

Somerset Council
Licensing Subcommittee – 2nd April 2024



Consideration of an application to vary a premises licence

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Executive Lead Member: Cllr Federica Smith-Roberts

Division / Local Member: Licensing & Regulatory Committee

1. Summary

- 1.1 An application has been made by Stephen Elliott, who is the director of The Chapel CSL Limited, (The Chapel CSL Limited is the premises licence holder), in accordance with the Licensing Act 2003 (LA2003), for the variation of the premises licence in respect of The Chapel, Graham Way, Cotford St Luke, Taunton, TA4 1HX.
- 1.2 The Licensing Authority has received a relevant representation and must therefore hold a hearing for the Licensing Subcommittee to determine the application.

2. Issues for consideration/recommendations

- 2.1 The Subcommittee must, having regard to the representation and take one of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - (a) Modify the conditions of the licence by altering, omitting or adding new ones.
 - (b) Reject the whole or part of the application.

2.2 In determining the application, the Subcommittee 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 (December 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 Chapel is authorised by a premises licence which has been in effect since the 13th of June 2008. Broadly speaking, the premises is authorised to provide recorded music and supply alcohol, for consumption on the premises, until 23:00 hours throughout the week. There are certain ‘non-standard’ timings which allow licensable activities to finish later on special occasions, such as Christmas Eve and New Year’s Eve. A full copy of the licence is attached at **Appendix 1**

3.2 The Licensing Authority received an application for the variation of that licence on the 6th February 2024. A copy of the full application is attached at **Appendix 2**.

3.3 The premises is described within the application as a “Pub / Restaurant / Live Music Venue”.

3.4 The applicant is seeking authorisation to:

- (a) Provide live music indoors and outdoors on Thursdays and Fridays from 11:00 to 00:00, and Saturdays from 11:00 to 00:30 the following morning. On Christmas Eve and New Year’s Eve, provision would be until 00:30 and 01:00 respectively.
- (b) Provide recorded music on Thursdays and Fridays until 00:00 (an additional hour) and on Saturdays until 00:30 the following morning

(an additional hour and a half). Also, to extend the provision on Christmas Eve until 00:30 the following morning and New Year's Eve until 01:00 the following morning.

(c) Supply of alcohol for consumption on the premises on Thursdays and Fridays until 00:00 (an additional hour) and on Saturdays until 00:30 the following morning (an additional hour and a half). Also, to supply on Christmas Eve until 00:30 the following morning and New Year's Eve until 01:00 the following morning.

- 3.5 It should be noted that, since the Chapel is already authorised to supply alcohol for consumption on the premises, authorisation is not required to provide live or recorded music between the hours of 8:00 and 23:00 providing the audience does not exceed 500 persons; this is due to paragraph 12A, Schedule 1, Part 2 of the Licensing Act 2003, as amended by the Live Music Act 2012.
- 3.6 This application was circulated to responsible authorities on the 6th of February 2024. The Licensing Authority received evidence from the applicant to demonstrate that they had displayed public notices at the premises in accordance with the relevant regulations, and the application information was posted to the Somerset Council 'list of current licence applications' on the Council's website.
- 3.7 The Licensing Authority received a representation from an interested person on 29th February 2024. The full content of this representation can be found attached as **Appendix 3**.
- 3.8 There are matters in the submission which can be considered both relevant and not relevant to the four licensing objectives. The interested person has expressed concerns regarding anti-social behaviour outside of their home and that noise from live music would cause a nuisance.
- 3.9 Beyond their representation, the interested person has not engaged with the Licensing Authority and therefore it has not been possible to mediate, look for common ground and reach an agreement which could mean the hearing could be dispensed with.
- 3.10 The applicant has been served a copy of the representation. He believes that the 'teenagers' referenced are not a client base of his premises. He did advise that he is aware of teenagers hanging out in the Co-op car park. He is aware

that this is an issue with the Co-op car park and does go out in the mornings and tidy the area.

- 3.11 There have not been any representations from any of the responsible authorities.
- 3.12 There is one recorded 'service request' linked to the Chapel during the time since The Chapel CSL Limited has been holder of the premises licence. The service request, received on 18th December 2023, related to noise coming from the premises when they had bands and from patrons leaving the premises. It was established the licence holder was already taking reasonable steps to prevent noise from within the premises causing a nuisance. They were given some advice in relation to minimising noise from patrons leaving the premises and the service was closed.
- 3.15 The applicant has, over the last year, already been providing amplified live music and recorded music beyond the times permitted by their premises licence and Licensing Act 2003 (as amended by the Live Music Act 2012), by using Temporary Event Notices (TEN's). If the variation were granted, the applicant would not need to use TENs in the future. If this licence application was refused, it is anticipated that they would continue to submit TENs.
- 3.16 At the time of writing this report, the Licensing Authority has not yet received a formal written response to the notice of hearing, or any other correspondence, from the interested person, other than their original representation. Ashleigh Cobden in relation to their representation.

4. Right of appeal

- 4.1 All relevant parties have the right to appeal to the Magistrates Court if aggrieved by the decision of the Licensing Authority. This must be done within 21 days of being notified in writing of the relevant decision.

5. Appendices

1. Application.
2. Premises Licence.
3. Representation received.