satisfaction of Devon and Somerset Fire and Rescue Service.

Unfortunately, town centres still experience issues with anti-social behaviour linked to the consumption of alcohol, which at times can have a detrimental effect upon the town centre and can also have a negative impact upon those persons visiting the town either for the carnival experience or to visit friends and family. Any licence issued that is not controlled or managed correctly has the potential to fuel these issues.

If these areas are not adequately controlled, they can quickly become a 'honeypot' for young persons to obtain alcohol resulting in a negative effect upon the location and neighbouring properties and have a detrimental effect in the promotion of the licensing objectives.

Frome town centre already benefits from multiple drinking establishments who will be serving alcohol on carnival night in controlled environments. The police do not consider that another alcohol outlet is required, especially with no control measures in place.

Unfortunately, there has been no prior consultation between the applicant and the police prior to the submission of the application, so we are not aware of their plans or agreements/permissions with the Frome Carnival Committee.

Whilst we strive to support local businesses and community events, the police, on this occasion have not been furnished with adequate information to ensure that the licensing objectives will be promoted and therefore believe that the issuing of the notice will undermine the licensing objectives.

As we are not able to attach conditions to temporary event notices the police request that the Council issue a counter notice in respect of this application.

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.

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: N King

Date 13/09/2023

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

This form must be returned within the Statutory Period.

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