

# Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Friday, 12 April 2024 at 2.00 pm

**Present:**

Cllr Marcus Kravis (Vice-Chair)

Cllr Simon Coles

Cllr Connor Payne

**Other Members present remotely:**

Cllr Hugh Davies

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

Councillor Simon Coles proposed and Councillor Marcus Kravis seconded that Councillor Connor Payne be appointed as Chair of the Sub-Committee.

**56 Apologies for Absence - Agenda Item 2**

Anita Forsyth

Fiona Wyatt

Peter and Sally Bawdon

Sandra and Neil Foster

**57 Declarations of Interest - Agenda Item 3**

There were none.

**58 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4**

The licensing Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2023.

The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chair announced that he would be changing the order of speaking so that the Applicant, would follow the Licensing Officer. The Responsible Authorities and Other Persons would follow in that order.

The Chair confirmed that the Officer's report which related to the case, the procedure to be adopted during the hearing and the documents which the authority was required to provide under the Regulations had been received by all Parties in advance of the meeting.

**59 Consideration of an application for a Premises Licence in respect of Street Football Club, Tannery Ground, Middle Brooks, Street, Somerset, BA16 0TA - Agenda Item 5**

The Licensing and Business Support Officer presented his report and highlighted:

An application was submitted for the grant of a premises licence by Street Football Club Committee, on 09th February 2024. Due to errors with the site notice, the application period restarted on 15th February 2024. The application was at Appendix 1, the plan at Appendix 2 and proposed conditions from the operating schedule was at Appendix 3 of the agenda papers. The application was for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.

The football club held a current club certificate, but the applicant wished to obtain a premises licence, to allow for greater flexibility with the premises. A comparison between the current certificate and the new application is below. The current licence was at Appendix 4 of the agenda papers.

The Licensing Officer explained that a premises certificate was used for a club with private membership only whereas a premises licence was used for the general public.

**Proposed Licensable Activities - Premises Licence**

<b>Licensable Activity</b>	<b>Days</b>	<b>Start Time</b>	<b>Finish Time</b>	
<b>Supply of Alcohol</b>	Monday - Thursday	09:00	00:00	On and off sales
	Friday and Saturday	09:00	02:00	
	Sunday	09:00	01:00	

<b>Regulated Entertainment</b> Films Live Music and Recorded Music	Monday – Sunday	12:00	23:00	Indoors and outdoors
	Monday – Sunday	11:00	01:00	
	Monday – Sunday	10:00	01:00	
<b>Late Night Refreshment</b>	Monday – Thursday	23:00	01:00	Indoors and outdoors
	Friday and Saturday	23:00	02:00	
	Sunday	23:00	01:00	

### Current Licensable Activities – Club Certificate

Licensable Activity	Days	Start Time	Finish Time	
<b>Supply of Alcohol</b>	Monday – Thursday	11:00	23:59	On and off sales
	Friday	11:00	02:30	
	Saturday	12:00	02:30	
	Sunday	09:00	01:00	
<b>Regulated Entertainment</b> Films Live Music Recorded Music	Monday – Thursday	11:00	23:59	Indoors and outdoors
	Friday and Saturday	11:00	02:30	
	Sunday	12:00	23:30	
<b>Late Night Refreshment</b>	N/A	N/A	N/A	N/A

Street Football Club was established in 1880, there was one full size football pitch with flood lights and stands for supporters. There was a club house with changing rooms, two function rooms and a skittle alley. The club had teams ranging from youth teams up to veterans, with the men’s first team competing in the Toolstation Western League Premier Division

A total of 9 representations were received from “Other Persons” against this application.

An overview of representations was at Appendix 5 of the agenda papers.

The representations raised concerned all 4 of the Licensing Objectives.

The Sub-Committee noted that there had been no representations made by any Responsible Authorities.

The two representatives on behalf of the applicant were invited to speak and, firstly, Ms Stimpson explained that she had become a Director a year ago and Ms Culliford confirmed that she was appointed only 3 months ago. Ms Culliford noticed that there were flaws in the way that the club was operating and suggested some changes such as applying for this premises licence.

In response to questions Ms Culliford confirmed that the Tannoy system was only used on match days as they did not want complaints from residents.

The Licensing Officer further confirmed that the complaints which had been received in the past were:

2019 – Smoke

2016 – Light pollution

2015 – Light pollution

2015 – Bonfire

2015 – Bonfire

2014 – 3 noise complaints arising out of a single event

He further confirmed the implications of the Live Music Act 2013 and the Legislative Reform (Entertainment Licensing) Order 2014. Live and recorded music was de-regulated between 08:00 and 23:00 on premises authorised to supply alcohol on the premises, subject to a maximum audience of 500 persons.

The applicant offered up conditions to be added to the licence in the event that it was granted which could be seen at Appendix 3 of the agenda papers.

In addition the applicant would be prepared to create and submit a Noise Management Plan to the Council for approval.

The representees were then invited to speak.

Mr Adrian Williams voiced his concerns, which were the same as Mrs Sharon Perry's, and related to noise from the club interfering with the neighbouring properties as, he maintained, this had happened twice previously.

He further informed the Sub-Committee that the cleaners played music through the

loud speakers in the mornings which bothered the residents as it was loud.

Mr Williams confirmed that he did not mind the noise on fun days or match days.

Following discussion regarding the submitted application being filled out incorrectly, Ms Stimpson advised the Sub-Committee that they were prepared to amend the application so that at Box E (agenda page 27) and Box F (agenda page 28) only "Indoors" was ticked and not "Both". This then indicated that the performance of live music would only take place indoors. She further advised that all staff were now employed by the club and they were therefore in a position to tell cleaners not to play music through the loud speakers in the morning.

Ms Stimpson advised, on behalf of the applicant, that they would like to support the community, especially families, and that their end goal was to operate sustainably, they did not make any profit and the club needed to be as active as it could be.

The Licensing Officer summed up his report and reminded the Sub-Committee that the applicant was offering conditions as referred to in the operating schedule in Part M of the application and specifically at Appendix 3 of the agenda papers.

The Licensing Officer reminded the Sub-Committee of the Decision Making process.

All parties were reminded that there was a right of appeal against the decision of the Licensing Authority's pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. 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 Magistrates' Court.

All parties were reminded of the procedure contained within the Licensing Act 2003 which related to review of the premises licence. This provision permitted nearby residents, or responsible authorities to apply for a review of a premises licence where problems with crime and disorder, public safety, public nuisance, or the protection of children from harm were occurring. The Panel respectfully reminded all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermined the licensing objectives.

All parties confirmed that they were satisfied with the conduct of the hearing.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Officer.

**RESOLVED**

The Licensing Sub-Committee hearing held on 12 April 2024 in respect of the consideration for the grant of a premises License for Street Football Club, Tannery Ground, Middle Brooks, Street, Somerset, BA16 0TA be granted as applied for together with the conditions that the applicant had offered up through the operating schedule in Section M of the application with the exception that conditions 6 and 7 would be replaced by a new condition –

***A Noise Management Plan will be created by the applicant and approved by the Council and should include matters that are set out in the proposed condition 6 and 7.***

In reaching its decision, the Sub-Committee is aware and would remind all Other Persons that, the premises already has a current club premises certificate.

**(The meeting ended at 15:05)**

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**CHAIR**