

Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Monday, 20 November 2023 at 2.00 pm

Present:

Cllr Marcus Kravis (Chair)

Cllr Diogo Rodrigues

Cllr Brian Smedley

13 Apologies for Absence - Agenda Item 1

None.

14 Declarations of Interest - Agenda Item 2

None.

15 The Village Cafe and Bakery - Agenda Item 3

The Chair confirmed the procedure that would be followed and then members of the Sub-Committee, officers and the following attendees introduced themselves:

Sean Battles	-	Applicant
Jaqueline Lewis	-	Applicant
Mia Taylor	-	Objector
Martin Taylor	-	Supporting the Objector

The Licensing Officer presented his report and confirmed that the Police had met with the Applicants and agreed conditions and that there had been no objections from Environmental Health.

The Applicants as part of their presentation and in response to questions confirmed that:

- They had moved to the Bath Arms Hotel in Cheddar 10 years ago when the village appeared to be broken.
- When the café across the road and the barbers next to it were closing they took the opportunity to set up another business that would add a synergy to the hotel. The café had been shut for a year and the barbers for a month.
- They needed an additional revenue stream and were looking to sell bottled real ales. Also, in the summer months to open on Thursdays, Fridays and Saturdays offering things such as charcuterie and fine cheeses with drinks and cocktails.
- The café could provide up to 30 covers and heavy drinkers were not the sort of people that they were trying to attract.
- Whilst they were not looking to open much in the Winter and predominantly at weekends in the Summer, they had applied to trade 7 days a week to allow them the flexibility to provide a revenue stream in the Summer months when the Bath Arms was full.
- Whilst they had applied for recorded music it was their intention, as they did in the Hotel, to have only background music indoors and no music played outdoors.
- They liked a quiet environment with background music no louder than conversation level. It was something they could monitor, if required.
- They had installed a suspended ceiling in the café to help reduce noise.

The Objectors as part of their presentation and in response to questions confirmed that:

- Noise was their major concern, particularly as they worked from home including some evenings.
- The café that currently closed at 4pm would now be open until 10pm.
- They were old buildings with poor sound insulation and they could already hear what went on in the café. Some of the businesses managers had stayed in the flat above the café and confirmed that they could hear the music being played.

- Alcohol affected people's noise levels.
- They were happy for the sale of alcohol till 4pm and for the sale of sealed bottles of wine and beer and had suggested conditions.
- One of the other nearby residents was a recovering alcoholic and would have to pass people drinking to get to their property.

The Legal Officer highlighted that the Sub-Committee was there just to license the sale of alcohol and use of amplified music. They were not there to authorize whether it was being run as a café, or its opening and closing times. So, if for example the application was refused, it would not stop the Applicants running a cafe until 10 o'clock at night.

In summing up the Applicants explained that the application would help make them and the village more sustainable.

The Objectors understood the need of the business but had concerns over the potential disturbance to the residents of Myrtle House.

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

Resolved:

The Licensing Sub-Committee had been asked to consider an application for a new premises licence for the premises known as The Village Café & Bakery, Bath Road, Cheddar, Somerset following objections from local residents.

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.

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.

Decision

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.

As identified by Lord Justice Toulson in the Hope and Glory case:

“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. “

The Panel recognised those competing demands and had given due consideration to them in reaching its decision.

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.

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.

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.

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 and there was no reason to believe that there would be any increased disturbance from this area should alcohol be served with food.

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.

Accordingly, it was the decision of the Sub-Committee to grant a premises licence to The Village Café & 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:

1. No recorded music to be played in the courtyard.
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.

(The meeting ended at 3.36 pm)

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CHAIR