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## **Consideration of an application for a Premises Licence in respect of Yeovil Showground**

Executive Lead Member: Cllr Federica Smith-Roberts

Division / Local Member: Cllrs Oliver Patrick and Mike Hewitson

Lead Officer: Rachel Lloyd, Licensing Officer

Author: Rachel Lloyd

Contact Details: [rachel.lloyd@somerset.gov.uk](mailto:rachel.lloyd@somerset.gov.uk) or 01935 462134

### **1. Summary**

- 1.1 An application has been made by Mathew David Dyhouse, in accordance with the Licensing Act 2003 (LA2003), for the grant of a premises licence in respect of Yeovil Showground, Two Towers Lane, Yeovil, BA22 9TA.
- 1.2 The Licensing Authority has received relevant representations and must therefore hold a hearing for the Licensing Sub-Committee to determine the application.

### **2. Issues for consideration/recommendations**

- 2.1 The Sub-Committee must, having regard to the representations, take one of the following steps as it considers appropriate for the promotion of the licensing objectives:
  - (a) Grant the licence subject to licence subject to those conditions which are mandatory, and such conditions which are consistent with the operating schedule within the application (modified to such extent as the Authority considers appropriate for the promotion of the licensing objectives).
  - (b) Exclude from the scope of the licence any of the licensable activities to which the application relates.
  - (c) Refuse to specify a person in the licence as the premises supervisor.

(d) Reject the application.

- 2.2 In determining the application, the Sub-Committee must have regard, and give appropriate weight, to the following:
- Any relevant representation (including supporting documentation received).
  - Revised guidance issued under section 182 of the LA2003 by the Home Office (August 2023).
  - The Licensing Authority's Statement of Licensing Policy, published in September 2023.
  - Human Rights considerations, in particular Article 6, Article 8, and Article 1 of Protocol 1.

### **3. Background**

- 3.1 The Licensing Authority received an application for the grant of a premises licence in respect of Yeovil Showground on the 18<sup>th</sup> of September 2023. A copy of the full application is attached at **Appendix 1**, and the plan of the proposed licensed premises at **Appendix 2**.
- 3.2 The purpose of the licence, if granted, is to enable licensable activities to be provided at an annual event, lasting up to 10 days. Reference is made within the application to providing other activities and entertainment which fall outside of the scope of the LA2003, such as a fairground, Santa's grotto and UV golf.
- 3.3 The Licensing Authority is satisfied that the applicant complied with Regulation 28 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, requiring the application to be advertised. The applicant provided photographs demonstrating that notices were on display at multiple locations around the premises. Furthermore, a notice was published in the Western Gazette on the 28<sup>th</sup> of September.
- 3.4 A relevant representation was received from Avon and Somerset Constabulary, but it was subsequently withdrawn following positive negotiations with the applicant that resulted in them agreeing to amend their application. The applicant agreed to conditions supplementary to the steps already identified in the operating schedule and agreed that the licence be time limited to

December 2023, rather than granted in perpetuity. The proposed operating schedule including the conditions agreed with the Police is attached at **Appendix 3**.

- 3.5 Three relevant representations were received during the representation period, from 'other persons'. This term refers to any individual, body or business who is entitled to make a representation in relation to applications for the grant, variation, minor variation or review of a premises licence. Copies of these representations are attached at **Appendix 4**.
- 3.6 These representations express concerns in relation to noise nuisance, damage to property and trespassing. In response to these concerns, the applicant made the following statement:
- 3.7 *"The difference between the Yeovil Christmas Extravaganza event and that of flashback and tribute festivals (other events held at Yeovil Showground under a different premises licence) is that if licensed, the live music at Yeovil Christmas Extravaganza would be confined within a tented structure and we (event organiser) anticipate that the music shouldn't be audible at your home.*
- 3.8 *"If the event is licensed, the event organiser will also carry out noise monitoring on your road during music performances at the event.*
- 3.9 *"If the event is licensed there will be a telephone number for complaints during the event."*
- 3.10 One of the other persons to have made a representation has stated that they have heard noise from other events held in marquees or other tented structures at Yeovil Showground, such a boxing and mixed martial arts event.

#### **4. Appeals**

- 4.1 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.

#### **5. Appendices**

1. Application
2. Plan of premises
3. Changes to application following negotiations with Police

4. Representations from other persons.

**Note** For sight of individual background papers please contact the report author