

**Somerset Council – Decisions taken by the Licensing Sub-Committee on Monday, 20 November 2023**

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

<p><b>A3</b></p>	<p>The Village Cafe and Bakery</p>	<p><b>Resolved:</b></p> <p>The Licensing Sub-Committee had been asked to consider an application for a new premises licence for the premises known as The Village Café &amp; Bakery, Bath Road, Cheddar, Somerset following objections from local residents.</p> <p>The Sub-Committee was advised that the Applicant had reached agreement with the Police for conditions to be included on any licence that might be granted and therefore there were no objection from them.</p> <p>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.</p> <p><b>Decision</b></p> <p>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.</p> <p>As identified by Lord Justice Toulson in the Hope and Glory case:</p>
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		<p>“Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. “</p> <p>The Panel recognised those competing demands and had given due consideration to them in reaching its decision.</p> <p>It was apparent that there was no objection to a licence in principle but that the terms of that licence were a concern to the objectors.</p> <p>Some Objectors questioned the need for the premises and issues over parking, however these were not issues that fell within the remit of the Licensing Sub-committee. It was the duty of the Licensing Authority to consider each application on its merits irrespective of the needs or demands for a licensed premises in the locality.</p> <p>The Applicant had made clear, as was stated in their application, that there was to be no music played outside of the premises and that only background music was to be played inside the premises.</p> <p>The application was primarily for alcohol to be available to compliment food not as an alternative pub. The Applicant could and had already used the outside area for seating</p>

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		<p>and there was no reason to believe that there would be any increased disturbance from this area should alcohol be served with food.</p> <p>The hours requested were not excessive and less than the average pub. The hours requested were the maximum permitted and were unlikely to be utilised all year round. The Applicant had also accepted the conditions proposed by the Police which further strengthened and enhanced those proposals already identified in the operating schedule. There was no objection from Environmental Health in relation to noise concerns. However, the Sub-committee recognised that the potential for increased noise nuisance was a concern for the objectors.</p> <p>Accordingly, it was the decision of the Sub-Committee to grant a premises licence to The Village Café &amp; Bakery, Bath Road, Cheddar Somerset on the terms requested, together with the submitted operating schedule and the conditions agreed with the Police. In order to further promote the licensing objectives the following additional conditions would be included:</p> <ol style="list-style-type: none"> <li>1. No recorded music to be played in the courtyard.</li> <li>2. At least once a week between the hours of 18.00 and 22.00hrs to monitor and record the internal sound levels by way of a decibel meter, such records to be retained for 12 months and made available to the Council’s Licensing Officers on demand.</li> </ol>

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