

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 16 July 2024 at 10.00 am

**Present:**

Cllr Simon Carswell  
Cllr Martin Lovell

Cllr Tony Lock (Chair)

**Other Members present remotely:**

Cllr Hugh Davies

**13 Appointment of Chair for the Sub-Committee - Agenda Item 1**

It was proposed by Councillor Simon Carswell and seconded by Councillor Martin Lovell, that Councillor Tony Lock be appointed as Chair for this meeting of the Licensing Sub-Committee.

**14 Apologies for Absence - Agenda Item 2**

There were no apologies for absence.

**15 Declarations of Interest - Agenda Item 3**

There were no declarations of interest.

**16 Minutes of the Sub-Committee - Agenda Item 4**

The Chair of the meeting was authorised to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Sub-Committee.

**17 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 5**

The Licensing Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003. The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

## **18 Consideration of an application for the Grant of a Premises Licence for Olive Bar and Kitchen - Agenda Item 6**

The Licensing Officer explained that members were being asked to consider the grant of a premises licence at the Olive Bar and Kitchen at Martock Workspace, Stoke Road, Martock, TA12 6RR. The applicant was seeking authorisation for the supply of alcohol for consumption on the premises between the hours of 9:00 and 18:00 Monday to Thursday and 9:00 to 23:00 Friday, Saturday and Sunday. She advised that a representation had been received by a member of the public in response to the application which raised concerns in relation to the noise from the premises, noise associated with vehicles at the premises and concerns of anti-social behaviour. In response to the representation, the applicant had submitted some additional information in support of their application including general information about the premises, photographs and maps showing the distance from the other persons house to the premises as well as a plan showing the location of the current and new entrance to the site.

The Licensing Officer advised that efforts were made to try and resolve the issues raised but the negotiation meeting was cancelled as it was considered the positions of the applicant and other person were too divergent to be able to reach a mutually agreeable solution. She referred to additional communication that had been received by the other person and the applicant following the publication of the agenda, which she had provided to members prior to the hearing. The applicant had offered to reduce the hours for the sale of alcohol as well as offering some additional measures to address the concerns raised in the representation. The other person had indicated that they would be willing to except the sale of alcohol during normal working hours but not on Sundays or Bank Holidays. The other person had also referred to noise problems from a café operating previously in the same location as the premises, but no further information had been provided about the types of issues they had experienced.

Members were informed that the other person had also raised issues regarding lighting but as this was a new point introduced after the deadline for submitting representations, this could not be considered, however this point was addressed by a planning condition, and it was not possible to duplicate other legislative conditions onto the licence. Another point raised which was not relevant to this application was about the need for an evening venue, which was again a planning issue and not something to be considered by the Licensing Sub-Committee.

The Licensing Officer advised that the applicant had requested that their application be considered in full so not to restrict the operation of the business. The applicant had provided steps they would introduce to promote the licensing objectives which

were outlined in the agenda. She advised that if members were to impose any additional conditions, they should be appropriate to the promotion of the licensing objectives as outlined in the statutory guidance.

In conclusion, the Licensing Officer advised that she was satisfied that the applicant had complied with the regulations for advertising the application.

In response to questions, members were informed that:

- The other person was located 98 metres away from the premises.
- The café previously operating at the premises was vacant at the current time and would not be in operational in the future.

The Applicant explained that she operated two other venues, she had a good track record and had never received any complaints. She said that it was not likely that the business would operate under the hours applied for in the application and she would be happy to close at 10.00pm Friday to Sunday. She said that the business was a restaurant and there would only be alcohol served with food. She had no intention to operate a business that was rowdy or pub like and did not expect there to be any problems. She advised that CCTV would be on site as well as at the premises which formed part of the operating schedule. The Applicant advised that she wanted to operate over a couple of evenings, and it was mainly an indoor establishment.

The Applicant's landlord said that he was not aware of any issues with noise with the café that had previously operated on the site. He referred to the great efforts that had been made to provide landscaping on the site. He commented that he would not want to introduce anything to damage the wider representation of the site.

In response to questions raised by members and the Legal Officer, the Applicant confirmed the following:

- There would be 30 covers inside with a further 15-20 covers outside for summer use only.
- The premises was being built at the current time. It would have a tented roof and corrugated walls.
- She would be happy to not serve alcohol or food outside after a certain time such as 9.00pm or not at all in the evening.
- From her experience, people tended not to sit outside in the evening even in the summer months as it was not warm enough.

It was noted that the site was very well screened in the summer months and this would act as a buffer for sound.

Members of the Licensing Sub-Committee, the Legal Officer and Democratic

Services Officer, attending in an advisory capacity only, remained in the meeting whilst the officer and applicants withdrew to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Officer.

On reconvening, the Chair informed those present at the hearing of the decision of the Licensing Sub-Committee.

The Licensing Sub-Committee resolved to Grant the application for a premises licence as submitted for the Olive Bar and Kitchen, Martock Workspace, Stoke Road, Martock under section 18 of the Licensing Act 2003 subject to the following conditions to promote the licensing objective(s) of the prevention of crime and disorder and the prevention of public nuisance.

1. The relevant mandatory conditions under the Licensing Act 2003
2. Conditions consistent with the applicant's Operating Schedule

All parties were reminded that there is a right of appeal against the decision of the Licensing Authority's decision. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination and should be made to the South Somerset Magistrates' Court.

**(The meeting ended at 10.45 am)**

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**CHAIR**