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## Consideration of an application for the variation of the Premises Licence in respect of The Mill at Rode

**Author: Phil Wake**

**Email: phil.wake@somerset.gov.uk**

**Telephone: 01749 341346**

**Applicant: Butcombe Brewery Limited**

**Premises Name: The Mill at Rode**

**Premises Address: The Mill at Rode, Rode Hill, Rode, Frome, BA11 6AG**

### Introduction

- 1 An application was submitted to vary The Mill at Rode premises licence PRL0111 by Butcombe Brewery Limited, on 23<sup>rd</sup> June 2023.

The application is to increase the licensable area, increase the hours for regulated entertainment and to amend the conditions of the licence.

The application can be found at Appendix 1, the plans can be found at Appendix 2.

The details of the variation can be found below.

- 2 The premises is a historic mill dating as far back as 1559. It has previously been in use for the production and processing of cloth and corn and was refurbished in 1996 into a public house. The Mill is in the village of Rode, which is 5 miles northeast of Frome, with a population of around 760 people.

### Licensable Activities

Current Licence			
Regulated Entertainment	Days	Start Time	Finish Time
Live music - indoors only	Thursday - Saturday	23:00	23:30
Recorded music – indoors only	Friday - Saturday	23:00	23:30
Non-standard timings and seasonal variations: New Years Eve – Extension to 01:30 New Years Day Summer Ball – Extension to 00:30 the next day			

<b>Proposed Variation</b>			
<b>Regulated Entertainment</b>	<b>Days</b>	<b>Start Time</b>	<b>Finish Time</b>
<b>Live music and recorded music indoors and outdoors</b>	Sunday	11:00	23:00
	Monday - Thursday	11:00	00:00
	Friday - Saturday	11:00	01:00
Non-standard timings and seasonal variations: New Years Eve – Extension to 01:30 New Years Day Summer Ball – Extension to 00:30 the next day			

**Conditions**

**Remove the following conditions from the licence:**

**Annex 3**

There shall be no more than 75 regulated entertainment events per year and these events are not to be held on consecutive days. Within this number are included no more than 3 outdoor events per year.

**Conditions on Outdoor Events:**

Outdoor events should be scheduled so that there is:

At least a period of two clear weekends between each outdoor event

No evening event occurring on either the day before or the day after the outdoor event.

A plan indicating the positioning, output wattage and orientation of all amplified music speakers shall be submitted to the Licensing authority for approval not less than 21 days prior to the event.

**Conditions on indoor events:**

All entrance/exit doors shall be kept closed during all music and entertainment events except for the purpose of allowing access or egress.

All external windows shall be kept closed during music and entertainment events.

**Add the following conditions to the licence:**

There shall be no more than 75 regulated events per year, within this number including no more than 10 outdoor events per year.

All entrance and exit doors that face on to the public highways (rather than into the car park or private area) shall be kept closed during all regulated entertainment events for the purpose of allowing access or egress.

All external windows which face onto the public highways but not into the car park shall be kept closed during regulated entertainment events inside the premises.

The use of external licensed area as edged red for supply of alcohol and use of the marquee and use of external bars services will not be subject to 'conditions on outdoor events' as detailed in this licence.

## Reason for referral to Licensing Sub-Committee

- 3 A total of 54 representations were received that collectively relate to all four of the Licensing objectives. A residents meeting was held at the premises on the 14th of July. Attendees included a Licensing Officer, a representative of Butcombe Brewery, the current tenants, many residents, two parish clerks and a ward councillor. No compromise was forthcoming from the meeting therefore representations were submitted. These have been considered relevant and the matter is for the Licensing Sub-Committee to determine.

## Relevant Observations

- 4 The 54 representations are made by 2 Responsible Authorities (Environmental Protection and the Police), 1 Ward Councillor, the Parish Council and 50 other persons. A summary of the representations can be found at Appendix 57.
- 5 A map showing the premises location and the surrounding area can be seen at Appendix 58.
- 6 A hearing took place on 31<sup>st</sup> August 2005 to consider an application for the variation of the premises licence as representations were received from Environmental Protection and several other persons. The licence was granted with conditions imposed by the Licensing Sub-Committee. A copy of the decision notice can be found at Appendix 59. The conditions imposed are currently all still on the licence, these can be seen within Annex 3 of the current licence, which can be found at Appendix 3.

## Legal Implications

- 7 **The Live Music Act 2013 and the Legislative Reform (entertainment licensing) order 2014**

Live and Recorded Music is deregulated between 08:00 and 23:00 on premises authorised to sale alcohol on the premises, subject to a maximum audience of 500 persons. The Licensing Authority has the power to remove the exemptions but only if and when it carries out a formal Review of the Premises Licence.

## Decision Making Process

- 8 The Sub-Committee must consider this application on its own merits and from the information contained within the application and this report.

Members are reminded that the duty of the Licensing Authority is to take steps necessary to promote the licensing objectives in the interests of the wider community, the Licensing Objectives, as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In its decision-making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy. The policy is available on request and from the Somerset Council website [Licensing Policies and Policy Consultations \(somerset.gov.uk\)](http://www.somerset.gov.uk)

The options available to the committee are as follows: -

- Grant the variation with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the variation, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the variation, giving reasons for its decision.

Should the Committee be mindful to attach conditions to the licence, they must only do so if they are:

- Appropriate, necessary, and proportionate
- Precise, clear, and unambiguous
- Practical, realistic, and enforceable
- Non-duplicative of existing statutory requirements or offences
- Modern and fit for purpose.
- Consideration must also be given the number of conditions being attached.

The Licensing Authority recognises that most Licence Holders seek to follow the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly firm action will be taken.

## **Right of Appeal**

- 9 All relevant parties to the decision of the Licensing Authority have the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

## **Appendices**

- 10 Appendix 1 – Application for the Variation of a Premises Licence  
Appendix 2 – Plan of the Premises, including new proposed licensable area  
Appendix 3 – Current Licence, including conditions

Representations:

- Appendix 4 – Adam Harris representation
- Appendix 5 – Andy Pickett representation
- Appendix 6 – Anne and Dionisius Aguis representation
- Appendix 7 – Anne Young representation
- Appendix 8 – Annie Elliot representation
- Appendix 9 – Anthony Battersby representation
- Appendix 10 – Ben Haynes representation
- Appendix 11 – Cllr Adam Boyden representation
- Appendix 12 – David Clay representation
- Appendix 13 – David Jupp representation
- Appendix 14 – Elizabeth Bird representation
- Appendix 15 – Elizabeth Donovan representation
- Appendix 16 – Elizabeth McAuliffe representation
- Appendix 17 – Fergus Thomas representation
- Appendix 18 – Gabrielle Wright representation
- Appendix 19 – Gill Bliss representation
- Appendix 20 – Grant Slade representation
- Appendix 21 – Hilary Harris representation
- Appendix 22 – Hugh Williams representation
- Appendix 23 – Ian and Alexandra Sing representation

Appendix 24 – James Mcauliffe representation  
Appendix 25 – Jeremy Bond representation  
Appendix 26 – John Flindall representation  
Appendix 27 – Jon and Sarah Barry representation  
Appendix 28 – Kim Slade representation  
Appendix 29 – Lisa Lambourne representation  
Appendix 30 – Louise Rivett-Carnac representation  
Appendix 31 – Lynne Rogers representation  
Appendix 32 – Michael Benson representation  
Appendix 33 – Michael Sargeant representation  
Appendix 34 – Mr and Mrs N and C Taylor representation  
Appendix 35 – Nigel and Jane Hellier representation  
Appendix 36 – Oliver Benson representation  
Appendix 37 – Paul Rogers representation  
Appendix 38 – Paul Tarbrooke representation  
Appendix 39 – Peter Tisdale representation  
Appendix 40 – Philip Perry representation  
Appendix 41 – Phill Ryan representation  
Appendix 42 – Priscilla Thomas representation  
Appendix 43 – Rachel Feilden representation  
Appendix 44 – RA Environmental Protection representation  
Appendix 45 – RA Avon and Somerset Constabulary representation  
Appendix 46 – Richard Hart representation  
Appendix 47 – Robin Quartley representation  
Appendix 48 – Roger Elliott representation  
Appendix 49 – Sarah Benson representation  
Appendix 50 – Sarah Croft representation  
Appendix 51 – Sharmar Flindall representation  
Appendix 52 – Sharon Miller representation  
Appendix 53 – Simon Duncan representation  
Appendix 54 – Siobhan and Robert Thompson representation  
Appendix 55 – Terry Morrow representation  
Appendix 56 – Thom Gorst representation  
Appendix 57 – Rode Parish Council representation

#### Grant Slade Representation - Supporting Documents

Appendix GS1 – Mendip licence decision September 2005  
Appendix GS2 – Distance to some of those hearing music  
Appendix GS3 – Close proximity map  
Appendix GS4 – Areas of The Mill in blocks  
Appendix GS5 – Existing plan – inside  
Appendix GS6 – Plan – The Mill at Rode proposed licensed boundary  
Appendix GS7 – Photo single track bridge  
Appendix GS8 – Sound travels diagram  
Appendix GS9 – Photos of near neighbours and island proximity

#### Supporting documents:

Appendix 58 – Overview of representations  
Appendix 59 – Maps showing premises and surrounding area  
Appendix 60 – Decision notice from previous hearing 31st August 2005

**END OF REPORT**