
Consideration of an application for the variation of a Premises Licence for The Virginia Ash, Sherborne Road, Henstridge, BA8 0PL

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1. Summary

- 1.1 An application has been made by Brew Monkey Limited, in accordance with the Licensing Act 2003 (LA2003), for the variation of a premises licence in respect of The Virginia Ash, Sherborne Road, Henstridge, Templecombe, BA8 0PL
- 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 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 The Virginia Ash, Sherborne Road, Henstridge, Templecombe, BA8 0PL.
- 3.2 A copy of the full application is attached at **Appendix 1**. Personal information has been redacted. The plan of the premises can be seen in **Appendix 2**
- 3.3 The current premises licence is attached at **Appendix 3**. 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:
 - Add the paddock to the current premises licence.
 - To enable it to be used for licensable activities for no more than 12 events per calendar year. Details of the timings can be found in the application in **Appendix 1**.
- 3.5 The application was sent to the responsible authorities on 29 September 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. A notice was published in New Blackmore Vale Magazine on 27 September 2024.
- 3.7 Relevant representations were received from three members of the public (hereinafter referred to as Other Person). A copy of the representations is attached at **Appendix 4**. Requests to withhold the authors' names and addresses save for the street name from the representations were considered and agreed by the Licensing Manager. At the time of writing one other person had not given permission for the Licensing Authority to provide their name

and/or address with their representation which is given to the applicant and forms part of this report. A map showing the approximate distances from The Virginia Ash to the streets the other persons live on is in **Appendix 5**.

- 3.8 No other representations have been received. The Police agreed conditions with the applicant during the consultation period. These are shown in **Appendix 6**.
- 3.9 The other persons have expressed concerns in relation to the following:
- Noise Disturbance: Residents experienced intrusive noise from an event held during the summer.
- Public Nuisance and Safety: The combination of loud music and outdoor alcohol sales could lead to increased antisocial behaviour, crime, and potentially drug-related activity, attracting people from other areas.
- Event Frequency and Impact: Concerns were raised about the frequency of events (up to 12 per year) and their concentration during summer months when windows are open, exacerbating noise issues.
- 3.10 One person who submitted a representation suggested that 4 events per year may be more suitable.
- 3.11 There was a disco/80's theme night held in the paddock on 24 August 2024. Complaints relating to noise starting in the afternoon and which continued until after midnight and offensive language heard over the public address system were received following the event.
- 3.12 Licensing investigated these complaints and found that the activities at the event were not authorised. The licence holder was informed that they needed a temporary event notice or a premises licence to legally conduct licensable activities at the premises. The application was submitted shortly after that information was given to the premises licence holder.
- 3.13 A Halloween event was held at the paddock. This event was authorised by a Temporary Event Notice. Following this event, a person who made representations said that they could clearly hear the music when they were outside and have concerns during the summer, when they might need to keep their windows open, that the music from the events will be audible in their home.
- 3.14 One representation mentions a structure in the paddock which is used as a bar. Planning was a consultee for the application and responded with information in relation to planning permission. This information has been provided to the applicant.
- 3.15 The Sub Committee is reminded that premises which are licensed for the sale of alcohol benefit from an exemption for live and or recorded music when the premises is open for the sale of alcohol, there are no more than 500 people in

the audience, and the music is performed between 08:00 and 23:00. Other noise legislation, for example in the Environmental Protection Act 1990 will continue to apply and this exemption does not allow licensed premises to cause a noise nuisance.

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
3. Current premises licence
4. Representations
5. Map showing approximate location from the premises to other persons
6. Conditions agreed between the applicant and Police.