

Minutes of a Meeting of the Licensing Sub-Committee held in the Committee Room 2, The Deane House, Belvedere Road, Taunton TA1 1HE, on Tuesday, 2 April 2024 at 10.30 am

Present:

Cllr Simon Carswell (Chair)

Cllr Hugh Davies

Cllr Brian Smedley

44 Appointment of Chair for the Sub-Committee - Agenda Item 1

Councillor Brian Smedley proposed Councillor Simon Carswell be appointed as the Chair for today's hearing and this was seconded by Councillor Hughes.

45 Apologies for Absence - Agenda Item 2

No apologies were received.

46 Declarations of Interest - Agenda Item 3

There were no declarations of Interests.

47 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4

It was confirmed that the meeting would follow the procedure as set out in the agenda pack.

48 Variation of a Premises Licence - The Chapel, Graham Way, Cotford St Luke, Taunton, TA4 1HX - Agenda Item 5

The Chair of the Panel welcomed everyone to the hearing and asked those present to introduce themselves:

Councillor Simon Carswell – Chair of the panel
Councillors Brian Smedley and Hugh Davies – panel members
Alison Evens – Licensing Officer
Stephen Elliott – Applicant
Lesley Dolan – Legal Officer
Leila Nicholson – Democratic Services Officer

The Licensing Officer presented her report explaining that the applicant of The Chapel, Cotford St Luke wished to vary their premises licence by extending the supply of alcohol for an extra hour for Thursday and Friday and an hour and a half on a Saturday. They also wished to provide live and recorded music for slightly longer than currently authorised under the current authorisation. The officer confirmed that 1 objection had been from a resident who lived opposite the premises, however it was noted that there had no contact with the officer, applicant or the Council in response to the licensing hearing. It was also noted that there had been no reports of anti-social behaviour relating to these premises to either the licensing or Environmental health departments. No other representations had been received about this application from the police or the Parish Council or other local residents.

The applicant then made his presentation confirming that he had lived in Cotford St Luke for 15/16 years and took over the premises in December 2022, with the purpose of bringing it back as the village pub. They hold events there all through the year including for children, the intention being that bands or events will be held on a monthly basis which currently is being covered by TENS notices, however it was considered that to amend the premises licence would give the business more flexibility. Bands tended to be “middle of the road” local bands with clients attending from the local surrounds. Mr Elliott confirmed that he had not received any complaints from the neighbours or authorities; Mr Elliott had spoken to 1 neighbour who lived next to the premises, but the objector had not engaged with him at any time.

The panel members then questioned the applicant as follows:

Please explain how acoustic music is played? Tends to be cover bands and they provide their own PA system although there are facilities within the pub, the noise levels are checked and doors are kept shut, the speakers are positioned so that sound is directed within the building, the outside area is also checked for sound levels. The applicant also has notices on the doors to ask customers to leave quietly and they monitor those leaving.

Has there been any dealings with Environment Health? No, sound checked by themselves by standing by the neighbouring houses and have previously changed position of the bands playing away from the windows after consultation with the nearest neighbour, speakers are positioned so sound will project away from the

windows.

Later hours requested on application? Only will be in use when events are in place to allow bands etc to clear away. Additional staffing on band nights and experienced and can also monitor those leaving the venue in a reasonable manner.

Use of car park? Public car park but is used by customers of Co-Operative supermarket and the community centre, have a good relationship with manager of supermarket but they have had issues with anti-social behaviour, not customers of the pub.

The applicant explained they also had a coffee shop at the rear of the pub so all ages were catered for.

The objector was not present at the hearing so the panel or applicant were unable to question the objector's statement or their comments made as some did not relate to licensing. The Other Person had not engaged with the Licensing Officer nor the applicant at any time so no mediation had been able to be undertaken.

The Licensing Officer did confirm to the panel that there was a condition already on the license about noise limits outside the venue.

After summing up from both the Licensing Officer and the applicant which reiterated their earlier submissions.

The panel retired to consider their decision in private with the Legal Officer and Democratic Services Officer also present.

On reconvening, the Chair informed those present of the decision of the Licensing sub-committee.

Decision

After retiring to deliberate, the Sub-Committee returned and delivered their decision as below.

The application has been advertised in accordance with the legislation and any conditions need to be appropriate, necessary, and proportionate.

Responsible Authorities

The Sub-Committee noted that there had been no representations made by the Police and Environmental Health or any other as Responsible Authorities: that is organisations and bodies identified as such in the Act.

Consideration

Having considered the submissions, the Statutory Guidance and the Act, the Sub-Committee does not consider that this Application will undermine the licensing objectives.

The Other Party was not present before the Sub-Committee and therefore not able to answer questions or elucidate on matters set out in their written representation. Accordingly given the above circumstances the Sub-Committee has had to allocate the appropriate weight to the Other Party's representations.

Conclusion

On the evidence before it, having considered all the circumstances, the Sub-Committee grants the application for a variation to the Premises Licence as applied for together with the Conditions that the Applicant has offered up in section 16 of its application (agenda page 25).

Parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal may be made to any Magistrates' Court in England and Wales, but it is expected that an appellant would bring an appeal to a Magistrates' Court in the area in which they or the Premises are situated. In this case the Magistrates' Court sitting at St. John's Road, Taunton TA1 4AX.

Any appeal must be commenced within a period of 21 days beginning with the day on which the appellant is notified by the Licensing Authority of the decision which is being appealed i.e. within 21 days beginning with the day on which this Decision Notice is given to the appellant.

All parties are also reminded of the procedures contained within the Licensing Act 2003 relating to review of the Premises licence. This provision permits nearby residents, businesses, or responsible authorities to apply for a review of a Premises licence where problems with crime and disorder, public safety, public nuisance, or the protection of children from harm are occurring. The Sub-Committee respectfully reminds all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermine the licensing objectives.

The meeting ended at 11.14am.

(The meeting ended at 11.14 am)

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CHAIR