

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 19 November 2024 at 10.00 am

Present:

Cllr Tony Lock

Cllr Martin Lovell

Members present remotely:

Cllr Tony Robbins

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

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

2 Apologies for Absence - Agenda Item 2

There were no apologies for absence.

3 Declarations of Interest - Agenda Item 3

There were no declarations of interest.

4 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.

5 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.

6 Consideration of an application for the variation of a Premises Licence for The Virginia Ash, Sherborne Road, Henstridge, BA8 0PL - Agenda Item 6

The Licensing Officer explained that the purpose of the hearing was to consider an application to vary the existing premises licence for The Virginia Ash at Henstridge as representations had been received in relation to the application.

The application was seeking to add the paddock to the current premises licence and to enable it to be used for licensable activities for no more than 12 events per calendar year. The proposed activities to take place in the paddock were live and recorded music and the sale by retail of alcohol. The proposed end time for these activities was 11.00pm.

The Licensing Officer advised that three representations were received from Other Persons. Concerns raised were in relation to noise and specifically mentioned experiences from an event held in the summer where music was described as extremely loud. Frequency of events had also been raised as an issue particularly as many of the events could be held in the summer when windows were likely to be open. The Licensing Officer referred to the map showing the approximate distances from the premises to the streets where the other persons lived as outlined in the agenda. She reminded members that there was an exemption in place for live and recorded music when the premises is open for the sale of alcohol between the hours of 8:00 and 23:00 for an audience of up to 500 people but as the paddock could accommodate more than 500 people it was likely that it would not be covered by this exemption.

The Licensing Officer advised that the Police had agreed conditions with the applicant as outlined in the agenda. She concluded that she was satisfied that the applicant had complied with the regulations requiring the application to be advertised.

Members of the Licensing Sub-Committee sought clarification over the Police agreeing conditions with the applicant during the consultation period.

In response to a member question regarding any restrictions on the twelve events, the Licensing Officer said that there was a requirement to produce an Event Management Plan, which was a condition agreed with the Police. She said that the lack of prior notification of an event had not been specifically mentioned as an issue in the representations.

In response to a further question regarding the unauthorised event that was held, the Licensing Officer advised that complaints had been received about an event that was held over the summer and that there had not been any authorisation in place for any licensable activities. The applicant was unaware of the requirement for a licence and believed at the time that the paddock was already part of the existing licence. When it was brought to the applicant's attention that this was not the case, an application was submitted.

The Applicant was invited to address the Sub-Committee. He advised that they were under the impression that the premises licence covered the paddock. Once he was informed that this was not the case, he applied for a variation to rectify the licence. The Applicant advised that the premises was a busy family pub that provided food and drink and was popular in the area. Events held previously at the premises included a New Years party and car meetings in the car park. He said that to make the pub viable, they needed to engage with the community and provide more events. The Applicant said that the premises was well run and that there had never been any trouble with the Police. They were looking to hold events that were safe and enjoyable for people.

The Designated Premises Supervisor confirmed that a Temporary Event Notice had covered the Halloween party and that a registered SIA company had been employed to assist with the event by checking IDs, tickets and handing out wrist bands. The two events previously held were advertised via Facebook and in the village shop. All events were ticket only so they could monitor how many people were attending.

Members noted that the three Other Persons objecting to the application were unable to attend the hearing and therefore noted the representations submitted as outlined in the agenda.

In summing up, the Applicant commented that a lot of care and effort went into providing an event for the community. They would be following the rules and making sure everyone is safe. They made every effort to work with the community and there were no complaints received about the Halloween event. He said that although they had applied for twelve events the likelihood is that they would only hold six events. The Applicant said that their benchmark for noise would be if you could hear any noise inside the pub, it was likely that people located within the village would be able to hear it. For the Halloween event they had made sure that the music could not be heard inside the pub. They had learnt a lot from the event held in the summer where the bass level had been too high, and they had asked the DJ to turn it down. A windshield had been erected at the summer event and the DJ at the Halloween event was positioned facing towards the trees and the field away from the houses to help reduce the impact of any noise.

In response to a member question, the Applicant clarified that they played background music in the pub similar to any restaurant.

Members of the Licensing Sub-Committee, the Legal Officer and Democratic Services Officer, attending in an advisory capacity role, remained in the meeting whilst the officer and applicant 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 Virginia Ash, Henstridge under section 34 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. 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 10.55 am)

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CHAIR