

**SWT Licensing Sub-Committee**

**Wednesday, 6th October, 2021,  
11.00 am**

**Virtual Meeting**

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**Somerset West  
and Taunton**

**Members: Mark Lithgow (Chair), Craig Palmer and Ray Tully**

**4. Decision Notice**

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**JAMES HASSETT  
CHIEF EXECUTIVE**



**DECISION NOTICE****Somerset West and Taunton Council****Licensing Sub-Committee****Date of Hearing – 6 October 2021 at 11:00****Virtual Meeting via Live Stream****Members of the Licensing Sub-Committee**

Cllr. Mark Lithgow (Chair)  
 Cllr. Craig Palmer  
 Cllr. Ray Tully

Legal Advisor – Lesley Dolan, Principal Lawyer, Mendip District Council

Also, in attendance:

Clare Rendell	Governance and Democracy Specialist	Somerset West and Taunton Council
Alison Evens	Case Manager - Licensing	Somerset West and Taunton Council
Sgt Andrew Gloyn 4674	Neighbourhood Sergeant – Taunton and West Somerset	Avon and Somerset Constabulary
Nicola Cooper 8820	District Licensing Officer	Avon and Somerset Constabulary
Jay Capel	Lead Trading Standards Officer	The Heart of the Southwest Trading Standards Service
Rebecca Hall	Trading Standards Officer	Devon, Plymouth, Somerset, and Torbay Trading Standards Service

**Application for review of the Premises Licence in respect of 7 Days, 23 East Reach, Taunton TA1 3EP (the Premises) under section 51 of the Licensing Act 2003 (the Act)**

Premises Licence Number:	LLP/000592
Premises Licence Holder (PLH):	Mr Mardin MAHRIN
Designated Premises Supervisor (DPS):	Mr Mardin MAHRIN

Applicant:	Jay Capel Lead Trading Standards Officer for the Heart of the Southwest Trading Standards Service
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## Legal Matters

The Legal Advisor drew three matters to the attention of the Licensing Sub-Committee which required its determination before the hearing could commence.

1. The Exclusion of the Press and Public.
2. The Licensing Authorities Statement of Licensing Policy.
3. Submission of documents after the closure of the period for representations
4. The absence of the Premises Licence Holder.

Regarding matter 1 above, having considered the application by the Trading Standards Service and, noting that pursuant to the *Licensing Act 2005 (Hearings) Regulations 2005, Regulation 14*, the Licensing Authority may exclude the Press and Public, the Sub-Committee resolved that the Press and Public be excluded on the basis that it considered that the public interest in so doing outweighed the public interest in the hearing. Accordingly, the hearing moved into confidential session where Press and members of the Public were not permitted to remain.

Matters 2-4 were considered by the Licensing Sub-Committee in confidential session. Regarding matter 4, the Licensing Sub-Committee determined that it was in the public interest to hold the hearing in the absence of the Premises Licence Holder.

## Consideration of the Application

This application has been brought to the Sub-Committee, by Jay Capel, Lead Trading Standards Officer for the Heart of the Southwest Trading Standards Service.

The application is supported by evidence from –

1. **Rebecca Hall**, Trading Standards Officer, Devon, Plymouth, Somerset, and Torbay Trading Standards Service.
2. **Ben Hayes**, Principal Trading Standards Officer seconded to the Regional Trading Standards Investigation Team (South West).
3. **Helen Maxted**, Mobile Enforcement Officer, HM Revenue and Customs.
4. Representation from Responsible Authority **Sgt Andrew Gloyn** 4674, Avon and Somerset Constabulary.

5. Report of the District Licensing Officer **Nicola Cooper 8820** Avon and Somerset Constabulary.

This decision was taken after a hearing in confidential session.

In reaching its' decision the Licensing Sub-Committee have taken account of the written evidence before it in in the form of witness statements from the Trading Standards Service and written representations received from the Avon and Somerset Constabulary as Responsible Authority together with the report of Ms Evens, the Licensing Officer.

In addition, the Sub-Committee has considered the following: -

1. Sections 51 and 52 of the Licensing Act 2003 which confers powers on the Licensing Authority to deal with the application.
2. The Licensing Authority's obligation to promote the licensing objectives.
3. The Council's Statement of Licensing Policy. Whilst it is noted that there is no in-date Policy, the relevant parts of the lapsed policy have been considered however, they have been given a lesser weight than would otherwise have been given to those parts in an in-date policy. The Statement of Licensing Policy is the Council's policy for licensing and regulating businesses where there is the sale of alcohol, regulated entertainment, or late-night refreshments. To completely ignore the lapsed policy would mean that there was no benchmark to consider applications against.
4. The Statutory Guidance under Section 182 of the Licensing Act 2003.

## Decision

The Legal Advisor was present during the Sub-Committee's deliberations but gave no legal advice during that time.

The Sub-Committee have carefully taken into consideration all the written representations before it today.

The evidence before us is overwhelming.

It is the Licensing Sub-Committee's decision that the premises licence for the premises known as 7 Days, 23 East Reach, Taunton TA1 3EP be revoked.

## Public Version

There are rights of appeal against this decision. An appeal must be made to the Taunton Magistrates' Court, St John's Road, Taunton TA1 4AX within 21 days of notification of this decision.

The decision of the Licensing Sub-Committee does not take effect until the time for appealing has expired, and if an appeal is pursued, until the appeal is concluded.

This decision relates only to the regulated activities that were permitted by the Premises Licence LLP/000592 - the supply of alcohol.