

Somerset Council
Licensing Sub Committee – 19 February 2025



Consideration of an application for the variation of a Premises Licence for The Lime Kiln Inn, Langport Road, Long Sutton, TA10 9JH

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Executive Lead Member: Cllr Federica Smith-Roberts

Division / Local Member: Cllrs Tim Kerley and Stephen Page

1. Summary

- 1.1 An application has been made by Innuendo (Bat and Ball) Limited, in accordance with the Licensing Act 2003 (LA2003), for the variation of a premises licence in respect of The Lime Kiln Inn, Langport Road, Long Sutton, TA10 9JH
- 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 take such steps as it considers appropriate for the promotion of the licensing objectives, being to:
 - (a) Grant the application.
 - (b) Modify the conditions of the licence by way of altering, omitting or adding any new one.
 - (c) Reject the whole or part of 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 Lime Kiln Inn, Langport Road, Long Sutton, Langport, TA10 9JH.
- 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 an outside area to the current premises licence.
 - To enable it to be used for the sale of alcohol. Details of the timings can be found in the application in **Appendix 1**.
- 3.5 The application was sent to the responsible authorities on 03 January 2025.
- 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 The Somerset Leveller on 27 January 2025.
- 3.7 Three relevant representations were received from four members of the public (referred to as Other Person in the report). A copy of the representations is attached at **Appendix 4**. Requests to withhold the authors' names and/or addresses of two other persons save for the village name from the representations were considered and agreed by the Licensing Manager, having considered paragraphs 9.26 to 9.30 of the Revised Guidance published by the Home Office . A map showing the approximate distances from The Lime Kiln Inn to the locations of the other persons 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:

- The noise from the motorbike nights was very stressful. They heard many motorbike riders driving up and down the A372, adding to the noise.
- Music from the bike events could be clearly heard at their property and the addition of the outside area will add to the problem and more noise is inevitable.
- Concerns that the times (April to October) when the outside area will be used will be when people want to enjoy their gardens.
- Properties are close to the premises and they have an almost uninterrupted view of the premises.
- Whether there is a need for selling alcohol outside the premises when the premises is licensed.
- The serving drinks outside until midnight would result in increased noise from motorbikes and customers and potentially loud music and this would affect their quality of life.
- Properties are listed and do not have double glazing meaning they are more susceptible to noise.
- The locations of nearby properties lie below the premises and noise travels easily and can echo.
- Other persons run holiday lets and believe that noise and disturbances from the premises could negatively impact this business.
- If the premises is used to host weddings and similar events this could include loud music, noise which goes late into the night, fireworks which pose a disturbance and fire risk, especially given the thatched properties in the area.
- Concerns in relation to noise nuisance.

3.10 The representations mention noise from music at motorbike nights which were held last year. A complaint was made to Licensing which mentioned noise from motorbikes and a marquee being used in the outside area.

3.11 Licensing investigated the complaint and found that the sale of alcohol at the events was 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 applicant confirmed that they would not have licensable activities in the outside area until the correct authorisation was in place and then submitted the application to vary the licence.

3.12 The representations also mention noise from music. The applicant hasn't applied for music in the outside area, however, the Sub Committee is reminded that premises which are licensed for the sale of alcohol do not need a licence 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. Furthermore, any licence condition which relates to live or recorded music would be suspended between the hours of 08:00 and 23:00. Such a suspension of conditions may be lifted by the Licensing Authority where an application to review the premises licence has been made. It should also be noted that 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.

- 3.13 The response from the applicant in relation to the representations is that they were originally serving the motorbike night attendees from the bar inside the premises but found that this caused congestion, and they felt that they were not able offer the bikers and the other customers an efficient service so decided to set up a temporary bar in the garden. The applicant has also stated that they are looking at ways to diversify to attract more customers and try to ensure survival as a business. The Licensing Sub Committee is reminded that the need for licensed premises is not a matter for the licensing authority when discharging its functions.
- 3.14 The applicant also said that they will continue to monitor motorcyclists and other customers whilst on the premises and that there is usually a marshal present when the motorbike evenings and classic car shows take place.
- 3.15 In relation to the point about the motorbike riders on the road, the Revised Guidance issued under s182 of the Licensing Act 2003 states that conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave.
- 3.16 The applicant would like to find out if it would be possible to reduce the speed limit outside the premises from 60 to 40m.p.h. Information from the Somerset Council website in relation to this has been provided to the applicant.
- 3.17 The Planning Service was a consultee for the application and commented on planning permission for the marquee and advised the applicant to seek pre-application advice. This information has been given to the applicant.

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.

(Licensing Sub Committee – 19 February 2024)