

Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Monday, 2 September 2024 at 10.00 am

Present:

Cllr Lance Duddridge
Cllr Mike Murphy

Cllr Marcus Kravis

Other Members present remotely:

Cllr Hugh Davies

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

Cllr Marcus Kravis was appointed as Chair of the Sub-Committee.

20 Apologies for Absence - Agenda Item 2

None.

21 Declarations of Interest - Agenda Item 3

No additional declarations of interest were made.

22 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.

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

24 The Bistro, Stogursey - Agenda Item 6

The Chair welcomed everyone to the meeting and Members of the Sub-Committee, officers and the following attendees introduced themselves:

Anthony Curtin	-	Applicant
Dawn Curtin	-	Applicant

It was confirmed that the meeting would follow the procedure as set out in the agenda pack and then the Licensing Officer presented her report.

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

- That they were happy with the operating hours allowed under their planning permission and were now just seeking a licence to permit them to sell alcohol during their normal opening times, as well as covering them for the 12 private functions that they were also allowed to hold.
- They would only be selling alcohol in conjunction with a meal.
- They did not have any gaming machines or televisions.
- The premises had originally been a stable before being converted into the Bistro.
- They were happy to take on board the conditions requested by the Police. Particularly as they had a suitable CCTV system already installed.

With no further comments or summing up requested and having heard all the evidence, members of the Sub-Committee retired to make 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 Bistro, 27 Clayland Corner, Stogursey, Somerset following objections from the Parish Council

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. The Sub-Committee was advised that the Applicant had accepted conditions proposed by the Police and therefore there was no objection from them.

DECISION

It was apparent to the Sub-Committee that there was no overwhelming objection to the application for a premises licence in principle, however the terms of that licence were the concern.

The Sub-Committee recognised that this was a well-prepared application with a comprehensive operating schedule, which comprehensively supports and promotes the licensing objectives.

The question of the need for the premises and issues over bus provision and lack of footpath or streetlights do not in themselves fall within the remit of the Licensing Sub-Committee. It is 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 issue that remained was that of the licensed hours for the sale of alcohol. The Parish Council had brought to the Sub-Committee's attention the planning consent of 14 June 2023 which restricted the trading hours of the premises by way of a terminal hour of 4.00pm, with the exception of 12 private functions. Planning and Licensing are separate regulatory codes with their own enforcement regimes and therefore whilst the decision reached by the planning committee may influence the licensing decision making process it was not bound to follow its lead.

The application was primarily for alcohol to be available to compliment food not as an alternative pub. The Operating Schedule made clear that all alcohol sales would be ancillary to the purchase of food and shall be sold by table service only.

The Applicant had explained that the application for the hours outside of those permitted by the planning consent only apply to the additional 12 private functions per year permitted by the planning consent.

It was therefore apparent that the Parish Council had misunderstood the terms of the application.

Accordingly, it was the decision of the Sub-Committee to grant a premises licence to The Bistro, 27 Clayland Corner, Stogursey Somerset between the hours of 12.00 and 16.00, 7 days a week, together with the submitted operating schedule and the conditions agreed with the Police.

For the avoidance of doubt the terms of the licence are as follows

Sale and supply of alcohol
Monday – Sunday 10.00 – 16.00

During 12 private functions per year
Sale and supply of alcohol
12.00 – 23.00
Late night refreshment
11.00 – 23.30

The terminal hour for the 12 private events may be extended until 00.30 where a private function is held on Christmas Day, New Years Eve or a Bank Holiday weekend

(The meeting ended at 10.53 am)

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CHAIR