

Somerset Council
Licensing Sub Committee – 08 July 2024



Consideration of an application for the variation of a Premises Licence for New Inn, 1 Church Street, West Coker, Yeovil, BA22 9BD

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Executive Lead Member: Cllr Federica Smith-Roberts

Division / Local Member: Cllrs Oliver Patrick and Mike Hewitson

1. Summary

- 1.1 An application has been made by The Original Maids of Honour Ltd, in accordance with the Licensing Act 2003 (LA2003), for the variation of a premises licence in respect of New Inn, 1 Church Street, West Coker, Yeovil, BA22 9BD.
- 1.2 The Licensing Authority has received a relevant representation 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 such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives together with the mandatory conditions.

- 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:

- a) Any relevant representation (including supporting documentation received).
- b) Revised guidance issued under section 182 of the LA2003 by the Home Office (August 2023).
- c) The Licensing Authority's Statement of Licensing Policy, published in September 2023.
- d) 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 variation of a premises licence in respect of New Inn, 1 Church Street, West Coker, Yeovil, BA22 9BD

3.2 A copy of the full application is attached at **Appendix 1**. Personal information has been redacted.

3.3 The current premises licence is attached at **Appendix 2**. The Designated Premises Supervisor's address has been redacted as this information does not form part of the public register.

3.4 The applicant is seeking authorisation to:

- Open and sell alcohol from 10:30 Monday to Sunday (the current opening and start time for alcohol is 11:30).
- Open between the hours of 15:30 and 18:00 Monday to Thursday.

- Sale by retail of alcohol between 15:00 and 18:00 Monday to Thursday (the current licence requires the premises to close and stop selling alcohol Monday to Thursday between these times).

- 3.5 The application was sent to the responsible authorities on 13 May 2024.
- 3.6 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 the premises. The newspaper notice was published in the Western Gazette on 25 May 2024.
- 3.7 A relevant representation was received from a member of the public (herein referred to as Other Person). A copy of this representation is attached at **Appendix 3**. A request to withhold the author's name and address from the representation was considered and agreed by the Licensing Manager. The address of the author was provided, and it is confirmed that they live near the premises. Information which could identify the author and other occupants have been redacted from the representation. No representations were received from any of the responsible authorities.
- 3.8 The other person has expressed concerns that the granting of the licence could lead to anti-social behaviour and noise from the premises which would affect them and another occupant.
- 3.9 The representation also refers to some matters which are not relevant to the promotion of the licensing objectives or the application. These are a reference to a structure which is being built in the outside area at the premises and traffic. The use of any additional structures for licensable activities is not part of the application and if any additional structures are to be used for licensable activities, a further application to vary the premises licence would be required. The applicant has been provided with this information.
- 3.10 Attempts were made to arrange a mediation meeting between the applicant and the other person; however, the other person did not engage in this process.
- 3.11 The most recent complaint in relation to noise from licensable activities at the premises was received in 2020. The outcome of the complaint was that it did not constitute statutory nuisance and no further action was taken. It should be

noted that the at the time this complaint was received the premises was under the management of a different premises licence holder and designated premises supervisor.

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. Current premises licence
3. Representation from the member of the public.