

Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Tuesday, 20 June 2023 at 10.00 am

Present:

Cllr Simon Carswell (Chair)

Cllr Marcus Kravis

Cllr Lance Duddridge

1 Apologies for Absence - Agenda Item 2

Apologies were received from Cllr Hugh Davies who was substituted by Cllr Marcus Kravis.

2 Declarations of Interest - Agenda Item 3

There were no declarations of interest made by Members.

3 Bason Bridge Tap Room - Agenda Item 4

The Licensing Officer, Simon Bawler, introduced his report in respect of a new premises licence for the Bason Bridge Tap Room, Unit 3, 129 Church Road, Basonbridge, Highbridge, Somerset, TA9 4RG, following receipt of four relevant objections from local residents.

The application sought authorisation for the following licensable activities to take place:

- The sale and supply of alcohol on the premises only, within the internal area of the premises and an adjacent outside green space:
 - Monday to Saturday 12.00hrs to 23.00hrs.
 - Sunday 12.00hrs to 22.30hrs.
 - Seasonal variation of 12.00hrs to 01.00hrs on New Years Eve.
- Live music internally only:

- Monday to Saturday 12.00hrs to 23.00hrs.
- Sunday 12.00hrs to 22.30hrs.
- Recorded music internally and externally:
 - Daily 12.00hrs to 23.00hrs.

The Licensing Officer confirmed:

- Police and Environmental Health Officers had agreed a set of conditions.
- If there would be background music then the requirement for recorded music as a licensable activity would not be necessary.
- The Live Music Act would allow any licensed area within the premises to have live or recorded music 8.00hrs to 23.00hrs, unless overridden by the decision of the Licensing Sub-Committee.
- Since submission of the application the applicant had amended the request for authorisation of the licensable activities to Thursday to Saturday only, rather than every day.

The Objectors in attendance, Morris Wall and Richard O'Brien, presented their case including concerns regarding the following points:

- The omission of consultation with neighbouring properties, although not required by law.
- The potential noise nuisance to local residents, particularly with the lack of clarification on quantifiable volumes of music both inside and outside, so as to not disturb neighbouring properties.
- The necessity for music and long opening hours for the premises, and why these would be needed by the business to showcase and sample their products to customers.
- The safety of patrons walking to and from the venue on foot on a fast road, and the effects from the availability of alcohol during long opening hours.

The applicant, Tim Cullen, presented his case and confirmed the following:

- The businesses he operated on site included a beer wholesaler, brewery and the Beer Shed which he had previously operated in a similar manner under Temporary Event Notices.
- He requested seven days a week in the application purely to allow flexibility to be able to open on Bank Holiday Mondays and during weekdays during the summer months.
- He sought authorisation for occasional live music inside, and the ability to play background music at a low level.

During further discussions it was confirmed:

- Previous events at the Beer Shed under Temporary Event Notices had operated with background music both indoors and outdoors without any

complaints or issues.

- Background music should be at a level where you can still hear other people speaking, and if above that level, it would be licensable as recorded music.
- The applicant had set a limit for the venue to 99 people which he felt was manageable for the space, with around 45 people accommodated in the outdoor area.

In summing up, the Objectors felt that music was not appropriate for the intended purpose of the premises, but if necessary should be for a limited period and manageable so as to not disturb neighbouring properties.

Members of the Licensing Sub-Committee, the Legal Advisor and the Clerk, attending in an advisory capacity only, withdrew from the room to consider their decision in private session.

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

DECISION

The Licensing Sub-Committee had been asked to consider an application for a new premises licence for the premises known as Bason Bridge Tap Room, Unit 3, 129 Church Road, Bason Bridge, Somerset following objections from local residents. The Sub-Committee was advised that the Applicant had reached agreement with the Police and Environmental Health for conditions to be included on any licence that may be granted and therefore there was no objection from them.

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 had duly considered the representations from all parties. In considering the application the Sub-Committee was mindful of the fact that the Applicant had agreed additional conditions with the Police and Environmental Health.

The subsequent effect of the agreement with Environmental Health was to prohibit any music outside and to limit all regulated entertainment to Thursday to Saturday. The Sub-Committee welcomed the concessions by the Applicant in order to address the concerns of the Objectors.

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 especially in relation to music was a major concern to the objectors.

The Sub-Committee recognised that this was a well-considered application with a comprehensive operating schedule. However, it was apparent to the Sub-Committee that the application whilst being comprehensive for the day to day activities of the provision and sale of alcohol was lacking when it came to regulated entertainment, particularly outdoors. It was to his credit that the Applicant had recognised those concerns and agreed to a set of conditions proposed by the Police and particularly Environmental Health that would significantly address those issues. The Applicant admitted that he had misunderstood the regulations regarding the licensing of music and his intention was to only have primarily background music.

Many objectors were also concerned that the location was ill-suited to a licensed premises due to the additional car traffic it was likely to produce and the need for such a venture in the area. The demand for the premises was not a concern for the Sub-Committee. The Council has not adopted a cumulative impact policy and therefore this was not a consideration for the Sub-Committee. Similarly, the location of the premises was not, in the main, an issue. The Licensing Act 2003 was inspired by a government whitepaper titled "Time for Reform – Proposals for the Modernisation of our Licensing Laws. Amongst the proposals it outlined was to encourage more self-sufficient rural communities. Given the acceptance of the Environmental Health conditions the Sub-Committee believed that additional traffic movement resulting from the business would be limited and not significant so as to cause a public nuisance. It had to be accepted that many issues regarding traffic and traffic movements were planning issues and not directly related to the remit of the Licensing Sub-Committee.

The Applicant had also accepted 8 conditions proposed by the Police which further strengthened and enhanced those proposals already identified in his operating schedule and the Sub-Committee believed addressed the concerns of the Objectors over irresponsible drinking. As a result of this acceptance, the Police had not objected to this application and therefore it had to be acknowledged that crime and disorder was not a concern for them. Therefore, it was the belief of the Sub-Committee that the application, as amended by the addition of the agreed conditions, did promote the licensing objectives.

Accordingly, it was the decision of the Sub-Committee to grant a premises licence to Cheddar Valley Pub Group Ltd for Bason Bridge Tap Room, Unit 3, 129 Church Road, Bason Bridge, Somerset on the following terms, together with the submitted operating schedule and the conditions agreed with the Police and Environmental

Health:

TERMS

- Sale/supply of alcohol – from 12.00hrs – 2300hrs daily on the premises only
- The provision of regulated entertainment indoors only from 1900hrs – 2300hrs Thursday to Saturday only

Bason Bridge Tap Room

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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.

REASONS

The Sub-Committee had duly considered the representations from all parties. In considering the application the Sub-Committee was mindful of the fact that the Applicant had agreed additional conditions with the Police and Environmental Health.

The subsequent effect of the agreement with Environmental Health was to prohibit any music outside and to limit all regulated entertainment to Thursday to Saturday. The Sub-Committee welcomed the concessions by the Applicant in order to address the concerns of the Objectors.

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 especially in relation to music was a major concern to the objectors.

The Sub-Committee recognised that this was a well-considered application with a comprehensive operating schedule. However, it was apparent to the Sub-Committee that the application whilst being comprehensive for the day to day activities of the provision and sale of alcohol was lacking when it came to regulated entertainment, particularly outdoors. It was to his credit that the Applicant had recognised those concerns and agreed to a set of conditions proposed by the Police and particularly Environmental Health that would significantly address those issues. The Applicant

admitted that he had misunderstood the regulations regarding the licensing of music and his intention was to only have primarily background music.

Many objectors were also concerned that the location was ill-suited to a licensed premises due to the additional car traffic it was likely to produce and the need for such a venture in the area. The demand for the premises was not a concern for the Sub-Committee. The Council has not adopted a cumulative impact policy and therefore this was not a consideration for the Sub-Committee. Similarly, the location of the premises was not, in the main, an issue. The Licensing Act 2003 was inspired by a government whitepaper titled "Time for Reform – Proposals for the Modernisation of our Licensing Laws. Amongst the proposals it outlined was to encourage more self-sufficient rural communities. Given the acceptance of the Environmental Health conditions the Sub-Committee believed that additional traffic movement resulting from the business would be limited and not significant so as to cause a public nuisance. It had to be accepted that many issues regarding traffic and traffic movements were planning issues and not directly related to the remit of the Licensing Sub-Committee.

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Accordingly, it was the decision of the Sub-Committee to grant a premises licence to Cheddar Valley Pub Group Ltd for Bason Bridge Tap Room, Unit 3, 129 Church Road, Bason Bridge, Somerset on the following terms, together with the submitted operating schedule and the conditions agreed with the Police and Environmental Health:

TERMS

- Sale/supply of alcohol – from 12.00hrs – 23.00hrs daily on the premises only.
- The provision of regulated entertainment indoors only from 19.00hrs – 23.00hrs Thursday to Saturday only.

4 Burnham Association of Sports Clubs - Agenda Item 1a

The Licensing Officer, Simon Bawler, introduced his report in respect of a Temporary

Event Notice application for an event at the Burnham Association of Sports Clubs (BASC), Stoddens Road, Burnham on Sea, Somerset, TA8 2DE, following receipt of an objection from Mark Shipley on behalf of Somerset Council's Environmental Protection Team.

The application was for a single day event on an external rugby field at the BACS ground for a music festival called "Under A Summers Moon" on Saturday 22nd July 2023. Authorisation was sought for:

- The sale and supply of alcohol from 12.00hrs to 23.00hrs.
- The provision of regulated entertainment from 13.00hrs to 23.00hrs.

During his presentation, the Licensing Officer confirmed:

- The BACS ground did have an existing premises licence, however this was restricted to the BACS main club house room and bar area only and did not include off sales and therefore was not relevant to this application.
- The Applicant attended a Virtual Safety Advisory Group meeting on 15th June 2023 with Somerset Council's Environmental Protection and Licensing Teams. During this he had given an overview of the planned management of the event and a virtual tour of the site.
- An updated Emergency Management Plan had been submitted last night.
- Conditions cannot be attached to a Temporary Event Notice, whereas they could be attached to a premises licence.

The Environmental Health Officer, Mark Shipley, presented his objections around the lack of information given, in order to effectively manage the prevention of public nuisance, including:

- There was not enough information in the application to explain the mitigation measures.
- There was no Noise Management Plan detailing how noise would be controlled and managed including a procedure for noise complaints, a public contact and a responsible person to act on this during the event.
- There was no detailed Event Management Plan, omitting specifics such as, the type of music, location of stages, orientation of speakers and control of crowd noise, to fully understand the implications of the event on nearby residential properties.

The Applicant, Robert Holden, explained that he ran a mobile bar business and had experience of running events in other areas. He was confident he could address the issues raised. He had been unable to get all the information written within the plans in time, but gave further details of the plans for the event:

- They would keep the noise levels to nearby properties below the details

specified in the updated Event Management Plan.

- There would be a wristband system in place and only those over 18 years of age would be allowed into the licensable area.
- There would be 15 security guards and stewards to keep the crowd safe, including bag searches on entry.
- There would be 2 stages with a sound engineer each and a third sound engineer to monitor noise levels at the boundary to local properties, who would be authorised and able to turn the volume down remotely.
- The speakers would be facing towards the countryside and not towards properties.
- When the event had ended the marshals would guide event attendees off site promptly, avoiding residential areas where possible and keeping noise to a minimum.

During discussions the following points were made:

- The Environmental Protection Team were happy to work with the Applicant on the points needed for clarification within the application, for further consideration to the Licensing Sub-Committee.
- The Applicant had hoped in future to operate under a variation of the existing premise licence held by the BASC ground, however could not do this currently in the timescales needed prior to the event.
- The Legal Adviser confirmed the importance of the noise planning information being written down within the documented plans to ensure accountability.

In summing up, the parties made the following representations:

- The Environmental Health Officer stated that paperwork was currently unsatisfactory to demonstrate the prevention of public nuisance, but he was open to discussions with the Applicant on how to address this.
- The Applicant signified his desire to work with the Environmental Protection Team to find a solution.
- The Licensing Officer and Members expressed the importance of the correct planning for this event, in order to also promote the possibilities of future events.

Members of the Licensing Sub-Committee, the Legal Advisor and the Clerk, attending in an advisory capacity only, withdrew from the room to consider their decision in private session.

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

The meeting was adjourned until Tuesday 27th June 2023 at 10.00am, to allow time for the Applicant to address the specific concerns raised by the Environmental Protection Team.

Subsequent to the adjournment the Temporary Event Notice application was withdrawn and the re-adjournment not required.

(The meeting ended at 12.59 pm)

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CHAIR

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