

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Friday, 27th March, 2015, 1.00 pm

**Councillors:** Manda Rigby (Chair), Roger Symonds and Chris Watt

**Officers in attendance:** Emma Bagley (Policy Development & Scrutiny Project Officer), Alan Bartlett (Public Protection Team Leader), Terrill Wolyn (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

#### **147 EMERGENCY EVACUATION PROCEDURE**

The Clerk read out the procedure.

#### **148 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Cllr Chris Watt substituted for Cllr Anthony Clarke, who had sent his apologies.

#### **149 DECLARATIONS OF INTEREST**

Cllr Chris Watt raised a declaration of interest in relation to Item 10. He was the elected member for Midsomer Norton Redfield. Cllr Watt said there was no prejudicial reason not to participate, and believed he was capable of being objective towards the application.

#### **150 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **151 MINUTES: 3RD MARCH 2015**

**RESOLVED** that the minutes of 3<sup>rd</sup> March 2015 be approved as a correct record and signed by the Chair (person).

#### **152 MINUTES: 17 MARCH 2015**

**RESOLVED** that the minutes of 17<sup>th</sup> March 2015 be approved as a correct record and signed by the Chair (person).

#### **153 LICENSING PROCEDURE**

The Chair explained the licensing hearing procedure.

#### **154 APPLICATION FOR A PREMISES LICENCE FOR WETHERSPOONS, 110 HIGH STREET, MIDSOMER NORTON, BA3 2DA**

The sub-committee considered the report which sought determination of an application for a new Premises Licence under s17 of the Licensing Act 2003 in respect of Wetherspoons, 110 High Street, Midsomer Norton, BA3 2DA

Those present for the applicant:-

Nigel Connor – Solicitor for the applicant  
Paul Dixey – J D Wetherspoon

Those from Responsible Authorities:-  
Martin Purchase – Police Licensing Officer  
Sgt Geoffrey Cannon - Police  
Katherine Jones – Environmental Health Officer ('EHO')

The Senior Public Protection Officer presented the report and outlined the application for a new Premises License for the Sale of Alcohol and the provision of Late Night Refreshment at Wetherspoons, Midsomer Norton. Representations had been received from Responsible Authorities; namely Environmental Protection and the Police. The Senior Public Protection Officer said conditions had been agreed between the applicant and the police, with a slight modification around door staff. These conditions had been circulated to all parties yesterday. A Local resident Mr Mark Ashman had submitted a representation and whilst Mr Ashman was unable to attend the Sub-Committee meeting, his objection was noted

### Applicant

Nigel Connor put the case on behalf of the applicant. He stated the conditions offered in the schedule were standard to new premises. Mr Connor said the premises, a former Palladium Cinema, had been empty for 20 years. Planning matters were still outstanding because a bat survey was required. This needs to be made at the right time of year. Mr Connor then drew the Sub-Committee's attention to the plans for the premises. He stated the main customer area was situated on the ground floor, with the first floor comprising a smaller customer area, external area and cellar. Full CCTV was planned for all areas, including the front and back of the premises. Mr Connor estimated customer occupancy at 400, based on the fire safety risk assessment. The plan showed indicative positions for the tables and chairs. There was a disabled WC on the ground floor, with a staff changing area externally.

Mr Connor said the premises would have no music, entertainment or karaoke. It would be somewhere to go for a quiet drink or a meal. Mr Connor explained how Wetherspoons had operated since 1979, with 942 premises across UK and Ireland. He said the organisation had given greater access to families, and for food. In doing so, Mr Connor highlighted how Wetherspoons had addressed the smoking issues before the ban. He stated there was something for everyone, and not just young people. The emphasis on food before 11pm was an important feature. Mr Connor said the proportion of alcohol to food was 50:50. As some alcohol would be consumed with food, the premises would be more than a pub. He noted that menus had been submitted to the Sub-Committee. Mr Connor saw the premises as family friendly with children be admitted whilst supervised. He said hot drinks would be popular, with an estimated 2000 teas and coffees per week. Mr Connor explained that as there was already competitive pricing, there was no need for happy hours. He described the premises as a social space, and an asset to the community, wanting to see links with organisations. In small towns there had been a demand for this sort of premises.

Mr Connor addressed the representations to the application. He acknowledged that the Police had concerns. Mr Connor had discussed conditions with Mr Purchase, and had maintained a continued dialogue. Mr Connor felt there was a strong

management team, with 4 or 5 managers per premises (two operating at the weekend). Mr Dixey, the Manager, would liaise with the Regional Manager if needed. Mr Connor said the company took part in schemes such as Challenge 21. He also explained how the Manager could contact the licensing officer every month, participate with local initiatives (such as the Community Alcohol Partnership and Pubwatch), liaise with police and work in partnership with stakeholders. He further stated that he believed Mr Ashman's representations had been addressed through the suggested conditions.

Mr Connor was aware that the size of the garden could have an adverse impact. He wanted to agree an appropriate cut-off time; potentially 23:00hrs, whereas the Environmental Health Officer suggested 21:00hrs. Mr Connor recognised the potential for the use of the external areas to have an adverse effect and suggested there would be a middle ground for the closing hour. He stated there was a need to manage the premises, particularly on Friday and Saturday nights, with staff on the door and CCTV. Staff would monitor the area, with food being brought out and clearing tables. He reassured the Sub-Committee that it would not be a case of 'out of sight – out of mind'. Mr Connor reiterated the point there would be no music, just people in the garden. Mr Connor explained the WHO guideline that night starts at 23:00hrs. He stated that staff would start clearing out the area earlier than this time anyhow. Mr Connor anticipated the area would not be full at 23:00hrs. He was concerned that at 21:00hrs where people would go, as they would not be leaving and clearance of the area would have to start at 20:15-20:30hrs. Mr Connor said there would be operational obstacles to clearing the garden versus the impact on residents. He also raised concern about whether a condition of precluding garden use no later than 21:00hrs would preclude smokers. Mr Connor referred to the floor plan of the premises, explaining that the outside area was on two levels. He thought the Police preferred smokers in a more controlled area, so was willing to limit access to the lower area, and away from residents. Mr Connor reflected on Mr Ashman's comments, stating the premises will not be at capacity at closure. In doing so, he reminded the sub-committee that as there was no music, people who want a more lively atmosphere will drift away at about 22:30hrs, leaving the quiet drinkers. He did not envisage that staff would be throwing people onto the street. Mr Connor understood that a local nightclub offered cheaper entry to those arriving before 23:00hrs. Those who would move on to a club would do so beforehand.

With respect to children, Mr Connor believed the premises would be family friendly. Whilst there was a school opposite, as set out in Mr Ashman's representation, this was set back from the road. He considered it better for children to see alcohol being consumed responsibly at licensed premises with food.

The following information was given in answer to questions:

- A condition for outside use had not yet been agreed
- The applicant envisaged that there were ways of managing customers in the outside area (and smokers) after a given cut-off time. Mr Connor stated that a rope barrier or signage could be used. Mr Dixey said that signage could work, as could strong management and a good number of staff. Customer education was another factor, with more attention being paid at the relevant times. Mr Dixey said with other pubs it had not taken long to train customers. Mr Connor said staff would be briefed, so that they remain compliant.

- With respect to the issue of spiked-drinks, Mr Connor said the premises would be supervised by CCTV.
- Both Mr Connor and Mr Dixey confirmed they had been to the site. Mr Dixey confirmed that to the rear there were fire exits, but these were alarmed. Customers can only get in the premises from the front.
- Mr Connor gave a response to concerns that large numbers of customers would leave the premises late at night onto Midsomer Norton which is not a huge town. He explored how Wetherspoon pubs were located in both cities and towns. He had drinkers with food in mind. He reminisced how food in pubs had previously been pickled eggs and crisps. Mr Connor felt they were better off now, with 50% food expected. This would appeal more probably to a wide range of drinkers, than younger people. Mr Connor said this would not be a drinks led premises disgorging drinkers onto the High Street.
- Mr Connor confirmed that happy hours would not be offered. He felt the drinks promotions were competitive enough around the year, with nothing to induce drinking quickly. He noted how offers such as the 'Curry Club' ran all day, and offered drink in conjunction with food.
- Mr Connor stated that in relation to the proximity to the school, there will be a range of promotional materials at the front, some towards alcohol, although the bulk will be food. He said where alcohol is advertised, there will be no press, mostly word of mouth. Mr Connor stated they did not want to glamorise, just to show a drink with a price and to promote alcohol responsibly. Children could use the premises but only with an adult. Mr Connor wants to uphold the law relating to under 18 year olds. They may see people consuming alcohol, but this will be managed with food. He felt this was quite healthy as alcohol is part of life.
- Upon concern to managing anti-social behaviour, Mr Dixey stated that the majority of customers may visit the premises during the early weeks, and will get used to how the premises is managed. In Wells, a similar scheme was used with no issues. Mr Connor envisaged a regular clientele, who would need to adhere to the rules. He stated customers were more transient in cities, but not here. CCTV and staff monitoring would help. If a customer was having a cigarette, they would not be inclined to stay outside all of the time.

Following discussions between the Sub-Committee, Officers and the Applicant over the status of the front aspect of the premises (showing tables and chairs); the Applicant suggested a recess to allow him to take instructions.

When the Sub-Committee reconvened, the following information was given in answer to further questions to Mr Connor

- The floor plan of the premises indicated tables and chairs to the front . This area falls under Wetherspoon's demise. Whilst the area had formed part of the submitted plan, alcohol would not be sold there, just consumed.

The Licensing officer clarified the position - the area was under the control of the premises licence holder, no tables and chairs permit was necessary as the area was not "Highway", and alcohol could be consumed in this area as off sales were only restricted to being in sealed containers in areas that were not under the control of the premises licence holder. No restriction was currently in place regarding this front outside area.

### Representation – Ms Katherine Jones (EHO)

Ms Jones said there was the potential for public nuisance given the external areas, and proximity of the beer garden to residents. To control this, Ms Jones has proposed a condition of ceasing use at 21:00hrs. She felt 12 hours of use wouldn't stop the bar operating, and would balance preventable nuisance versus the licensee's need. Ms Jones stated reduced hours would lead to reduced impact.

The following information was given in answer to questions:

- Ms Jones had judged this application on its merits, rather than factors relating to other premises. She did not have information about restrictions to other licensed premises on Midsomer Norton High Street in any case.
- Further to 'smoke-free' legislation, customers and staff need to have a suitable area to smoke. She said a condition could be considered about a designated area, together with a management plan.

For completeness, the Senior Public Protection Officer gave the Sub-Committee a brief overview of the conditions pertaining to external use of licensed premises in the locality.

### Representation – Mr Martin Purchase (Police)

Mr Purchase said he had negotiated with Mr Connor of Wetherspoons; and the resulting conditions were before the Sub-Committee.

The Responsible Authorities did not want to sum up but the Applicant did. Mr Connor said he would limit his comments to disputed areas. He stated there would be measures to control the outside area. Plans had been given to the Sub-Committee. Mr Connor remarked how proposed time restrictions on this premises were much earlier than other licensed premises. He did not know how the premises would actually trade. The outside area will be bounded by a fence. Mr Connor said that this will help with acoustic elements of outside consumption. The licence, he said, was not set in stone. If there were complaints, there were remedies available under legislation. Mr Connor recapped the opportunity to use outer areas after 21:00hrs. Whilst he accepted the front may be treated slightly differently, Mr Connor said the Sub-Committee may want to consider similar conditions at the front and back of the premises.

The Senior Public Protection Officer, Public Protection Team Leader and public withdrew from the meeting for Members to consider the application.

When the Sub-Committee reconvened, it was

**RESOLVED** that the application for a new Premises Licence at Wetherspoons, 110 High Street, Midsomer Norton, BA3 2DA be granted subject to conditions agreed between the applicant and the Police:

- Customers shall not take open vessels from the premises except for the purposes of consumption in any external area under the control of the premises licence holder
- There shall be no new entry to the premises after 00:30
- The premises licence holder will risk assess the requirements for door supervisors at such times and in such numbers as required by the risk assessment. Any requirements of the Police and the Licensing Authority will be considered in the risk assessment process.

and those set out in the operating schedule. Members added conditions around use of external areas and access (see below).

### Reasons

Members have today determined an application for a new premises licence for JD Wetherspoons Midsomer Norton. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters.

On hearing the parties Members granted the application subject to conditions forward by the Police, agreed by the applicant and as set out in the operating schedule.

Whilst noting JD Wetherspoon are considered a responsible alcohol retailer Members took account of the concerns of the interested party, responsible authorities and recognise the hard work of the Community Alcohol Partnership in reducing crime, disorder and antisocial behaviour in the town. Members therefore added the following conditions:

- There shall be no entry to the premises through the rear garden and no exit from the rear garden save in emergency.
- The external areas within the control of the premises shall only be used for the consumption of alcohol between the hours of 09:00 and 22:00 and thereafter for smokers only within the designated smoking area.

These additional conditions are considered appropriate and proportionate to ensure the Community Alcohol Partnership work is not undermined and the licensing objectives are furthered.

Authority is delegated to the Licensing Officer to issue the licence.

**155 APPLICATION TO VARY THE PREMISES LICENCE FOR THE WINE BAR, 19 HIGH STREET, KEYNSHAM BS31 1DP**

The sub-committee considered the report which sought determination of an application to vary the existing Premises Licence under s34 of the Licensing Act 2003 in respect of The Wine Bar, 19 High Street, Keynsham, BS31 1DP.

Those present for the applicant - Punch Taverns:-  
Mike Culley – Regional Business Manager  
Paul Brunsten – DPS & Partner  
Alison Brunsten – Partner

Those from Responsible Authorities:-  
Martin Purchase – Police Licensing Officer

The Senior Public Protection Officer presented the report and outlined the application to vary an existing Premises License at The Wine Bar, Keynsham. A representation had been received from the Police as a Responsible Authority. The Senior Public Protection Officer said conditions had been agreed about signage, CCTV and off-sales. Local residents Mr and Mrs Knight had also submitted a representation about the potential for increased noise to families living locally to the premises. Whilst Mr and Mrs Knight were unable to attend the Sub-Committee meeting, their objections were noted.

Applicant

Mr Mike Culley spoke first for the applicant's case. He described the proposal to extend sale of alcohol and background recorded music. Mr Culley promised the premises would not be attracting new people late at night. The current patrons currently enjoyed the premises as a wine bar. The current licensees had been with The Wine Bar for 6.5 years. Previous to this, they had run wine bars in France for 10 years. Mr Culley emphasised the premises is a wine bar, and not a pub. The operation attracted a more mature age group; where they can enjoy company and music would be in the background. There is a courtyard to the rear of the building. Mr Culley was happy to discuss the issue of timings. He had considered the impact of the premises on the surrounding area. Mr Culley described the surrounding area as including a coach-house, council premises and storage areas. He said the biggest noise was from the bypass. Mr Culley stated he was happy to meet with the EHO. For clarity, he further explained how the listing of performance of dance had been carried over from a previous licence.

Ms Alison Brunsten spoke next for the applicant's case. She was proud of The Wine Bar, and had never received complaints from residents. Ms Brunsten described flats were nearby and above the local HSBC bank, butcher and PC shop. She reflected how there were no complaints following New Year's Eve and weddings. Ms Brunsten said the Police had never warned the premises. She was surprised at the resident's representation against the application. If Ms Brunsten had known, she would have done something before.

Representation – Mr Martin Purchase (Police)

Mr Purchase said conditions had been agreed with the applicant's solicitors. He had nothing further to add to the Sub-Committee.

The representative of the Responsible Authority did not want to sum up but the Applicants did. Mr Culley said the application was not unreasonable. He explained there was no form of noise nuisance. The application was to extend on the nights that patrons wanted to use the premises. Ms Brunsdon commented how lucky she was to have a lovely clientele.

The Senior Public Protection Officer, Public Protection Team Leader and public withdrew from the meeting for Members to consider the application.

When the Sub-Committee reconvened, it was

**RESOLVED** that the application to vary the Premises Licence at The Wine Bar, 19 High Street, Keynsham, BS31 1DP be granted subject to the conditions agreed by the applicant and police:

- A digital CCTV system will be fitted and maintained at the premises in consultation with the Police. The images will be of evidential quality and will be kept for a minimum of 31 days. The images will be made available to the Police on request;
- Signage requesting patrons to leave quietly will be displayed at all exits from the premises;
- All off sales of alcohol to be sold in sealed containers unless it is to be consumed in an area covered by a Tables and Chairs permit.

and as set out in the operating schedule:

- There will be no entry or re-entry (with the exception of customers partaking in a cigarette) after 23:00 hrs on a Friday or Saturday.

### Reasons

Members have today determined an application to vary a premises licence at the Wine Bar Keynsham. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters.



On hearing the parties and taking account of the written representations Members grant the application subject to the conditions agreed by the applicant and police and as set out in the operating schedule.

Authority is delegated to the Licensing Officer to issue the licence.

**156 APPLICATION TO VARY THE PREMISES LICENCE FOR MIDSOMER NORTON CRICKET GROUND, WITHIES LANE, MIDSOMER NORTON BA3 2JE**

The sub-committee considered the report which sought determination of an application to vary the existing Premises Licence under s34 of the Licensing Act 2003 in respect of Midsomer Norton Cricket Ground, Withies Lane, Midsomer Norton, BA3 2JE.

Those present for the applicant:-

Ken Bowen-Jones – Midsomer Norton Cricket Ground Committee  
Tom Webb – Designated Premises Supervisor

Those Other Persons present:-

Cllr Brian Lawrence – Midsomer Norton Town Council  
Dr Guy Worsdall  
Martyn Russell JP

The Senior Public Protection Officer presented the report and outlined the application to vary an existing Premises License at Midsomer Norton Cricket Club. She said no representations had been received from the Responsible Authorities. Representations had been received from Midsomer Norton Town Council and a number of local residents. The Senior Public Protection Officer stated that representations about revellers from other licenced premises and their waste were not relevant to this application.

Applicant

Mr Tom Webb spoke for the applicant's case. He helped run the cricket club on a voluntary basis. Mr Webb wanted to see the club continue. He said it was financially difficult for sports clubs due to the spiralling costs of coaching, child protection etc. Mr Webb stated the club offered junior cricket opportunities for children between 2-16 years of age. He spoke of how the club visited schools as well. Mr Webb made the Sub-Committee aware that they received no support from the ECB or the Somerset Cricket Board. Whilst money came from fixtures played, the major earnings came from the bar. Mr Webb says there is a danger of the club not remaining solvent. He wanted the club to be able to offer facilities to locals, and especially families. Mr Webb wanted opportunities for future generations. Prior to his current role as bar management he was honorary secretary of the committee for four years. During this time Mr Webb said there had been no noise complaints from residents, B&NES, Avon & Somerset Police or the Town Council.

The following information was given in answer to questions:-

- Mr Webb confirmed that he could not recall a complaint, even during his time as honorary secretary.

- Mr Bowen-Jones explained that the club was not intending to do outside music. They were not in the market for big outside events.
- Mr Bowen-Jones stated that since taking over, the wooden building had been redecorated inside. To prevent disturbance, the music can be turned 180 degrees to face the ground, rather than towards houses (as previous).
- Since last October Mr Bowen-Jones said there had only been 4 events. They are not looking to play music every week.
- Mr Bowen-Jones said the application for starting earlier was with a view to offering children's parties.
- Mr Bowen-Jones explained he just wants to be above-board
- The additional opening would allow the applicants the potential to raise extra funds. Mr Bowen-Jones thought about a third more could be raised from serving teams arriving back to the club.
- Late night refreshments Mr Bowen-Jones confirmed would only be drinks not food.
- Mr Webb suggested they would forgo the additional hour of regulated entertainment on Friday and Saturday in order to mitigate noise issues.

#### Representation – Cllr Brian Lawrence (Midsomer Norton Town Council)

Cllr Lawrence said Midsomer Norton Town Council opposes the variation to the club's licence. He asked the Sub-Committee to note the unsuitable nature of the building, being constructed from wood. Cllr Lawrence was also concerned about the exposure of children to alcohol in the area. He explained the ground was enclosed on three sides by residences. Complaints about noise had been made to B&NES and Town Councillors. Cllr Lawrence said live music on Friday and Saturday would exacerbate the situation. A pub near the ground had live music, but there were no problems as this building was constructed from brick. There was risk to children under 18 years, in an uncontrolled environment. As functions would not be on the High Street, he queried how events could be controlled. Cllr Lawrence explained there was a DPPO in place. Whilst marshals do at times visit the premises, the location of the club is remote. The grounds he stated are large, unlit and with no CCTV.

The following information was given in answer to questions:-

- Cllr Lawrence stated how sale of alcohol during the day would cause harm, as children are more likely to be there. The ground is a large area, where cricket club people can wonder around widely.
- A lot of work had been done to try and make Midsomer Norton a better night time economy. Whilst street marshals are paid for locally, they won't be able to patrol this area enough.
- Cllr Lawrence had no evidence of complaints in the past.
- With an increase in activities at the ground, Cllr Lawrence thought things could expand, with something happening every-day, and music outside in the ground.

#### Representation – Dr Guy Worsdall

Dr Worsdall said he had lived near the cricket club for 10-12 years. He was supportive of what the club was doing, but is concerned about the amount of noise

on Friday and Saturday night. Not the noise from members coming back from matches, but from amplified and live music. As the premises are wooden construction, he can hear music above his TV. Dr Worsdall said it would be intolerable to extend the hours of music. There are buildings on two sides of the club. Noise can go into neighbouring residences. He likened the wooden box of the cricket club to a guitar sound box that transmits noise into the air. Dr Worsdall had looked at the cricket club documents, and calculated that there would be approximately 2.2 people per square metre of dance space. He thought that doors and windows wouldn't suddenly be shut, as they are usually left open.

#### Representation – Mr Martyn Russell

Mr Russell spoke on the issues of both music and alcohol sales. He supports the premises as a cricket club, not a night-club. This would only serve the needs of late night revellers. When the windows are open, residents have to bear the noise of revellers, which reverberates around the valley. Mr Russell said activities flout the current licensing conditions. He believes noise checks have been made. Mr Russell said the area is unsuitable for such functions. Mr Russell says it is unacceptable for parents and local residents, who want a peaceful existence. He noted there had been a large influx of young families with children to Withies Bridge. Their peace would be compromised. Mr Russell said there had been complaints on 12 separate occasions, and the cricket club seemed oblivious. He asked for the Sub-Committee to not grant the application.

The following information was given in answer to questions:-

- Mr Russell had reported problems to a good friend who is a member of the club.
- Mr Russell thought the problems were causing extreme distress, particularly to elderly residents in Steam Mills.
- He thought this application would exacerbate issues.
- Mr Russell said the club would be inundated with calls if residents were given a phone number to raise concerns. He said people were fed up.
- Mr Russell was unsure why there had not been calls for a licensing review. He had however registered his concerns with Midsomer Norton Town Council. Mr Russell understood there had been noise tests, but nothing had been done.

Cllr Watt asked whether standing orders could be suspended to allow him to ask the applicant a further question at this stage. The advice was that Cllr Watt should raise the issue during the members' closed discussions and if any clarification was required the Committee would reconvene in public session to seek clarification from the parties..

Whilst neither Cllr Lawrence nor Mr Russell sought to sum up, Dr Worsdall wanted to add that he was delighted to hear that the cricket club are mitigating nuisance.

In summing up for the applicant, Mr Webb said they are a cricket club, and not there for profit. The club had provided cricket for the last 130 years. They have allowed events since October; three discos and one fireworks event. If the Sub-Committee extended alcohol on Friday and Saturday night, the club would not get revellers

coming up from Midsomer Norton. Mr Webb said the cricket club is for members and families, in controlled circumstances.

The Senior Public Protection Officer, Public Protection Team Leader and public withdrew from the meeting for Members to consider the application.

When the Sub-Committee reconvened, it was

**RESOLVED** that the application to vary the Premises Licence at Midsomer Norton Cricket Ground, Withies Lane, Midsomer Norton, BA3 2JE was determined as follows:

- Regulated entertainment was granted from commencement save for the additional late night hours on Friday and Saturday. Members refused the late night extension
- The addition of the exhibition of film was granted.
- The application for late night refreshments was granted.
- The additional hours for sale of alcohol and extended opening hours were granted.
- With regard to the removal of the four Annex 2 conditions, this was granted subject to the imposition of mandatory conditions and those consistent with the operating schedule, proposed following consultation with the Police.

The licence will be issued with an additional condition:

- No re-admittance or new admittance after 23:59 save for smokers in a designated smoking area.

The Chair said to the applicant it was clear people feel there was an issue. She strongly advised them to meet with B&NES Council, residents etc. The Chair also encouraged the club to give out a number for their DPS. To the other representatives, the Chair explained that if the licence was not successful, to raise issues with the licensing department. She did not want this licence to come to review unless it had to.

### Reasons

Members have today determined an application to vary a premises licence at the Midsomer Norton Cricket Club. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

Members were careful to take account of the relevant written and oral representations and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters for example road safety, need and issues arising from other licensed premises.

On hearing the parties Members noted the root cause of the objections was the fabric of the building and the additional hours in the evening on Friday and Saturday.

Members therefore determine the matter as follows. With regard to regulated entertainment this was granted from commencement save for the additional late night hours on Friday and Saturday. Members refuse the late night extension as they were not satisfied that the wooden construction and lack of sound proofing was capable of furthering the licensing objectives.

The addition of the exhibition of film would be granted as no objection had been received.

The application for late night refreshments would be granted as there had been no objection.

There was no evidence suggesting the premises were undermining the licensing objectives with regard to the sale of alcohol or that any crime, disorder or antisocial behaviour was directly attributable the licensable activities on the premises. Therefore, the additional hours for sale of alcohol and extended opening hours are granted.

With regard to the removal of the Annex 2 conditions as applied for no objection was raised and therefore subject to the imposition of mandatory conditions, those constant with the operating schedule and proposed as a result of Police consultation this is granted.

The licence will be issued with the additional condition:

- No re-admittance or new admittance after 23:59 save for smokers in a designated smoking area.

This additional condition is considered appropriate and proportionate to ensure the licensing objectives are not undermined.

Authority is delegated to the Licensing Officer to issue the licence.

The meeting ended at 5.05 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**